

7-19-89

Vol. 54

No. 137

federal register

Wednesday
July 19, 1989

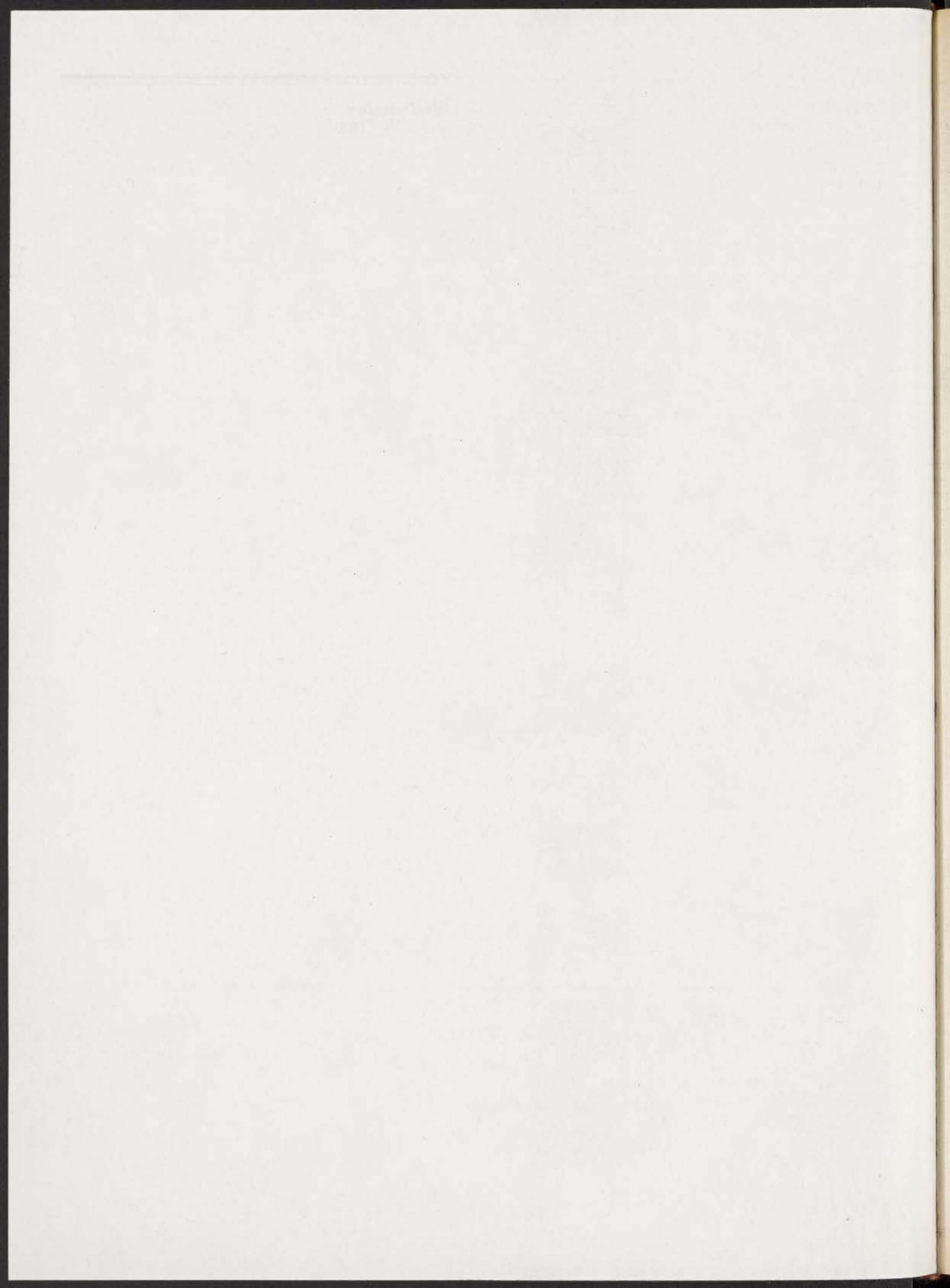
United States
Government
Printing Office

SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)



Federal Trade

Faded, illegible text columns on the right side of the page, likely containing news or editorial content.



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$340 per year in paper form; \$195 per year in microfiche form; or \$37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound, or \$175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 54 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 1989

Agency for International Development

NOTICES

Meetings:

Research Advisory Committee, 30284

Agricultural Marketing Service

NOTICES

Meetings:

Perishable Agricultural Commodities Act/Industry Advisory Committee, 30234

Agriculture Department

See also Agricultural Marketing Service

NOTICES

Agency information collection activities under OMB review, 30234

Army Department

NOTICES

Environmental statements; availability, etc.:

High endoatmospheric defense interceptor technology testing program, 30238

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Centers for Disease Control

NOTICES

Vessels sanitation program operations manual; publication, 30268

Child Support Enforcement Office

RULES

State plan requirements:

State and local IV-D agencies, and courts and law enforcement officials; cooperative arrangements, 30216

Civil Rights Commission

NOTICES

Meetings; State advisory committees:
Arizona, 30235

Commerce Department

See also Export Administration Bureau; Foreign-Trade Zones Board; National Oceanic and Atmospheric Administration

NOTICES

Agency information collection activities under OMB review, 30235
(2 documents)

Defense Department

See also Army Department; Navy Department

PROPOSED RULES

Total quality management; implementation, 30227

NOTICES

Agency information collection activities under OMB review, 30238
(2 documents)

Employment and Training Administration

NOTICES

Adjustment assistance:

Albert Forte Neckwear et al., 30288
Bates Fabrics, Inc., 30289
Forest Oil Corp., 30289
Halliburton Logging Services, Inc., 30290
I.L.C. Data Device Corp. et al., 30290
Muskogee Inspection Co., 30293
Spielberg Manufacturing, 30293

Employment Policy, National Commission

See National Commission for Employment Policy

Energy Department

See also Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

PROPOSED RULES

Acquisition regulations:

Management and operating contracts; contracting practices, 30230

NOTICES

Grants and cooperative agreements; availability, etc.:
Medium-BTU biomass gasifier scale-up facility, 30240

Environmental Protection Agency

RULES

Toxic substances:

Comprehensive assessment information rule, 30211

PROPOSED RULES

Hazardous waste:

Treatment, storage, and disposal facilities—
Controls for equipment leaks; leakless technology for valves, 30228

NOTICES

Grants and cooperative agreements; availability, etc.:
Financial assistance program—
Pollution prevention incentives for States program, 30257

Hazardous waste:

Confidential business information and data transfer to contractors, 30257

Pesticide applicator certification; Federal and State plans:

Illinois, 30259
Indiana, 30260
Michigan, 30261
Minnesota, 30262
Ohio, 30262
Wisconsin, 30263

Pesticide programs:

Confidential business information and data transfer to contractors, 30258, 30259
(2 documents)

Pesticides; temporary tolerances:

Isazofos, 30261

Toxic and hazardous substances control:

Premanufacture notices; monthly status reports, 30324
Premanufacture notices receipts, 30263

Export Administration Bureau**NOTICES**

Export privileges, actions affecting:
Thompson, William L., et al., 30235

Meetings:

President's Export Council, 30236
Telecommunications Equipment Technical Advisory
Committee, 30236, 30237
(3 documents)

Family Support Administration

See Child Support Enforcement Office

Federal Communications Commission**NOTICES**

Agency information collection activities under OMB review,
30266

Federal Deposit Insurance Corporation**NOTICES**

Meetings; Sunshine Act, 30322

Federal Emergency Management Agency**NOTICES**

Agency information collection activities under OMB review,
30266

Disaster and emergency areas:

Texas, 30267

Federal Energy Regulatory Commission**NOTICES**

Applications, hearings, determinations, etc.:

Colorado Interstate Gas Co., 30241
Inter-City Minnesota Pipelines Ltd., Inc., 30241
(2 documents)

Kansas Corporation Commission, 30242
National Fuel Gas Supply Corp., 30243
Natural Gas Pipeline Co. of America, 30244
New Mexico Oil Conservation Division, 30244
 Paiute Pipeline Co., 30245
Transcontinental Gas Pipe Line Corp., 30245

Federal Reserve System**NOTICES**

Federal Open Market Committee:
Domestic policy directives, 30267

Applications, hearings, determinations, etc.:

Horizon Bancorp, Inc., et al., 30267

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:
Chlorpromazine hydrochloride, etc., 30205

Medical devices:

Clinical chemistry and toxicology devices—
Bilirubin (total and unbound) in neonate test system,
30206

NOTICES

Animal drugs, feeds, and related products:
Pitman-Moore, Inc.; approval withdrawn, 30268

Biological products:

Export applications—
ORTHO HCV antibody ELISA test system, 30269

Human drugs:

Export applications—
Prednisolone acetate ophthalmic suspension, 1%
(sterile), 30269
Pro-Air (procaterol hydrochloride) Aerosol, 30270

Meetings:

Advisory committees, panels, etc., 30271

Foreign-Trade Zones Board**NOTICES**

Applications, hearings, determinations, etc.:

Texas, 30238

Geological Survey**NOTICES**

Topographic quadrangle maps; building classifications,
discontinuance, 30281

Health and Human Services Department

See Centers for Disease Control; Child Support Enforcement
Office; Food and Drug Administration; National
Institutes of Health; Public Health Service

Health Resources and Services Administration

See Public Health Service

Hearings and Appeals Office, Energy Department**NOTICES**

Cases filed, 30245

(2 documents)

Decisions and orders, 30247

Housing and Urban Development Department**NOTICES**

Agency information collection activities under OMB review,
30273, 30274

(2 documents)

Interior Department

See Geological Survey; Land Management Bureau; Minerals
Management Service; National Park Service

Internal Revenue Service**NOTICES**

Grants and cooperative agreements; availability, etc.:

Tax counseling for elderly program; application packages
availability, 30321

International Development Cooperation Agency

See Agency for International Development

International Trade Commission**NOTICES**

Agency information collection activities under OMB review,
30284

Harmonized Commodity Description and Coding System;
possible modifications, 30284

Import investigations:

Electric power tools, battery cartridges, and battery
chargers, 30285

Generic cephalixin capsules from Isarel and Portugal,
30285

Reclosable plastic bags and tubing, 30286

Interstate Commerce Commission**NOTICES**

Railroad operation, acquisition, construction, etc.:

Natchez Trace Railroad, 30287

Labor Department

See also Employment and Training Administration;
Occupational Safety and Health Administration

NOTICES

Senior Executive Service:
Performance Review Board; membership, 30288

Land Management Bureau**RULES**

Public land orders:
Arizona; correction, 30213
California, 30213
Colorado, 30213, 30214
(2 documents)
Colorado; correction, 30214
Idaho, 30214
Kansas, 30215
Montana, 30215

NOTICES

Meetings:
Roswell District Grazing Advisory Board, 30275
Realty actions; sales, leases, etc.:
Arizona, 30275
California, 30276
Montana, 30277
Survey plat filings:
California, 30278-30280
(14 documents)
Withdrawal and reservation of lands:
Oregon, 30281

Minerals Management Service**NOTICES**

Outer Continental Shelf; development operations
coordination:
McMoran Oil & Gas Co., 30282
Mobil Exploration & Producing U.S. Inc., 30282

National Commission for Employment Policy**NOTICES**

Meetings, 30293
(2 documents)

National Foundation on the Arts and the Humanities**NOTICES**

Agency information collection activities under OMB review,
30294
Meetings:
Media Arts Advisory Panel, 30294
Opera-Musical Theater Advisory Panel, 30294

National Highway Traffic Safety Administration**RULES**

Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Sealed beam headlamps, external dimensions, etc.,
30223

NOTICES

Fuel economy program, automotive; annual report to
Congress, 30310
National Driver Register problem driver pointer system;
pilot test program; report to Congress, 30320

National Institute for Occupational Safety and Health

See Centers for Disease Control

National Institutes of Health**NOTICES**

Collaborative agreements:
Two-gigaflop computer for molecular simulations,
development, 30272

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:
Gulf of Alaska groundfish, 30224
High seas salmon off Alaska, 30225

National Park Service**NOTICES**

National Register of Historic Places:
Pending nominations, 30282

Navy Department**RULES**

Navigation, COLREGS compliance exemptions:
USS Wasp, 30206

NOTICES

Meetings:
Chief of Naval Operations Executive Panel Advisory
Committee, 30239, 30240
(2 documents)
Patent licenses, exclusive:
San'Doil Co.; partial, 30240

Nuclear Regulatory Commission**NOTICES**

Environmental statements; availability, etc.:
Commonwealth Edison Co., 30295
Petitions; Director's decisions:
Florida Power & Light Co., 30295
Applications, hearings, determinations, etc.:
Philadelphia Electric Co. et al., 30296

Occupational Safety and Health Administration**NOTICES**

Agency information collection activities under OMB review,
30330

Public Health Service

See also Centers for Disease Control; Food and Drug
Administration; National Institutes of Health

NOTICES

National Vaccine Injury Compensation Program; list of
petitions received, 30273

Securities and Exchange Commission**NOTICES**

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 30298, 30299
(2 documents)
New York Stock Exchange, Inc., 30304
Applications, hearings, determinations, etc.:
BMI Equity Fund, Inc., 30306
Public utility holding company filings, 30306

Small Business Administration**NOTICES**

Meetings; regional advisory councils
Hawaii, 30308

Transportation Department

See also National Highway Traffic Safety Administration

NOTICES

Intercity passenger and international transportation
systems; policy, 30308

Treasury Department

See also Internal Revenue Service

NOTICES

Agency information collection activities under OMB review,
30320
(3 documents)

Veterans Affairs Department**RULES**

Loan guaranty:
Net value determination, 30207

NOTICES

Agency information collection activities under OMB review,
30321

Separate Parts In This Issue**Part II**

Environmental Protection Agency, 30324

Part III

Department of Labor, Occupational Safety and Health
Administration, 30330

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.

21 CFR	
520.....	30205
522.....	30205
524.....	30205
548.....	30205
862.....	30206
32 CFR	
706.....	30206
Proposed Rules	
281.....	30227
38 CFR	
36.....	30207
40 CFR	
704.....	30211
Proposed Rules	
264.....	30228
265.....	30228
43 CFR	
Public Land Orders:	
6732.....	30214
6733.....	30213
6734.....	30215
6735.....	30213
6736.....	30213
6737.....	30215
6738.....	30214
6739.....	30214
45 CFR	
302.....	30216
303.....	30216
304.....	30216
305.....	30216
48 CFR	
Proposed Rules	
916.....	30230
970.....	30230
49 CFR	
571.....	30223
50 CFR	
672.....	30224
674.....	30225

OTV PARTS INSPECTED IN THIS ISSUE

A complete list of the parts affected by this issue can be found in the Reader's Guide located at the end of this issue.

21	OTV
22	OTV
23	OTV
24	OTV
25	OTV
26	OTV
27	OTV
28	OTV
29	OTV
30	OTV
31	OTV
32	OTV
33	OTV
34	OTV
35	OTV
36	OTV
37	OTV
38	OTV
39	OTV
40	OTV
41	OTV
42	OTV
43	OTV
44	OTV
45	OTV
46	OTV
47	OTV
48	OTV
49	OTV
50	OTV
51	OTV
52	OTV
53	OTV
54	OTV
55	OTV
56	OTV
57	OTV
58	OTV
59	OTV
60	OTV
61	OTV
62	OTV
63	OTV
64	OTV
65	OTV
66	OTV
67	OTV
68	OTV
69	OTV
70	OTV
71	OTV
72	OTV
73	OTV
74	OTV
75	OTV
76	OTV
77	OTV
78	OTV
79	OTV
80	OTV
81	OTV
82	OTV
83	OTV
84	OTV
85	OTV
86	OTV
87	OTV
88	OTV
89	OTV
90	OTV
91	OTV
92	OTV
93	OTV
94	OTV
95	OTV
96	OTV
97	OTV
98	OTV
99	OTV
100	OTV

Rules and Regulations

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 520, 522, 524, and 548

Animal Drugs, Feeds, and Related Products; Chlorpromazine Hydrochloride, Griseofulvin, Phthalofyne Tablets, Piperacetazine Tablets, Ronnel Tablets, Chlorpromazine Hydrochloride Injection, Piperacetazine Injection, Sulfadimethoxine Injection, Ronnel Emulsifiable Concentrate, and Bacitracin Methylene Disalicylate and Streptomycin Sulfate Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the portions of the regulations reflecting the approval of 10 new animal drug applications (NADA's) held by Pitman-Moore, Inc., for the use of various new animal drugs in dogs, cats, and horses. In a notice published elsewhere in this issue of the Federal Register, FDA is withdrawing approval of the NADA's. The firm requested the withdrawal of approval.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, FDA is withdrawing approval of 10 NADA's held by Pitman-Moore, Inc., Mundelein, IL 60060. The sponsor has requested that approval of the NADA's be withdrawn.

Upon withdrawal of approval of an NADA, the agency is required by section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)) to remove the regulations that reflect the approval. This document removes 21 CFR 520.443, 520.1760, 520.1780, 520.2080b, 522.443, 522.1800, 524.2080, and 548.112b, and amends 21 CFR 520.1100 and 522.2220 to reflect withdrawal of the approvals.

List of Subjects

21 CFR Part 520, 522, and 524

Animal drugs.

21 CFR Part 548

Animal drugs, Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 520, 522, 524, and 548 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 520.443 [Removed]

2. Section 520.443 *Chlorpromazine hydrochloride* is removed.

3. Section 520.1100 is amended by revising paragraph (c), and by redesignating paragraphs (d)(3) and (4) as paragraphs (d)(2) and (3), respectively, to read as follows:

§ 520.1100 Griseofulvin.

(c) *Sponsor.* See No. 000061 in § 510.600(c) of this chapter.

§ 520.1760 [Removed]

4. Section 520.1760 *Phthalofyne tablets* is removed.

§ 520.1780 [Removed]

5. Section 520.1780 *Piperacetazine tablets* is removed.

§ 520.2080b [Removed]

6. Section 520.2080b *Ronnel tablets* is removed.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

7. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 522.443 [Removed]

8. Section 522.443 *Chlorpromazine hydrochloride injection* is removed.

§ 522.1800 [Removed]

9. Section 522.1800 *Piperacetazine injection* is removed.

10. Section 522.2220 is amended by revising paragraphs (c)(2), (c)(3)(i), and (c)(3)(iii), and by redesignating paragraph (c)(3)(iv) as paragraph (c)(3)(iii) to read as follows:

§ 522.2220 Sulfadimethoxine injection.

* * * * *

(2) *Sponsor.* See No. 054273 in § 510.600(c) of this chapter.

(3) * * * (i) It is used or intended for use in the treatment of sulfadimethoxine-susceptible bacterial infections in dogs.

(ii) It is administered by subcutaneous, intramuscular, or intravenous injection at an initial dose of 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight every 24 hours thereafter. Continue treatment until the animal is free from symptoms for 48 hours.

* * * * *

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

11. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 524.2080 [Removed]

12. Section 524.2080 *Ronnel emulsifiable concentrate* is removed.

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

13. The authority citation for 21 CFR Part 548 continues to read as follows:

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

§ 548.112b [Removed and Reserved]

14. Section 548.112b *Bacitracin methylene disalicylate and streptomycin sulfate tablets* is removed and the section is reserved.

Dated: July 11, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-16852 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 862

[Docket Nos. 84P-0304 and 84P-0305]

Bilirubin (Total and Unbound) in the Neonate Test System; Panel Recommendation and Report on Petitions for Bilirubin in the Neonate Reclassification and Codification of Reclassification

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued orders in the form of letters to two petitioners, reclassifying the bilirubin (total and unbound) in the neonate test system from class III (premarket approval) into class I (general controls). The orders are being codified in the Code of Federal Regulations as specified herein.

EFFECTIVE DATES: The reclassification was effective December 1, 1986. The rule becomes effective August 18, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: On December 1, 1986, FDA sent both Helena Laboratories and Aviv Biomedical, Inc., letters (orders) reclassifying the bilirubin (total and unbound) in the neonate test system, and substantially equivalent devices of this generic type, from class III into class I. Accordingly, as required by 21 CFR 860.134(b)(7) of the regulations, FDA is announcing the reclassification of the generic bilirubin (total and unbound) in the neonate test system from class III into class I. In addition, FDA is issuing a final rule that codifies the reclassification of the device by adding new § 862.1113. The reclassification orders were issued after FDA published a notice announcing an advisory panel's reclassification recommendation (April 28, 1986; 51 FR 15839). FDA has developed criteria for

its use in determining whether a class I device should be exempt from the premarket notification procedures. Based on these criteria, FDA has exempted certain class I clinical chemistry and clinical toxicology devices from the premarket notification requirements (53 FR 21447; June 8, 1988). FDA has considered the bilirubin in the neonate test system in accordance with its criteria for exemption from premarket notification and has determined that the device is not an appropriate candidate for exemption, because it is used in the treatment of neonates.

After considering the economic consequences of approving this reclassification, FDA certifies that this final rule requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Approval of this petition will not have a significant economic impact on a substantial number of small entities. The petitioner and all future manufacturers of substantially equivalent bilirubin (total and unbound) in the neonate test system devices will be relieved of the costs of complying with the premarket approval requirement in section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e).

There are no off-setting costs that the petitioner or other manufacturers would incur from reclassification into class I. The magnitude of the economic savings attributable to approval of this petition depends on the extent of premarket approval studies that would have been required of the petitioners and other competitors had reclassification not occurred. This savings may not be reliably calculated to permit quantification of the economic savings.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Chapter I of Title 21 of the Code of Federal Regulations is amended in Part 862 to read as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

1. The authority citation for 21 CFR Part 862 continues to read as follows:

Authority: Secs. 501(f), 510, 513, 515, 520, 701(a), 52 Stat. 1055, 76 Stat. 794-795 as amended, 90 Stat. 540-546, 552-559, 565-574, 576-577 (21 U.S.C. 351(f), 360, 360c, 360e, 360j 371(a)); 21 CFR 5.10.

2. Section 862.1113 is added to Subpart B to read as follows:

§ 862.1113 **Bilirubin (total and unbound) in the neonate test system.**

(a) *Identification.* A bilirubin (total and unbound) in the neonate test system is a device intended to measure the levels of bilirubin (total and unbound) in the blood (serum) of newborn infants to aid in indicating the risk of bilirubin encephalopathy (kernicterus).

(b) *Classification.* Class I.

Dated: July 12, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-16794 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS WASP (LHD-1) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval amphibious assault ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: July 6, 1989.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS WASP (LHD-1) is a vessel of the

Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a), pertaining to the location of the masthead lights over the fore and aft centerline of the ship; Annex I, section 2(g), pertaining to the distance of the sidelights above the hull; Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights; and Annex I, section 3(b), pertaining to the positioning of the sidelights in relationship to the forward masthead light, without interfering with its special

functions as a Navy ship. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Two of § 706.2 is amended by revising the existing entry for USS WASP (LHD-1) to read as follows:

Vessel	Number	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below light dk in meters; § 2(k), Annex I	Forward anchor light, number of; Rule 30(a)(i)	AFT anchor light, distance below light dk in meters; Rule 21(e), Rule 30(a)(ii)	AFT anchor light, number of; Rule 30(a)(ii)	Side lights, distance below light dk in meters; § 2(g), Annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), Annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I
USS WASP	LHD-1	9.0					3.1		90.4

3. Table Five of § 706.2 is amended by revising the existing entry for USS WASP (LHD-1) to read as follows:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS WASP	LHD-1						X	X	39

Date: July 6, 1989.

Approved:

E.D. Stumbaugh,

Rear Admiral, JAGC, U.S. Navy Judge Advocate General.

[FR Doc. 89-16816 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900-AD93

Loan Guaranty; Determination of Net Value

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to revise the definition of the "net value" of a property to the Secretary of Veterans Affairs. Under the revised definition, the Government's cost of borrowing funds will be taken into account in determining "net value". VA is promulgating this rule because it realistically reflects the true net value of a property.

EFFECTIVE DATE: August 21, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-6376.

SUPPLEMENTARY INFORMATION: Under section 1810 of Title 38, United States Code, VA guarantees a portion of the loan made to an eligible veteran to acquire or refinance a home, condominium, or manufactured home which is treated as real estate under State law, or to install certain energy conservation features or other home improvements. The guaranty is a promise by the Government to pay to the holder a portion of the veteran's indebtedness in the event of a loan default and eventual termination through foreclosure or other proceedings.

On March 31, 1989, VA published in the Federal Register (54 FR 13320) proposed regulations to revise the definition of the "net value" of a

property to the Secretary for purposes of determining whether a loan holder would be offered an election to convey a foreclosed property to the Secretary. On April 5, 1989, a notice of correction was published in the *Federal Register* (54 FR 13703) to advise that the March 31, 1989, *Federal Register* notice erroneously stated that October 1, 1989, was the proposed effective date and that the change in the definition of net value was intended to be made effective August 1, 1989. However, to meet the 30 day notice requirement under the Administrative Procedure Act, this rule is now effective August 21, 1989.

A total of 22 written comments were received in response to the proposed regulations. Comments were received from 16 lenders (one lender submitted two comments), three trade associations and two secondary market institutions, all of which are involved with the VA-guaranteed home loan program.

Most of the comments expressed the opinion that the proposed amendment would increase the number of VA-guaranteed loan foreclosures which result in "no-bids", i.e., situations in which VA pays a maximum claim under the guaranty and the loan holder must dispose of the property which secured the loan in order to recover the balance of its investment. The comments state that an increase in the number of no-bids will cause substantial additional losses to loan holders in foreclosure cases, and that such losses may have three possible consequences: (1) Reduced participation of lenders in the GI loan program; (2) more stringent underwriting and increased fees for GI loans by lenders which continue to make home loans to veterans; and (3) insolvency for some lenders due to increased losses.

We believe there may be some validity to the comments as to the potential for increased losses to lenders as a result of the promulgation of this amendment. However, the amount of such losses should be minimal and lenders should be able to reduce such losses through better and more aggressive property disposal efforts. It is important to note that the losses incurred by lenders as a result of no-bids under VA's current procedures are not predictive of the impact of additional no-bids which are projected as a result of the amendment. Currently, when a lender acquires a property as a result of a no-bid, the property may be worth substantially less than the

balance of the lender's investment which is unpaid after application of VA's claim payment. This is because no-bids presently occur whenever the net value of the property (which is 89.37% of the fair market value) will be less than the balance of the indebtedness on the loan remaining after the account is credited with VA's guaranty payment. However, foreclosures affected by the amendment will be limited to situations in which an additional 4.45% reduction in the fair market value of the property will reduce the net value (which will be 84.92% of the fair market value under the amended regulation) to an amount which will be less than the balance of the indebtedness on the loan remaining after the account is credited with VA's guaranty payment. Thus, every additional property acquired by lenders as a result of the amendment will have a fair market value which is greater than the balance of the loan indebtedness which remains unsatisfied after payment of VA's guaranty.

While the proposed amendment to our net value regulation will increase the number of VA no-bids in the short run, for the long term it is likely that a return to stability in major real estate markets may act to reduce the number of no-bids.

Further, as noted above, actual loss increases to lenders should be minimal due to the fact that all properties acquired as a result of this amendment will have a market value which is greater than the balance of the lender's investment. We are therefore confident that relatively few lenders will be seriously impacted by the amendment and that financing will continue to be provided to creditworthy veterans who have served their country and seek to take advantage of the loan guaranty benefit they have earned. We also note that VA does not require lenders to make loans which they do not consider to be sound; comments received indicated that some lenders have, in fact, already introduced more stringent underwriting and fee requirements to compensate for a perceived greater risk in making GI loans since the enactment of Pub. L. 98-369, The Deficit Reduction Act of 1984, which established the requirement that property net value be determined by the Secretary and used for purposes of deciding whether VA would acquire property in connection with a loan termination. We anticipate that the competitive marketplace will continue to dictate the most favorable

terms for the extension of credit to veteran homebuyers.

A large number of the comments cited the increase in the percentage of GI loan foreclosures resulting in no-bids from 2.9% in 1981 to 23.9% in 1988 as being responsible for the decline in VA's market share from 13% in 1984 to 7.9% in 1988. We note that a number of factors are involved in VA's declining share of the home loan market. Aging of the veteran population reduces the pool of veteran homebuyers; high real estate values in some areas preclude the use of VA-guaranteed financing for home purchases; and, competition from lenders offering adjustable rate mortgages at low initial interest rates gives many veteran home buyers an option they find more attractive than VA fixed rate financing. We are unable to quantify the effect of each factor on VA's loss of market share, or to gauge the impact, if any, of lender reluctance to make GI loans which results from the increased risk of loss upon foreclosure due to the possibility that VA will not provide an election to convey the property. However, we are not familiar with any recent situations in which qualified veterans have been unable to obtain home loans because of a lack of lender program participation and we do not expect such situations to arise as a result of this amendment.

Comments were also received to the effect that the timing of VA's proposal to implement the change in the definition of net value is inconsistent with the intent of the conference report on Pub. L. 98-369 for two reasons: (1) The report indicated that notice of any change should be provided to the Veterans' Affairs Committees by February 1 of the year prior to the fiscal year in which the change would take effect, and VA proposes to implement the change before October 1, 1989, which is the beginning of a new fiscal year; and, (2) the report indicated there was no legislative intention that VA's policy of excluding the cost of funds borrowed to acquire property from the determination of value should be changed. VA has complied with the conference report by advising the Veterans' Affairs Committees of our intention to make this change. We do not believe that the language in the report was intended to restrict the ability of VA to take timely action when necessary to improve program operations. Our proposal is consistent with the stated intent of the

conference report "to maintain the effective functioning of the loan guaranty program and make its operation more economical and, thus, to help ensure that the program will continue to be able to fulfill its basic purpose of assisting eligible veterans to buy homes." The substantial operating shortfalls sustained by the program in recent years have required additional funding to keep the Loan Guaranty Revolving Fund solvent. Therefore, it is critical that VA accurately determine when it is in the Government's best interest to acquire a property so as to reduce the cost of operating the loan guaranty program. Far from precluding considerations of the Government's cost of funds, the legislative history evidences a clear recognition by the Congress that the Government's cost of borrowing funds is a legitimate cost factor for inclusion in the net value formula. There is no requirement in the statute itself that Congress be notified by February 1 of the fiscal year preceding the fiscal year in which the change will take place. Although the language contained in the committee reports is not binding upon the Government, VA has notified the House and Senate Veterans' Affairs Committees that this change in the net value formula would be made, effective August 1, 1989.

Most of the comments received opposed application of the proposed amendment to loans originated prior to the effective date of the amendment. Some of these comments cited an inconsistency with the provisions of 38 CFR 36.4300, which provides that regulations will apply to previously guaranteed loans to the extent that no legal rights vested under the regulations are impaired. The existing regulation for determining net value does not vest any rights in the lender but rather identifies those costs and expenses which VA will consider at the time a determination of net value is made.

Those costs are subject to change and are designed to reflect the net value of the property at a particular point in time. This is the amount which VA will require to be credited to a borrower's indebtedness and the amount which VA will pay to acquire the property if the lender elects to convey the property to VA. The regulations do not grant the lender any specific contractual rights. The lender has no vested right to require that VA continue to use an old cost formula when in fact the actual costs, required by law to be taken into account, are not all included in the old formula. It is therefore our opinion that VA has the authority to apply the

changed procedure for determining net value to all foreclosures which occur after the effective date of the regulation. Other comments noted that loans have been originated, bought and sold at prices which were based on certain assumptions as to risk of loss which will be impacted by implementation of the proposal. We are not in a position to comment on the internal procedures used by lenders for evaluating their own risk in the origination, sale and purchase of loans. We would note that the VA guaranty has always been limited to a specific percentage of the loan, not to exceed a maximum dollar amount. These regulations do not change the basic principle that program participants share the risk of loss upon default with the Government nor do they change the amount of VA's guaranty liability with respect to existing loans.

One commentator proposed that VA develop separate net value percentages for each VA field station, because property holding time (which is a major factor in the proposed estimate of the Government's cost of funds) varies between field stations; the same commentator proposed that VA adjust the cost of funds factor on a quarterly basis rather than annually to avoid undue influence from interest rate volatility. We think these are valid issues. It is, however, necessary to use a nationwide average holding time figure because some jurisdictions have post-foreclosure redemption periods which are required under state law. In these areas, VA's holding time is necessarily well above the national average and use of local figures would therefore reduce net values and increase no-bids substantially. This could have the effect of discouraging lenders from assisting veteran homebuyers in these states due to the unusually high no-bid risk. In addition, use of nationwide average figures avoids situations in which lenders in a particular state are penalized because local market conditions have caused delays in the disposition of acquired properties. The use of a quarterly cost of funds rate would keep VA's value determinations in line with more current data but would also increase their volatility. Making the change on an annual basis provides more stability to the process. Moreover, use of quarterly interest rates and local holding times would create administrative problems in the calculation and distribution of new value figures. Accordingly, while we agree that these proposals would increase the accuracy of value determinations, we do not believe they offer sufficient benefit to merit adoption.

Several comments were received to the effect that Pub. L. 98-369 limits the costs which can be taken into account in determining net value to expenses incurred by the Secretary, and that use of the cost of federal borrowing in the net value determination is precluded because the Government's borrowing cost is not passed on to VA when funds are provided to support the operation of the Loan Guaranty program. The law does not distinguish between costs to the Government which directly result from expenditures arising from the loan program and expenses which result to the Secretary in support of that program. Those costs to the Government would not have been incurred without an obligation arising under the loan program and may properly be included when making a net value determination as to the total expenses associated with acquiring, maintaining and selling property under the loan guaranty program. Additionally, the statute specifically requires that the Secretary consider, in addition to expenses incurred by the Secretary, "other costs resulting from the acquisition and disposition of property."

One commentator proposed that, if the amendment is adopted, the cost of funds should be calculated based on the percentage of federal operating costs which are raised through borrowing. The comment pointed out that approximately 90% of budgeted federal operating funds are raised directly through taxation, and only the balance must be raised through new borrowing. Applying that ratio would result in an increase in the percentage figure used for determining net value from 10.63% to 11.075% rather than to 15.08%. This argument fails to take into account the fact that federal borrowing is substantially greater than the budget deficit for any given fiscal year. So long as the total national debt remains well above the operating budget amount for a fiscal year, and this debt must be refinanced through periodic Treasury borrowing at current rates, any Government spending reduces the amount of funds available for application to the current year's deficit as well as for application to the national debt. In this context, all Government expenses are effectively being financed at a cost equivalent to the current cost of funds.

One commentator noted that the key factors in the net value determination, the appraised value of the property and the average VA property holding time, are not under the control of the lender. This observation is accurate; however, the purpose of the amendment is to take into account all factors which affect the

value of property which may be acquired by VA. Some of these factors are economic influences on market value which are beyond the control of VA as well as lenders. VA makes every effort to establish accurate liquidation appraisal values through the use of qualified fee appraisers whose work is reviewed by VA staff. In situations where lenders disagree with liquidation value established by VA, we are willing to reconsider that value whenever a lender can demonstrate that an adjustment would be appropriate. VA holding time, too, is a legitimate factor in determining the cost of property acquisitions to the Government. The fact that it is not subject to influence by the lender does not affect the necessity for using it when the net value of a property is determined. It should be noted that improvements in the marketing and sale of VA-acquired properties have led to substantial reduction in the average holding time over the last few years. We will strive to continue this improvement.

Two comments were received which contrasted treatment of lenders under the proposed regulation with treatment of veterans; i.e., that the reduction in net value would be applied by VA in dealing with lenders but would be excluded from consideration when a veteran's debt to the Government after foreclosure is determined. Calculation, establishment, and collection of a veteran's debt is a matter between VA and the veteran based on the veteran's contractual liability to indemnify the Government for the loss incurred due to a loan default, and subrogation rights derived through the foreclosure process. The Secretary already has the right and obligation to consider waiver or compromise of a veteran's debt under appropriate circumstances. This right is exercised independently of VA's determination of the amount of claim payable and whether or not to acquire property as a result of loan termination since there is no necessary connection between these actions. These are two highly disparate areas of the loan guaranty program and there is no compelling reasons for the Secretary to pass on increases in the amount of claims paid, which result from application of this regulation, to veterans.

Several commentators suggested that increased costs to lenders due to increased numbers of no-bids would result in more lenders being unable to meet their responsibilities to pass through payments to certificate holders on loans pooled through the Government National Mortgage Association (GNMA). It was noted that GNMA has

already incurred substantial losses because lender/issuers have insufficient resources to meet their pool obligations when they are not made whole by the Government in connection with GI loan foreclosures. We understand this concern and appreciate the fact that losses incurred by GNMA are as detrimental to the Government as losses incurred by VA's Loan Guaranty Revolving Fund. However, as we have indicated above, it is our opinion that any increase in no-bids which may result from this amendment will have minimal impact on lender profitability and consequently should not affect the operation of GNMA.

A number of comments were received concerning the delay in promulgating regulations to implement sections of Pub. L. 100-198, Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987, which are intended to reduce the number of no-bids. These regulations were published for comment (RIN: 2900-AD39) on the same date as the subject proposal and are being published in final form in today's *Federal Register*, effective in 30 days.

One comment was received recommending that VA mitigate the Government's risk of loss under the Loan Guaranty program by increasing the funding fee charged to veterans. The amount of the funding fee is established by statute and, consistent with the beneficial nature of the program, was never intended to offset all costs of program operation. VA, as an executive agency, is not authorized to act through the regulatory process to increase funding fees in order to raise money to finance the costs of program operation. In addition, the primary purpose of this proposal is to improve the accuracy of the process by which VA determines whether or not to acquire property in order to reduce the costs of program operation rather than to raise funds. In making the determination as to whether or not a property should be acquired, all potential costs of acquisition and disposition need to be considered. VA currently only takes estimated out of pocket cash expenditures into consideration, thereby ignoring the real cost to the Treasury of borrowing funds which are used to pay for VA's acquisitions. This regulation amends the definition of "net value" in 38 CFR 36.4301 to rectify this omission.

By including the imputed interest cost of holding properties in inventory, the revised definition of "net value" will more realistically reflect the true cost to the Government of a decision to provide the holder of a loan the option of

conveying the property to VA. This in turn will assure that VA does not acquire foreclosed properties except when it is in the best interest of the Government to do so.

Under 38 CFR 36.4323(e), any amounts paid by VA on account of a VA guaranteed home loan constitute a debt owing to the United States by the veteran. This section has been amended to exclude from the veteran's debt any amount attributable to the estimated interest cost to the Government for property acquisition and holding time which would not otherwise be included in such debt. VA does not believe it would be equitable to charge the veteran with the Government's estimated cost of borrowing the money to pay for the property to be acquired.

Editorial changes have also been made, to eliminate the use of gender specific pronouns, to assure the use of plain English, and to correct typographical errors in 38 CFR 36.4319 through 36.4323.

The Secretary hereby certifies that these regulatory amendments will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. In each case affected by this amendment, the loan holder will acquire an asset after foreclosure which has a current market value in excess of the unguaranteed portion of the loan indebtedness; accordingly, we believe any increased losses which may be incurred as a result of this amendment will be minimal. Moreover, lenders and holders of VA guaranteed loans will retain the right to payment of the full amount prescribed by law for claims on defaulted VA guaranteed loans. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604.

The regulatory amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulation changes. The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of \$100 million or more; cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Catalog of Federal Domestic Assistance Program Number is 64.114.

List of Subjects in 38 CFR Part 36

Condominium, Handicapped, Housing loan programs—housing and community development, Veterans.

These amendments are promulgated under authority granted the Secretary by sections 210(c), 1803(c)(1), 1820 and 1832 of Title 38, United States Code, and the enabling legislation.

Approved: June 5, 1989.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 36, Loan Guaranty, is amended as follows:

1. In § 36.4301, the first sentence of the introductory text for the definition for "net value" is revised, an authority citation is added for the introductory text, and paragraph (4) and an authority citation are added to read as follows:

§ 36.4301 Definitions.

* * * * *
Net value. The fair market value of real property, minus the total of the costs the Secretary estimates would be incurred by the Government resulting from the acquisition and disposition of the property for the Government's costs of funds from the time the property is acquired until it is sold, property taxes, assessments, liens, property maintenance, property improvement, administration, and resale. * * *

(Authority: 38 U.S.C. 1832)

(4) *Government cost of funds.* The estimated interest cost of funds payable for property acquisition is determined by multiplying the average holding time (expressed in years) from property acquisition to resale for properties acquired under § 36.4320 of this part which were sold during the preceding fiscal year by an interest rate equivalent to the yield on Treasury obligations with a maturity comparable to such average holding time. This yield is calculated from the "Treasury Market Bid Yields at Constant Maturities: Bills, Notes and Bonds" as prepared by the Department of the Treasury showing the average yields on Treasury obligations for selected maturities. Source data for the calculation are the average yields during the last month of the preceding fiscal year for the next lower and next higher maturities as compared to the average holding time. The yield for the average holding time is interpolated from the yields for these maturities. Based on fiscal year 1988 data, the percentage of fair market value representing the Government's cost of funds will be 4.45 percent. The fiscal year and the

percentage will be updated annually through a notice in the **Federal Register**. The first three cost averages will be added and the sum will be divided by the average fair market value at the time of acquisition for properties which were sold during the 3 preceding fiscal years, and the percentage of fair market value representing the Government's cost of funds will be added to the quotient, to derive the percentage to be used in estimating net value. (The Secretary may, when determining property management costs, group properties in incremental value brackets.) The calculation of net value will be based on the actual cost incurred over the last 3 years plus the estimated interest cost to the Government of funds payable for property acquisition in the current fiscal year. Based on fiscal year 1988 data, the percentage to be used when calculating net value will be 15.08 percent, which consists of 10.63 percent representing estimated actual costs plus 4.45 percent representing estimated interest costs. The fiscal year and the percentages will be updated annually through a notice in the **Federal Register**.

(Authority: 38 U.S.C. 1832)

§ 36.4323 [Amended]

2. In § 36.4323, paragraph (a), remove the word "his" where it appears in the first sentence and add, in its place, the word "the".

In § 36.4323, paragraph (b), remove the word "him" where it appears.

In § 36.4323, paragraph (g), remove the word "1817(a)" where it appears and add, in its place, the word "1813".

3. In § 36.4323, paragraph (e) is revised to read as follows:

§ 36.4323 Subrogation and indemnity.

(e) Any amounts paid by the Secretary on account of the liabilities of any veteran guaranteed or insured under the provisions of 38 U.S.C. Chapter 37 shall constitute a debt owing to the United States by such veteran. The amount of debt owing pursuant to this paragraph will exclude the amount by which inclusion of estimated interest costs to the Government for property acquisition and holding time in the determination of the net value of the property increased the claim paid by the Secretary.

(Authority: 38 U.S.C. 1832)

[FR Doc. 89-16267 Filed 7-18-89; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[OPTS-82013F; FRL-3618-9]

Comprehensive Assessment Information Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for additional comments on the final rule.

SUMMARY: EPA is requesting comments from the public on certain issues concerning the Toxic Substances Control Act (TSCA) section 8(a) Comprehensive Assessment Information Rule (CAIR). These issues were raised by various industry groups since the publication of the rule on December 22, 1988. It is EPA's intention to obtain comments from all interested parties for use in future CAIR rulemaking.

DATE: Written comments must be received by September 18, 1989.

ADDRESSES: Written comments must bear the docket control number OPTS-82013F. An original and two copies should be sent to: TSCA Public Docket Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

All written comments on this notice will be available for public inspection in Rm. NE-G004 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:

I. Background

The CAIR is a model rule designed to gather production, use, and exposure information from chemical manufacturers, importers, and processors on listed chemical substances and mixtures. The main components of the CAIR are a reporting form which companies use to submit their chemical information and a list of substances for which reporting is required. The final rule published in the **Federal Register** of December 22, 1988 (53 FR 51698), contained a list of 19 substances for which reporting was required during the summer of 1989. EPA intends to add substances to this list

from time to time which are of interest to the Agency or other Federal agencies.

Since the promulgation of the CAIR, the Agency has received a Petition for Reconsideration from the Synthetic Organic Chemical Manufacturers Association (SOCMA) asking EPA to reconsider certain aspects of the rule. In addition to SOCMA's petition, the Agency has also received a Petition for Judicial Review from the Chemical Manufacturers Association (CMA) and the Society for the Plastics Industry (SPI). In response to SOCMA's petition, the Agency made a commitment to review certain rule provisions for future iterations of the CAIR and stated so in the Federal Register of April 10, 1989 (54 FR 14324).

In addition to the above mentioned petitions, EPA has received some comments and questions on the CAIR since promulgation. At this time, EPA is formally soliciting comments on the following issues from all interested parties for consideration in future rulemaking.

II. Small Volume Exemption

In its petition, SOCMA suggested that the CAIR should contain an exemption for companies which manufacture, import, or process a CAIR listed substance solely in small quantities. It was further suggested that the lack of such an exemption imposes a huge burden on those companies who produce very small quantities and that such information is of minimal value to the Agency. Comments regarding this issue often cite the Preliminary Assessment Information Rule (PAIR) (June 22, 1982, 47 FR 26992), which contains an exemption for individuals who manufacture or import a listed substance in annual quantities of less than 10,000 pounds. EPA is seeking comments on the extent of the burden on the chemical industry if such a small volume exemption is not added to the CAIR, the value of information that would be lost to the Agency if a small volume exemption were included, and whether such an exemption should be added to the CAIR.

III. "De Minimis" Exemption

The CAIR currently requires reporting on a listed substance whether it is in pure form or in a mixture. SOCMA and other industry groups requested the inclusion of a concentration exemption, setting a de minimis cutoff for CAIR substances in mixtures. Currently EPA's regulation under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 40 CFR 372.38(a), and the Occupational Safety and Health Administration's (OSHA)

Hazard Communication Standards, 29 CFR 1910.1200, have a general de minimis cutoff of 1 percent or a cutoff of 0.1 percent if the substance is a carcinogen. EPA is requesting comments on the benefits and/or problems that would result from the inclusion of a de minimis exemption for future iterations of the CAIR.

IV. Trade Name Reporting Revealing Confidential Business Information

Under § 704.208, companies that sell a CAIR substance under a trade name must do one of three things: (1) Submit to EPA a list of all trade names under which the person distributes the substance. EPA will then publish submitted trade names in the Federal Register in order to notify processors of these trade name substances of their CAIR reporting and recordkeeping obligations.

(2) Submit to EPA a CAIR reporting form that answers the processor's reporting requirements for each customer who would be required to report if the customer knew he or she was processing the listed substance.

(3) Notify each customer who would be required to report if the customer knew he or she was processing the listed substance.

EPA incorporated these options to prevent companies' customers from determining the components of trade name products. Many commenters stated that providing a list of trade names to EPA along with their subsequent publication in the Federal Register would provide enough information for customers to link chemical names with trade names. This linkage would supposedly release confidential business information (CBI) in some cases. Each of the other options could also result in disclosure of trade secret information. This issue was also raised in the SOCMA petition and the petition from CMA and SPI which questioned the statutory authority of such a requirement. EPA believes that it does have the authority to require such information to be submitted but does not intend that compliance with the CAIR result in the inadvertent disclosure of CBI. In the Federal Register of April 10, 1989 (54 FR 14324), the Agency issued a Notice of Temporary Administrative Relief from § 704.208 for the manufacturers, importers, and processors of the initial list of 19 chemicals. This notice grants temporary administrative relief to persons who are unable to report for their customers and who believe that compliance with each of the other options will result in disclosure of CBI. If persons had already submitted trade names to EPA, they

were to notify the Agency that the publication of the trade names under which they distribute a CAIR listed substance would result in the likelihood of CBI being released. If EPA received this notification, the Agency would not publish the trade names in the Federal Register. To date, EPA has not received such a notice from a single company on any of the 19 listed chemicals.

While this situation does not seem to have been a problem for the current list of chemicals, there is concern that this issue will be raised each time new chemicals are added to the reporting requirements of the CAIR. The Agency is therefore requesting comments on the likelihood that future compliance with § 704.208 will result in the release of CBI. If such a release is likely, how should the Agency prevent this release while ensuring the reporting of comprehensive data?

V. Processing Activities

CMA and SPI expressed difficulty in interpreting the definition of "process" and "processing activities," leading to some confusion as to who is subject to the reporting requirements of the CAIR. For clarification purposes, they have suggested that the Agency divide the universe of processors into sub-classes. EPA could identify at each iteration of the CAIR, those sub-classes of processors (if any) who are exempt. CMA and SPI believe that this approach would aid potential respondents in determining their reporting obligation.

EPA has received numerous questions on its interpretation of processing and processing activities and has compiled them in the form of a Question and Answer document. (This document, dated March 1989, is available from the TSCA Assistance Office, (202) 554-1404). However, EPA is interested in hearing from the public on this issue, whether or not this option would clarify any current problems, and how best to proceed in developing processor sub-classes.

VI. Advance Substantiation of CBI Claims

CMA and SPI expressed a concern with regard to the reporting burden resulting from the CAIR requirement that all confidentiality claims be substantiated at the time information is submitted to EPA. CMA and SPI have suggested a modification to the advance substantiation requirement which would limit the requirement to types of information that are not normally entitled to confidential treatment, such as submitter and chemical substance identity. Other types of information,

such as production volume data and process descriptions, would not be subject to the advance substantiation requirements. EPA requests comments on this or other approaches.

List of Subjects in 40 CFR Part 704

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements.

Dated: July 11, 1989.

Gary E. Timm,

Acting Director, Existing Chemicals Assessment Division, Office of Toxic Substances.

[FR Doc. 89-16858 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6736

[AZ-920-09-4214-10; A-6641]

Public Land Order No. 6729, Correction; Modification of Secretarial Order Dated July 10, 1908, as Amended; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description in Public Land Order No. 6729.

EFFECTIVE DATE: July 19, 1989.

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

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

The land description in Public Land Order No. 6729, 54 FR 17709, April 25, 1989 is hereby corrected as follows:

In the second column, lines 38 through 41, which read "Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ S W $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ " are hereby corrected to read "Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$."

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16825 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-32-M

43 CFR Public Land Order 6735

[CA-940-09-4214-10; CACA 17381]

Partial Revocation of Public Land Order No. 2301; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes Public Land Order No. 2301 insofar as it affects 110.08 acres of public land withdrawn for the U.S. Forest Service's Shay Creek Recreation Area. The land is no longer needed for the purpose for which it was withdrawn. This action will open 110.08 acres to surface entry and mining. Of the 110.08 acres, 60 acres were previously opened to disposal under the General Exchange Act of March 20, 1922, as amended, 16 U.S.C. 485, by Public Land Order No. 6398. All of the land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 18, 1989.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, E-2845 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

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

1. Public Land Order No. 2301 is hereby revoked as it affects the following described land:

Mount Diablo Meridian

Toiyabe National Forest

T. 10 N., R. 19 E.,

Tract 37 (formerly described as a portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$);

Sec. 24, lots 1 and 2 (formerly described as a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$), and SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 110.08 acres in Alpine County.

2. At 10 a.m. on August 18, 1989, the land described in paragraph 1 shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land

Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16827 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

43 CFR Public Land Order 6733

[CO-930-09-4214-10; C-38723]

Withdrawal of National Forest System Land for the Silver Jack Recreation Area; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 100 acres of National Forest System land from mining for a period of 20 years for the protection of the Bureau of Reclamation Silver Jack Reservoir Recreation Area. The land has been and remains open to such other forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: July 19, 1989.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, Lakewood, Colorado 80215, 303-236-1768.

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

1. Subject to valid existing rights, the following described National Forest System land, which is under the jurisdiction of the Secretary of Agriculture, is hereby withdrawn from location and entry under the general mining laws (30 U.S.C. Ch. 2), to protect the Bureau of Reclamation Silver Jack Reservoir Recreation Area:

New Mexico Principal Meridian

Uncompahgre National Forest

T. 46 N., R. 6 W.,

Sec. 16, Unsurveyed (Protraction Diagram No. 20, Accepted May 5, 1965): S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates approximately 100 acres in Gunnison County, Colorado.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal should be extended.

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16826 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6738

[CO-930-09-4214-10; C-012292]

Partial Revocation of Public Land Order 1742; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 1.534 acres of National Forest System land withdrawn for the Forest Service as a roadside zone. This revocation is needed to permit consummation of a proposed Forest Service exchange. This action will open this land to surface entry and to mining. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: August 18, 1989.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-236-1768.

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

1. Public Land Order 1742 which withdrew National Forest System land for a Forest Service roadside zone is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian

Roosevelt National Forest

T. 7 N., R. 75 W.

All that portion of a 400-foot-wide roadside strip 200 feet in width on either side of the

centerline of Colorado Highway No. 14 lying within SW ¼SW ¼ section 5 as it existed at the time of issuance of Public Land Order 1742 and as shown on standard 7 ½ USGS Topographic Map Chambers Lake dated 1962.

The area described aggregates approximately 1.534 acres of National Forest System land in Larimer County.

2. At 10:00 a.m. on August 18, 1989, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, including location and entry under the United States mining laws. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Frank A. Bracken,

Under Secretary of the Interior.

[FR Doc. 89-16828 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6739

[CO-930-09-4214-10; C-39289]

Public Land Order No. 6725, Correction; Withdrawal of Public Land for Cheney Reservoir Disposal Site; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description in Public Land Order No. 6725.

EFFECTIVE DATE: July 19, 1989.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-236-1768.

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

The land description in Public Land Order No. 6725, 54 FR 17707-17708, April 25, 1989, on page 17708, column one, Ute Principal Meridian, T. 3 S., R. 2 E., the line reading "Sec. 13, W ½NW ¼SW ¼;"

is hereby corrected to read "Sec. 13, W ½NW ¼NW ¼;"

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16831 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6732

[ID-943-09-4214-10; I-07470, I-09371, I-012556, I-15302, I-15594]

Public Land Order 6702, Correction; Revocation of Secretarial Order Dated December 9, 1918; Bureau of Land Management Order Dated August 18, 1955, and Public Land Order Nos. 1829, 2022, 2066, and 3164; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct errors in land descriptions and withdrawal order citations in Public Land Order No. 6702.

EFFECTIVE DATE: July 19, 1989.

FOR FURTHER INFORMATION CONTACT:

William E. Ireland, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1597.

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

Public Land Order No. 6702, 54 FR 976-977, January 11, 1989, is hereby corrected as follows:

1. The heading is corrected to read "Revocation of Secretarial Orders Dated December 9, 1918, October 8, 1921, October 30, 1922, June 25, 1941, April 1, 1942; Bureau of Land Management Order Dated August 18, 1955; and Public Land Order Numbers 1829, 2022, 2066, and 3164; Idaho."

2. The beginning of paragraph number 1 which reads "The Secretarial Order dated December 9, 1918," is hereby corrected to read "The Secretarial Orders dated December 9, 1918, October 8, 1921, October 30, 1922, June 25, 1941, April 1, 1942; Bureau of Land Management Order dated August 18, 1955; and Public Land Order Numbers 1829, 2022, 2066, and 3164, which withdrew the following described lands for stock driveways, are hereby revoked in their entirety."

3. The land descriptions are hereby corrected as follows:

The land description on page 976, column 2, is corrected by adding "Sec. 35, E ½W ½" immediately following the

bottom line which currently reads "Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$."

The land description on page 977, column 1, line 1, which reads "Sec. 18, lots 1, 2, NW $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ " is corrected to read "Sec. 18, lots 1 and 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$."

The land description on page 977, column 1, line 9, which reads "Sec. 8, N $\frac{1}{2}$ " is corrected by adding the following immediately after line 9:

- Sec. 9, N $\frac{1}{2}$;
- Sec. 10, N $\frac{1}{2}$;
- Sec. 11, N $\frac{1}{2}$ and SE $\frac{1}{4}$;
- Sec. 12;
- Sec. 13, W $\frac{1}{2}$;
- Sec. 14, E $\frac{1}{2}$;
- Sec. 23, E $\frac{1}{2}$;
- Sec. 24, W $\frac{1}{2}$;
- Sec. 25, W $\frac{1}{2}$;
- Sec. 26.

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16824 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-GG-M

43 CFR Public Land Order 6737

[NM-940-09-4214-10; KS NM 63447]

Partial Revocation of Executive Order Dated May 5, 1855; Kansas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order insofar as it affects 77.51 acres of public land withdrawn for the Department of the Army, Corps of Engineers, for the Fort Riley Military Reservation. The land is no longer needed for the purpose for which it was withdrawn. This action will open 77.51 acres to operation of the public land laws and the mineral leasing laws. The land is not subject to the United States mining laws pursuant to the Act of May 5, 1876, 30 U.S.C. 49.

EFFECTIVE DATE: August 18, 1989.

FOR FURTHER INFORMATION CONTACT:

Clarence F. Houghland, BLM New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87504-1449, 505-988-6071.

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

1. The Executive Order dated May 5, 1855, which withdrew public land for the Department of the Army, Corps of Engineers, for the Fort Riley Military Reservation is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian

A tract of land situated in the E $\frac{1}{2}$ of section 13, Township 11 South, Range 6 East, and the W $\frac{1}{2}$ of section 18, Township 11 South, Range 7 East, more particularly described as follows:

Commencing at the northwest corner of said section 18, thence southerly along the west line of said section 18, a distance of 1,485.27 feet to the southerly right-of-way line of Kansas Highway K-18; thence N. 31°15'56" E., along said southerly right-of-way line, 85.08 feet to the point of beginning of the tract of land herein described;

- Thence S. 60°07'42" E., 8.05 feet;
- Thence S. 48°11'52" E., 546.07 feet;
- Thence S. 14°47'03" E., 716.86 feet;
- Thence S. 20°06'27" W., 718.77 feet;
- Thence S. 32°41'10" W., 1,027.74 feet;
- Thence S. 57°47'50" W., 801.26 feet;
- Thence S. 76°50'50" W., 755.83 feet;
- Thence N. 84°21'20" W., 111.75 feet to the southerly right-of-way line of Kansas Highway K-18;
- Thence N. 6°29'00" E., along said right-of-way line, 420.06 feet;
- Thence N. 31°15'56" E., along said right-of-way line, 250.00 feet;
- Thence N. 80°40'00" E., along said right-of-way line, 230.50 feet;
- Thence N. 31°15'56" E., along said right-of-way line, 150.00 feet;
- Thence N. 28°59'00" W., along said right-of-way line, 201.60 feet;
- Thence N. 31°15'56" E., along said right-of-way line, 2,592.58 feet to the point of beginning.

The area described contains 77.51 acres in Riley and Geary Counties.

2. At 9 a.m. on August 18, 1989, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on August 18, 1989, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on August 18, 1989, the land will be opened to applications and offers under the mineral leasing laws.

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16829 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-FB-M

43 CFR Public Land Order 6734

[MT-930-09-4214-10; MTM 42115]

Revocation of Executive Order No. 1500; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order which withdrew 40 acres of National Forest System land for the Rock Creek Administrative Site. The land is no longer needed for that purpose. The revocation is needed to permit consummation of an exchange. This action will open the land to surface entry and mining of nonmetalliferous minerals. The land has been and will remain open to mining of metalliferous minerals and mineral leasing.

EFFECTIVE DATE: August 18, 1989.

FOR FURTHER INFORMATION CONTACT:

James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2935.

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

1. Executive Order No. 1500, which withdrew the following described National Forest System land for Rock Creek Administrative Site, is revoked in its entirety:

Principal Meridian

Lolo National Forest

T. 23 N., R. 26 W.,

Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 40.00 acres in Sanders County.

At 9 a.m. on August 18, 1989, the land will be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry for nonmetalliferous minerals under the United States mining laws. Appropriation of land described in this order under the general mining laws for nonmetalliferous minerals prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Frank A. Bracken,

Under Secretary of the Interior.

July 12, 1989.

[FR Doc. 89-16830 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-DN-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Office of Child Support Enforcement

45 CFR Parts 302, 303, 304 and 305

RIN : 0970-AA50

**Child Support Enforcement Program:
Cooperative Arrangements**

AGENCY: Office of Child Support
Enforcement (OCSE), HHS.

ACTION: Final rule.

SUMMARY: This document contains six provisions that must be contained in all cooperative arrangements between child support enforcement (IV-D) agencies and courts and law enforcement officials. It also requires that cooperative arrangements meet these criteria in order to be eligible for Federal financial participation.

EFFECTIVE DATE: July 19, 1989.

FOR FURTHER INFORMATION CONTACT:
Andrew J. Hagan, Policy Branch, OCSE
(202) 252-5375.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Public reporting burden for the collection of information requirements at 45 CFR 302.34 (reporting) and 302.34 and 305.34 (recordkeeping) is estimated to average 43 and 240 minutes per response respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. A notice will be published in the *Federal Register* when OMB approves these information collection requirements under 3507 of the Paperwork Reduction Act.

Background

IV-D agencies enter into cooperative arrangements to obtain the assistance of courts and law enforcement officials in carrying out the functions of the IV-D program: The location of absent parents, the establishment of paternity and support obligations and the collection and enforcement of those obligations.

Under the prior regulation at 45 CFR 302.34, cooperative arrangements had to be in the form of a written agreement and had to meet certain criteria. These criteria included providing courts and law enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained from the State IV-A agency, pursuant to 45 CFR 235.70. Cooperative arrangements also had to provide for

assistance to the IV-D agency in carrying out the program and may have related to any other matters of common concern. Cooperative arrangements may have included provisions for the investigation and prosecution of fraud directly related to paternity and child and spousal support and provisions to reimburse courts and law enforcement officials for their assistance.

In May of 1980, OCSE issued a publication that addressed the major considerations and elements of a cooperative arrangement as part of its "Techniques for Effective Management of Program Operations (TEMPO)" series. The TEMPO publication was updated in March, 1988, in a publication titled "Improved Program Performance Through Professionally Managed Cooperative Agreements." Both contain specific recommendations and sample language for use in the development of effective cooperative arrangements. However, it appears that many States have not used the publications' recommendations when entering into cooperative arrangements and program performance may have been affected as a result.

Program audits and Regional Office reports indicate that some States do not ensure that the functions delegated under cooperative arrangements are carried out properly, efficiently and effectively. Since one third of all child support workers are employed through cooperative arrangements, we believe that greater accountability and control are necessary for arrangements between State IV-D agencies and other entities. Therefore, this rule includes additional specifications for cooperative arrangements as a condition for Federal financial participation in the costs incurred under those arrangements.

Two separate reviews were conducted on cooperative arrangements—in 1984 and again in late 1987. In the initial 1984 review, we compiled information and recommendations on the identification of problem areas and suggestions for improvements in the quality of cooperative arrangements. Copies of cooperative arrangements in effect in 1984 were obtained. In late 1987, we analyzed arrangements made in the period after the initial review to determine if awareness of the problem and new informational tools for improving performance under cooperative arrangements were sufficient to improve the quality of the cooperative arrangements negotiated since 1984. That analysis indicated no measurable improvement in the quality of the cooperative arrangements.

Because there has been little voluntary improvement and strengthening of cooperative arrangements to ensure accountability and efficient and effective operation of the IV-D program, we believe more specific requirements based on those elements of cooperative arrangements recommended in the 1980 and 1988 publications are essential. These requirements will improve the accountability of agencies providing IV-D services under cooperative arrangements and increase program cost effectiveness by ensuring that the delegated or contracted functions are carried out efficiently and effectively.

The requirements are effective October 1, 1989 for new arrangements and October 1, 1990 for arrangements existing prior to October 1, 1989. The delayed effective date for existing cooperative arrangements will allow States adequate time to renegotiate existing agreements to ensure compliance with these requirements.

Statutory Authority

This rule is published under the authority of section 1102 of the Social Security Act (the Act) which requires the Secretary to publish regulations that may be necessary for the efficient administration of the functions for which he is responsible under the Act.

Section 454(7) of the Act requires that each State plan for child and spousal support must "provide for entering into cooperative arrangements with appropriate courts and law enforcement officials (A) to assist the agency in administering the plan, including the entering into of financial arrangements with such courts and officials in order to assure optimum results under such program, and (B) with respect to any other matters of common concern to such courts or officials and the agency administering the plan."

Regulatory Provisions

45 CFR 302.34—State Plan Requirement

Prior regulations at 45 CFR 302.34 required States to enter into written agreements for cooperative arrangements with appropriate courts and law enforcement officials to provide certain services in carrying out the functions of the Child Support Enforcement program.

This regulation redesignates this section in its entirety as paragraph (a), and makes minor editorial changes to the language.

New paragraph (b) requires that all cooperative arrangements, entered into on or after October 1, 1989, contain the

provisions required under the new 45 CFR 303.107, and that cooperative arrangements existing prior to October 1, 1989, contain the provisions required under the new 45 CFR 303.107 by October 1, 1990.

45 CFR 303.107—Requirements for Cooperative Arrangements

This regulation adds a new § 303.107 entitled "Requirements for cooperative arrangements." This section specifies certain information which States must include in all cooperative arrangements with courts and law enforcement officials, in addition to the criteria required under § 302.34, as follows:

1. Section 303.107(a): Arrangements must contain a clear description of the specific duties, functions and responsibilities of each party

Any arrangement must clearly describe the duties, functions and responsibilities of each of the parties. The selection and definition of the duties, functions and responsibilities depends upon the identity, resources and skills of the parties involved. Once identified, those responsibilities must be clearly stated to avoid confusion by either party. In other words, the arrangement must specify clearly what will be done and who will do it. Since the State IV-D agency has the responsibility, under 45 CFR 303.20(b)(2), to evaluate the quality, efficiency, effectiveness, and scope of services provided under the plan, the State IV-D agency must monitor cooperative arrangements to ensure effective implementation of the terms of the arrangement and to identify any problems that may affect the delivery of services promised under the arrangement.

2. Section 303.107(b): Arrangements must specify clear and definite standards of performance which meet Federal requirements

An arrangement must specify clear and precise performance standards by which the terms of the arrangement and quality of services provided under the arrangement are measured. All arrangements should contain standards of performance that are measurable, consistent with Federal requirements, and acceptable to each party. These standards should be related specifically to the duties outlined.

The arrangements should contain both qualitative and quantifiable performance standards. Some examples of qualitative standards are accuracy and thoroughness. Examples of quantifiable standards are: How many specific actions must be taken; what

time frame is allowable for completion of a task, for example, paternity establishment; what collection levels must be maintained; or what ratio of costs to collections must be achieved. Reimbursement for services should be conditioned upon meeting the standards, as discussed further under financial arrangements.

Any performance standards contained in Federal regulations governing areas covered under cooperative arrangements must be met by the party who has entered into the arrangement with the IV-D agency.

Because the IV-D agency remains responsible for the implementation of the program, it must also retain authority for the interpretation of this material. Since program success depends upon mutual cooperation, there should be a common effort to develop reasonable standards which are ambitious, attainable and consistent with Federal requirements.

3. Section 303.107(c): Arrangements must specify that the parties will comply with title IV-D of the Act, implementing regulations and any other applicable Federal regulations and requirements

To ensure that all IV-D functions are performed in accordance with approved State plans and all relevant Federal requirements, the rule requires all arrangements to specify that applicable Federal requirements will be met by the parties to the arrangement. The State should ensure that key Federal and State laws or regulations that apply to the services and actions provided under the arrangement are available to the parties.

4. Section 303.107(d): Arrangements must specify the financial arrangements including budget estimates, covered expenditures, methods of determining costs, procedures for billing the IV-D agency and any relevant Federal and State reimbursement requirements and limitations

The financial section of the arrangement establishes the resources necessary to accomplish program objectives. In addition, the financial section not only controls expenditures but also ensures the propriety of those expenditures. Therefore, the rule requires all arrangements to specify in detail the financial terms under which the parties will carry out the arrangement. We strongly encourage States to link funding to performance in the terms and conditions of their cooperative arrangements. This link can be both positive and negative, e.g., increased funding for better performance and passing on any audit

or other penalties sustained by the State as an outgrowth of inadequate performance under the agreement. Ideally, States should negotiate terms that would allow them to pass on to the other parties to the arrangement the impact of those parties' performance.

We also suggest that arrangements contain detailed financial arrangements such as:

(1) The proportion in which expenditures are divided between the parties, e.g., State/county matching rate;

(2) If indirect costs are to be included in the arrangement, a statement on the computation of those indirect costs, including whether or not:

(A) A fixed rate is to be used and, if so, what that rate will be; or

(B) An estimate is to be used and, if so, how it is to be determined and how and when a final rate will be set; or

(C) A "lump sum" amount is to be negotiated each year;

(3) The base costs to which the indirect rate will be applied to determine the amount of eligible indirect costs that can be claimed;

(4) The type or cost of equipment purchases that will require prior approval;

(5) The method and cost threshold of depreciation; and

(6) If applicable, the method for passing through an appropriate share of the incentive payments to political subdivisions that participate in the costs of the program.

5. Section 303.107(e): Arrangements must specify the kind of records that must be maintained and the appropriate Federal, State and local reporting and safeguarding requirements

In framing the requirements for record maintenance and reporting, the State must comply with State and Federal reporting and record keeping requirements. The State also has the right to require that the parties to an arrangement keep and present information in a format compatible with its needs. Local needs may require still other kinds of information to be reported or variations in the reporting format. Therefore, the regulation requires that the arrangement specifies whatever reports or records are needed to meet Federal, State and local requirements.

Confidentiality of records deserves separate treatment in arrangements. It is vital that case information be disclosed only to authorized individuals and only for authorized purposes. The arrangement should specify who is to have access to information in case records and for what purpose. Federal and State legislation and regulations are

controlling. Federal regulations at 45 CFR 303.21 provide general guidance for the safeguarding of information. 45 CFR 303.70 requires agencies to take protective measures to safeguard personal information transmitted and received through the Federal Parent Locator Service. Additionally, States and localities which obtain certain address or asset information from the Internal Revenue Service are subject to the more stringent record keeping and safeguarding requirements of the Internal Revenue Code at 26 U.S.C. 6103(p)(4). Therefore, arrangements are required to specify that these requirements will be met.

6. Section 303.107(f): Arrangements must specify the dates on which the arrangement begins and ends, any conditions for revision or renewal, and the circumstances under which the arrangement may be terminated

To ensure that an existing arrangement responds to current conditions and needs, the regulation requires that the arrangement contain dates signifying when it begins and ends. A State might wish to limit the time frame on arrangements to one or two years. In addition, to protect the State from inadequate and deficient services, all arrangements are required to contain provisions that specify the conditions for revision or renewal and the circumstances under which the arrangement can be terminated. Conditions for revision of the cooperative arrangement during its effective period should include revisions for incorporating revised IV-D program requirements or to address program budget revisions. We also suggest that the arrangement provide, at a minimum, for termination as a result of clear violations of Federal or State law or of the agreement itself, or for failure to take appropriate corrective action. States may also wish to include a provision for a monetary penalty to avoid termination of an arrangement. Such a penalty could be used to boost performance and as an alternative to outright termination of the arrangement.

We also encourage States to include in arrangements provisions for dispute resolution, corrective action and procedures for implementing any necessary corrective action to be used at the discretion of the State. This will enable parties to correct deficiencies when review indicates that they are not meeting the terms of the arrangement or are performing poorly with respect to the defined performance standards. If the State requires the court or law enforcement official to take corrective action, the corrective action period

should be limited to a specified length of time. Although the period of time allowed for corrective action must be determined on a case-by-case basis, we suggest that States limit the corrective action period to three months since we believe that this time frame is generally sufficient to correct inadequate performance or other noted problems. Because there may be situations in which a State believes immediate termination is the best solution, corrective action may not be appropriate in all cases of poor performance.

45 CFR 304.21—Federal Financial Participation

Prior regulations at 45 CFR 304.21 stated the conditions that had to exist to make Federal financial participation available for costs incurred under cooperative arrangements.

This regulation makes minor editorial changes to the title of this section for purposes of consistency with § 302.34 and adds a new paragraph (b)(6).

The new paragraph (b)(6) requires that all cooperative arrangements contain the provisions in the new 45 CFR 303.107 as a condition for Federal financial participation. Regional office staff will evaluate any of these arrangements when necessary to ensure compliance with the new cooperative arrangement standards. If the review by Regional staff finds a cooperative arrangement is not in compliance with the requirements of 45 CFR 303.107, Federal financial participation will not be available for the costs associated with such arrangement until a determination is made that the cooperative arrangement meets the standards.

45 CFR 305.34—Audit Requirements

Prior regulations at 45 CFR 305.34 required that States enter into written cooperative arrangements with appropriate courts and law enforcement officials when necessary for the purpose of carrying out the functions of the IV-D program. This regulation adds a new sentence to require that all cooperative arrangements conform to the requirements at § 303.107.

Response to Comments

We received 24 comments in response to the Notice of Proposed Rulemaking published in the *Federal Register* on October 5, 1988, (53 FR 39110). Commenters included State and local child support agencies and State and local courts. One advocacy group submitted comments.

Section 302.34 State Plan Requirement

We received several comments concerning changes to 45 CFR 302.34, the State plan requirement that States enter into cooperative arrangements with appropriate courts and law enforcement officials.

1. *Comment:* One commenter recommended that the regulations clarify whether, in the case of a State-supervised, county-operated IV-D program, the local IV-D agencies may enter into cooperative arrangements with the local courts and law enforcement officials.

Response: Section 303.20(b) requires the State IV-D agency to have an organizational structure and sufficient staff to fulfill certain functions at the State level, including formal evaluation of the quality, efficiency, effectiveness, and scope of services provided under the plan and the financial control of the operation of the plan. Section 303.20(d) specifies that the State-level functions of formal evaluation of the quality, efficiency, effectiveness, and scope of services and the financial control of the operation of the plan may not be delegated by the State IV-D agency. Section 302.12(a)(2) specifies that the IV-D agency, except as provided in § 303.20, need not perform all the functions of the IV-D program so long that it insures that all these functions are being carried out properly, efficiently, and effectively. Therefore, the regulations at § 302.34 continue to permit both State and local IV-D agencies to enter into cooperative arrangements with appropriate courts and law enforcement officials.

We strongly encourage States to exercise more authority over cooperative arrangements by centralizing the cooperative arrangement function, or by mandating State IV-D review of locally developed cooperative arrangements, and by developing other mechanisms which enhance the State's control and oversight.

2. *Comment:* One commenter asked whether the new requirement that cooperative arrangements must meet the requirements of 45 CFR 303.107 applies only to those cooperative arrangements under which the court or law enforcement officials receive Federal funding under the IV-D program.

Response: Federal requirements regarding cooperative arrangements apply to any cooperative arrangement between State IV-D agencies and courts or law enforcement officials whether or not the courts or law enforcement

officials receive Federal funding under the IV-D program.

3. *Comment:* One commenter asked if the cooperative arrangement requirements apply only to cooperative arrangements that the State IV-D agency has with courts and law enforcement officials or whether the requirements also apply to cooperative arrangements with other agencies (e.g., welfare departments, vital statistics recorders, data processing agencies).

Response: Section 454(7) of the Act addresses only cooperative arrangements with courts and law enforcement officials to assist in the administration of the State plan. Therefore, States are not required to include the cooperative arrangement criteria under § 303.207 in cooperative arrangements with other agencies. However, these criteria are basic elements of any contractual arrangement and including them in any cooperative arrangement will improve the accountability and performance of those involved in IV-D activities.

4. *Comment:* One commenter suggested that 90 percent Federal funding should be available for the costs associated with the monitoring and enforcing of cooperative arrangements by IV-D agency staff.

Response: Section 455 of the Act does not authorize enhanced Federal funding for staff to monitor and enforce cooperative arrangements.

Section 303.107 Requirements for Cooperative Arrangements

Section 303.107(a): Arrangements must contain a clear description of the specific duties, functions and responsibilities of each party

Comment: Several commenters asked whether the more detailed criteria required in 45 CFR 303.107 would necessarily result in more effective, efficient and cost-effective cooperative arrangements. One commenter suggested that the Federal audits are already an effective monitoring mechanism to identify deficiencies in cooperative arrangements.

Response: As discussed earlier, audits and program reviews indicate to us that some States do not ensure that the functions delegated under cooperative arrangements are carried out properly, efficiently and effectively. There has been little voluntary effort to strengthen cooperative arrangements, under which nearly one third of all child support enforcement workers are employed, despite the need to ensure accountability and efficient and effective operation of the IV-D program. Further, these new requirements are

basic elements of administering cooperative arrangements or any contractual arrangement, i.e., clearly delineated responsibilities and expectations as conditions for reimbursement. They will also focus sorely-needed attention on improving performance under cooperative arrangements.

The purpose of the Federal audit is to evaluate the State IV-D program's substantial compliance with the title IV-D requirements. The audit does not substitute for the State's responsibility, under § 303.20, to monitor the quality, efficiency, effectiveness, and scope of services provided under the IV-D program. A State that monitors services provided under cooperative arrangements will ensure that IV-D services are administered effectively and efficiently, rather than risk financial penalties as a result of a Federal audit that determines IV-D requirements are not being met. For these reasons, we believe it is essential to include specific criteria for cooperative arrangements under the IV-D program in Federal regulations.

Section 303.107(b): Arrangements must specify clear and definite standards of performance which meet Federal requirements

1. *Comment:* Four commenters suggested that we specify quantitative and qualitative standards for specific performance, including time limits, number of actions per caseload and staffing levels per caseload. One commenter requested that national standards, with possible consideration of regional adjustments, be established. Some commenters requested we delay cooperative arrangement requirements until Federal performance standards regulations currently under development have been finalized.

Response: Soon after the October 5, 1988 publication of these regulations in proposed form, the President signed the Family Support Act of 1988 (Pub. L. 100-485) on October 13, 1988. Section 121 of Pub. L. 100-485 revised section 452 of the Act to require the Secretary to develop, by August 1, 1989, regulations that establish time limits for State IV-D agencies in accepting and responding to requests for IV-D services. The regulations being developed in response to section 121 will establish specific performance standards for a State's IV-D program. Any entity providing services under the IV-D program, whether services are provided by the IV-D agency directly or under cooperative arrangement, must meet those standards. Until those revised standards are effective, cooperative

arrangement standards of performance must be consistent with existing Federal program standards under 45 CFR Parts 302 and 303. Once revised standards are effective, which should coincide with the effective dates of the requirements in this final rule on all cooperative arrangements, the State must ensure that performance standards included under a cooperative arrangement are revised to be consistent with Federal requirements.

2. *Comment:* Several commenters expressed concern that the IV-D agencies may require courts and law enforcement officials to meet higher performance standards than are required of the IV-D agencies themselves.

Response: Cooperative arrangements must specify clear and definite standards of performance which meet Federal requirements. However, the terms and conditions of the arrangement are negotiable as long as they are consistent with Federal requirements. Therefore, IV-D agencies may negotiate cooperative arrangements which have higher standards of performance than those mandated in Federal regulations.

3. *Comment:* Several commenters believe that the regulations do not consider cooperative arrangements to be cooperative partnerships between IV-D agencies and courts and law enforcement officials with negotiation and accommodation by each side. Others supported the additional requirements.

Response: We agree that cooperative arrangements should be reached by a process of negotiation rather than being dictated by one of the parties. However, the State IV-D agency cannot agree to a cooperative arrangement which contains provisions that are inconsistent with Federal requirements.

4. *Comment:* One commenter asked if a State should withhold reimbursement under a cooperative arrangement for failure to meet the standards of performance.

Response: As discussed previously, we strongly encourage States to link funding to performance in the terms and conditions of their cooperative arrangements. States currently face financial consequences in the form of audit penalties for failing to meet program requirements and in the future the possibility of penalties under the program will be linked to compliance with Federal performance standards published as a result of Pub. L. 100-485. Therefore, States may wish to pass these financial consequences on to those under cooperative arrangement. By the same token, States may wish to provide

additional financial incentives for performing in an exemplary manner as the States themselves receive incentives based on their performance under the program.

5. *Comment:* One commenter requested that the unit cost concept it uses be allowed to be incorporated into the performance standards specified in the cooperative arrangements. Under that concept, a unit of activity to be performed and the cost for that activity are identified. Under the State's proposal, the unit of service additionally would include acceptable timeframes for completion of the activity. If the unit of activity is not completed properly and within the specified timeframe, reimbursement would be withheld.

Response: States may use such a concept as a performance standard in cooperative arrangements as long as the Federal performance standards are met or exceeded.

Section 303.107(c): Arrangements Must Specify That the Parties will Comply With Title IV-D of the Act, Implementing Regulations and any Other Applicable Federal Regulations and Requirements

Comment: One commenter requested that the requirements referenced in § 303.107(c) be spelled out and that States be given the opportunity to comment on them prior to implementation of § 303.107(c).

Response: Since the inception of the IV-D program, State IV-D agencies have been responsible, under § 302.12(a)(3), for ensuring that child support enforcement services were provided under the State's IV-D plan in accordance with Federal requirements. Those requirements are set forth in title IV-D of the Act and implementing regulations at 45 CFR Parts 301 through 307. States and others are given the opportunity to comment on proposed regulations when they are published, as was the case with § 303.107. This new requirement merely reiterates that those under cooperative arrangement must provide services in accordance with Federal requirements as they should have been doing already.

Section 303.107(d): Arrangements Must Specify the Financial Arrangements Including Budget Estimates, Covered Expenditures, Methods of Determining Costs, Procedures for Billing the IV-D Agency and any Relevant Federal and State Reimbursement Requirements and Limitations

1. *Comment:* Two commenters requested that OCSE require, rather than just encourage, that financial incentives be passed through by the

IV-D agency to those under cooperative arrangement.

Response: Section 454(22) of the Act, and 45 CFR 303.52(d), specify that the State shall determine the appropriate share of incentive payments each political subdivision participating in the costs of the IV-D program should receive. There is no statutory requirement that incentives be paid to those under cooperative arrangement with the IV-D agency unless those under cooperative arrangement meet the definition of a political subdivision and are participating in the costs of the program. A political subdivision is defined in 45 CFR 303.52(a) as "a legal entity of the State as defined by the State, including a legal entity of the political subdivision so defined, such as a Prosecuting or District Attorney or a Friend of the Court."

States are given much discretion to determine the best way to fund their IV-D programs, including how to use incentives paid to the State. While we strongly encourage States to pay incentives to reward exceptional performance in providing services, we believe Congress intended that States should determine how best to reward performance.

2. *Comment:* Another commenter suggested that audit penalties and disallowances, as well as incentives, should also be passed along by the IV-D agency to the courts and law enforcement officials under cooperative arrangements so that the courts and law enforcement officials will experience the rewards and punishments that result from their performance.

Response: We agree that cooperative arrangements should provide rewards and penalties for performance as part of the specification of financial arrangements in the cooperative arrangement. However, as indicated in the prior response to comment, States are allowed much flexibility to determine the specifics of operating their IV-D programs, including their cooperative arrangements. Our relationship is with the State, and the State is responsible for operating its program in a way that meets Federal requirements. How the State decides to accomplish that responsibility, including the specifics of its relationship with local agencies or those under cooperative arrangement is left largely to the State, within the constraints of Federal law and regulations.

3. *Comment:* One commenter requested that incentives be extended to all collections under cooperative arrangements, including non-AFDC collections beyond the AFDC incentive ceiling and medical support collections.

Response: Section 458 of the Act and 45 CFR 303.52(b) specify the formula for providing incentive payments to States. There is no Federal statutory or regulatory prohibition on States using their own funds to provide additional incentives to their political subdivisions or to those under cooperative arrangement for meeting or exceeding performance standards established in the cooperative arrangements. In fact, we have always encouraged States to do so, particularly with respect to providing incentives for cost avoidance as a result of families remaining self-sufficient as a result of child support collections or health insurance coverage.

4. *Comment:* Some commenters were concerned that failure to meet the Federal requirements with respect to cooperative arrangements could result not only in the loss of Federal funding for the costs incurred under cooperative arrangement but also could jeopardize funding of the entire State's IV-D program for failure to meet State plan requirements.

Response: After the effective dates (October 1, 1989 for new cooperative arrangements, and October 1, 1990 for cooperative arrangements entered into prior to October 1, 1989), the State plan must certify that the criteria contained in 45 CFR 303.107 are contained in all cooperative arrangements. The commenter is correct that failure of a State to certify that cooperative arrangements meet Federal requirements in § 303.107 could result in disapproval of the IV-D State plan and loss of all Federal funding of the IV-D program and that failure of cooperative arrangements to meet these requirements could result in audit penalties. Since nearly a third of all child support workers are employed through cooperative arrangements, we believe these requirements are essential for proper control of activities under the IV-D plan.

5. *Comment:* One commenter requested clarification of whether reference to the methods of determining costs in cooperative arrangements is permissible or whether actual cost regulations must be included in the cooperative arrangement.

Response: The cooperative arrangement may refer to another document containing the specific method of determining costs or other financial arrangement details, providing that such referenced documents are provided to the court or law enforcement official working under the cooperative arrangement.

6. *Comment:* One commenter suggested that only cooperative

arrangements with annual expenditures above a specified dollar amount (e.g., \$100,000) should be required to meet the criteria in 45 CFR 303.107.

Response: We believe that the need for accountability and enunciation of clear responsibilities under a cooperative arrangement is necessary under all circumstances. Any cooperative arrangement should ensure that the State receives appropriate services and value for its expenditures.

7. *Comment:* One commenter wanted cooperative arrangements to refer to Statewide application fees and recovery of cost policy to avoid separate fees and charges by counties.

Response: Federal law and regulations do not prohibit States from charging fees other than those authorized in regulations. Accordingly, we do not have the authority to limit charging of fees to those specified in Federal regulations if fees are charged in all child support enforcement cases in the State regardless of whether or not they are IV-D cases. Such fees must be reported as program income if the charging entity is under cooperative arrangement. However, we urge States to make non-AFDC cost recovery requirements under § 302.33 and program income requirements under § 304.50 clear in any cooperative arrangements with courts and law enforcement officials.

Section 303.107(e): Arrangements Must Specify the Kind of Records That Must be Maintained and the Appropriate Federal, State and Local Reporting and Safeguarding Requirements

Comment: One court expressed concern that recordkeeping requirements in the cooperative arrangement regulations might become burdensome or interfere with the actual delivery of the legal services, and would also have the potential for violating the attorney-client privilege.

Response: The recordkeeping requirements referenced in 45 CFR 303.107(e) are not being added by this regulation. State IV-D agencies, and courts and law enforcement officials under cooperative arrangements with the State IV-D agencies, have always been responsible for adequate recordkeeping and reporting and the safeguarding of confidential information, under section 454(10) of the Act and 45 CFR 302.15 and 303.21. This new regulation merely clarifies that courts and law enforcement officials under cooperative arrangement with the State must meet the appropriate recordkeeping, reporting and safeguarding requirements that the State IV-D agencies are required to meet.

Section 303.107(f): Arrangements Must Specify the Dates on Which the Arrangement Begins and Ends, any Conditions for Revision or Renewal, and the Circumstances Under Which the Arrangement May Be Terminated

1. *Comment:* Some commenters recommended we require States to limit the cooperative arrangement timeframes to one or two years. Another commenter wanted a one-year maximum, while others suggested longer timeframes (e.g., until the term of office ends for the official operating under the cooperative arrangement).

Response: We believe States should determine the length of cooperative arrangements. Timeframes of one or two years for cooperative arrangements will help ensure maximum performance and avoid complacency because of an extended effective period. Close supervision and frequent reevaluation of the terms of the cooperative arrangement are essential to ensure that the goals of the program, Federal expectations and requirements, and the needs of children continue to be met.

2. *Comment:* Two commenters recommended that States allow corrective action periods of three to six months. Another commenter recommended 12 months for corrective action since a major deficiency could take that long to correct.

Response: The length of allowed time for corrective action should be determined on a case-by-case basis. However, it should be noted that since, under the requirements of 45 CFR 302.10(c)(2), the State IV-D agency has the responsibility for oversight of IV-D operations performed by other agencies and offices, a major deficiency should not occur if proper oversight is exercised.

3. *Comment:* Other commenters have recommended that cooperative arrangements contain specific provisions for revising the cooperative arrangement during the timeframe it is in effect (e.g., budget revisions, revisions necessary to ensure compliance with revised requirements) and for resolution of disputes between the parties.

Response: We agree that cooperative arrangements should specify conditions for revising the cooperative arrangement during the timeframe it is in effect, for example, to ensure compliance with changing Federal or State requirements. Therefore, we have revised 45 CFR 303.107(f) to specify that States must ensure that all cooperative arrangements specify any conditions for revision.

We also encourage, although we have not required, States to include

provisions in cooperative arrangements for the resolution of disputes short of termination. Under appropriate circumstances, the parties to a cooperative arrangement which may be ambiguous or subject to different interpretations should discuss and attempt to resolve disputes and, if warranted, renegotiate the cooperative arrangement rather than terminate the arrangement. However, careful drafting of cooperative arrangements and discussion of the meaning of all terms and conditions should minimize disputes once an arrangement is signed.

Section 304.21 Federal Financial Participation

We received several comments addressing the requirements of the new paragraph 45 CFR 304.21(b)(6) that all cooperative arrangements contain the provisions in the new 45 CFR 303.107 as a condition of receiving Federal financial participation.

Comment: One commenter requested clarification as to the effective date of the provision that Federal funding is not available for cooperative arrangements which do not meet the requirements of 45 CFR 303.107.

Response: The effective date for the revision to 45 CFR 304.21(b)(6) is the same as for the rest of this revised regulation. Federal funding is only available for new cooperative arrangements, entered into on or after October 1, 1989, that contain the provisions of 45 CFR 303.107. For cooperative arrangements operating prior to October 1, 1989, States have until October 1, 1990 to comply with the requirement that their existing cooperative arrangements also contain the provisions of 45 CFR 303.107. After the appropriate effective date, if a cooperative arrangement is found not to contain the criteria required in 45 CFR 303.107, no Federal funding is available for costs incurred under the cooperative arrangement until a determination is made that the cooperative arrangement complies with the requirements of § 303.107.

Section 305.34 Audit Requirements

We had one comment concerning the addition of a new sentence in 45 CFR 305.34 requiring that all cooperative arrangements conform to the requirements at the new 45 CFR 303.107.

Comment: One commenter requested that OCSE provide States with model cooperative arrangement language, as specific as possible and acceptable to auditors as meeting the requirements.

Response: Specific terms and conditions of the cooperative

arrangement should be negotiated with the individual provider to best meet the needs of the State. There are two OCSE publications, issued in May, 1980 and March, 1988, discussed earlier in this document, which contain specific recommendations and sample language for the development of effective cooperative arrangements.

Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), we are required to prepare a regulatory flexibility analysis for those rules which have a significant economic impact on a substantial number of small entities. The principle impact of this regulation is on State IV-D agencies which are required to revise only those existing cooperative arrangements which do not meet the new requirements. This regulation could potentially save money for both the Federal Government and the States by controlling amounts spent on and ensuring adequate performance under cooperative arrangements.

States enter into cooperative arrangements to obtain the assistance of courts and law enforcement officials in carrying out the functions of the IV-D program: The location of absent parents, the establishment of paternity, the establishment of support obligations, and the enforcement and collection of those obligations.

Federal regulations at 45 CFR 304.21 provide that Federal financial participation, at the applicable matching rate, is available for the costs of cooperative arrangements. The intent of this regulation is to specify certain conditions all cooperative arrangements must meet to increase the effectiveness of the IV-D program and to ensure that States get what they pay for.

This regulation strengthens the prior regulation and may result in initial additional costs when States renegotiate and revise their existing cooperative arrangements. However, we believe that the renegotiated arrangements will result in services being provided at a substantial net savings to State and Federal governments due to the increased specificity and effectiveness of such arrangements. States will be in a better position to ensure effective operation of the program by controlling the performance of those under cooperative arrangements.

Therefore, these regulations would not have a significant economic impact on a substantial number of small entities and a regulatory flexibility analysis is not required.

Regulatory Impact Analysis

The Secretary has determined, in accordance with Executive Order 12291 that this rule does not constitute a "major" rule for the following reasons:

(1) The annual effect on the economy is less than \$100 million:

(2) This rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(3) This rule will not result in 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.

As discussed above, this regulation will result in net savings for State and Federal governments because of improved performance of services specified under cooperative arrangements, and improved accountability under those arrangements.

Federalism Impact Analysis

Executive Order 12612 requires Federal agencies, in formulating and implementing policies and regulations, to assess the impact of these on federalism. For those rules that have a significant effect on the roles, rights, and responsibilities between the States and the Federal government, a federalism impact analysis is required.

There is one federalism issue we have identified in this analysis that may affect the institutional relationship between the States and the Federal Government. This relates to the addition of the six provisions which are required in all cooperative arrangements.

The six provisions as submitted in this regulation are designed to improve the accountability of courts and law enforcement officials providing IV-D services under cooperative arrangements to the State. These new provisions will strengthen the State's authority by ensuring that delegated or contracted functions are carried out as the State intended and by delineating the consequences of a subgrantee's failure to meet their responsibilities. The Federal government holds States accountable for program services and the States need the authority to hold those actually providing those services accountable. These six new provisions are in no way intended to preempt State law. They are minimal standards which should be part of any contract.

List of Subjects

45 CFR Part 302

Child support, Grant programs—social programs, Reporting and recordkeeping requirements, Unemployment compensation.

45 CFR Part 303

Child support, Grant programs—social programs, Reporting and recordkeeping requirements.

45 CFR Part 304

Child welfare, Federal financial participation, Grant programs—social programs, Reporting and recordkeeping requirements.

45 CFR Part 305

Accounting, Child support, Grant programs—social programs, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program No. 13.783, Child Support Enforcement Program)

Dated: May 17, 1989.

Laurence Love,

Acting Director, Office of Child Support Enforcement.

Approved: May 26, 1989.

Louis W. Sullivan,

Secretary.

For the reasons set out in the preamble, Title 45 Chapter III of the Code of Federal Regulations is amended as follows:

PART 302—[AMENDED]

1. The authority citation for Part 302 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

2. Section 302.34 is revised to read as follows:

§ 302.34 Cooperative arrangements.

(a) The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law enforcement officials. Such arrangements may be entered into with a single official covering more than one court, official, or agency, if the single official has the legal authority to enter into arrangements on behalf of the courts, officials, or agencies. Such arrangements shall contain provisions for providing courts and law enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to

the court or law enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the arrangement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under matters of common concern, such arrangements may include provisions for the investigation and prosecution of fraud directly related to paternity and child and spousal support, and provisions to reimburse courts and law enforcement officials for their assistance.

(b) Cooperative arrangements entered into on or after October 1, 1989 must meet the criteria prescribed under § 303.107 of this chapter. Cooperative arrangements existing prior to October 1, 1989 must meet the criteria prescribed under § 303.107 of this chapter by October 1, 1990.

PART 303—[AMENDED]

3. The authority citation for Part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

4. Part 303 is amended by adding § 303.107 to read as follows:

§ 303.107 Requirements for cooperative arrangements.

The State must ensure that all cooperative arrangements:

(a) Contain a clear description of the specific duties, functions and responsibilities of each party;

(b) Specify clear and definite standards of performance which meet Federal requirements;

(c) Specify that the parties will comply with title IV-D of the Act, implementing Federal regulations and any other applicable Federal regulations and requirements;

(d) Specify the financial arrangements including budget estimates, covered expenditures, methods of determining costs, procedures for billing the IV-D agency, and any relevant Federal and State reimbursement requirements and limitations;

(e) Specify the kind of records that must be maintained and the appropriate Federal, State and local reporting and safeguarding requirements; and

(f) Specify the dates on which the arrangement begins and ends, any conditions for revision or renewal, and the circumstances under which the arrangement may be terminated.

PART 304—[AMENDED]

5. The authority citation for Part 304 continues to read as follows:

Authority: 42 U.S.C. 651 through 654, 657, 660, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

6. Section 304.21 is amended by revising the heading, replacing the period at the end of paragraph (b)(5) with “; and” and adding a new paragraph (b)(6) to read as follows:

§ 304.21 Federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials.

(b) * * *
 (6) Costs of cooperative arrangements that do not meet the requirements of § 303.107 of this chapter.

PART 305—[AMENDED]

8. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 603(h), 604(d), 652(a)(1) and (4), and 1302.

9. Section 305.34 is amended by adding a sentence to the end of the current language to read as follows:

§ 305.34 Cooperative arrangements.
 * * * The cooperative arrangements must meet the requirements at § 303.107 of this chapter.

[FR Doc. 89-16786 Filed 7-18-89; 8:45 am]
 BILLING CODE 4150-04-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 9]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Technical Amendments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendments; final rule.

SUMMARY: This notice contains technical amendments of the final rule published on May 9, 1989, which revised requirements for headlamps. Section S7.4 is reparagraphed for clarity on the basis of early public reaction. A reference in paragraph (f) of section S7.5

to other paragraphs is corrected. Relevant revisions of equipment and location requirement paragraphs, and the Tables in Motor Vehicle Safety Standard No. 108 were not made, and the technical amendments of this notice complete the revisions of that standard. The notice also corrects typographical errors appearing in the final rule.

EFFECTIVE DATE: The amendments are effective on July 19, 1989.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, National Highway Traffic Safety Administration, Washington, DC 20590 (202-366-5263).

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* was republished in its entirety on May 9, 1989, and amended to incorporate revised requirements for headlamps (54 FR 20066). One of these amendments was the adoption of Section S7.4. Early public reaction indicates that readers find the paragraphing confusing. To clarify the rule, the agency is deleting a redundancy created by paragraphs (a)(1) through (a)(5) of that section, and redesignating the succeeding paragraphs of S7.4.

Additionally, paragraph (f) of Section S7.5 references “paragraphs (e) and (f)” when the correct reference is to “paragraphs (d) and (e)”, and the notice corrects this error.

Because all headlighting performance requirements are now specified in new section S7 (other than for motorcycles), the continued reference to them in the “required equipment” Tables I and III is unnecessary, and NHTSA is amending the Tables to omit them. A corresponding corrective amendment is made to paragraph S5.1.1. Certain locational requirements also now appear in section S7, and their continued presence in “location” Tables II and IV are unnecessary. They are deleted. A corresponding corrective amendment is made to paragraph S5.3.1. The final rule contained several typographical errors, some attributable to NHTSA, others to the Federal Register. They are corrected.

Because the amendments are technical in nature and have no substantive impact, it is hereby found that notice and public comment thereon are unnecessary. Further, because the amendments are technical in nature, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance of the rule is in the public interest, and the amendments are

effective upon publication in the Federal Register.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing Part 571 of 49 CFR is amended as follows:

PART 571—[AMENDED]

1. The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50

§ 571.108 [Amended]

2. Paragraph S5.1.1 is amended by adding the words "and S7," after the words "Tables I and III." The word "of" appearing between "Standards" and "Recommended" is corrected to read "or".

3. In paragraph S5.1.1.7 in the sentence beginning "If multiple compartment lamps" the word "effected" is corrected to read "effective".

4. Paragraph S5.3.1 is amended by adding the words "and S7," in the text after "S5.3.1", and by revising the phrase "Table I or III and in location" to read "Table I and Table III, as applicable, and S7, and in the location".

5. The second paragraph designated "S5.3.1" (that begins "Except as provided in S5.3.1.1") is redesignated S5.3.1.1.

6. In paragraph S5.7.1 the word "conform" is corrected to read "conform".

7. In paragraph S7.3.5, the word "hardware" is corrected to read "hardware".

8. In paragraph (c)(2) of paragraph S7.3.8, the figure "20 in/lbs" is corrected to read "20 in.-lbs."

9. In paragraph (c) of paragraph S7.3.9, in the first sentence the word "and" appearing between "both" and "upper" is corrected to read "an".

10. The paragraph immediately following paragraph (k) of paragraph S7.4 is correctly designated paragraph (l).

11. In newly designated paragraph (l) of paragraph S7.4, paragraphs (i) through (viii) and corresponding references in the introductory text are correctly designated paragraphs (1) through (8).

12. In newly designated paragraph (l)(2) of paragraph S7.4, the word "deterioration" is corrected to read "deterioration".

13. In newly designated paragraph (l)(5) of paragraph S7.4, paragraphs (A) and (B) and corresponding references in the introductory text are correctly designated paragraphs (i) and (ii) respectively.

14. Paragraph S7.4(a) is revised as follows:

(a) The system shall provide in total not more than two upper beams and two lower beams of the performance described in one of the following:

(1) In a four-headlamp system, each upper beam headlamp and each lower beam headlamp shall be designed to conform to the photometrics of one of the following:

(i) Figure 15; or

(ii) Figure 15 except that the upper beam test values at 2½ D-V and 2½ D-12R and 12L shall apply to the lower beam headlamp and not to the upper beam test point value at 1½ D-9R and 9L shall be 1000, or

(iii) Table 2 of SAE J579 DEC84.

(2) In a two-headlamp system, each headlamp shall be designed to conform to the photometrics of one of the following:

(i) Figure 17; or

(ii) Table 1 of SAE J579 DEC84.

(3) In a system in which there is more than one beam contributor providing a lower beam, and/or more than one beam contributor providing an upper beam, each beam contributor in the system shall be designed to meet only the photometric performance requirements of Figure 15 based upon the following mathematical expression: conforming test point value = 2 (Figure 15 test point value)/total number of lower or upper beam contributors for the vehicle, as appropriate. The system shall be designed to use the Vehicle Headlamp Aiming Device (VHAD) as specified in paragraph S7.7.5.2.

14A. In paragraph S7.4, paragraphs (b), (c), and (d) are removed and paragraphs (e), (f), (g), (h), (i), (j), (k), and newly designated (l) are redesignated respectively paragraphs (b), (c), (d), (e), (f), (g), (h), and (i).

14B. In newly designated paragraph S7.4(e), the reference "S7.4(b)" is changed to read "S7.4(a)(1)".

14C. In newly designated paragraph S7.4(f), the phrase "subsections (a) through (d) of this section" is changed to read "paragraph S7.4(a)".

15. In paragraph (f) of paragraph S7.5, the phrase "paragraphs (e) and (f)" is revised to read "paragraphs (d) and (e)."

16. In paragraph (f) of paragraph S7.6 (as redesignated in the amendments published on June 29, 1989 (54 FR 27362, at 27368)), the word "Figures" in the penultimate sentence is corrected to read "Figures".

17. In paragraph (a) of paragraph S7.7.5.1, the word "downwad" is corrected to read "downward".

18. In paragraph S7.7.5.2, the following corrections are made:

(a) The first paragraph (a)(1)(vi) appearing after (a)(1)(iv) is correctly designated (a)(1)(v).

(b) In paragraph (a)(2)(iv) the word "horizontal" is corrected to read "horizontal".

(c) In paragraph (b), the words "set a 'O'" appearing in the penultimate sentence are corrected to read "set at 'O'", and

(d) In paragraph (c)(3)(iv) the word "small" appearing in the last sentence is corrected to read "shall".

19. In paragraph (b) of paragraph S8.4, the word "hours" appearing at the end of the third sentence is corrected to read "hour".

20. In paragraph S8.7, in the penultimate sentence the phrase "73 + / - 7 - 0 degrees F (20 + / - 4 - 0 degrees C)" is corrected to read "73 + 7 - 0 degrees F (23 + 4 - 0 degrees C)".

21. In the Title of Table I in § 571.108 the words "OTHER THAN HEADLAMPS" are added after the word "EQUIPMENT"; in Table I the entire entry for "Headlamps" is removed.

22. In Table III in § 571.108, the two paragraphs associated with headlamps under the second column are removed, and the words "See S7" substituted; the two paragraphs of SAE references under the fifth column associated with headlamp paragraphs of the second column are removed.

23. The second columns of Table II and Table IV in § 571.108 are amended by removing the second sentence of the paragraph associated with headlamps (which begins "If a single . . ."), and by adding a sentence to read "See also S7."

Issued on: July 12, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89-16650 Filed 7-18-89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 81132-9033]

Groundfish of the Gulf of Alaska

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the portion of the total allowable catch (TAC) of sablefish allocated to hook-and-line gear in the

Western Regulatory Area of the Gulf of Alaska will be taken by July 13, 1989. The Secretary of Commerce (Secretary) is prohibiting retention of sablefish by longline vessels fishing in this area from 12:00 noon, Alaska Daylight Time (ADT), on July 13, 1989, through December 31, 1989.

DATES: Effective from 12:00 noon, ADT, on July 13, until midnight, Alaska Standard Time, December 31, 1989. Public comments may be submitted to the Regional Director through July 28, 1989.

ADDRESS: Comments should be addressed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker, Fishery Management Biologist, 907-586-7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act. Regulations implementing the FMP are at 50 CFR Part 672. Section 672.20(a) of the regulations establishes an optimum yield (OY) range of 116,000-800,000 metric tons (mt) for all groundfish species in the Gulf of Alaska. TACs for target species and species groups are specified annually within the OY range and apportioned among the regulatory areas and districts.

Section 672.24(b)(1) of current regulations restricts the hook-and-line catch of sablefish in the Western Regulatory Area to 80 percent of the TAC. The 1989 TAC specified for sablefish in this area is 3,770 mt (54 FR 6524, February 13, 1989); the portion of the TAC allocated to hook-and-line gear is 3,020 mt. Under section 672.24(b)(3)(ii), if the share of the sablefish TAC assigned to any type of gear for any area or district is reached, further catches of sablefish must be treated as prohibited species by persons using that type of gear for the remainder of the year.

The directed hook-and-line fishery for sablefish started April 1, 1989. The Regional Director reports that vessels using hook-and-line gear have landed 2,917 mt of sablefish through July 8 in the Western Regulatory Area. At recent catch rates, the balance of the 3,020 mt will be harvested by July 13, 1989.

Therefore, pursuant to § 672.24(b)(3)(i), the Secretary is prohibiting retention of sablefish caught with hook-and-line gear in the Western Regulatory Area effective 12:00 noon, ADT, July 13, 1989.

Allocation of the sablefish resource between hook-and-line and trawl gear in the Western Regulatory Area will be jeopardized unless this notice takes effect promptly. NOAA therefore finds for good cause that prior opportunity for public comment on this notice is contrary to the public interest and its effective date should not be delayed.

Public comments on the necessity for this action are invited for a period of 15 days after the effective date of this notice. Public comments on this notice of closure may be submitted to the Regional Director at the address above through July 28, 1989. If written comments are received which oppose or protest this action, the Secretary will reconsider the necessity of this action, and, as soon as practicable after that reconsideration, will publish in the *Federal Register* a notice either of continued effectiveness of the adjustment, responding to comments received, or that modifies or rescinds the adjustment.

Classification

This action is taken under § 672.22 and 672.24, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: July 13, 1989.

Richard H. Schaefer,

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

[FR Doc. 89-16833 Filed 7-13-89; 4:48 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

[Docket No. 90652-9152]

High Seas Salmon Fishery Off Alaska

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

ACTION: Notice of Closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery for chinook salmon throughout the U.S. exclusive economic zone (EEZ) off Southeastern Alaska and closes the "Outer Fairweather Grounds" for all commercial salmon fishing. This action is necessary to conserve chinook salmon stocks. The intent of this action is to prevent overfishing and to ensure that the harvest of chinook salmon does not exceed the limit imposed by the Pacific Salmon Treaty. This action complements similar closures of the

commercial troll fishery in waters managed by the State of Alaska.

DATE: This notice is effective from 11:59 p.m. Alaska Daylight Time (ADT), July 13, 1989, until 12 midnight, September 20, 1989. Public comments are invited until August 11, 1989.

ADDRESSES: Send comments to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668. During the 30-day public comment period, the data upon which this notice is based will be available for public inspection during the hours of 8:00 a.m. to 4:30 p.m. (ADT) Monday through Friday at the NMFS Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Aven M. Andersen (Fishery Management Biologist, NMFS) 907-586-7229.

SUPPLEMENTARY INFORMATION: The Pacific Salmon Treaty (Treaty) and the Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska (FPM) govern the salmon fisheries in the EEZ off the coast of Alaska east of 175° east longitude. The FMP was developed and amended by the North Pacific Fishery Management Council. Regulations implementing the FMP (50 CFR Part 674) were issued under section 7(a) of Pub. L. 99-5, the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 *et seq.*) and under section 305 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Closure of the Chinook Fishery

The Secretary issued a final rule, effective June 30, 1989, announcing the 1989 time and area limitations for the harvest of chinook and other species of salmon for the commercial troll fishery in the EEZ off Southeast Alaska (54 FR 28423). That rule provided for the closure of the chinook salmon troll fishery when 221,000 chinook salmon were harvested from the base stocks.

Base stocks consists of those wild and hatchery stocks that were being harvested in the fishery when the Treaty was signed. Base stocks do not include supplemental stocks resulting from salmon enhancement activity conducted by the State of Alaska after the Treaty was signed. Supplemental stocks are identified through the recovery of coded wire tags.

No separate harvest quotas were established for supplemental stocks and the harvest of these fish is permitted as long as the harvest quota for the base stocks is not reached. Separate harvest

quotas are not established for the EEZ and State waters.

The predicted total allowable harvest of chinook salmon was 305,200. This amount consisted of 263,000 chinook salmon from the base stocks, as authorized by the harvest quota established by the Pacific Salmon Commission, plus an estimated 42,200 chinook salmon from supplemental stocks.

The original forecast for the total allowable harvest of chinook salmon for the troll fishery was at least 247,000 fish. This amount consisted of 221,000 chinook salmon from the base stocks, as allocated to the troll fishery under harvest guidelines established by the State of Alaska, plus an estimated 26,000 (at least) chinook salmon from supplemental stocks.

The 1989 winter troll fishery harvested about 35,000 chinook salmon and an additional 35,000 chinook were taken in the June experimental troll fisheries. The Alaska Department of Fish and Game was managing the 1989 summer troll fishery so that 177,000 chinook salmon would be harvested and thus, a predicted total allowable harvest of 247,000 chinook salmon would be achieved.

The ADF&G estimates that the summer commercial troll fishery will have harvested 177,000 chinook salmon by midnight July 13, 1989. The troll harvest guideline of 221,000 chinook salmon taken from base stocks is expected to be reached at the same time. The Secretary, therefore, closes the commercial troll fishery for chinook salmon in the EEZ off Southeastern Alaska at 11:59 p.m., July 13, 1989.

Closure of the Outer Fairweather Grounds

A provision of the Pacific Salmon Treaty requires that each party to the treaty "minimize * * * all sources of induced fishing mortality * * * of chinook salmon" (Annex 4, Chapter 3, Paragraph 1(e)). To achieve this requirement, the Alaska Department of Fish and Game and the Secretary are closing commercial fishing for all salmon species in certain areas known to have high numbers of chinook salmon. This action is expected to minimize the incidence of chinook salmon hook-and-release mortality. These areas are known to have a high chinook salmon concentration; if left open, a large number of chinook salmon

will be caught and released with a substantial mortality resulting.

The area of the EEZ being closed to all commercial salmon fishing, known as the Outer Fairweather Grounds, is bounded by lines connecting the following points:

Lat. 58°46.7' N., Long. 138°54.5' W.
 Lat. 58°24.5' N., Long. 139°48.8' W.
 Lat. 57°50.0' N., Long. 138°19.5' W.
 Lat. 58°15.9' N., Long. 137°21.5' W.

The following Loran C lines are provided at the request of fishermen as estimates of the boundary lines of the Outer Fairweather Grounds. The closed area is roughly bounded on the northwest by Loran C line 7960-Y-29800, on the seaward side by Loran C line 7960-X-14400, and on the southeast by Loran C line 7960-Y-29150, and on the shoreward side by Loran C line 7960-X-14660. The provisions of Loran C lines does not affect the legal boundaries of the Outer Fairweather Grounds and fishermen are cautioned to use these lines and other navigational aids to assure that they are not conducting illegal fishing activities in this area. Fishermen should refer to NOAA chart 16760.

This action is authorized by 50 CFR 674.23 which provides that the Secretary may modify the fishing periods and areas by publishing a notice in the *Federal Register*. Any modification will be based on a determination by the Director of the Alaska Region of NMFS (Regional Director) that the condition of a salmon species is substantially different from the condition anticipated in the FMP and that this difference requires a modification of the fishing times and areas to adequately conserve and manage that salmon species. The regulations specify the factors that the Regional Director may consider. The regulations also specify that the Secretary must consult with the ADF&G before any period or area modifications.

In conformity with these requirements, the Regional Director (acting on behalf of the Secretary) has consulted with the ADF&G, has reviewed the information on the 1989 salmon fishery to date, and has determined that the chinook stocks in 1989 are substantially weaker than the condition anticipated in the FMP, although some wild stocks are rebuilding under provisions of the Treaty and although Alaska's new hatchery stocks are increasing their contribution to the harvest. The Regional Director further has

determined that this difference in stock condition requires, in conjunction with area closures made by the ADF&G, the closure of the Outer Fairweather Grounds to all commercial salmon fishing at 11:59 p.m. (ADT) on July 13, 1989.

Possibility of Reopening the Troll Chinook Fishery

After the fishery closure, the actual troll fishery harvest of chinook salmon will be tabulated and the number of chinook salmon taken from supplemental stocks resulting from Alaska's recent salmon enhancement activities will be determined. If the total chinook harvest by the troll fishery is considerably less than the harvest guideline, then the troll fishery will be reopened to allow harvest of the remainder of its guideline number before the troll season closes on September 20.

Classification

This action is exempt from sections 4 through 8 of the Administrative Procedure Act, the Regulatory Flexibility Act, and Executive Order 12291 because, as is expressly provided in section 7(a) of Pub. L. 99-5, it involves a foreign affairs function. It contains no collection-of-information requirement for purposes of the Paperwork Reduction Act.

Section 674.23(b)(3) of the rule implementing the FMP requires the Secretary to accept and consider public comments for 30 days after the effective date of this notice. The aggregated data upon which this closure was based are available for public inspection at the address given above. If comments are received, the Secretary will reconsider the necessity for this action and will publish another notice in the *Federal Register* either confirming the notice's continued effect, modifying it, or rescinding it, unless the notice has already expired or been rescinded.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, International organizations.

Authority: 16 U.S.C. 3631 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: July 13, 1989.

Richard H. Schaefer,

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

[FR Doc. 89-16812 Filed 7-13-89; 4:12 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 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 DEFENSE

Office of the Secretary

32 CFR Part 281

[DoD Directive 5000.51]

Total Quality Management

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes policy and assigns responsibility for implementation of the Total Quality Management (TQM) concept in the Department of Defense. Included in this policy is the authorization of a DoD TQM Guide. The TQM concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

DATE: Comments should be received by August 18, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. F. Doherty, Office of the Assistant Secretary of Defense (Production and Logistics), Room 2A318, Pentagon, Washington, DC 20301, telephone (202) 695-7915.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 281

Procurement.

Accordingly, Title 32, Subchapter M, Chapter I, is proposed to be amended to add Part 281 as follows:

PART 281—TOTAL QUALITY MANAGEMENT

Sec.

281.1 Purpose.

281.2 Applicability.

281.3 Definition.

281.4 Policy.

281.5 Responsibilities.

Authority: E.O. 12637, 53 FR 15349, 3 CFR, 1988 Comp., p. 566.

§ 281.1 Purpose.

This part:

- (a) Establishes policy and assigns

responsibilities under E.O. 12637 for the implementation of the Total Quality Management (TQM) concept in the Department of Defense. TQM is the vehicle to drive out waste and maximize the effectiveness of overall DoD performance. This includes improving efficiency and effectiveness, innovation, productivity, quality of worklife, and providing products and services that satisfy or exceed customer requirements at a cost that represents best value.

(b) Authorizes publication of DoD 5000.51-G, "Total Quality Management Guide," in accordance with DoD 5025.1-M.

§ 281.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), and the Defense Agencies.

§ 281.3 Definition.

Total Quality Management (TQM). A philosophy and a set of guiding principles that represent the foundation of a continuously improving organization. It is the application of quantitative methods and human resources to improve the material and services supplied to an organization, all the processes within an organization, and the degree to which the needs of the customer are met, now, and in the future. It integrates fundamental management techniques, existing improvement efforts, and technical tools under a disciplined approach focused on continuous improvement.

§ 281.4 Policy.

It is DoD policy that:

(a) Principles of TQM must involve all DoD personnel, processes, products, and services, including the generation of products in paper and data form.

(b) Process management, process improvement, and process measurement are fundamental management approaches that are to be used, as appropriate, by all DoD managers.

(c) TQM concepts are to be among the fundamental management tenets of every DoD activity and are to be ingrained throughout the Department of Defense with tailored training for each organizational level, starting with top management.

(d) Managers and personnel at all levels must take responsibility for the

quality of their processes and products. Accurate quantitative measures of quality should be established as a basis for informed improvement action.

(e) Involved, competent, and dedicated employees make the greatest contributions to quality and productivity. They must be recognized and rewarded accordingly.

(f) Acquisition strategies shall address plans to measure and pursue continuous process improvement to provide products and services that will provide best value.

(g) TQM shall be a key consideration in source selection.

(h) Emphasis must change from relying on inspection to designing and building quality into the processes that affect product quality.

(i) Technology, being one of our greatest assets, must be used, where appropriate, to continuously improve the quality of defense systems, equipment, and services.

(j) Continuous process improvement is a key to performance improvement and must be pursued with the necessary resources to achieve the desired cultural change in the Department of Defense.

§ 281.5 Responsibilities.

(a) The *Defense Council on Integrity and Management Improvement (DCIMI)*, under the leadership of the Secretary of Defense and the Deputy Secretary of Defense, shall function as the Executive Steering Committee for TQM.

(b) The *Under Secretary of Defense (Acquisition) (USD(A))* shall:

(1) Act as the OSD office of primary responsibility for development of TQM policy and procedures.

(2) Ensure commonality of TQM training and implementation throughout the Department of Defense.

(c) The *Secretaries of the Military Departments, the Joint Chiefs of Staff (JCS), and the Directors of Defense Agencies* shall:

(1) Implement DoD policy on TQM.

(2) Provide the leadership and management necessary to implement TQM in their organizations.

(3) Develop and maintain a TQM implementation plan.

(4) Provide appropriate training in TQM principles and techniques.

L.M. Bynum,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

July 13, 1989.

[FR Doc. 89-16805 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[AD-FRL-3614-2]

Hazardous Waste Treatment, Storage, and Disposal Facilities—Controls for Equipment Leaks; Leakless Technology for Valves

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Supplemental Information with Request for Comments.

SUMMARY: The EPA is today requesting comments on the use, applicability, operation, reliability, impacts, and costs of leakless valve technology at hazardous waste treatment, storage, and disposal facilities (TSDF). These comments are being sought because control of leaks from conventional valves at some TSDF may not be sufficient to protect human health and the environment. Any information received by EPA regarding the use of leakless valves at TSDF will be considered in applying additional controls, if necessary, at TSDF to reduce organic emissions to a level protective of human health and the environment.

DATE: Comments. The EPA must receive comments from the public on or before September 18, 1989.

ADDRESS: Comments may be mailed to the Docket Clerk (Docket Number F-86-AESP, Organic Air Emission Standards for Process Vents and Equipment Leaks), Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A duplicative copy should be sent to Rick Colyer, Standards Development Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: For further information on the technical aspects of this notice, contact Robert Lucas, Chemicals and Petroleum Branch, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0884. For further information on the regulatory

aspects of this notice, contact Rick Colyer, Standards Development Branch, telephone number (919) 541-5262, at the same address.

SUPPLEMENTARY INFORMATION:

Background

The EPA is developing standards that would limit organic emissions as a class at certain hazardous waste treatment, storage, and disposal facilities that are subject to regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). This is a multiphased regulatory effort to control TSDF air emissions. Proposed standards (52 FR 3748, February 5, 1987) developed in the first phase would limit organic emissions from equipment leaks at new and existing hazardous waste TSDF and apply to valves, pumps, compressors, pressure relief devices, sampling connection systems, and open-ended valves or lines that contain or contact hazardous waste with 10 percent or more organics. As part of compliance with the proposed equipment leak standards, the facility owner/operator would be required to conduct a monthly monitoring survey of valves in gas/vapor or light liquid service using EPA Reference Method 21 (contained in Appendix A of 40 CFR Part 60). If a leak is detected, the valve must be repaired within 15 days.

The EPA estimates that once a monthly monitoring plan is in place, emission reductions of about 75 and 60 percent can be expected for valves in gas and light liquid service, respectively. In some situations, there are potentially more stringent, technologically feasible controls for valves. Leakless equipment for valves, such as sealed-bellows and diaphragm valves, where applicable, eliminate the seals that allow fugitive emissions; thus, control efficiencies in such cases would be virtually 100 percent during the valve operating life. However, EPA could not conclude that the use of leakless valves is an appropriate control alternative because EPA does not have sufficient information to understand both the applicability of this technology and the long-term potential for reducing health risks (i.e., achieving long-term emission reductions). Nonetheless, the equipment leak rules allow for use of leakless valve technologies; monthly monitoring is not required if a leakless valve, such as a diaphragm, pinch, or sealed-bellows valve, is used to achieve a no-detectable emissions limit (i.e., 500 ppm above background, as measured by Method 21, with an annual performance test).

Because of the possible need for additional controls at some TSDF to protect human health and the

environment, EPA is currently evaluating the applicability and control efficiencies achieved by these technologies in light of current information and is requesting comment and information from manufacturers, TSDF owner/operators, and other industry users on such topics as leakless technology advances, applicability criteria and constraints, commercial availability, failure rates, valve lifetime, methods of determining valve failure, estimates of emissions (leak quantities) from failed leakless valves, and other (alternative) leakless valve technologies.

Overview

The valve is one of the most basic, common elements found in a chemical plant. Valves are available in numerous designs, including gate, globe, control, plug, ball, check, and relief, and are used for widely disparate applications or functions (e.g., on-off service, throttling or flow control, pressure control, sampling, or no reverse flow). Most of these valve designs (check and relief valves excepted) have a valve stem which operates to restrict or to open the valve for fluid flow. The stem requires a seal to isolate the process fluid inside the valve from the outside environment. Typically the stem is sealed by a packing gland or O-ring to prevent leakage of process fluid to the atmosphere. Packing glands are the most commonly used sealing mechanism for valves, and a wide variety of packing materials are available to suit most operational requirements of temperature, pressure, and process fluid compatibility. Because of temperature and pressure limitations, O-rings are much less common as the sealing mechanism for valves in chemical plants.

With time and prolonged use, the packing or sealing O-ring in the valve can wear and the valve can leak around the stem. To eliminate the (organic) leakage resulting from the stem seal failure, the valve packing and seals must be replaced or the valve body repaired or replaced. There are, however, some valve types and designs that have less potential for stem leakage of process fluids, i.e., valves with "leakless" or "sealless" technologies.

There are basically three valve designs that to some extent can be considered leakless; i.e., these valve types provide a 100 percent bonnet seal which eliminates leakage around the valve stem. The three leakless valve types are diaphragm valves, pinch valves, and sealed-bellows valves. Other technologies are also reported to provide for zero stem leakage; these

technologies along with sealed-bellows valves, diaphragm valves, and pinch valves are described below.

Sealed-Bellows Valves

Instead of conventional packing of O-rings that eventually wear and leak, sealed-bellows valves use a metal (in most cases) bellows to seal or isolate the valve stem. Because there is no path for leakage from this traditional trouble spot, sealed-bellows valves totally eliminate media loss due to valve stem leakage. The bellows unit is a flexible metallic membrane (varying from about 0.005 to 0.010 inch in thickness). The bottom end of the bellows is welded around the lower end of the stem and the top end is welded to some part of the valve casing. A stem anti-rotation device is incorporated in the design to prevent torque from being applied to the bellows as the valve is opened and closed. On some designs, a shield or shroud is arranged around the bellows to protect it as much as possible from damage by erosion and stress.

As an assurance in the event of a failure of the bellows, for example by fatigue or corrosion, it is not unusual when dealing with hazardous media to fit sealed-bellows valves with an additional back-up gland having conventional packing or seals or with a leak detector in case of failure, i.e., to have direct, continuous monitoring of the valve for critical service situations. The frequency of catastrophic leaks to the environment is thereby reduced.

Diaphragm

The potential for leakage around the stem of a diaphragm valve is eliminated by isolation of the valve stem from the process fluid by a flexible elastomer diaphragm. The two major types of diaphragm valves are weir valves and straight-through valves. The former has a dividing weir on the valve's body below which is a mounted elastomeric diaphragm. In the closed position, the diaphragm seats on the weir. The design of the straight-through diaphragm valve consists of either a parallel, top-tapered, or venturi-pattern body with closure provided by a wedge-shaped projection of the diaphragm.

Current literature indicates that diaphragm valves may be suitable for handling corrosive and toxic solutions, as well as solids-laden liquids. If failure occurs, catastrophic release of line contents to the environment is reported as not a serious danger if the bonnet is properly designed (although the bonnet will be pressurized if the diaphragm fails). Diaphragm valves are not typically backed up with conventional packing around the stem.

Pinch Valves

The concept incorporating a double diaphragm with two flat sheets being forced against each other to close the valve, has appeared in valves for service with corrosives and slurries. This form of the pinch valve or clamp valve, is close to the diaphragm valve in design and also has an isolated stem to prevent leaks.

The basic components of the valve are a metal body, consisting of two flanged half cylinders bolted together, and two elastomer liner halves. In its simplest form, it can consist merely of a length of elastomeric tube fitted with a pinch bar mechanism. Usually the molded rubber tube is housed in a metal body which also incorporates the pinching mechanism.

The literature indicates that pinch valves could be used for a wide variety of applications. In general, it appears that pinch valves could be used for handling corrosive media, solids in suspension, and slurries, since the valve can be tightly shut off, and will even close when entrained solids are present in the fluid.

Other Technologies

Other technologies are also currently available which are said to be capable of eliminating stem leakage. The double-packed plug valve is one such technology. The double-packed plug valve involves a constant dynamic load on the plastic (teflon) packing. The load on the plug allows the plug to self-compensate, i.e., the plug is constantly forced down into the body taper to provide line shutoff. The new stem seal design employs an octagonal-shaped seal ring and a pair of O-rings that assure positive sealing under the most severe operating conditions. This design could effectively prevent fluid from reaching the valve stem. Other double-packed valves are also available that are claimed to provide "leakless service". In these valves, the double packing is independently compressed.

Request for Comments

The EPA will use the comments received from this request to reevaluate the control technologies available for reducing valve stem leakage, the emission control efficiencies achieved by these technologies, and the appropriateness of requiring the use of these technologies for particular types of service at TSDF. Comments submitted in response to the following questions will be useful in determining future EPA action on the application of leakless valves. The questions are grouped according to facilities (including

synthetic organic chemical manufacturing facilities, petroleum refineries, etc., as well as TSDF) that currently use or plan to use leakless valve technologies, facilities that have evaluated leakless valve technologies and chosen not to use them, and manufacturers/vendors of leakless valve technologies. Any additional information not covered here that a submitter thinks is pertinent is also welcomed.

A. Questions for facilities that currently use or plan to use leakless valve technologies:

1. What types of leakless valves/technologies (e.g., sealed-bellows or diaphragm valves) are used or planned for use at your facility?
2. What configurations are these particular valves?
 - a. Sealed-bellows: globe, gate, ball, plug, etc.?
 - b. Diaphragm: weir or straight-through?
 - c. Pinch?
3. Why were these valve technologies selected for use?
4. Approximately how many leakless valves are in use (or are planned for use) at your facility and what percentage is this of the total number of valves in the facility?
5. For what functions are these valves used; i.e., flow control, on/off, pressure control, sampling, etc.?
6. Are there any special requirements for these valves (e.g., quick opening/closing, free draining, etc.)?
7. What processes are the leakless valves associated with (e.g., distillation operations, bulk pumping storage operations, waste incineration, etc.)?
8. What size (diameter) is each valve?
9. What are the operating conditions and limits for each valve?
 - a. Temperature?
 - b. Pressure?
 - c. Characteristics of waste stream in terms of corrosiveness/erosiveness?
10. What are the materials of construction of the valve bodies/body linings?
11. What are the materials of construction of the bellows/diaphragm?
12. Why were the materials of construction chosen?
13. Is each valve backed up with conventional packing around the stem?
14. Are there installation and/or maintenance requirements specific to leakless valves?
15. What is the expected/actual service life of each leakless valve (i.e., number of cycles before replacement of bonnet/diaphragm)?

16. How does this service life compare with the service life of a conventional valve in the same application?

17. Are routine inspections performed? If so, describe.

18. How is valve failure defined? How is valve failure detected?

19. What have been the principal causes for failure of leakless valves at your facility (e.g., corrosion of the bellow seal, erosion of the diaphragm, bonnet failure, etc.)?

20. What are the leak (emission) rates of failed sealed-bellows, pinch, or diaphragm valves (i.e., estimated media loss in terms of lb/hour)? Can you describe a typical and a worst case leak; are these leaks detectable visually?

21. How do the failure and leak rates of leakless valves compare to the failure and leak rates of conventional valves?

22. What are the costs of leakless valves compared to the costs of conventional valves for each specific application?

23. Are there plans to replace the conventional valves at your facility with leakless valves?

24. Over what time frame will the conventional valves be replaced? What was the main consideration in setting the schedule?

25. Why do you plan to continue using conventional valves; why are leakless technologies not being used?

a. Service life?

b. Pressure/temperature limitations?

c. Waste stream characteristics?

d. Cost?

e. Availability?

f. New technology?

g. Maintenance requirements?

h. Other?

26. Are you aware of any other commercially-available leakless technologies for valves?

B. Questions for facilities that have evaluated leakless valve technologies and chose not to use them:

1. What types of valves/technologies (e.g., sealed-bellows or diaphragm valves) were evaluated for use?

2. For what functions were these valves considered for use; i.e., flow control, on/off, pressure control, sampling, etc.?

3. Were there any special requirements for these valves (e.g., quick opening/closing, free draining, etc.)?

4. What processes would the valves have been associated with (e.g., distillation operations, bulk pumping storage operations, waste incineration, etc.)?

5. What sizes (diameter) of valves would have been required?

6. What would the operating conditions have been for each valve;

a. Temperature?

b. Pressure?

c. Characteristics of waste streams in terms of corrosiveness/erosiveness?

7. What was the basis for the decision not to use leakless valves;

a. Service life?

b. Pressure/temperature limitations?

c. Waste stream characteristics?

d. Cost?

e. Availability?

f. New technology?

g. Maintenance requirements?

h. Other?

C. Questions for manufacturers/vendors of leakless valves:

1. What types of leakless valves (sealed-bellows, diaphragm, pinch, other) does your company offer?

2. What are the recommended applications for each type of leakless valve?

3. What are the applications/operating conditions (e.g., temperature and pressure limits) for which each type of valve is not recommended for use?

4. Are leakless valves better suited for certain types of service than others, i.e., control valves vs. on/off vs. throttling, etc.?

5. What materials of construction are used in the valve bodies?

6. Are the valve bodies lined, and if so, with what materials?

7. What bellows/diaphragm materials are used?

8. How are materials of construction chosen for a specific application?

9. Are the valves backed up with conventional packing or are other precautions taken to avoid leaks (emissions) to the environment?

10. Are there leakless valves that can handle abrasive particles in the company of corrosive organic liquids and are these valves available in a wide range of configurations and sizes?

11. What is the expected useful life of each type of leakless valve handled (i.e., manufactured or marketed) by your company?

12. How does your company test these valve technologies? Can data be provided on failure rates for each type of leakless valve under various operating conditions?

13. In what sizes are the leakless valves handled by your company available?

14. What are the costs of the leakless valves handled by your company? (Provide a range of costs for various valve configurations, sizes, and materials of construction.)

15. Over what ranges of sizes and materials are the leakless valves handled by your company readily available in quantity and in what ranges are special orders necessary?

16. If special orders are necessary, what are typical lead times?

17. Can information be provided on the types of industries, processes, applications, and operating ranges for which leakless valves are typically supplied?

18. Are you aware of any new valve technologies that limit stem leaks? Are these technologies commercially available or currently under development?

Date: July 3, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 89-16349 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-60-M

DEPARTMENT OF ENERGY

48 CFR Parts 916 and 970

Acquisition Regulation Amendment

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation regarding its contracting practices in management and operating (M&O) contracts. The proposed amendment is necessary because the current award fee clauses for these arrangements are not mandatory, and they do not incorporate certain features which the Department desires. The proposed rule provides a mandatory contract clause and instructions for its use, incorporating certain desirable features used in individual contracts throughout the agency.

DATE: Comments must be received on or before August 18, 1989.

ADDRESS: Comments should be addressed to the U.S. Department of Energy, Procurement Policy Division (MA-421), 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Charles A. Dan, Procurement Policy Division (MA-421), U.S. Department of Energy, 1000 Independence Avenue, Washington, DC 20585; telephone (202) 586-8247.

Christopher T. Smith, Office of the Assistant General Counsel for Procurement and Finance (GC-34), Washington, DC 20585; (202) 586-1526.

SUPPLEMENTARY INFORMATION:

I. Background

II. Procedural Requirements

a. Review Under Executive Order 12291

- b. Review Under the Regulatory Flexibility Act
 - c. Review Under the Paperwork Reduction Act
 - d. Review Under the National Environmental Policy Act
 - e. Review Under Executive Order 12612
 - f. Public Hearing
- III. Public Comments

I. Background

The Department of Energy (DOE) wishes to revise its contracting procedures for management and operating (M&O) contracts. The Department has conducted an intensive evaluation of its existing practices relating to award-fee provisions of the M&O contract providing for the operation of DOE's production, laboratory, and test facilities. The proposed changes to the Department of Energy Acquisition Regulation, discussed herein, are a result of this evaluation.

The Department's study revealed a need for more standardization of its award fee contract provisions relating to management and operating (M&O) contracts, and further determined that existing clauses cited at 916.405 and referenced for use in M&O contracts do not include necessary features as discussed in the subsequent paragraphs. The five contract clauses at section 916.405 are proposed to be replaced by a single clause for use in M&O contracts. This new clause will be similar to the existing clauses, in that it will contain subparagraphs which parallel the subject matter of the five existing clauses. However, there are certain key differences. Since the Acquisition Regulation contains a separate part for M&O contracting, Part 970, the new clause will be located in Subpart 970.52, with implementing instructions located in Subpart 970.15.

The new clause, to be located at 970.5204-54, will be mandatory for M&O contracts with award fee provisions.

For payment provisions, the new clause would refer to the *Payments and Advances* clause from section 970.5204-16, rather than creating separate procedures. This will eliminate conflicts in the use of existing clauses, which envision a voucher/payment process, rather than the letter-of-credit drawdown procedures which are more prevalent in M&O contracts.

For convenience, the new clause would identify the Fee Determination Official (FDO) by title, making such designation part of the body of the contract, rather than including such identification in the Performance Evaluation Plan.

The new clause would establish clearly that the FDO may use any

available information in his/her evaluation of contractor performance. The new clause would also explicitly provide that the FDO may withhold fee for unsatisfactory performance in any important area of performance required by the contract, regardless of whether that performance area is specified in the Performance Evaluation Plan. Although such powers were implied in the existing clauses (e.g., the FDO's decision is absolute, not subject to the appeal procedures of its Disputes clause), they were not explicit. The Department wishes to ensure that this important leverage is emphasized in its award-fee M&O contracts.

The new M&O clause would eliminate a provision allowing the FDO to specify that unearned award fee may be carried over to subsequent periods.

The new clause would establish a six-month appraisal period as the standard. In its evaluation of its award-fee practices under M&O contracts, the Department found the six-month appraisal period to be most commonly used and preferable to more frequent appraisals, which were more costly to administer without corresponding benefits. The new regulation will allow deviations to this standard, pursuant to existing deviation procedures.

The Department's evaluation of its current procedures determined that most contractors are submitting self-assessments which are of little value in the Department's award fee determinations. The new clause would require the contractor to submit a performance self-assessment, which will be used by the DOE in its evaluation of the contractor's management. The Department wishes to establish a system whereby a contractor will be encouraged to submit realistic assessments of its own performance, recognizing problems and deficiencies and addressing plans for correcting such shortcomings in the future. Under the new clause, contractor self-assessments will be required, and will be evaluated as part of the appraisal of contractor management efforts. Unrealistic self-assessments, or those which reveal inadequate planning to avoid recurrence of problems, may result in lower awards.

A section is proposed to be added to explain revisions required to the *Payments and Advances* clause when an award fee arrangement is used, and to clarify other areas of the clause.

II. Procedural Requirements

a. Review Under Executive Order 12291

The Department has concluded that

this proposed rule is exempt from the requirement for review by the Office of Management and Budget under E.O. 12291 pursuant to an exemption for procurement regulations as discussed in OMB Bulletin No. 85-7 of December 14, 1984.

b. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-345), which requires preparation of a regulatory flexibility analysis for any rule expected to have significant economic effect on a substantial number of small entities. The Department has concluded that this proposed rule is expected to have no significant effect on interest rates, tax policy or liabilities, the cost of goods or services, or other direct economic considerations. Nor is it expected to have a significant effect on indirect economic considerations. The Department certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

c. Review Under the Paperwork Reduction Act

The information collection requirement contained in this proposed rule is approved under OMB Control Number 1910-4100. It imposes no additional paperwork burden.

d. Review Under the National Environmental Policy Act

The Department has concluded that this proposed rule does not constitute a major Federal action having a significant effect on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) or DOE guidelines (10 CFR Part 1021). Therefore, an environmental assessment is not required pursuant to the Act.

e. Review Under Executive Order 12612

The Department has concluded that this proposed rule does not involve issues which are expected to have substantial direct effect on traditional state functions or their institutional interest and, thus, the "federalism" assessment requirements of Executive Order 12612 (52 FR 41685, October 30, 1987) do not apply.

f. Public Hearing

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law, nor

should it have a substantial effect on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Pub. L. 95-91, the DOE Organization Act, and the Administrative Procedure Act (5 U.S.C. 553), the Department does not plan to hold a public hearing on this proposed rule.

III. Public Comments

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed changes set forth in this notice. Three copies of written comments should be submitted to the address indicated in the "ADDRESS" section of this notice. All comments received will be available for public inspection in the DOE Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. All written comments received by August 18, 1989 will be fully considered prior to publication of a final rule resulting from this proposal. Any information you consider to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to our determination.

List of Subjects in 48 CFR Parts 916 and 970

Government contracts, DOE management and operating contracts.

Dated: July 12, 1989.

Berton J. Roth,

Deputy Assistant Secretary for Procurement and Assistance Management.

For the reasons set forth in this preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for Part 916 continues to read as follows:

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

PART 916—TYPES OF CONTRACTS

2. Section 916.405(e) is proposed to be revised to read as follows:

916.405 Contract clause.

(e) For other than management and operating contracts, award fee contracts should include in the contract schedule

the Articles shown below. The Articles may be modified to meet individual situations and any Article or specified requirement therein should be deleted when it is not applicable to a given contract. If substantial changes are believed appropriate, consultation with the Director, Office of Policy, Headquarters, is advisable.

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

3. The authority citation for Part 970 continues to read as follows:

Authority: Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201); Section 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); Section 201 of the Federal Civilian Employee and Contractor Travel Expenses Act of 1985 (41 U.S.C. 420); and Section 1534 of the Department of Defense Authorization Act, 1986, Pub. L. 99-145 (42 U.S.C. 7256a), as amended.

4. Part 970 is proposed to be amended by adding the following new paragraph (f) under § 970.1509-8.

Subpart 970.15—Contracting by Negotiation

970.1509-8 Special considerations—award fee.

(f) When a management and operating contract is to be awarded on an award-fee basis, the contract shall include the clause at 970.5204-54.

5. Section 970.5204-16 is proposed to be amended by redesignating the NOTE following subparagraph (a) as NOTE 1, and adding the following thereafter as NOTE 2:

970.5204-16 Payments and advances.

Note 2: When award-fee provisions are used, the clause should be modified by replacing subparagraph (a) with the following:

(a) Payment of Base Fee and Award Fee. The base fee shall become due and payable in equal monthly installments. Award fees earned shall become due and payable following the issuance by the government Fee Determination Official (FDO) of a Determination of Award Fee Earned, in accordance with the clause of this contract entitled Award Fee.

6. Section 970.5204-54 is proposed to be added as follows:

970.5204-54 Award fee (date to be entered).

(a) *Base Fee and Award Fee.* A base fee of \$ (Insert Amount) and a maximum award fee of \$ (Insert Amount) are

available for payment in accordance with the clause of this contract entitled Payments and Advances.

(b) *Determination of Award Fee Earned.* (1) The government shall, at the conclusion of each specified evaluation period, evaluate the contractor's performance for a determination of award fee earned.

(2) For this contract, the government Fee Determination Official (FDO) will be (Insert title of FDO). The contractor agrees that the determination as to the amount of award fee earned will be made by the government FDO and such determination is binding on both parties and shall not be subject to appeal under the "Disputes" clause or any other appeal clause.

(3) The evaluation of contractor performance shall be in accordance with the Performance Evaluation Plan described in subparagraph (c), below. The contractor shall be promptly advised in writing of the determination, and the reasons why the award fee was or was not earned. While it is recognized that the basis for determination of the fee shall be the evaluation by the government, in accordance with the Performance Evaluation Plan, the FDO may also consider any information available which relates to the contractor's performance of contract requirements. In the event that the FDO determines the contractor's performance to be unacceptable in any important area, critical to contract performance—whether or not that area is specified in the Performance Evaluation Plan, the FDO may at his/her discretion determine the contractor's overall performance to be unacceptable, and accordingly may withhold the entire award fee.

(c) *Performance Evaluation Plan.* (1) The government will establish unilaterally a Performance Evaluation Plan upon which the determination of award fee shall be based. Such Plan will include the criteria to be considered under each area evaluated and the percentage of award fee, if any, available for each area. A copy of the plan will be provided to the contractor thirty (30) calendar days prior to the start of an evaluation period.

(2) The Performance Evaluation Plan will set forth the criteria upon which the contractor will be evaluated for performance relating to any technical, schedule, management, and/or cost functions selected for evaluation.

(3) The Performance Evaluation Plan may, consistent with the contract, be revised unilaterally by the government at any time during the period of

performance. Notification of such changes shall be provided to the contractor at least thirty (30) calendar days prior to the start of the evaluation period to which the change will apply.

(d) *Distribution of Award Fee.* (1) The total amount of award fee available under this contract is assigned to the following evaluation periods in the following amounts:

Evaluation Periods: (See NOTE, below).

Available Award Fee: (See NOTE, below).

(2) In the event of contract termination, either in whole or in part, the amount of award fee available shall be distributed on a pro-rata basis associated with evaluation period activities or events as determined by the FDO.

(e) *Contractor Self-Assessment.* The contractor shall submit a Self-Assessment within (Insert Number) calendar days after the end of each evaluation period. This Self-Assessment shall address both the strengths and weaknesses of the contractor's performance during the evaluation period. Where deficiencies in performance are noted, the contractor shall describe the actions planned or taken to correct such deficiencies and avoid their recurrence. The FDO will review the contractor's Self-Assessment as part of his/her evaluation of the contractor's management during the period. An unrealistic Self-Assessment will result in lower award fee determinations. The contractor will not

be penalized for a realistic Self-Assessment, although deficiencies noted by the contractor may be reflected in the government's evaluation. The Self-Assessment itself will not be the basis for the award fee determination.

Note—In subparagraph (d), insert the appropriate number of award fee periods and corresponding award fee amounts. Ordinarily, in a management and operating contract for an ongoing operation, award fee periods should be six (6) months in duration, and the award fee available should be distributed evenly among award fee periods. Variations from this arrangement should be justified prior to negotiation.

[FR Doc. 89-16931 Filed 7-18-89; 8:45 am]

BILLING CODE 6450-01-M

Notices

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 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

Forms Under Review by Office of Management and Budget

July 14, 1989.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Revision

- Cooperative State Research Service Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program: Application Guidelines CSRS-701, 702, 703, 706, 707, 708, & 709; AD-1047, 1048, & 1049
Annually
Individuals or households; Non-profit institutions; 200 responses; 7,833 hours; not applicable under 3504(h)
Louise Ebaugh, (202) 447-7854

Extension

- Food and Nutrition Service Integrated Quality Control Review—Worksheet
FNS-380
Recordkeeping; On occasion
Individuals or households; State or local governments; 68,700 responses; 619,921 hours; not applicable under 3504(h)

Thomas O'Connell, (703) 756-3461

- Food and Nutrition Service Integrated Quality Control Review Schedule (Reporting and Recordkeeping)
FNS-380-1
Recordkeeping; On occasion
Individuals or households; State or local governments; 68,700 responses; 70,321 hours; not applicable under 3504(h)

Karen Peko, (703) 756-3471

- Agricultural Stabilization and Conservation Service
7 CFR 2.65, 1423.1, 1496.2 Report of Cargo Over, Short and/or Damaged
KC-269A
On occasion; 9,000 responses; 2,250; not applicable under 3504(h)

Dean W. Peterson, (818) 926-6451

- Animal and Plant Health Inspection Service
Endangered Species Regulations and Forfeiture Procedures
PPQ Forms 621, 623, 625, and 626
Recordkeeping; On occasion
Businesses or other for-profit; Small businesses or organizations; 16,148 responses; 3,111 hours; not applicable under 3504(h)

Andrea M. Elston, (301) 436-5100

- Forest Service
Pilot Qualification and Approval Record, Aircraft Data Card and Approval Record
FS 5700-20, FS 5700-20a, FS 5700-21, FS 5700-21a
Annually

Individuals or households; Business or other for-profit; Small Businesses or organizations; 1,915 responses; 1,454 hours; not applicable under 3504(h)
John Eckert, (703) 235-8022.

Donald E. Hulcher,
Acting Departmental Clearance Officer.
[FR Doc. 89-16876 Filed 7-18-89; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

[No. FV-89-209]

Perishable Agricultural Commodities Act—Industry Advisory Committee Meeting

AGENCY: Agricultural Marketing Service.
ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Act (Pub. L. No. 92-463 and Pub. L. No. 100-414), notice is hereby given of the third meeting of the Perishable Agricultural Commodities Act (PACA) Industry Advisory Committee. The Committee will meet on August 2, 1989 from 8:00 p.m. to 10:00 p.m. and on August 3, 1989 beginning at 8:30 a.m. through 4:30 p.m. at the Rosslyn West Park Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT:
John D. Flanagan, (202) 447-2272.

SUPPLEMENTARY INFORMATION: The 20-member Perishable Agricultural Commodities Act Industry Advisory Committee, appointed by the Secretary of Agriculture, represents fruit and vegetable growers, shippers, brokers, processors, wholesalers, and retailers. The Committee was established pursuant to Pub. L. 100-414, to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a *et seq.*) and identify areas where the law and program might be enhanced to ensure program efficiency and equitable treatment among the various segments of the fruit and vegetable industry. The Committee will report on its findings and develop recommendations for consideration by Congress and the Secretary of Agriculture. Its interim report will be submitted to the Secretary of Agriculture, the House Committee on Agriculture, and the Senate Committee on Agriculture, Nutrition, and Forestry no later than September 30, 1989. A final report containing the results of the Committee's review and its recommendations will be submitted no later than May 1, 1990. The Committee's meeting will be open to the public. Due to the limitation of time, the public will not be allowed to participate in the meeting. Statements may be submitted before or after the meeting to Mr. John D. Flanagan at the address listed below.

The names of Committee members, agenda, and other information pertaining to the meeting may be obtained from John D. Flanagan, Chief, PACA Branch, Room 2095 So., Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, Washington, DC 20090-6456, telephone (202) 447-2272.

Done at Washington, DC, July 17, 1989.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 89-17055 Filed 7-18-89; 8:45 am]

BILLING CODE 3410-02-M

COMMISSION ON CIVIL RIGHTS

Arizona Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Arizona Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 10:00 p.m. on July 27, 1989, at the Hilton Inn by the Airport, 4636 East University Drive, Phoenix, Arizona 85034. The Committee will discuss the immigration forum report.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, John White or Philip Montez, Director of the Regional Division (213) 894-3437, (TDD 213/894-0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 5, 1989.

Melvin L. Jenkins,

Acting Staff Director.

[FR Doc. 89-16879 Filed 7-18-89; 8:45 am]

BILLING CODE 6335-01-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: National Oceanic and Atmospheric Administration.

Title: Northeast Region Dealer Purchase Reports and Trip Interviews.

Form Number: NOAA Forms 88-142 and 88-30; OMB-0648-0013

Type of Request: Request for extension of OMB approval of a currently cleared collection.

Burden: 980 respondents; 960 reporting hours; average hours per response—.05 hours.

Needs and Uses: Seafood dealers are required to file weekly reports on their purchases of surf clams and ocean quahogs. Selected fishermen are asked to voluntarily respond to questions about their fishing trip as they land. The information is used in fishery management decision-making.

Affected Public: Small businesses or organizations.

Frequency: On occasion, weekly.

Respondent's Obligation: Mandatory and voluntary.

OMB Desk Officer: Russell Scarato, 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 Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 12, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-16800 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form 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 the Census.

Title: Water Use in Manufacturing; Water Use in Mineral Industries.

Form Number: MC-5001, MC-5002.

Agency Approval Number: 0607-0455.

Type of Request: New collection.

Burden: 12,000 hours.

Number of Respondents: 12,000.

Avg Hours per Response: 1 hour.

Needs and Uses: Government agencies, business firms, and trade associations use the results of the Water Use Surveys as benchmark data for their studies of industrial use.

Affected Public: Businesses or other for-profit institutions.

Frequency: Once every five years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Don Arbuckle, 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 H6622, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 13, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-16837 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-07-M

Bureau of Export Administration

William L. Thompson, d.b.a. Armex Equipment Corp. (Respondents); Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), having determined to initiate an administrative proceeding against William L. Thompson, individually and doing business as Armex Equipment Corporation (hereinafter collectively referred to as Thompson), pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C. app. 2401-2420 (1982 and Supp. III 1985), as amended by Pub. L. 100-418, 102 Stat. 1107 (August 23, 1988))¹ (the Act), and Part 788 of the Export Administration Regulations (15 CFR Parts 768 through 799)² (the Regulations), based on allegations that Thompson violated Sections 787.3, 787.5 and 787.6 of the Regulations in that, during the period from on or about April 2, 1983 through on or about February 2, 1985, Thompson (1) exported or caused to be exported U.S.-origin goods from the United States to the United Kingdom

¹ Between March 30, 1984 and July 12, 1985, the Regulations were continued in effect by Executive Order 12470 (49 FR 13099, April 3, 1984), issued pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706 (1982)).

² Effective October 1, 1988, the Export Administration Regulations were redesignated as 15 CFR Parts 768 through 799 (53 FR 37751, September 28, 1988). The transfer merely changed the first number of each Part from "3" to "7". Until such time as the Code of Federal Regulations is republished, the Regulations may be found in 15 CFR Parts 368 through 399 (1988).

contrary to the terms of a validated export license, (2) attempted to export U.S.-origin goods from the United States to the United Kingdom without the required validated export license, and (3) filed or caused to be filed with the United States Government false and misleading statements of material fact on export control documents submitted to the U.S. Customs Service in connection with the export of U.S.-origin goods from the United States to Switzerland;

The Department and Thompson having entered into a Consent Agreement whereby the parties have agreed to settle this matter by Thompson's being denied all U.S. export privileges for a seven-year period; and

The terms of the Consent Agreement having been approved by me;

It is therefore ordered:

First, that all outstanding individual validated export licenses in which William L. Thompson, individually and doing business as Armex Equipment Corporation, appears or participates, in any manner or capacity, are hereby revoked and shall be returned to the Office of Export Licensing for cancellation. Further, all of Thompson's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that William L. Thompson, individually with an address at 1915 Plantation Drive, Richmond, Texas 77469, and doing business as Armex Equipment Corporation, 42831 North Fleming Springs Road, Cave Creek, Arizona 85331 (collectively referred to as Thompson), for a period of seven years from the date of entry of this Order, is denied the privilege of participating, directly or indirectly, in any transaction involving the export of U.S.-origin commodities or technical data from the United States or abroad.

A. Participation prohibited in any such transaction, either in the United States or abroad, shall mean participation: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license or other export control document; (iv) in receiving, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States and subject to

the Regulations; and (v) in forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

B. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which Thompson is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

C. No person, firm, corporation, or business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data which are subject to denial of export privileges as set out herein, do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with Thompson or anyone who is now or may be subsequently named as a related party, or whereby Thompson or any such related party may obtain any benefit therefrom or have any interest in or participation therein, directly or indirectly: (i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported, by, to, or for Thompson or any related party denied export privileges; or (ii) buy, receive, use, sell, deliver, store, dispose of, forward, transport, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States. These prohibitions apply only to those commodities and technical data which are subject to the Act and the Regulations.

Third, that the proposed Charging Letter, the Consent Agreement and this Order shall be made available to the public and this Order shall be published in the **Federal Register**.

This Order is effective immediately.
Kenneth A. Cutshaw,
Assistant Secretary for Export Enforcement.

Entered this 13th day of July 1989.

[FR Doc. 89-16881 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DT-M

Subcommittee on Export Administration of the President's Export Council; Closed Meeting

Federal Register citation of previous announcement: FR Doc. 89-16463, 54 FR 29594 July 13, 1989.

Previously announced as a Partially Closed Meeting.

Changes in the meeting: Meeting will be closed to the public.

Date: July 13, 1989.

James M. LeMunyon,
Deputy Assistant Secretary for Export Administration.

[FR Doc. 89-16836 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee, Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held August 8, 1989, 9:30 a.m., Room 1617-F, at the Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda:

Open Session

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Old business: Commercial spread spectrum radios.
4. Review of Regulations:
 - a. Discussion of Streamlining and Segment B work program.
 - b. Annual review of the list pursuant to sections 5(c)(3) and 5(c)(4) of the Act:
 - i. ECCN 1514A (Pulse modulators)
 - ii. ECCN 1516A (Receivers)
 - iii. ECCN 1517A (Radio transmitters)
 - iv. ECCN 1519A (Telecommunications transmission equipment)
 - v. ECCN 1520A (Radio relay communication equipment)
 - vi. ECCN 1527A (Cryptographic equipment)
5. Review necessity for various subcommittees.
6. Future meeting dates.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Date: July 14, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89-16937 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DT-M

**Switching Subcommittee
Telecommunications Equipment
Technical Advisory Committee;
Partially Closed Meeting**

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held August 8, 1989, 1:00 p.m., Herbert C. Hoover Building, Room 1617F, 14th Street & Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of

Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening Remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Old business: Review of radio paging systems.
4. Review of Regulations: Recommendations for revision to ECCN 1567A.
5. Future meeting dates.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meeting or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Date: July 14, 1989.

Betty Anne Ferrell,

Director, Technical Support Staff, Office of Technology & Policy Analysis.

[FR Doc. 89-16938 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DT-M

**Radio Subcommittee,
Telecommunications Equipment
Technical Advisory Committee; Closed
Meeting**

A meeting of the Radio Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held August 8, 1989, 1:00 p.m., Herbert C. Hoover Building, Room 1092, 14th Street & Constitution Avenue NW., Washington, DC. The Radio Subcommittee was formed to study radio equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Date: July 14, 1989.

Betty A. Ferrell,

Director, Technical Support Staff.

[FR Doc. 89-16939 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 14-88]

Foreign-Trade Zone 68, El Paso, Texas, Withdrawal of Request for Manufacturing Authority for SNA Nut Co.

Notice is hereby given of the withdrawal of the application submitted by the City of El Paso, Texas, grantee of Foreign-Trade Zone 68, requesting authority for manufacturing within FTZ 68 on behalf of SNA NUT Company for its pecan shelling operation. The application was filed on March 3, 1988 (53 FR 8479, 3/15/88).

The withdrawal is requested by the applicant because of changed circumstances.

The case has been withdrawn without prejudice, and FTZ Board Docket 14-88 is closed.

Dated: Jun 30, 1989.

John J. Da Ponte Jr.,

Executive Secretary.

[FR Doc. 89-16801 Filed 7-18-89; 8:45 am]

BILLING CODE 3510-DS-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:

Recreation User Permit; ENG Form 4457-1; OMB Control Number 0702-0078.

Type of Request: Extension.

Average Burden Hours/Minutes per Response: 1/2 min.

Frequency of Response: Annually.

Number of Respondents: 125,000.

Annual Burden Hours: 1,000.

Annual Responses: 125,000.

Needs and Uses: The Recreation User Permit is part of a registration process at fee campgrounds, visitors will be asked three questions, and a fee collector will collect three additional items by observation. The information will be used to provide improved visitor services and facilities.

Affected Public: Individuals or households.

Frequency: On Occasion.

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 the Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 30503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Writing 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.

July 13, 1989.

[FR Doc. 89-16803 Filed 7-18-89; 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:

Recreation Research—Use Survey; ENG Form 4835; OMB Control Number 0702-0035.

Type of Request: Extension.

Average Burden Hours/Minutes Per Response: 11 hours.

Frequency of Response: On Occasion.

Number of Respondents: 25,000.

Annual Burden Hours: 2,750.

Annual Responses: 25,000.

Needs and Uses: The Recreation Research—Use Survey figures are needed to supplement research efforts directed toward evaluation and increasing cost efficiency of planning, design and management of Corps projects and to report visitation to Congress as required by Pub. L. 92-347.

Affected Public: Individuals or households.

Frequency: On Occasion.

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 the 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.

July 13, 1989.

[FR Doc. 89-16804 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army**Environmental Assessment; High Endoatmospheric Defense Interceptor Technology Testing Program**

AGENCY: U.S. Army Strategic Defense Command, USA.

COOPERATING AGENCY: Strategic Defense Initiative Organization, DOD.

ACTION: Notice of availability of finding of no significant impact.

SUMMARY The Department of the Army has prepared a finding of no significant impact based on an Environmental Assessment of a proposal to conduct the High Endoatmospheric Defense Interceptor (HEDI) technology testing program. Pursuant to Department of Defense and Department of the Army regulations and regulations of the President's Council on Environmental Quality, a decision on whether to proceed with the proposed action will be made upon expiration of a 30 day period commencing with the date of this notice.

Background

The HEDI technology program is one of the technologies being considered in the Strategic Defense Initiative Program. It is currently in the Concept Exploration phase of the DOD systems acquisition process. The purpose of this EA is to analyze the environmental consequences of testing activities for the HEDI technology development program in compliance with all pertinent regulations and agreements.

Army Regulation 200-2 establishes policy, procedures, and responsibilities for assessing the environmental effects of Army actions. It implements DOD Directive 6050.1 which establishes the DOD environmental impact analysis process. This directive implements the National Environmental Policy Act (NEPA) of 1969 (Pub. L. No. 91-90 (1970), 42 U.S.C. 4321, 4331-4335, 4341-4347 (1976) and the President's Council on

Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, (40 CFR Parts 1500 through 1508).

HEDI Technology Testing Program

The current HEDI concept would employ ground-based missiles to intercept and destroy hostile submarine-launched and intercontinental ballistic missiles in the terminal portion of their trajectory. The HEDI vehicle would consist of a two-stage launch vehicle (booster) and a kill vehicle with a conventional warhead. The basic thrust of the efforts already accomplished in Concept Exploration has been to assess the technical feasibility of HEDI in the context of a complete strategic defense system.

The HEDI technology test program will be conducted in two parts. Each part will test a particular aspect of the technology and provide information and data necessary to make decisions for advancing to the next phase of testing. The first part, which includes the Kinetic Kill Vehicle Integrated Technology Experiment (KITE), will consist of a number of test activities to be conducted at nine different testing sites culminating with a series of flight tests at White Sands Missile Range, New Mexico. These activities are categorized as analyses, simulations, component/assembly testing, and flight testing. Part two includes the HEDI Experimental Test Vehicle (XTV) development, which is expected to conclude with two flight tests at the U.S. Army Kwajalein Atoll. The specifics of the HEDI XTV testing activities have not yet been defined; however, further environmental analysis will be conducted as the program progresses and new information is identified. This EA, submitted in accordance with applicable directives and policies and made available to the public, provides information on the potential environmental effects of conducting the testing activities described and known at this time.

The locations of test activities for HEDI technology testing activities include the McDonnell Douglas Space Systems Company, Huntington Beach, CA; Vandenberg AFB, CA/Western Test Range; the National Test Facility, Falcon AFB, CO; Naval Surface Warfare Center, MD; Sandia National Laboratories, NM; White Sands Missile Range (WSMR), NM; the U.S. Army, Kwajalein Atoll (USAKA), Republic of the Marshall Islands; Arnold Engineering Development Center, Arnold AFB, TN; and Hill AFB, UT. Of these, the major component/assembly testing and flight testing will occur at USAKA and WSMR.

In addition to the above test activities, a no action alternative was considered. An environmental impact analysis was conducted for test activities at each location. An environmental assessment was prepared documenting the results of those analyses. To determine the potential for significant environmental impacts of HEDI technology testing, the magnitude and frequency of the tests that would be conducted at the proposed test locations were compared to the current activities at those locations.

The proposed test activities were evaluated to assess impacts in the following areas: air quality, biological resources, cultural resources, hazardous waste, infrastructure, land use, noise, public health and safety, socioeconomics, and water quality. As a result of that evaluation, consequences were assigned to one of three categories: insignificant, mitigable and non-significant, or potentially significant.

The following methodology was used. Environmental consequences were determined to be insignificant if no serious concerns existed regarding impacts to the affected area. Consequences were deemed mitigable and non-significant if concerns existed but it was determined that all of those concerns could be readily mitigated through standard procedures or by measures recommended in existing environmental documentation. If serious concerns were identified that could not be readily mitigated, the activity was determined to represent potentially significant consequences.

Insignificant environmental consequences were found for all test activities at McDonnell Douglas Space Systems Company, Huntington Beach, CA; Arnold Engineering Development Center, Arnold AFB, TN; Hill AFB, UT; National Test Facility, Falcon AFB, CO; Naval Surface Warfare Center, MD; Sandia National Laboratories, NM; and Vandenberg AFB, CA/Western Test Range.

Mitigable and nonsignificant impacts resulting from flight testing of the HEDI were found at USAKA and at WSMR.

Flight tests for HEDI XTV at USAKA will have mitigable and nonsignificant environmental consequences for infrastructure and socioeconomics (housing). Potential infrastructure impacts on water supply will be mitigated by construction of a proposed desalination plant. Potential infrastructure impacts on the wastewater treatment system will be mitigated by participation in water conservation procedures, continued wastewater monitoring, and

participation in a wastewater treatment effectiveness study. Potential socioeconomic (housing) impacts which are a result of the anticipated housing shortage will be mitigated by the construction of new housing units and the retention of trailers beyond their planned phase-out date. Potential impacts from solid and hazardous waste will be avoided by requiring HEDI XTV contractors to manage their waste in accordance with appropriate federal requirements.

Flight tests for HEDI KITE at WSMR will have mitigable and nonsignificant environmental consequences for biological and cultural resources. Potential biological resource impacts will be mitigated by avoidance of threatened and endangered plant and animal species. Potential cultural resource impacts will be mitigated by avoidance and/or data recovery of historic and prehistoric archaeological sites.

Finding of No Significant Impact

Based upon the foregoing, the U.S. Army Strategic Defense Command has concluded that the proposed action, to conduct the HEDI technology testing program, would not significantly impact the human environment.

FOR FURTHER INFORMATION CONTACT:

Mr. Dru Barrineau, (205) 895-3632.
Address: U.S. Army Strategic Defense Command, CSSD-H-SSP, Post Office Box 1500, Huntsville, Alabama 35807-3801.

Date: July 13, 1989.

Lewis D. Walker,

*Deputy Assistant Secretary of the Army,
Environment, Safety, and Occupational
Health OASA (I&L).*

[FR Doc. 89-16855 Filed 7-18-89; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Chief of Naval Operations; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Technology Surprise Task Force will meet September 13-14, 1989 from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to discuss the possibility of unexpected technological breakthroughs that vastly change warfighting capabilities. The entire agenda of the meeting will consist

of discussions of key issues regarding space exploration in support of U.S. national security, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public because they will be concerned with matters listed in section 552b(c) (1) of title 5, United States Code.

For further information concerning this meeting, contact Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: July 13, 1989.

Sandra M. Kay,

Department of the Navy Alternate Federal Register Liaison Officer.

[FR Doc. 89-16815 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Technology Surprise Task Force will meet August 8-9, 1989 from 9 a.m. to 5 p.m. each day, at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The propose of this meeting is to discuss the possibility of unexpected technological breakthroughs that vastly change warfighting capabilities. The entire agenda of the the meeting will consist of discussions of key issues regarding space exploration in support of U.S. national security, and related intelligence. These matters constitute by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public because they will be concerned with matters listed in section 552b(c) (1) of Title 5, United States Code.

For further information concerning this meeting, contact Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Date: July 13, 1989.

Sandra M. Kay,

Department of the Navy Alternate Federal Register Liaison Officer.

[FR Doc. 89-16814 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-AE-M

Patent Licenses; San'Doil Co.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant partially exclusive patent license; San'Doil Company.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to the San'Doil Company a revocable, nonassignable, partially exclusive license to practice the Government-owned inventions described in U.S. Patent No. 4,689,305, entitled, "Solid State Photometer Circuit," issued August 25, 1987, inventor: Arthur V. Stiffey; and U.S. Patent Application Serial No. 07/135,969, entitled, "Microbiological Assay Using Bioluminescent Organisms," filed December 21, 1987, inventor: Arthur V. Stiffey. Anyone wishing to object to the grant of this license has 60 days from the date of this notice of file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCIP), Arlington, Virginia 22217-5000.

DATE: July 19, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCIP), 800 N. Quincy Street, Arlington VA 22217-5000, telephone (202) 696-4001.

Dated: July 13, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-16813 Filed 7-18-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Chicago Operations Office; Availability of a Solicitation

AGENCY: Department of Energy.

ACTION: Notice of availability of a Federal assistance solicitation for cooperative agreement proposals (FASCAP).

SUMMARY: The U.S. Department of Energy (DOE) pursuant to the DOE Financial Assistance Rules, 10 CFR 600.9, announces the availability of a solicitation, FASCAP No. DE-PS02-89CH10407, for a Medium-BTU Biomass Gasifier Scale-up Facility.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia Russo Schassburger, U.S. Department of Energy, Chicago Operations Office, Solar Energy Research Institute Area Office (SAO), 1617 Cole Boulevard, Golden, CO 80401, (303) 231-1495.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) plans to issue a Federal Assistance Solicitation for Cooperative Agreement Proposals (FASCAP), fifteen days after the publication of this notice, for a cooperative cost-shared experimental scale-up facility for producing medium-BTU gas from the thermo-chemical conversion of biofuel feedstocks. The project has the following objectives: (1) To design, engineer, construct, and operate a thermal biomass gasifier that will dependably produce a medium Btu gas (between 300 and 50 Btu/scf exclusive of sensible heat and calculated according to ASTM D 3588-81, "Standard Method of Calculating Calorific Value and Specific Gravity of Gaseous Fuels") of consistent quality over an extended period of time and can accommodate a variety of biomass feedstocks with minimal modification at a feed rate of 50 to 200 dry tons per day; (2) to provide the scale-up and operating engineering data necessary to demonstrate the commercial feasibility of the technology; and (3) to provide a "centerpiece" for DOE's continuing research on biomass gasification and product gas commercial applications including the synthesis of methanol.

Proposals should focus on the development of a flexible facility which will provide the essential engineering scale-up and economic data from which industry can commercialize the technology, while at the same time being capable for use of follow-on research. The principal thrust of the project is an integrated facility which will produce medium-BTU gas. Initially, a majority of the gas will be available to support facility operations; however, a portion of the gas should be made available for experimental purposes, such as, cleanup for use as synthesis gas, shift to adjust hydrogen/carbon monoxide ratios, and synthesis reactions for the production of methanol and other liquid fuels. Further, the facility should be constructed such that on-site experiments leading to methanol synthesis may be conducted in the future. Proposers may propose to utilize a feedstock consisting of a combination of different biomass feedstocks including municipal solid waste. Fossil fuel(s), either alone or in a mixture with biomass, may not be used as a feedstock.

Proposer must be a United States citizen (if proposing as an individual); or a U.S. business organized or incorporated under the laws of the U.S.; or a state, local government, or other jurisdiction within the U.S., or an instrumentality thereof. If the proposer is a domestic corporation which has foreign ownership, then the controlling interest in the corporation must be held by a U.S. citizen, corporation, or governmental unit. If the proposer is a partnership, then the controlling interest in the corporation must be held by a U.S. citizen, corporation, or governmental unit. The proposer must make a commitment to construct and operate the proposed project within the United States, i.e., the 50 United States or the U.S. territorial possessions. DOE expects at least 50% cost sharing of the project, although this is not a firm requirement. The share of the costs to be contributed by the proposer, and the amount of DOE funding requested, are important selection considerations. DOE has funds available in the amount of \$5,000,000. The resultant agreement will be managed by the DOE Chicago Operations Office/SAO and is expected to have a five year period of performance. Proposals will be due 120 days from the release of the solicitation. A preproposal conference will be held 20 days after issuance of the FASCAP. If you are interested in receiving the FASCAP and in attending the preproposal conference, contact Patricia Russo Schassburger at the above address or phone number. All responsible sources may submit a proposal which will be considered.

Issued in Chicago, Illinois, on June 30, 1989.
Timothy S. Crawford,
Assistant Manager for Administration.
 [FR Doc. 89-16932 Filed 7-18-89; 8:45 am]
 BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP89-178-001]

Colorado Interstate Gas Co., Compliance Filing

July 13, 1989

Take notice that Colorado Interstate Gas Company ("CIG"), on June 30, 1989, tendered for filing the following tariff sheet to revise its FERC Gas tariff, Original Volume No. 1:

First Revised Sheet No. 61G12-B

CIG states that the above-referenced tariff sheet is being filed in compliance with the Commission's Order issued June 16, 1989, in this docket and relates

to the Commission's requirement for CIG to track any modifications, as may be approved by the Commission, in Northwest Pipeline Corporation's Buyout-Buydown filing in Docket No. RP89-137.

CIG states that copies of the filing were served upon all of the parties to this proceeding and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-16817 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-45-000]

Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing

July 13, 1989.

Take notice that on July 7, 1989, Inter-City Minnesota Pipelines Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to Original Volume No. 1 of its FERC Gas Tariff to be effective August 1, 1989:

Original Volume No. 1

Thirty-Fourth Revised Sheet No. 4

Inter-City states that this revised tariff sheet is filed as Inter-City's quarterly PGA pursuant to Order Nos. 483 and 483-A.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or

before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-16818 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-14-008, TA89-1-45-005, TQ89-1-45-004]

Inter-City Minnesota Pipelines Ltd., Inc.; Compliance Filing

July 13, 1989.

Take notice that on July 6, 1989, Inter-City Minnesota Pipelines Ltd., Inc., 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1 ("Inter-City") tendered for filing revised tariff sheets to its FERC Gas tariff:

Original Volume No. 1

Corrected Third Substitute First Revised

Thirty-First Revised Sheet No. 4

Corrected Fourth Substitute First Revised

Thirty-First Revised Sheet No. 4

Inter-City states that these sheets correct minor errors contained on sheets filed in these dockets on June 12, 1989. Inter-City states those revised tariff sheets were filed in compliance with an Order issued in this proceeding on January 30, 1989. That order required Inter-City to revise its test period adjustments to the extent necessary to reflect only the annualization of charges that occurred during the base period.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-16823 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP89-31-000]

State of Kansas, Kansas Corp. Commission; Preliminary Findings

July 11, 1989

On various dates in 1979 through 1987, the Kansas Corporation Commission (Kansas) notified this Commission that certain wells¹ qualified under section 102,² section 103,³ or section 108 of the Natural Gas Policy Act of 1978 (NGPA).⁴

If the Commission had taken no action, the notices would have become final after 45 days pursuant to section 275.202(a) of the Commission's regulations.⁵ However, within 45 days after receiving notifications of the determinations, the Commission notified Kansas and each applicant that the notice was incomplete because such notice did not include either all of the

information required to complete the application⁶, or an explanatory statement sufficient to enable a person examining the notice to ascertain the basis for the determination.⁷ As a result, none of the determinations have become final because section 275.202(b) of the Commission's regulations provides that the 45-day period for Commission review does not begin if the Commission notifies the jurisdictional agency, and the applicant, that the notice is deficient. Despite these and other requests to Kansas and the applicants to provide the necessary additional information it has not been provided.⁸ The Appendix to this order summarizes each determination and its deficiency.

Under § 275.202(a), the Commission may, before any determination becomes final, make a preliminary finding that the determination is not supported by substantial evidence in the record. Based on the foregoing facts and

⁶ The filing requirements for applications for determinations are contained in Subpart B of Part 274 of the Commission's regulations.

⁷ Section 274.104 of the Commission's regulations specifies what must be included in a notice of determination.

⁸ On June 14, 1988, the Commission sent a follow-up letter to Kansas and the applicants advising that the Commission may reverse the determinations if the required information is not received and noted that refunds may consequently be required. The required information has still not been received for the 14 subject determinations.

circumstances, the Commission hereby makes a preliminary finding that the subject determinations submitted by Kansas are not supported by substantial evidence in the record upon which the determinations were made. Any state or federal agency or any person may, within 30 days after issuance of a preliminary finding, submit written comments and may request an informal conference with the Commission pursuant to § 275.202(f) of the regulations. A final Commission order will be issued within 120 days after issuance of the preliminary finding.

The Commission Orders

(A) Pursuant to § 275.202 of the Commission's regulations and section 503 of the NGPA, the Commission makes preliminary findings that the above-mentioned 14 well category determinations made by the State of Kansas and described in the attached Appendix are not supported by substantial evidence in the record on which the determinations were made.

(B) Kansas, interested parties, or any other person may, within 30 days after issuance of this notice, submit written comments and request an informal conference with the Commission's staff.

By direction of the Commission.

Lois D. Cashell,

Secretary.

APPENDIX—KANSAS INCOMPLETE NOTICES OF DETERMINATION

FERC no. JD	Applicant	Well name	NGPA section	JA docket no.	Purchaser	Initial FERC letter sent	Deficiency in record
83-16456	J. Mark Richardson	Ralstin #1	102(c)(1)(B)(i)	K-82-1057	Kansas Gas Supply Corporation.	02/17/83	Surface drilling of the well began prior to 02/19/77.
83-28497	Graves Drilling Company, Inc.	Bartlett #1	103	K-82-1366	Kansas Power and light company.	05/05/83	Well was spudded in 1955 and re-entered in July 1981 with practically no additional drilling.
84-49968	Stephfield Oil & Gas, Inc.	Conrod #1	102(c)(1)(B)(i)	K-84-0357	Colonial Corp.	10/26/84	The location plat identifying the well within 2.5 miles of the subject well was not included.
84-49969	Stephfield Oil & Gas, Inc.	County Shop #1	102(c)(1)(B)(i)	K-84-0355	Colonial Corp.	10/26/84	The location plat identifying the well and any marker well within 2.5 miles of the subject well was not included.
84-49970	Stephfield Oil & Gas, Inc.	Graham #1	102(c)(1)(B)(i)	K-84-0354	Colonial Corp.	10/26/84	The location plat identifying the well and any marker well within 2.5 miles of the subject well was not included.
84-50011	Clyde Petroleum Inc.	Bossi #2	108	K-82-0789	COGAS Inc and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.
84-50012	Clyde Petroleum	Bossi #3	108	K-82-0790	COGAS Inc. and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.

APPENDIX—KANSAS INCOMPLETE NOTICES OF DETERMINATION—Continued

FERC no. JD	Applicant	Well name	NGPA section	JA docket no.	Purchaser	Initial FERC letter sent	Deficiency in record
84-50013	Clyde Petroleum Inc.	Bossi #5.....	108	K-82-0792	COGAS Inc. and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.
84-50014	Clyde Petroleum Inc.	Bossi #9.....	108	K-82-0785	COGAS Inc. and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.
84-50015	Clyde Petroleum Inc.	Bossi #10.....	108	K-82-0784	COGAS Inc. and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.
84-50016	Clyde Petroleum Inc.	Bossi #8.....	108	K-82-0786	COGAS Inc. and Arkla Gas Company.	10/26/84	No production data was included in the notice which indicated that production increased above an average of 60 Mcf/d for any 90-day period due to the use of an enhanced recovery technique.
86-24566	McCoy Petroleum Corp.	Swingle "N" #1.....	103	K-83-0828	Peoples Natural Gas.	07/02/86	Original spud date was not given in the notice. On the back of the form ACO-1 is the statement "plugged in 1957."
86-29812	John Jay Darrah, Jr..	Doran #1.....	103	K-86-0124	Central States Gas Company.	09/11/86	Well was originally completed on 11/09/46. Well was worked over on 10/01/85 but did not involve additional drilling.
87-08704	Kaiser-Francis Oil Company.	Theis "A" #1.....	108	K-80-0111	Northern Natural Gas Company.	04/08/87	Notice included 24 months of production data which does not appear to demonstrate that the increase in production during the 90-day period was the result of a seasonal fluctuation.

[FR Doc. 89-16810 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-5-16-000]

National Fuel Gas Supply; Proposed Changes in FERC Gas Tariff

July 13, 1989.

Take notice that on July 7, 1989, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to be effective on August 1, 1989, with the exception of Fourth Revised Sheet No. 72-C, which is proposed to be effective on June 1, 1989.

Seventh Revised Sheet No. 71, Page 1 of 2
Sixth Revised Sheet No. 71, page 2 of 2
Fifth Revised Sheet No. 71-A, Page 1 of 2
Fourth Revised Sheet No. 71-A, Page 2 of 2
Fifth Revised Sheet No. 71-B, Page 1 of 2
Fourth Revised Sheet No. 71-B, Page 2 of 2
Second Revised Sheet No. 71-D
Seventh Revised Sheet No. 72, Page 1 of 3
Seventh Revised Sheet No. 72, Page 2 of 3
Seventh Revised Sheet No. 72, Page 3 of 3
Fifth Revised Sheet No. 72-A, Page 1 of 7
Fifth Revised Sheet No. 72-A, Page 2 of 7

Fifth Revised Sheet No. 72-A, Page 3 of 7
Fifth Revised Sheet No. 72-A, Page 4 of 7
Fifth Revised Sheet No. 72-A, Page 5 of 7
Fifth Revised Sheet No. 72-A, Page 6 of 7
Fifth Revised Sheet No. 72-A, Page 7 of 7
Fifth Revised Sheet No. 72-B, Page 1 of 4
Fifth Revised Sheet No. 72-B, Page 2 of 4
Fifth Revised Sheet No. 72-B, Page 3 of 4
Fifth Revised Sheet No. 72-B, Page 4 of 4
Fourth Revised Sheet No. 72-C
Third Revised Sheet No. 72-D

National states that the purpose of this filing is to update the amount of take-or-pay charges approved by the Federal Energy Regulatory Commission to be billed to National by its pipeline-suppliers and to be recovered by National by operation of section 20 of the General Terms and Conditions to National's FERC Gas Tariff, First Revised Volume No. 1. National further states that its pipeline-suppliers which have received approval to bill take-or-pay charges to National are: Columbia Gas Transmission Corporation, CNG Transmission Corporation, Texas Eastern Transmission Corporation, Transcontinental Gas Pipe Line Corporation, and Tennessee Gas Pipeline Company.

Copies of National's filing were served on National's jurisdictional customers and on the interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-16819 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM89-6-26-000]

**Natural Gas Pipeline Co. of America;
Changes in FERC Gas Tariff**

July 13, 1989.

Take notice that on July 6, 1989, Natural Gas Pipeline Company of America (Natural) submitted for filing Second Revised Sheet Nos 171 and 172 to be a part of its FERC Gas Tariff, Third Revised Volume No. 1. The proposed effective date of the revised tariff sheets is August 1, 1989. The purpose of this filing is to reflect the revised allocation of transition costs to Natural in Colorado Interstate Gas Company's May 15, 1989 compliance filing at Docket Nos. RP89-98-003 and RP89-133-001.

Natural requests any waivers of the Commission's Regulations as are necessary to allow the tendered tariff sheets to become effective August 1, 1989. A copy of the filing was mailed to Natural's jurisdictional sales customers, interested state regulatory agencies, and all parties set out on the official service list compiled by the Secretary in these proceedings.

Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with 18 CFR 385.214 and 385.211. All such motions or protests must be filed on or before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-16820 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP89-40-000]

**Oil Conservation Division of the State
of New Mexico; Preliminary Finding**

July 11, 1989

On various dates in 1979 through 1984, the Oil Conservation Division of the State of New Mexico (New Mexico) notified the Commission that it had made affirmative determinations under section 503 of the Natural Gas Policy Act of 1978 (NGPA)¹ concerning gas from six wells operated by four different producers. Under section 503(a) of the NGPA, when a jurisdictional state or federal agency makes a well category determination, that agency is required to provide the Commission with notice of the determination. Section 503(b) provides that the Commission shall reverse any jurisdictional agency determination if the Commission finds that the determination is not supported by substantial evidence in the record upon which the determination was made.

The Commission has established filing requirements for applications for well category determinations, which specify for each type of determination the minimum information that an applicant must file with the jurisdictional agency to support an affirmative determination. The Commission has also specified the information required to be included with the jurisdictional agency's notice to this Commission of its determinations. Under § 274.104 of the Commission's regulations² the notice must include a copy of the application, all information required by sections 274.201-208 of the regulations to be filed with the jurisdictional agency, and an explanatory statement which is sufficient to enable a person examining the notice to ascertain the basis for the determination without reference to information or data not contained in the notice.

If the Commission had taken no action with respect to the notices, they would

have become final after 45 days under § 275.202(a) of the regulations. However, within 45 days of receiving each notice, the Commission advised New Mexico and each applicant that such notice was incomplete, lacking either sufficient explanation of the basis for the determination or sufficient information to complete the application. Despite these and other requests for necessary additional information, New Mexico has not provided it.³ As a result, none of the determinations has become final because § 275.202(b) of the regulations provides that the 45 day period for Commission review does not begin if the Commission notifies the jurisdictional agency, the purchaser, and all parties that the notice is deficient. The Appendix of this notice summarizes each determination and its deficiency, and gives the date of the initial Commission letter advising New Mexico and each applicant that a particular notice is incomplete.

Under § 275.202(a) the Commission may, before any determination becomes final, make a preliminary finding that the determination is not supported by substantial evidence in the record. Based on the foregoing facts and circumstances, the Commission hereby makes a preliminary finding that the subject determinations submitted by New Mexico are not supported by substantial evidence in the record upon which the determinations were made. New Mexico of the applicants may, within 30 days after issuance of this preliminary finding, submit written comments and may request an informal conference with the Commission staff pursuant to § 275.202(f) of the regulations. A final Commission order will be issued within 120 days after issuance of this preliminary finding.

By direction of the Commission.

Lois D. Cashell,
Secretary.

APPENDIX—NEW MEXICO'S INCOMPLETE NOTICES OF DETERMINATION

FERC No. JD	Applicant	Well, name	NGPA section	API Mo.	Purchaser	Initial FERC letter sent	Deficiency in record
79-12357	Stevens Oil Company	State "CH" Com # 3.	103	30-005-00000	Transwestern Pipeline Company	08/24/79	Effective and efficient finding is needed.
80-09022	Phillips Petroleum Company	E Vacuum GB/SA Unit Tract 2171 # 7	103	30-025-26371	El Paso Natural Gas Company	01/24/80	Notice does not contain appropriate geological data to support an effective and efficient finding.

¹ 15 U.S.C. 3413 (1982).² 18 CFR 274.104 (1988).³ On April 28, 1988, the Commission sent a follow-up letter to New Mexico and each applicant advising that the Commission might reverse the

determinations if the required information was not received and noted that refunds might also be required.

APPENDIX—NEW MEXICO'S INCOMPLETE NOTICES OF DETERMINATION—Continued

FERC No. JD	Applicant	Well, name	NGPA section	API No.	Purchaser	Initial FERC letter sent	Deficiency in record
80-09023	Phillips Petroleum Company.	E Vacuum GB/SA Unit Tract 2622 # 1.	103	30-025-26376	El Paso Natural Gas Company.	01/24/80	Notice does not contain appropriate geological data to support an effective and efficient finding.
80-09024	Phillips Petroleum Company.	E Vacuum GB/SA Unit Tract 3236 # 5.	103	30-035-26388	El Paso Natural Gas Company.	01/24/80	Notice does not contain appropriate geological data to support an effective and efficient finding.
83-08248	Yates Petroleum Corporation.	Rio Penasco "RT" Com # 1.	102(c)(1)(C)	30-015-23976	Transwestern Pipeline Company.	12/15/82	Notice did not contain an oath statement.
84-13199	El Paso Natural Gas Company.	San Juan 27-4 Unit MV & PC.	108	30-039-06966	El Paso Natural Gas Company.	02/10/84	Well did not produce gas at a rate in excess of an average of 60 Mcf/d.

[FR Doc. 89-16809 Filed 7-18-89; 8:45 am]

BILLING CODE 6716-01-M

[Docket No. TQ89-3-41-000]

Paiute Pipeline Co.; Proposed Change in FERC Gas Tariff

July 13, 1989.

Take notice that Paiute Pipeline Company (Paiute) on June 30, 1989, tendered for filing pursuant to Part 154 of the Commission's regulations, a Quarterly Adjustment in Rates for jurisdictional gas service rendered to sales customers served under rate schedules affected by and subject to the PGA provisions contained in section 9 of the General Terms and Conditions of Paiute's FERC Gas Tariff, Original Volume No. 1.

Paiute tendered Ninth Revised Sheet No. 10 which reflected a decrease in quarterly demand charges of \$4,863 in aggregate and a decrease of 60.89 cents per dekatherm in commodity rates compared with those in effect on May 1, 1989. In determining its projected purchased gas costs included in this filing, Paiute has utilized rates filed by Northwest Pipeline Corporation (Northwest) on June 1, 1989, in Docket No. TQ89-4-37-000 to be effective July 1, 1989. If the rates proposed by northwest are revised for any reason, Paiute reserves the right to submit a substitute sheet to track the Northwest revision.

Paiute states that in its previous quarterly PGA filing, the Commission ordered Paiute to provide in future PGA filings a breakdown of its purchases from Natural Gas Clearinghouse, Inc. (NGC) a gas marketer, by NGPA category. In accordance with the Commission's Order, Paiute has included the required information, which was provided by NGC, in its filing. Paiute states that the projected rate reflected in its filing for purchases from NGC is not based on NGPA category, but rather upon the total

projected supply delivered into Paiute's system.

The proposed effective date for the tendered tariff sheet is August 1, 1989.

Copies of the filing were served on Paiute's jurisdictional sales customers, interested parties and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 20, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-16821 Filed 7-18-89; 8:45 am]

BILLING CODE 6716-01-M

[Docket No. TM89-4-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

July 12, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on June 27, 1989 certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, which tariff sheets are included in Appendix A attached to the filing. The proposed effective dates of the revised sheets are indicated in Appendix A.

Transco states that this filing is to revise the Fixed Monthly PSP Charges and Commodity PSP Charges for the

initial Annual Recovery Period of May 1, 1988 through April 30, 1989 to reflect for such period the actual quarterly FERC interest rates computed in accordance with § 154.67(c) of the Commission's regulations.

Transco states that copies of the instant filing are being mailed to those customers, State Commissions and interested parties in Docket No. RP88-68. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before July 19, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 89-16822 Filed 7-18-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed With the Office of Hearings and Appeals During the Week of June 12 Through June 16, 1989

During the Week of June 12 through June 16, 1989, the appeals and applications for other relief listed in the Appendix to this Notice were filed with

the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of

service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such

comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,
Director, Office of Hearings and Appeals.
July 7, 1989.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 12 through June 16, 1989]

Date	Name and location of applicant	Case no.	Type of submission
June 12, 1989	Lynn Landon, Pocatello, Idaho	KFA-0300	Freedom of Information Appeal Denial. If granted: The May 15, 1989 Freedom of Information Request Denial issued by the Idaho Operations Office would be rescinded, and Lynn Landon would receive access to the DOE investigator's notes.
June 16, 1989	Amoco/Indiana, Indianapolis, Indiana	RM251-153	Request for Modification/Rescission. If granted: The May 28, 1989, Decision and Order issued to Indiana would be modified, regarding the State's plan submitted in the Amoco second stage refund proceeding.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
1/31/89	Ford's Exxon, Inc.	RF307-9981.
6/8/89	John E. Jones Oil Company.	RF308-13.
6/8/89	M.R. Pasley	RF308-14.
6/9/89	Carter & Hensley Oil Company.	RF307-9980.
6/9/89	Frank's Payless Spur.	RF309-1361.
6/9/89	Buras Fuel Dock	RF309-1362.
6/9/89	Armstrong Oil Company, Inc.	RF313-167.
6/9/89 thru 6/16/89.	Crude Oil Refund Applications Received.	RF272-75508 thru RF272-75222.
6/9/89 thru 6/16/89.	Atlantic Richfield Refund Applications Received.	RF304-9424 thru RF304-9508.
6/9/89 thru 6/16/89.	Shell Oil Refund Applications Received.	RF315-6110 thru RF315-6187.
6/12/89	Todd Enterprises, Inc.	RF313-168.
6/12/89	Todd Enterprises, Inc.	RF313-169.
6/12/89	Jerry W. Talley	RF300-10828.
6/12/89	Darlington Propage Gas Company.	RF300-10829.
6/12/89	Pryor Interprises, Inc.	RF313-170.
6/12/89	Sundance Enterprises, Inc.	RF313-171.
6/12/89	Modern Gas Company, Inc.	RF300-10830.
6/12/89	Fowler Equity	RF308-15.
6/13/89	Kirk Brown's Gulf	RF300-10831.
6/13/89	Millegge Gulf	RF300-10832.

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
6/13/89	K.D. McCall Gulf	RF300-10833.
6/13/89	Quinn's Gulf	RF300-10834.
6/13/89	County Line Grocery.	RF300-10835.
6/13/89	Marsh's Apco	RF310-341.
6/13/89	Niblett Oil Company.	RF300-10836.
6/13/89	Matthews Exxon Service Station.	RF307-9982.
6/13/89	Ada Resources/Port of Galveston.	RQ24-513.
6/14/89	Kent Oil & Trading Company.	RF307-9983.
6/14/89	Vitro Corporation	RF307-9984.
6/14/89	Fifth Wheel Service.	RF308-16.
6/14/89	Kent Oil & Trading Company.	RF309-1363.
6/15/89	Tweedell & Van Buren Oil Corp.	RF313-172.
6/15/89	Chana, Inc.	RF313-173.
6/15/89	Kent Oil & Trading Company.	RF313-174.
6/15/89	Hemker Oil Company, Inc.	RF309-1364.
6/15/89	Kent Oil & Trading Company.	RF311-10.
6/16/89	Siler City Oil Company, Inc.	RF313-175.
6/16/89	Amoco/Wisconsin	RQ251-514.

[FR Doc. 89-16933 Filed 7-18-89; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals During the Week of June 16 Through June 23, 1989

During the Week of June 16 through June 23, 1989, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,
Director, Office of Hearings and Appeals.
July 7, 1989.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 16 through June 23, 1989]

Date	Name and location of applicant	Case No.	Type of submission
June 19, 1989	Cibro Sales Corporation, Inc., Washington, DC	KEF-0136	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the March 24, 1984 Consent Order entered into with Cibro Sales Corporation, Inc.
June 19, 1989	ARCO/William H. Flud, Harrison, Arkansas	RR304-6	Request for Modification/Rescission in the Arco Refund Proceeding. If Granted: The December 22, 1988 Decision and Order issued to William H. Flud would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
June 21, 1989	Anne K. Magnuson, Clifton Park, New York	KFA-0301	Appeal of Information Request Denial. If Granted: The May 24, 1989 Freedom of Information Request Denial issued by the Office of Administrative Services would be rescinded, and Anne K. Magnuson would receive access to records at Albany Medical Center and research on mentally ill patients.
June 22, 1989	Hanford Education Action League, Spokane, Washington	KFA-0302	Appeal of An Information Request. If Granted: The DOE would reverse its dismissal of Case No. KFA-0257 and release those portions deleted from a May 3, 1959 document provided to the Hanford Education Action League.

REFUND APPLICATIONS RECEIVED

[Week of June 16 to June 23, 1989]

Date received	Name of refund proceeding/name of refund applicant	Case No.
06/19/89	Brantley's Gulf	RF300-10837.
06/19/89	Barmer Exxon	RF307-9987.
06/19/89	Gant Oil Company	RF314-32.
06/22/89	Sysco Food System.	RC272-47.
06/22/89	John Mobley	RF308-19.
06/22/89	George E. Davis	RF309-1365.
06/22/89	Riverfront Gulf Service, Inc.	RF300-10838.
06/20/89	Kirk's Service, Inc.	RF314-34.
06/23/89	International Fueling Co. Inc.	RF307-9989.
06/23/89	Buettmeyer's Exxon.	RF307-9990.
06/23/89	Sav-Mor Gas Co.	RF313-182.
06/23/89	Darsey Oil Company, Inc.	RF313-183.
06/23/89	C. Herschel Darsey.	RF313-184.
06/21/89	Carroll L. Bond, Jr.	RF313-176.
06/22/89	Mor-Gas Industries, Inc.	RF313-177.
06/22/89	Gautier' Crown	RF313-178.
06/22/89	Bramlett's Lakewood S/S.	RF313-179.
06/22/89	Fisca Oil Co., Inc.	RF313-180.
06/13/89	Sundance Enterprises, Inc.	RF313-181.
06/20/89	Elmer Thiringer	RF308-18.
06/16/89 thru 06/23/89	Crude Oil Refund	RF272-75523 thru RF 272-75536.
06/16/89 thru 06/23/89	Atlantic Richfield Refund.	RF304-9509 thru RF304-9603.
06/16/89 thru 06/23/89	Shell Refund	RF315-6188 thru RF315-6252.

Issuance of Decisions and Orders issued the Week of May 8 Through May 12, 1989

During the week of May 8 through May 12, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,*Director Office of Hearings and Appeals.*

July 6, 1989.

Appeal*Roy D. Woodruff, 5/10/89, KFA-0276*

Roy D. Woodruff filed an Appeal from a determination issued by the Acting Assistant Manager for Administration of the San Francisco Operations Office, denying Woodruff's request for information which he submitted pursuant to the Freedom of Information Act (FOIA) and the Privacy Act. Woodruff sought access to, *inter alia*, letter reports prepared by two scientists at the request of the DOE, investigating allegations made by Woodruff

concerning the Department's x-ray laser program. In considering the Appeal, the DOE found that the information was predecisional and deliberative, and properly withheld pursuant to Exemption 5 of the FOIA. The DOE also concluded: (1) The letters did not lose their Exemption 5 privilege simply because the DOE adopted the conclusions set forth in the documents; (2) the DOE did not waive the deliberative process privilege by releasing the letters to members of Congress, the General Accounting Office, and the Vice-President of the University of California; (3) there was no reasonably segregable factual information contained in the letters that could be released without compromising the deliberative process; and (4) Woodruff was not entitled to the letters pursuant to the Privacy Act. Since the DOE determined that the documents were properly withheld, the Appeal was denied.

*Remedial Order**Morrison Petroleum Company, Inc. 5/11/89, KRO-0350*

The DOE issued a Remedial Order to Morrison Petroleum Company, Inc. (Morrison). In the Remedial Order, the DOE found that during the months of July 1976 through May 1977, Morrison violated the entitlements reporting regulations codified at 10 CFR 211.66 and 211.67 and the circumvention regulation set forth at 10 CFR 205.202. Specifically, the DOE found that Morrison entered into two contracts with the International Petroleum Trading Company (IPTC). These contracts arranged a series of crude oil sales, processing and refined product transactions which were designed to

[FR Doc. 89-16934 Filed 7-18-89; 8:45 am]

BILLING CODE 6450-01-M

allow Morrison to report the crude oil volumes as processed for its account in order to receive small refiner bias entitlements benefits for those volumes. The DOE found that despite Morrison's acquisition of legal title to the crude oil, the primary functions of ownership of the crude oil remained at all times with IPTC. The DOE therefore concluded that Morrison was not the owner of the crude oil for regulatory purposes, that it improperly reported the crude oil as processed for its account, and that it was not entitled to the small refiner basis entitlements benefits that it received as a result of filing those reports. The DOE also found that the contracts between Morrison and IPTC constituted a scheme to circumvent the clear intent of the DOE regulations by using a small refiner as title holder of the crude oil for the sole purposes of obtaining small refiner bias entitlements benefits. The DOE ordered Morrison to refund the sum of \$4,843,227, plus interest, which represents the amount of entitlements benefits paid to Morris for the crude oil subject to its agreements with IPTC.

Request For Exception

Martin & Bayley Inc., 5/10/89, KEE-0171

Martin & Bayley Inc. (Martin) filed an Application for Exception from the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing the following forms: Form EIA-782B, entitled "Reseller/Retailers Monthly Petroleum Product Sales Report"; Form EIA-821, entitled "Annual Fuel Oil & Kerosene Sales Report"; and Form EIA-863, entitled "Petroleum Product Sales Identification Survey." In considering the request, the DOE found that the firm was not adversely affected by the reporting burden in a way significantly different from the burden borne by similar reporting firms. Accordingly, exception relief was denied with respect to the filing of Form EIA-782B and Form EIA-821. The DOE reached no determination with regard to Form EIA-863 as Martin is not required to file that form covering sales in 1988.

Refund Applications

Aminoil U.S.A. Inc./Fred G. McKenzie Co., 5/9/89, RR139-45

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed on behalf of the Fred G. McKenzie Company (McKenzie) in the Aminoil U.S.A., Inc. special refund proceeding. The firm's initial Application for Refund was denied under the presumption of non-injury

applicable to spot purchasers. The Motion contained no information to persuade the DOE to modify the earlier decision. Accordingly, McKenzie's Motion for Reconsideration was denied.

Arizona Electric Power Cooperative, 5/12/89, RF272-74939 RD272-9358

The DOE issued a Decision and Order granting a refund from Crude oil overcharge funds to Arizona Electric Power Cooperative (Arizona), an electricity generation and transmission cooperative. In reaching its determination, the DOE rejected the objections to Arizona's claim submitted by a group of States and denied the States Motion for Discovery. The States contended that Arizona should not receive a refund because the firm was not an injured end-user, and because it should be permitted to act as a conduit for the distribution of refund benefits to its injured customers. The DOE rejected both of the States arguments, finding that Arizona was not claiming a refund for itself, but rather agreed to pass through to its customers the benefits of any refunds which it receives. The DOE also found that the Settlement Agreement permitted cooperatives to receive refunds in Subpart V crude oil proceedings in order to distribute direct restitution to their injury customers. Accordingly, the application was approved and Arizona was granted a refund totaling \$29,128.

Atlantic Richfield Company/Anaconda Company Brass Division 5/11/89, RF304-739

The DOE issued a Decision and Order concerning an Application for Refund filed by the Anaconda Company Brass Division (Anaconda) in the Atlantic Richfield Company (ARCO) special refund proceeding. Anaconda, a wholly-owned subsidiary of ARCO, requested a refund based upon documented purchases of 2,632,960 gallons of ARCO propane. However, the DOE determined that granting a refund to an ARCO subsidiary would effectively return a portion of the ARCO consent order funds to ARCO, a result inconsistent with the restitutionary purposes of the Subpart V special refund proceeding. Therefore, Anaconda's claim was denied.

Atlantic Richfield Company/Fase LP Gas Service Inc. et al., 5/8/89, RF304-101, et al.

The DOE issued a Decision and Order concerning 21 Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. As reseller/retailers claiming refunds of less than \$5,000 or end users, each applicant was presumed to have been

injured by ARCO's alleged overcharges. After examining the applications and supporting documentation, the DOE determined that the firms should receive refunds totaling \$69,639, representing \$53,860 in principal and \$15,779 in interest.

Atlantic Richfield Company/Glen Rock Car Wash et al., 5/12/89, RF304-2340 et al.

The DOE issued a Decision and Order concerning fifty-four Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were end users or reseller/retailers requesting refunds of \$5,000 or less. Therefore, each applicant was presumed injured. The refunds granted in this Decision totaled \$87,590 (\$67,582 in principal and \$20,008 in interest).

Atlantic Richfield Company/Tony Fava Sports Center, et al., 5/9/89, RF304-2473, et al.

The DOE issued a Decision and Order concerning fourteen Applications for Refund in the Atlantic Richfield Company special refund proceeding. Eleven of the applicants were either end users or reseller/retailers that applied for refunds of \$5,000 or less. The remaining applicants elected to use the mid-level presumption of injury. In addition, each applicant documented the volume of its purchases from ARCO and, therefore, was presumed to have been injured and entitled to a refund. The DOE concluded that the applicants should receive refunds totalling \$101,374, representing \$78,212 in principal and \$23,162 in accrued interest.

Beacon Oil, Company/Mack J. Sylver, Inc., 5/12/89, RF238-57

The DOE issued a Decision and Order concerning one Application for Refund filed by Mack J. Sylver, Inc., from a consent order fund made available by the Beacon Oil Company. As a reseller applying for a \$5,000 small claims refund, the firm was presumed to have been injured. Accordingly, the DOE concluded that it should receive a refund of \$11,384, representing \$5,000 in principal and \$6,384 in accrued interest.

City of Independence, et al., 5/11/89, RF272-21217, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to four end-users of refined petroleum products. Each applicant submitted information indicating the volumes of motor gasoline, fuel oil, jet fuel, motor oil or

heating oil that were purchased during the crude oil price control period. The sum of the refunds approved in this Decision is \$69,635.

Crown Central Petroleum Corporation/Biltmore Oil Company, Inc., et al., 5/9/89, RF313-115 et al.

The DOE issued a Decision and Order granting applications filed by six purchasers of Crown refined petroleum products in the Crown Central Petroleum Corporation special refund proceeding. According to the procedures set forth in *Crown Central Petroleum Corp.*, 18 DOE ¶ 85,326 (1988), each applicant was found to be eligible for a refund based on the volume of products it purchased from Crown. The total amount of refunds approved in this Decision was \$38,111, representing \$32,657 in principal plus \$5,454 in accrued interest.

Crown Central Petroleum Corporation/Jet-Way Service Station, et al., 5/12/89, RF313-105 et al.

The DOE issued a Decision and Order considering applications filed by five purchasers of Crown refined petroleum products in the Crown Central Petroleum Corporation special refund proceeding. Each applicant was found to be eligible for a refund based on the volume of products it purchased from Crown. The refund applications were granted using a presumption of injury procedure set forth in *Crown Central Petroleum Corp.*, 18 DOE ¶ 85,326 (1988). The total amount of refunds approved in this Decision was \$35,226, representing \$30,185 in principal plus \$5,041 in accrued interest.

Exxon Corporation/Dean Drive Service Center et al., 5/12/89, RF 307-147 et al.

The DOE issued a Decision and Order concerning 17 applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was either a reseller whose allocable share is less than \$5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$18,553 (\$15,698 principal plus \$2,855 interest).

Exxon Corporation/Petroleum Heat & Power Co. et al. 5/10/89, RF307-5225 et al.

The DOE issued a Decision and Order granting a refund to four resellers of refined petroleum products from consent order funds collected from Exxon Corporation. Because each firm chose to

limit its refund claim to the greater of \$5,000 or 40 percent of its volumetric refund amount, each firm was presumed to have been injured by Exxon's alleged overcharges. Three of the firms received a refund of \$5,909 (\$5,000 principal and \$909 interest). The fourth, Petroleum Heat & Power Co., received 40% of its volumetric amount, or \$17,442, plus \$3,171 in interest.

Exxon Corporation/Premium Gas Service, County Petroleum Products Inc., 5/11/89, RF307-3688, RF307-4099

The DOE issued a Decision and Order concerning Applications for Refund in the Exxon Corp. special refund proceeding filed by Premium Gas Service (Case No. RF307-3688) and County Petroleum Products Inc. (Case No. RF307-4099), both wholesale distributors of Exxon products. The applications were both filed by Robert Blank, the owner of the firms. Because Premium and County are under common ownership, they were not separately eligible for refunds under the injury presumptions established in the Exxon proceeding. The firms' collective allocable share is more than \$5,000. However, a reseller applicant whose allocable share exceeds \$5,000 may elect to receive as its refund the larger of \$5,000 or 40 percent of its allocable share up to \$50,000. In the present case, 40 percent is greater. Accordingly, the refund granted in this Decision totals \$6,541 (\$5,535 principal plus \$1,006 interest).

Exxon Corporation/Thomas B. Turner et al. 5/18/89, RF307-6300 et al.

The Office of Hearings and Appeals of the Department of Energy issued a Decision and Order granting 50 Applications for Refund from consent order funds obtained from Exxon Corporation. Each Applicant was a reseller that sought a refund of less than \$5,000, and was therefore presumed to have suffered injury as a result of Exxon's alleged overcharges. The sum of the refunds granted is \$41,057.

Exxon Corporation/Van's Exxon et al., 5/10/89, RF307-1774, et al.

The Office of Hearings and Appeals of the Department of Energy issued a Decision and Order granting 48 Applications for Refund from consent order funds obtained from Exxon Corporation. Each Applicant was a reseller that sought a refund of less than \$5,000, and was therefore presumed to have suffered injury as a result of Exxon's alleged overcharges. The sum of the refunds granted is \$49,816.

Gulf Oil Corporation/Basham's Gulf Service Center, Basham's Gulf Service Inc., 5/10/89, RF300-7238, RF300-7239

The DOE issued a Decision and Order concerning 2 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Because both applicants were under common ownership during the consent order period, both applications were considered together. Both applications were approved based on a presumption of injury. The sum of the refunds granted in this Decision is \$6,563.

Gulf Oil Corporation/Choctaw Fuels, Inc., Martin Gas Sales, Inc., 5/11/89, RF300-5285, RF300-5290

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Choctaw Fuels, Inc. and Martin Gas Sales, Inc. Because both firms were under common ownership during the consent order period, the two applications were considered together in applying the presumptions of injury. The two firms collectively purchased 50,584,158 gallons of covered Gulf products, and their Applications were approved under the 40 percent presumption of injury. The refund granted in this Decision, which includes both principal and interest, is \$16,996.

Gulf Oil Corporation/Elmore Oil Company, Inc., et al., 5/10/89, RF300-825, et al.

The DOE issued a Decision and Order concerning 17 Applications for Refund submitted in the Gulf Oil Corporation refund proceeding. Each application was approved using the 40 percent presumption of injury. The sum of the refunds granted in this Decision is \$288,375.

Gulf Oil Corporation/Franco Distributors, Inc., Carr Oil Company, Inc., Joe A. Emerson, 5/12/89, RF300-827, RF300-3644, RF300-3719

The DOE issued a Decision and Order concerning 3 Applications for Refund submitted by consignees in the Gulf Oil Corporation refund proceeding. Each application was approved using the 10 percent presumption of injury. The sum of the refunds granted in this Decision is \$2,885.

Gulf Oil Corporation/Gary E. Wygle, 5/8/89, RF300-10800

On February 2, 1989, the DOE issued a Decision and Order granting a refund of \$974 to Gary E. Wygle (Wygle), Case No. RF300-6021. *Gulf Oil Corporation/*

William J. Smith, et al., 18 DOE ¶ 85,586 (1989). The DOE determined that this refund was a duplicate of the refund granted to Wygle, Case No. RF300-1862, on November 28, 1988. *Gulf Oil Corporation/Floyd Rogers, et al.*, 18 DOE ¶ 85,278 (1988). Accordingly, the DOE issued a Supplemental Order rescinding the refund granted to Wygle in *Gulf Oil Corporation/William J. Smith, et al.*

Gulf Oil Corp./J. P. Tyke Gulf Service, J. P. Tyke Gulf Service, 5/12/89, RF300-7206, RF300-7207

The DOE issued a Decision and Order concerning 2 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Because the Applicants were affiliated, the Applications were considered together. The Applications were approved based on a presumption of injury. The sum of the refunds granted in this Decision is \$6,563.

Gulf Oil Corporation/John M. Lapinski, Sr., et al., 5/12/89, RF300-806, et al

The DOE issued a Decision and Order concerning 29 Applications for Refund submitted in the Gulf Oil Corporation refund proceeding. Each application was approved using a presumption of injury. The sum of the refund granted in this Decision is \$67,649.

Gulf Oil Corporation/Leased Vehicles Co., et al., 5/10/89, RF300-7220, et al

The DOE issued a Decision and Order concerning 8 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is \$23,857.

Gulf Oil Corp./Lloyd C. Shanks, et al., 5/8/89, RF300-7219, et al

The DOE issued a Decision and Order concerning 9 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each applicant was an indirect purchaser of Gulf product. However, because the DOE made no determinations of the injury of the direct purchasers, from whom the applicants purchased Gulf product, the indirect purchasers were presumed injured and eligible to receive their full allocable shares. The applications were therefore granted.

Gulf Oil Corporation/M&W Oil Company, Inc., W. L. Hubert, 5/8/89, RF300-7435, RF300-7538

The DOE issued a Decision and Order concerning 2 Applications for Refund submitted by consignees in the Gulf Oil Corporation special refund proceeding.

Each application was approved based on the consignee 10% presumption of injury. The sum of the refunds granted in this Decision is \$415.

Gulf Oil Corporation/McLendon Gulf Oil Roger's Gulf, 5/10/89, RF300-10028, RF300-10268

The DOE issued a Decision and Order concerning two Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Federal Refunds, Inc. (FRI) on behalf of McLendon Gulf Oil (Case No. RF300-10028) and Roger's Gulf (Case No. RF300-10268). Both firms claimed gallonage amounts far in excess of the figures provided on the master list of Gulf's customers that Gulf provided the OHA. Neither applicant was able to substantiate its claim with records of any kind. In the absence of a verifiable estimate by a claimant, DOE adopted the Gulf list's gallonage figures. Thus, the refund amounts of both McLendon and Roger's were based on the gallonage estimates provided by Gulf. The total of the refunds granted was \$3,229. The refund checks were sent directly to the applicants, rather than to FRI.

Gulf Oil Corporation/Wald Oil Company, et al., 5/8/89, RF300-6497, et al

The DOE issued a Decision and Order concerning 14 Applications for Refund submitted by ten applicants in the Gulf Oil Corporation refund proceeding. Each applicant claimed gallons purchased as a retailer and gallons purchased as a consignee. Each of the applicants were approved for its full allocable share as a reseller and 10% of its allocable share as a consignee. None of the applicants claimed a principal refund greater than \$5,000 for its combined purchases as a reseller and as a consignee. The sum of the refunds granted in this Decision is \$15,470.

J.R. Hale Contracting Co., Inc., et al., 5/12/89, RF272-27158 et al

The DOE issued a Decision and Order granting Applications for Refund filed by 12 claimants from crude oil overcharge funds based on purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicants were found to be end-users eligible to receive refunds totaling \$38,722.

Jacksonville Electric Authority, et al., 5/11/89, RF272-420, et al

The DOE issued a Decision concerning four applications for refund in the OHA Subpart V crude oil refund proceedings. The applicants consist of two regional transit authorities and two municipal utilities. Comments were

submitted by Philip P. Kalodner alleging that the four applicants are ineligible for Subpart V crude oil refunds because governmental authorities are ineligible to participate in the crude oil refund proceedings and these applicants necessarily passed through any crude oil overcharges. The OHA determined that the four applicants were eligible to receive their full allocable shares of the crude oil overcharge monies under the end-user presumption of injury. The total refund granted in this Decision is \$2,446,305, and the total gallonage approved is 3,057,880,677.

John J. Craig 5/11/89, RC272-46

The DOE issued a Supplemental Decision and Order modifying the crude oil refund granted to John J. Craig (Craig) in *Village of Arlington Heights*, 17 DOE ¶ 85,721 (1988). The \$364 refund approved for Craig in Case No. RF272-12302 was calculated using an incorrect volume of refined petroleum products. The correct purchase volume upon which to calculate Craig's refund was 45,571 gallons. Based upon that number of gallons, Craig's correct refund was \$36.45. Accordingly, the DOE requested a repayment from Craig of \$327.55, and on May 2, 1989, Craig remitted that sum to the DOE.

Miller and Miller Real Estate, et al., 5/10/89, RF272-17715, et al

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 11 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each applicant calculated its volume claim either by consulting actual purchase records or by estimating its consumption. Each applicant was an end-user of the products it claimed and was therefore found injured and entitled to a refund. The sum of the refunds granted in this Decision is \$68,634.

Mobil Oil Corp. Fosti/Economy Boat Store of Texas, Inc., 5/9/89, RF225-10144

The DOE issued a Decision and Order denying an Application for Refund filed by FOSTI/Economy Boat Store of Texas, Inc. (FOSTI) in the Mobil Oil Corp. special refund proceeding. FOSTI claimed a refund for its purchases of a product after the product's date of decontrol. Because no overcharges could have occurred in FOSTI's purchases, the DOE denied the firm's claim.

Murphy Oil Corporation/Frank-Len, Inc., et al., 5/10/89, RF309-1007 et al

The DOE issued a Decision and Order concerning Applications for Refund filed by 10 claimants in the Murphy Oil

Corporation special refund proceeding. Each applicant claimed a refund in excess of \$5,000 and was found to be eligible for a refund at the relevant presumption level from the Murphy consent order fund according to the procedures established in *Murphy Oil Corp.*, 17 DOE ¶ 85,782 (1988). The refunds approved in the Decision totaled \$75,466 (\$65,046 in principal plus \$10,420 in interest).

Murphy Oil Corporation/Willis Weedman et al., 5/10/89, RF309-1003 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed by 43 claimants in the Murphy Oil Corporation special refund proceeding. Each applicant documented its purchases of regulated petroleum products from Murphy and was found to be eligible for a refund from the Murphy

consent order fund according to the procedures established in *Murphy Oil Corp.*, 17 DOE ¶ 85,782 (1988). The refunds approved in the Decision totaled \$84,583 (\$72,904 in principal plus \$11,679 in interest).

Plaquemines Oil Sales Corp./Buras Fuel Docks, 5/11/89, RR305-3

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by Buras Fuel Docks (Buras) in the Plaquemines Oil Sales Corp. (POSC) special refund proceeding. In its Motion, Buras contended that a prior Decision and Order denying its Application for Refund was incorrect because the calculation of its base period margin for the purposes of approximating its banks of unrecouped increased product costs did not use POSC's weighted average selling price to Buras' class of purchaser. The DOE rejected this argument because

the weighted average price represents POSC's average selling price to a class of purchaser, and did not represent the price that Buras paid on or before May 15, 1973. Accordingly, the Motion for Reconsideration was denied.

Silgas, Inc., 5/12/89, RF272-64883

The DOE issued a Decision and Order, denying an Application for Refund filed by Silgas, Inc. in the Subpart V crude oil refund proceedings. Silgas was reseller of refined petroleum products during the period August 19, 1973 through January 27, 1981. Because Silgas did not demonstrate that it was injured due to crude oil overcharges, it was ineligible for a crude oil refund.

Crude Oil End-Users

The Office of Hearings and Appeals granted crude oil overcharge refunds to end-user applicants in the following Decisions and Orders:

Name	Case number	Date	Number of applicants	Total refund
Herbert Koester et al.	RF272-50000	5/11/89	160	\$17,996
Marvin Miller Farms Ltd. et al.	RF272-50400	5/12/89	157	20,787
Trans-Mix Co., Inc. et al.	RF272-24000	5/8/89	22	13,713

Dismissals

The following submissions were dismissed:

Name	Case No.
Albert's Service, Inc.	RF307-44
Andy's Exxon	RF307-7988
Angel Service Center	RF300-8000
Bob 77 Service Center	RF300-8467
Bronco Transportation et al (See Attached List)	RF272-55459
Ciampi Holiday Gulf	RF300-9645
Coastal Gulf, Inc	RF300-8505
Cooper's Gulf Service	RF300-8648
Country Service Center, Inc.	RF307-7989
D.O. Blevins Sons, Inc	RF313-86
De Los Reyes Gulf Service	RF300-8522
Dept. of Transportation, Md.	RF307-8737

Name	Case No.
Durham Coca-Cola Bottling Co.	RF300-8884
Garden Shell Service Station	RF315-314
Gate Petroleum Co.	RF313-107
George J. Switzer Co., Inc.	RF300-9257
Homestead Gulf	RF300-9254
Jack Mariani Co	RF272-39301
John F. Van Luvender	RF300-7981
John's Exxon Service	RF307-971
Johnson Gulf Service	RF300-8460
Joseph Vizzi	RF300-7975
Ken Lilly	RF307-2075
Latours Gulf Service	RF300-8901
M. Harold Whitley	RF307-9677
McGraw-Edson Power Systems	RF300-2923
Metz Oil Company	RF307-1017

Name	Case No.
Mt Furn Gulf	RF300-8468
Preston Moore Oil Co.	RF300-160
R.W. Mathews & Sons	RF300-9265
Schaan Oil Co	RF300-7883
Service Distributing Co., Inc	RF313-95
Southside Gulf et al (See Attached List)	RF300-06623
Thames Gulf Station	RF300-284
The American Tobacco Company	RF307-8222
The Little Oil Company, Inc	RF313-89
Tony's Service	RF307-8367
V.B. Smith Distributor, Inc	RF300-7881
Wayne Hopkins	RF307-2055
Westport Energy Corporation	HRO-0177
Westvaco Corporation	RF307-9166
Willow Creek Exxon	RF307-1825
	RF307-2103

MAY 8, 1989

Case No.	Firm	Location
RF272-55459	Bronco Transportation	153 Avery St., Dallas, TX 75208.
RF272-55460	Murphy Bonded Warehouse, Inc.	5805 Courtesy Lane, Shreveport, LA 71133.
RF272-55461	Castle Delivery, L.J. Castle	3177 Irving St., Dallas, TX, 75247.
RF272-55463	B-Line-Delivery, Inc.	Imperial Central, Dallas, TX 75235.
RF272-55464	Bandit Messeros/Lee Ojeda	2136 N. Harwood Dr., Dallas, TX 75201.
RF272-55466	City Wide Delivery Service	404 N. Hawkins, Dallas, TX 75204.
RF272-55468	Allstate Auto Rents, Inc.	3535 Forrest Lane, Dallas, TX 75242.

MAY 8, 1989—Continued

Case No.	Firm	Location
RF272-55469	Allstate Auto Rents, Inc.	3206 Live Oak Dr., Dallas, TX 75204.
RF272-58086	Wylie Propane Gas	P.O. Box 578, Wylie, TX 75098.
RF272-58087	Armsted Trucking	P.O. Box 581, Coushatta, LA 71019.
RF272-58089	Morris Oil Company	P.O. Box 368, Senatobia, MS 38668.
RF272-58092	Atlantic Aviation Corp.	P.O. Box 15000, Wilmington, DE 19850.
RF272-58098	Welland Peanut Co., Inc.	Hwy 258, Woodland, NC 27897.
RF272-58099	Jet Fleet Corporation	5200 Keller Springs Road, Dallas, TX 75248.
RF272-58100	Davidson Bus Company	2513 East Higgin Road, Elk Grove Village, IL 60007.
RF272-58102	Air Exchange, Inc.	7338 Aviation Place, Dallas, TX 75235.
RF272-58104	Mid-American Charter Lines	2513 East Higgins Road, Elk Grove Village, IL 60007.
RF272-58105	Air Fly School	34511 Eddy Racksonbaker, Dallas, TX 75248.
RF272-58106	Allstate Auto Rents Inc.	2423 West Mockingbird Ln., Dallas, TX 75235.
RF272-58107	Fire Dept. City of Mesquite	P.O. Box 137, Mesquite, TX 75149.
RF272-58901	Salley Farms	Box 157, Palcedo, TX 77977.
RF272-58906	Lauren H. Enns	Route 9 Box 20, Hillsboro, KS 67063.
RF272-59708	Fayette County School System	P.O. Box 10, Somerville, TN 38068.
RF272-59710	Ambu-Wagon Inc.	94 1st St., New Rochelle, NY 10801.
RF272-59711	Raffis Exxon & Wrecker Service	8022 Ferguson Rd., Dallas, TX 75228.
RF272-59716	Willowcreek Exxon Wrecker Ser.	9701 N. Central Expsrwy., Dallas, TX 75231.
RF272-62417	Murphree Exxon	3156 Mendenhall, Memphis, TN 38118.
RF272-62423	AAA Shell Station	6300 Asher Ave., Little Rock, AR 72204.
RF272-62424	Hurdle Oil Co.	679 Poplar W., Collierville, TN 38017.
RF272-62425	Eddie Wyatt Inc.	510 Pert Dr., San Antonio, TX 78219.
RF272-62428	Wilkerson Travel Mart	1926 Colonial Hills Dr., Southaven, MS 38671.
RF272-62435	Taylor Amoco Service Station	1393 Mississippi Blvd., Memphis, TN 38103.
RF272-62436	Smith & Sons Amoco	2260 Elvis Presley Blvd., Memphis, TN 38106.
RF272-62438	Brooks Rd. Amoco	1709 E. Brooks Rd., Memphis, TN 38116.
RF272-62452	Benton Furniture Co., Inc.	229 Main St., Tarboro, NC 27886.
RF272-62453	Parker Wrecker	1874 South Highland, Jackson, TN 38301.
RF272-62455	Rays Union 76	989 Wellsville Cove, Memphis, TN 38109.
RF272-62461	Rogers Oil Co.	Box 416, Union City, TN 38261.
RF272-62463	Dutton Aviation	Box C5, Sand Springs, MT 59077.
RF272-62464	Tarboro Intnl. Truck Sales	PO Box 309, Tarboro, NC 27886.
RF272-62466	Bailey's Station	10022 Poplar Ave., Collierville, TN 38017.
RF272-62470	Hornsby Texaco	920 W. Main, Union City, TN 38261.
RF272-62471	Captain Dicks Marina	PO Box 601, Murrells Inlet, SC 29576.
RF272-62473	Poplar & Hollywood Mobil	2444 Poplar, Memphis, TN 28112.
RF272-62474	Wells & Son Exxon	1820 Elvis Presley Blvd., Memphis, TN 38106.
RF272-62477	Hay Lion Oil	3395 Macon Rd., Memphis, TN 38106.
RF272-62479	Wilemon Bros. Union 76	Park-Mt. Moriah, Memphis, TN 38128.
RF272-62483	Wilemon Bros. Texaco	1447 S. 3rd, Memphis, TN 38106.
RF272-62484	Kemp Service Station	4002 Knight Arnold Rd., Memphis, TN 38118.
RF272-62488	Taylor Arco	4775 Hornlake Rd., Memphis, TN 38109.
RF272-62490	Scott Union 76	749 N. Parkway, Memphis, TN 38174.
RF272-62693	Pellelier Oil-Fertilizer, Inc.	PO Box 8, Maysville, NC 28555.
RF272-62694	Hackney Petroleum Tennessee	PO Box 7, Alcoa, TN 37701.
RF272-62695	Hackney Petroleum Kentucky	PO Box 7, Alcoa, TN 37701.
RF272-62696	Hackney Petroleum Tennessee	PO Box 7, Alcoa, TN 37701.
RF272-62697	Hackney Petroleum Kentucky	PO Box 7, Alcoa, TN 37701.
RF272-62698	Hackney Petroleum Caroline	PO Box 7, Alcoa, TN 37701.
RF272-64979	Aviritt Express	P.O. Box 3166, Cookeville, TN 38501.
RF272-64980	Norman Stancill	13 Goldenleaf Dr., Winterville, NC 28950.
RF272-64981	Roberts-Gilson	P.O. Box 681, Dyersburg, TN 38025.
RF272-65046	Vincent A. Glowacki	401 Lyons Avenue, Wheaton, IL 60187.
RF272-65047	Dodd Distributing Co.	1548 Vance Street, Rocky Mount, NC 27801.
RF272-65048	Mallory Transportation	P.O. Box 9436, Memphis, TN 38104.
RF272-65050	Cox Trailers Inc.	P.O. Box 338, Grifton, NC 28530.
RF272-65057	Mertz Oil Co.	R.1 Box 8, Hurdsville, ND 58451.
RF272-65058	Craft Spraying Inc.	P.O. Box 256, Farmville, NC 27828.
RF272-65061	Taylor Union Oil Serv. Sta.	600 S. Parkway E, Memphis, TN 38106.
RF272-65062	Trusty Union 76	4690 Winchester Rd, Memphis, TN 38118.
RF272-65068	College Tire-Supply	483 George Rd., North Brunswick, NJ 08902.
RF272-65070	Davis Drive Gulf Station	2004 Moody Rd., Warner Robins, GA 31088.
RF272-65071	Gurley Oil Co.	P.O. Box 626, Memphis, TN 38101.
RF272-65072	W-Ashely Service Station	2957 W. Montague Ave., Charleston, SC 29418.
RF272-65073	Davis Oil Co.	P.O. Box 1403, Hot Springs, AR 71902.
RF272-65080	Philps Consumer Electronics	P.O. Box 1210, Greeneville, TN 37744.
RF272-65081	Whitehead Oil Co.	1221 Riverside Blvd., Memphis, TN 38106.
RF272-65082	Bob 66 Service Center	907 Folley Rd., Charleston, SC 29412.
RF272-65089	Kruger Standard	Box 598 316 Denniston St., Cassville, WI 53806.
RF272-65090	Davis Oil Co.	P.O. Box 5560, Statesville, NC 28677.
RF272-65092	Jerry OConnell Distributor Inc.	1610 Boradway, Superior, WI 54880.
RF272-65094	Garner Wholesale	1702 Knowlwood Dr., Greenville, NC 27834.
RF272-65095	Plaza Beverages	1500 Cedar Crest Blvd., Allentown, PA 18104.
RF272-65098	B Lloyd Pecan Products	P.O. Box 70, Barnesville, GA 30204.
RF272-65099	Universal Motors	2971 River Avenue, Camden, NJ 08105.
RF272-65100	Grimms Pump Service Co.	128 St Francis St., Rapid City, SD 57701.
RF272-66218	Ellebecker Oil Co.	309 W 13th, Tama, IA 52339.
RF272-66219	Withee Oil Company Inc.	701 E Mill St., Withee, WI 54498.
RF272-66220	Home Oil Co.	108 4th St. South East, State Center, IA 50247.

MAY 8, 1989—Continued

Case No.	Firm	Location
RF272-66221	Hubel Oil Co.	P.O. Box 131, Maynard, MN 56260.
RF272-66222	East Side Oil Co.	621 S. E. Lincoln Avenue, St. Cloud, MN 56304.
RF272-66223	Dan Flynn Oil Co.	P.O. Box 182, Suring, WI 54174.
RF272-66227	Olszak Garage	Rd 1 Box 474, East Brady, PA 16028.
RF272-66229	Daphne Auto Parts	P.O. Box 211, Daphne, AL 36326.
RF272-66233	V-N Oil Co. Inc.	P.O. Box 32, Rosemount, MN 55068.
RF272-66236	Roy Motors Inc.	490 Meadow St., Chicopee, MA 01013.
RF272-66238	King County Carburetor	6324 Ft Hamilton Pkwy, Brooklyn, NY 11219.
RF272-66242	Great Southern Mercantile Corp.	P.O. Box 932, Gulfport, MS 39502.
RF272-66243	Kirk Oil Company	56 S. W. 2nd St Box 32, Forest Lake, MN 55025.
RF272-66245	Plamondon Oil Co.	P.O. Box 207, Lake Leelanau, MI 49653.
RF272-66246	Glidden Oil Co.	P.O. Box 687, Immokalee, FL 33934.
RF272-66248	Edwards Farms	Rt. 2 Box 256, Greenville, NC 27834.
RF272-66249	Grady-John H. Latham Diary	Rt. 1 Box 32, Gordo, AL 35466.
RF272-66250	Ralph Garage	135 Erie St., Blauvelt, NY 10913.
RF272-66251	D&M Tow Service	8201 Pased, Kansas City, MO 64131.
RF272-66259	Thorne Truck Line	Post Office Box 699, Milan, TN 38358.
RF272-66260	Davenport Oil Co.	190 Eastman Rd., Memphis, TN 38109.
RF272-66269	Oakley Oldfield Inc.	P.O. Box 3307, Kalamazoo, MI 49003.
RF272-67288	Transamerica Airlines	P.O. Box 2504, Oakland, CA 94614.
RF272-67290	Tier Oil Corp.	3300 Old Vestal Rd., Vestal, NY 13850.
RF272-67291	Major Oil of Iowa	P.O. Box 251, Merrill, IA 51038.
RF272-67294	A & B Moving Co.	8536 Hwy. 70, Memphis, TN 38114.
RF272-67353	Diamond Wine Novelty Co.	1918 Bible Rd., Lima, OH 45801.
RF272-67354	Wayne Oakland Oil Co. Inc.	P.O. Box 158, Royal Oak, MI 48068.
RF272-67355	Bergstrom Relly Oil Co.	P.O. Box 220, Elgin, NE 68636.
RF272-67356	Sioux Oil Co.	P.O. Box 261, Orange City, IA 51041.
RF272-67357	Toenyan Oil Co.	Rt. 1, Grey Eagle, MN 56336.
RF272-67358	Service Oil Co.	PO Box 1209, Cullman, AL 35055.
RF272-67359	Stoskopf Oil Co. Inc.	717 Mechanic St., Decorah, IA 52101.
RF272-67360	Frank Graves Oil Co.	103 W. Main, Princeville, IL 61559.
RF272-67361	Lloyd Lane Inc.	PO Box 492, Chieffland, FL 32626.
RF272-67362	Bjerke Oil Co., Inc.	Rt. 1 Box 117, Sykeston, MN 56283.
RF272-67364	Gessler Auto Sales	21275 W. Good Hope Rd., Lannon, WI 53048.
RF272-67366	Ward Corp. of PA	PO Box 1670, Altoona, PA 16603.
RF272-67368	Long Mfg. Co. North Carolina	7987 Main St., Tarboro, NC 27886.
RF272-67369	A-C-T Company Inc.	Rt. 2, Box 377, Hagerstown, MD 21740.
RF272-67370	McDowell Oil Supply Inc.	302 W. Main St., Bridgeville, DE 19933.
RF272-67371	Talley Sr. Trucks	Rt. 1, Box 100B, Lyons, GA 30436.
RF272-67373	L. Thomas Stanton Horse Trans.	PO Box 687, Williston, FL 32696.
RF272-67374	Clark Trucks	Rt. 2, Box 301, Greenville, NC 27858.
RF272-67375	Cook Trucks	Rt. 1, Box 263, Greenville, NC 28901.
RF272-67376	Pioneer Oil Co.	PO Box 1838, Fort Worth, TX 76101.
RF272-67377	Stevens Aviation, Inc.	PO Box 589, Greer, SC 29652.
RF272-67385	William B. Tanner Co.	2076 Union Ave., Memphis, TN 38104.
RF272-67386	Grady-White Boats	PO Box 1527, Greenville, NC 27835.
RF272-67387	True Line Coring-Cutting	280 Hermitage, Nashville, TN 37210.
RF272-67389	Memphis Concrete Cutting	3440 Hoelman Pl., Memphis, TN 38118.
RF272-67390	Pafford Oil Co.	1010 Wahish Ave., Tallahassee, FL 32304.
RF272-67391	Standard Realty-Mrotage Corp.	PO Box 40969, Memphis, TN 38174.
RF272-67394	Bruce Trucks	Rt. 3, Box 213, Greenville, NC 27834.
RF272-67396	Dick Trucking Inc.	3611 North West 124th St., Coral Springs, FL 33065.
RF272-67397	Southeastern Car-Truck	PO Box 92, Montgomery, AL 36195.
RF272-67400	Klatt Motors, Inc.	330 S. Main St., Blue Earth, MN 56013.
RF272-72378	Central Distributors	361 Hwy 45 By-Pass, Jackson, TN 38301.
RF272-72379	Errigo Dist. Co., Inc.	Box 146, Curwensville, PA 16833.
RF272-72381	Iredell Oil Company	1310 N Center Street, Statesville, NC 28677.
RF272-72382	Marus Oil & Supply Company	Box 465, Marcus, IA 51035.
RF272-72383	J J Repair	Box 28, Lorsy, MN 56349.
RF272-72384	Baldwin Piano & Organ Co.	422 Wards Corner Road, Loveland, OH 45140.
RF272-72385	Dann Carr Trucking	Route 1, Box 243, Hilland, NC 28478.
RF272-72387	Marvca Import Car Service Inc.	789 Main Street, Springfield, MA 01105.
RF272-72389	Sweeney Distributing Co., Inc.	3600 Wetzel Street, Wheeling, WV 26003.
RF272-72391	Wymore Oil Company	401 South 7th Street, Wymore, NE 68446.
RF272-72392	JT Beverage Inc.	P.O. Box 1526, Jamestown, ND 58402.
RF272-72396	FCX, Inc.	P.O. Box 2419, Raleigh, NC 27602.
RF272-72398	Drohn Foreign Car Service	Route 191, Box 96, Ackermanville, PA 18010.
RF272-72399	B-M Service	Box 13, Forest River, ND 58233.
RF272-72401	Big D Oil Company	2575 Kathlenn Drive, Brighton, MI 48116.
RF272-72402	H McLain Oil Company	P.O. Box 116, Carroll, NE 68723.
RF272-72403	Geo L Ralph Inc.	P.O. Box 1544, Salisbury, MD 21801.
RF272-72405	Lemars Truck Stop	1345 15th Ave. South West, Le Mars, IA 51031.
RF272-72406	Collins Oil Company	Local, Barnesville, MN 56514.
RF272-72411	Bunny Service Center Inc.	920 Southview, Blvd., South St. Paul, MN 55075.
RF272-72412	Sweetwater Drilling Co., Inc.	311 Ash, Sweetwater, TX 79556.
RF272-72413	Dons Imported Car Repair	P.O. Bin B, Ringoes, NJ 08551.
RF272-72414	Miami Beverage Inc.	Box 106, Peru, IN 46970.
RF272-72416	Amcon Products Inc.	2203 N. Lois Ave Ste. 720, Tampa, FL 33607.
RF272-72417	New Creations, Inc.	6544 Highland Road, Pontiac, MI 48054.
RF272-72418	Litening Auto Inc.	Route 191, Newfoundland, PA 18445.

MAY 8, 1989—Continued

Case No.	Firm	Location
RF272-72419	L & O Trucklines	140 E. Virginia Avenue, Memphis, TN 38106.
RF272-72420	Ray Repair & Service	Rural Route 1, Box 19, Petersburg, NE 68652.
RF272-72421	Johnnie Service & Repair	Box 55, Shocondeon, KS 67667.
RF272-72424	Pugh Shell & Tire Service	5th Street & Greene, Greenville, NC 27834.
RF272-72425	Burrell Express	852 McGratt Highway, Somerville, MA 02145.
RF272-72427	Roger Blanchett Haulers	Route 5, Box 466, Tifton, GA 31794.
RF272-72430	Becker & Ditter Oil Company	204 Burlington, Kingsley, IA 51028.
RF272-72432	Lincoln County Coop Oil Co.	Box R, Tyler, MN 56178.
RF272-72433	Kanoma Cooperative Assoc.	P.O. Box 58, Coffeyville, KS 67337.
RF272-72434	Keya Paha Coop Assn.	P.O. Box 97, Springview, NE 68778.
RF272-72439	Rothrock Fishing Enterprises	6329 Myrtle Grove Road, Wilmington, NC 28403.
RF272-72440	Tri State Cooperative	S Hwy 71, Box 520, Kimball, NE 69145.
RF272-72442	J E Sharber Oil Company	P.O. Box 527, Bainbridge, GA 31717.
RF272-72443	Cumberland Oil Company	P.O. Box 129, Somerset, KY 42501.
RF272-72449	Rays Lawn & Home Care, Inc.	1730 South 8th, Lincoln, NE 68502.
RF272-72454	Independent Oil Company, Inc.	Box 727, Coldwater, KS 67029.
RF272-72456	Farm Service Coop	306 6th Street, Corning, IA 50841.
RF272-72457	Dunlap Farmer Coop Assn	105 S. 1st Street, Dunlap, IA 51529.
RF272-72461	Fishermen Marine Products	P.O. Box 727, Bayou La Batre, AL 36509.
RF272-72463	South Central Coop	118 W. Meyers, Lacona, IA 50139.
RF272-74314	Cooper Construction	2801 E. Spring St., Long Beach, CA 90806.
RF272-74315	Reese Auto/ARCO Sales Inc.	556 Somerset Ave., North Dighton, MA 02764.
RF272-74317	Bullocks Tire Shop	P.O. Box 5, Lincoln, AL 35096.
RF272-74319	Weaver Transport	Rt. 2 Box 181, Woodbury, TN 37109.
RF272-74320	Shelby Petroleum Corporation	P.O. Box 88, La Follette, TN 37766.
RF272-74572	Denslow Oil	417 N. Main Street, Cedar Springs, MI 49319.
RF272-74573	Quality Oil Company	630 Ottawa Avenue, Holland, MI 49423.
RF272-74574	B & J Construction Company	Route 2, Box 621, Gassville, AR 72635.
RF272-74575	Community Service Center	260 Territorial Road, New Bern, NC 28560.
RF272-74576	Connetts Pump Service	101 Tremont Drive, Tusculumbia, AL 35674.
RF272-74577	Wright Sanitation	3350 Hwy 17 North, New Bern, NC 28560.
RF272-74578	Independent Oil Company	Route 1, Box 163, Lebanon, KS 66952.
RF272-74582	Wolfe Motor Company	5942 North Broadway, Wichita, KS 67219.
RF272-74586	Farmers Gas & Oil Co. of MI.	420 S. Pine River Street, Ithaca, MI 48847.
RF272-74587	S & S Petroleum Sales, Inc.	P.O. Box 860343, Plano, TX 75806.
RF272-74588	Schluckebier Oil	4990 Frank Road, Frankenmuth, MI 48734.
RF272-74589	EDS Refinery Corporate	15750 North East Street, Lansing, MI 48906.
RF272-74590	Ken Sutherland Gas & Oil Inc.	11379 3 Mile Road, Morley, MI 49336.
RF272-74591	United Petroleum Corporation	P.O. Box 27579, Milwaukee, WI 53227.
RF272-74593	Flippin Brother Well Drilling	Route A, Flippin, AR 72634.
RF272-74594	Switzer Petroleum Products, Inc.	P.O. Box 860343, Plano, TX 75074.
RF272-75014	Svatek Distributing Co.	P.O. Box 866, Wharton, TX 77488.
Total	209	

MAY 11, 1989

Case No.	Firm	Location
RF300-06623	Southside Gulf	1911 South Stockton, Monahans, TX 79756.
RF300-06624	Young Drive In #3	South Mechanic, El Campo, TX 77437.
RF300-07016	One Stop	612 Pebblebrook, Alan, TX 75002.
RF300-07017	One Stop #2	4005 Stemmons, Garland, TX 76201.
RF300-07021	One Stop	Hwy. 75 at 380, McKinney, TX 76201.
RF300-07022	One Stop	4005 Stemmons, Denton, TX 76201.
RF300-07023	Wylie Propane Gas	PO Box 578, Wylie, TX 75098.
RF300-07024	Willow Dist.	2601 Cockrell LN., Dallas, TX 75215.
RF300-07026	Hawkins Gulf	HWY. 64 W, Somerville, TN 38068.
RF300-07029	451 Service Center	PO Box 368, Senatobia, MS 38668.
RF300-07031	Welland Peanut Co., Inc.	HWY. 258, Woodland, NC 27897.
RF300-07035	Carter's Best Way	214 E. Front St., Haynesville, LA 71038.
RF300-07039	Jet Fleet Corp.	5200 Keller Spring Rd., Dallas, TX 75248.
RF300-07040	Jerry Jeuno C/O J & M.	4706 Barksdale Blvd., Bossier City, LA 71111.
RF300-07042	Somme's Food Mart #2	PO Box 96, Des Allemands, LA 70030.
RF300-07043	Somme's Food Mart #1	PO Box 96, Des Allemands, LA 70030.
RF300-07045	Farmers Oil Co.	PO Box 159, Walstonburg, NC 27888.
RF300-07047	H & H Gulf	3000 S. Lamar St., Dallas, TX 75215.
RF300-07053	E-Z Shop	107 Jennings St., Bennettsville SC 29512.
RF300-07303	Happy Stores, Wilson	1560 Leaview Ave., Suite 2, Norfolk, VA 23503.
RF300-07317	Parkway Gulf	N S 127 St., Lawrenceburg, KY 40342.
RF300-07322	Provine Grocery	Rt. 3, Box 268, Grenada, MS 38901.
RF300-07324	Leroy Gulf	PO Box 64, Leroy, AL 36548.
RF300-07325	Kwik Mart	PO Box 849, Windeboro, LA 71418.
RF300-07328	Rayne Gulf Service Station	203 W. Branch, Rayne, LA 70578.
RF300-07332	Bob's Truck Stop	Rt. 2, Box 148, Mt. Pleasant, TN 38474.
RF300-07335	Town & Country Food Mart	503 Maysville Rd., Mt. Sterling, KY 40353.
RF300-07346	Hendrix Gulf Service	200 Hwy. 431 South, Boaz, AL 35957.
RF300-07351	Mel Dahlie Oil	101 1st Ave. NW., Watertown, SD 57201.
RF300-07358	Collins Mini Mkt. & Bait Shop	Rt. 4, Columbia, TN 38401.

MAY 11, 1989—Continued

Case No.	Firm	Location
RF300-07360	Marion Station	PO Box 632, Marion, LA 71260.
RF300-07363	A & T Highway	Rt. 2, 276, Canton, NC 28716.
RF300-07364	Allen Store	Rt. 2, Robeline, Allen, LA 71469.
RF300-07372	Guntersville Service Center	500 Gunter Ave., Guntersville, AL 35976.
RF300-07374	Gordon Gulf Station	120 Broadway, Mt. Pleasant, TN 38474.
RF300-07375	Gulf Truck Stop	PO Box 770, Collinsville, AL 35961.
RF300-07620	Simmerman Gulf	P.O. Box 5, Sardis, MS 38666.
RF300-07635	Dumas Oil Co	8024 Glenwood Avenue, Raleigh, NC 27612.
RF300-07638	Motor Lodge Gulf	1107 S. College Ave., Newark, DE 19711.
RF300-07644	Kens Super Service Inc.	812 W. Laketon Ave., Muskegon, MI 49441.
RF300-07651	Fulton Market	9439 N. US 31, Freesoil, MI 49411.
RF300-07652	Chucks Ful Service	127 N. Charles Street, White Clouds, MI 49349.
RF300-07654	Pelullo Gulf	1869 Kennedy Blvd., Jersey City, NJ 07305.
RF300-07659	Scheoder Oil Co	367 Glenn Oak, San Antonio, TX 78214.
RF300-07669	Tim Alan Shrimp Boat	P.O. Box 525, Little River, SC 29566.
RF300-07670	Walter Mintz Seafood	P.O. Box 525, Little River, SC 29566.
RF300-07671	Ayden Transit Co., Inc.	P.O. Box 87, Grifton, NC 28530.
RF300-07681	Gene Garage	628 East Savidge, Spring Lake, MI 49456.
RF300-07687	Little John Taxi Service	2505 Farrisview, Memphis, TN 38118.
RF300-07688	Benton Furniture Co., Inc	229 Main St., Greenville, NC 27834.
RF300-07690	Captain Dicks Marina	P.O. Box 601, Murrells Inlet, SC 29576.
RF300-07700	Rays Gas	2210 Holton Rd, Muskegon, MI 49445.
RF300-07705	Cockran Service Center	216 W. Broad St, Fairburn, GA 30213.
RF300-07707	Hollywood Gulf	2242 Hollyway Drive, Jackson, TN 38305.
RF300-07716	Peter Pan Service Station	103 N. Panola St., Senatobia, MS 38668.
RF300-07721	Cordova Service Station	P.O. Box 57, 8610 Macon Rd, Cordova, TN 38018.
RF300-07727	Fayette County School System	P.O. Box 10, Somerville, TN 38068.
RF300-07728	Ambu Wagon Inc.	94 1At St, New Rochelle, NY 10801.
RF300-07729	American Ready Mix	P.O. Box 27441, Memphis, TN 38127.
RF300-07737	McPeak Service Center	7515 Baseline Rd, North Little Rock, AR 72118.
RF300-07746	University Gulf	800 Colwater Rd., Murray, KY 42071.
RF300-07889	Rice Oil Company	Rural Route Box 16, Westhope, ND 58793.
RF300-07895	Allstate Auto Rents Inc	3206 Live Oak Drive, Dallas, TX 75204.
RF300-07896	Allstate Auto Rents Inc	2423 West Mockingbird Ln, Dallas, TX 75235.
RF300-07897	Bronco Transportation	153 Avery Street, Dallas, TX 75208.
RF300-07898	Bandit Messeror of Dallas	2136 North Hardwood Drive, Dallas, TX 75201.
RF300-07899	B Line Delivery Inc	Imperial Central, Dallas, TX 75235.
RF300-07900	Murphy Bonded Warehouse Inc.	5850 Courtesy Lane, Shreveport, LA 71133.
RF300-07901	Allstate Auto Rents Inc	9535 Forrest Lane, Dallas, TX 75042.
RF300-07902	Castle Delivery Service	3177 Irving Street, Dallas, TX 75247.
RF300-07903	Sams Auto Service	5804 Westfield Avenue, Pennsauken, NJ 08110.
RF300-07905	Ben Parkhouse	Box 523, Casselton, ND 58012.
RF300-07907	Wallace Service Center	506 East McPherson, Nashville, GA 31369.
RF300-07908	Dick Wilson Gulf	1529 Odette Lane, Las Vegas, NV 89112.
RF300-07910	McVay Service	110 N. Mill St, Fredricksburg, OH 44627.
RF300-07911	Bennett Grocery	P.O. Box 332, Garysburg, NC 27831.
RF300-07916	Mitcalf Service Station	Route Box 247, Sycamore, GA 31790.
RF300-07917	Halls Gulf	Route 7, Box 540, Baxley, GA 31513.
RF300-07922	Hazel Road Gulf Inc	309 Hazed Street, Clifton, NJ 07011.
RF300-07924	Tifton Maintenance Center	Route 3, Box 288, Tifton, GA 31794.
RF300-07952	Schneider Service	101 East Main, Bismarck, ND 58501.
RF300-07961	Stephen R. Skillings Auto Serv	120 Plymouth, St. Abington, MA 02351.
RF300-07965	Steve Halls Automotive Ctr	2239 Bailey Avenue, Buffalo, NY 14211.
RF300-07966	East Brother Service Station	P.O. Box 3428, La Grange, GA 30241.
RF300-07969	Vorgt Cash Grocery	Box 1 Route 1, Olmsted, IL 62970.
RF300-07972	G & G Car Wash & Gas	920 Madison Avenue, Madison, IL 62060.
RF300-07983	Knights Gulf Station	Route 125, Barrington, NH 03825.
RF300-07988	A & M Service Station	814 Nicholson Street, Richland, GA 31825.
RF300-07989	Long Sing Service	207 S. Stonewall St., Dawson, GA 31742.
RF300-07992	Williams Gulf Service Station	34 N. Main Street, Brewster, NY 10509.
RF300-07995	Botti Auto Sales	494 Bridgeport Avenue, Shelton, CT 06484.
RF300-07998	R & S Gulf Service	3020 N. Main Street, Jacksonville, FL 32206.
RF300-07999	Ray Service Station	479 Main Street, Torrington, CT 06790.
RF300-08003	Dave Gulf Inc	9 Liberty Ct., Washingtonville, NY 10992.
RF300-08005	Flying Tigers	4831 Express Drive, Charlotte, NC 28219.
RF300-08442	Grady & John H. Latham Dairy	Route 1 Box 32, Gordon, AL 35466.
RF300-08445	Walsh Gulf	25639 W. 7 Mile, Redford, MI 48240.
RF300-08447	R. E. Fidor Farm	Rt. 1 Box 329, Ethelsville, AL 35461.
RF300-08453	Grimms Pump Service	128 St. Francis Street, Rapid City, SD 57701.
RF300-08466	Mill Road Service	430 White Plains Road, Eastchester, NY 10707.
RF300-08470	Hilltop Gulf Service Station	Rt. 1 Box 982, Lynn, AL 35575.
RF300-08473	Friendship Store	HWY 76 W., Hinawasse, GA 30546.
RF300-08474	Blissfield Gulf	505 W. Adrian Street, Blissfield, MI 49220.
RF300-08485	Lens Service	Box 6, Gaylord, MN 55334.
RF300-08486	Geo Smith Fuel Oil Inc	7748 Stillwell Road, Jacksonville, FL 32221.
RF300-08495	Dats Incorporated	100 E. Texas, Columbia, MO 65202.
RF300-08497	Vasel Gulf	Rd. 1 Box 76, Galway, NY 12074.
RF300-08506	South Shore Car Wash	523 W. 17th, Holland, MI 49423.
RF300-08509	Craft Spraying Inc	P.O. Box 256, Farmville, NC 27838.
RF300 08510	Cox Trailer Inc	P.O. Box 338, Grifton, NC 28530.

MAY 11, 1989—Continued

Case No.	Firm	Location
RF300-08516	Garner Wholesale	1702 Knowlwood Dr., Greenville, NC 27834.
RF300-08519	L & B Car Wash	P.O. Box 3243, Darien, CT 06820.
RF300-08521	Cherokee Exxon & Rivers Hdwr	16110 S W 108 Circle, Miami, FL 33157.
RF300-08525	Sleboda Gulf Service Station	38 Wyoming Ave., Wyoming, PA 18644.
RF300-08526	Flood Service Center Inc	18 Franklin Street, Stoneham, MA 02180.
RF300-08527	Bob Service Center	2032 Greensboro Ave., Tuscaloosa, AL 35401.
RF300-08529	George Gulf	914 W. State Street, Fremont, OH 43420.
RF300-08532	Wynn Service Station	212 Church St. NW, Decatur, AL 35601.
RF300-08536	Gordon Gulf Service Center	7921 White Bluff Rd., Savannah, GA 31406.
RF300-08538	Don Gulf Service	Market & Buffalo, Cadiz, OH 43967.
RF300-08541	Peace Tree Roxford Gulf	3639 Peachtree Road, Atlanta, GA 30319.
RF300-08547	V J Service Station	60-41 Metro Avenue, Ridgewood, NY 11138.
RF300-08550	East Town Car Wash	499 E. 8th Street, Holland, MI 49423.
RF300-08551	Pica Automotive Service	13-15 Ayers Village Road, Methuen, MA 01844.
RF300-08552	Downtown Car Wash	149 S. River Avenue, Holland, MI 49423.
RF300-08554	Jarvis Gulf	155 Arthor Road, Asheville, NC 28806.
RF300-08555	Artie Service Centers	Vassar Road, Wappingers Falls, NY 12590.
RF300-08560	Phills Service Station	252 Kimball Street, Fitchburg, MA 01420.
RF300-08563	Cliff Superette	P.O. Box 103 HWY 26, Hatchekubbe, AL 36858.
RF300-08567	Johnson Mobile Service	929 N. Knowles Ave, Cogswell, ND 58017.
RF300-08569	Ken Lakeside Gulf	P.O. Box 1486, Meredith, NH 03253.
RF300-08571	Sandberg Service Station	1776 6th NW #202, Winter Haven, FL 33881.
RF300-08573	Bob One Gulf Service	323 Burleigh Blvd, Tavares, FL 32778.
RF300-08575	Svatek Distributing Co	P.O. Box 866, Wharton, TX 77488.
RF300-08577	Aviritt Express	PO Box 3166, Cookeville, TN 38501.
RF300-08579	Helane Shield	Main St. Rt. 11 Box 49, Alton Bay, NH 03810.
RF300-08584	The Station	Box 64, Pembroke, GA 31321.
RF300-08586	Valenzano Super Service	1500 Lincoln Avenue, Utica, NY 13502.
RF300-08592	Shelton Gulf Service	315 Retnuh Drive, Winston-Salem, NC 27101.
RF300-08593	Freddie Automotive Ser. Ctr	395 Broadway, Chicopee, MA 01020.
RF300-08594	Pittinger Gulf	7 Oak Hill Drive, Hanover, PA 17331.
RF300-08595	Klege Corner	604 8th, Baraboo, WI 53913.
RF300-08596	Southside Gulf	2032 Gleenson Ave., Tuscaloosa, AL 35401.
RF300-08912	Suburban Golf Course	1730 Morris Avenue, Union, NJ 07083.
RF300-09241	B-S Service	Box 13, Forest River, ND 58233.
RF300-09243	Marvca Import Car Service	789 Main Street, Springfield, MA 01105.
RF300-09244	Robo Car Wash	1200 S. 1st. Street, Willmar, MN 56201.
RF300-09245	66 Car Wash	1200 S. 1st. Street, Willmar, MN 56201.
RF300-09246	Tompsons Gulf Service	St. Rt. Box 370, Stockton, AL 36579.
RF300-09248	Shore Getty	178 Four Winds Dr., Middletown, NJ 07748.
RF300-09249	Dicks Gulf	625 Winthrop Street, Larrance, MA 01960.
RF300-09250	Lana Gas & Tire Shop	201 Main Street, Sauk Centre, MN 56378.
RF300-09251	Shaws Service Station	4027, S. U S 41, Marquette, MI 49855.
RF300-09255	Rays Gulf	Frd 2 Box 1250, Mechanic Falls, ME 04256.
RF300-09258	Bob Gulf	3440 Chicago Drive, Hudsonville, MI 49426.
RF300-09264	Lloyd Lane Inc	P.O. Box V92, Chiefland, FL 32626.
RF300-09268	Johns 76 Service	202 W. Plott, Maquobeta, IA 52060.
RF300-09270	Wymore Oil Co	Wymore, Wymore, NE 68466.
RF300-09271	Lous Morane McKinney Gulf Ser	15471 Spring Garden, Detroit, MI 48205.
RF300-09276	Collins Oil Co	General Delivery, Barnesville, MN 56514.
RF300-09277	Stevens Aviation, Inc	P.O. Box 589, Greer, SC 29652.
RF300-09279	Lazars Service Center	435 Hubbel St, Marshall, WI 53559.
RF300-09281	Bobs Certified	315 S. Delaware, Crooksville, OH 43731.
RF300-09282	Brewens Gulf Service	2575 Kathleen Dr, Brighton, MI 48116.
RF300-09284	Brand Service Service	3330 E. Main #15, Mesa, AZ 85203.
RF300-09285	Meadowcroft Gulf	506 Winding Way, Warminster, PA 18974.
RF300-09286	Yeats Transfer Co	Box 687, Altavista, VA 24517.
RF300-09239	Lloyd Lane Inc	Box 492, Chiefland, FL 32626.
RF300-09295	Southeastern Car & Truck	Box 92, Montgomery, AL 36195.
RF300-09835	Sweetwater Drilling Co	311 Ash, Sweetwater, TX 79556.
RF300-09837	Fritts Oil Co	P.O. Box 1429, Lexington, NC 27292.
RF300-09844	Sweeney Distributing Co	3600 Wetzel St, Wheeling, WV 26003.
RF300-09846	FCX, Inc	PO Box 2419, Raleigh, NC 27602.
RF300-09849	RF3009-9849	P.O. Box 2419, Raleigh, NC 27602.
RF300-09851	Richardson Oil Co	N 8294 HWY. E, Brooklyn, WI 53521.
RF300-09852	B & F Distributing	830 Main Street, Red Wing, MN 55066.
RF300-09853	H McLain Oil Co	P.O. Box 116, Carroll, NE 68723.
RF300-09854	Iredell Oil Co	1310 N Center Street, Statesville, NC 28677.
RF300-09855	Meijer, Inc	2929 Walker, N.W., Grand Rapids, MI 49504.
RF300-09856	FCX, Inc	P.O. Box 2419, Raleigh, NC 27602.
RF300-09859	Long Mfa Co	7987 Main Street, Tarboro, NC 27886.
RF300-09870	Baldwin Piano & Organ Co	422 Wards Corner Road, Loveland, OH 45140.
RF300-09871	H McLain	P.O. Box 116, Carroll, NE 68723.
RF300-09873	B & F Distributing	830 Main Street, Red Wing, MN 55066.
RF300-09874	Matson Distributing Inc	1221 1st Ave N., Moorhead, MN 56560.
RF300-09876	6329 Myrtle Grove Road	Wilmington, Wilmington, NC 28403.
RF300-09877	Farmer	Route 1 Box 100 B, Lyons, GA 30436.
RF300-09879	Torticills Service	P.O. Box 451, Dakota City, NE 68731.
RF300-09881	Joed Inc	3431 School House Lane, Philadelphia, PA 19144.
RF300-09884	Fillipis Auto Service	815 Hamilton, Sioux City, IA 51103.

MAY 11, 1989—Continued

Case No.	Firm	Location
RF300-09903	Marks Super Gulf	420 Worth, Council Bluffs, IA 51501.
RF300-09908	Stewart Oil Co	1 N Logan, Danville, IL 61832.
RF300-09914	Myers Service Station	Rd 5 Box 5280, Spring Grove, PA 17362.
RF300-09919	B T Gulf	P.O. Box 239, Libson, ME 04250.
RF300-09920	Courtrights Service Station	RR3 P.O. Box 189, Pekin, IL 61554.
RF300-09922	Fletchers Service	P.O. Box 182, Minetto, NY 13115.
RF300-09923	Ortman Gas Mart	524 No 13th, Hebron, NE 68370.
RF300-09924	Howard Enterprises	1000 Market Street, Oxford, PA 19363.
RF300-09926	Rainbow Getty	6829 Wedd, Merriam, KS 66203.
RF300-09927	Lavilles Getty	395 W. Northfield Road, Livingston, NJ 07039.
RF300-09929	Grasslands Service Station	Knollwood-Grasslands Road, White Plains, NY 10603.
RF300-09932	Amcon Products Inc	2203 N. Lois Ave., Ste. 720, Tampa, FL 33607.
RF300-09934	Point Gas Station	P.O. Box 72, E Freetown, MA 02717.
RF300-09958	Fuel Distributor Inc	2415 Garden Oaks, Irvin, TX 75061.
RF300-09959	Fuel Distributor Inc	100 Irby Lane, Irving, TX 75061.
RF300-09960	Fule Distributor Inc	617 Betline, Irving, TX 75061.
RF300-09971	Ptopp Stop Inc	8768 Belding Road, Rockford, MI 49341.
RF300-09974	Food Sack	Hwy 45, Fulton, KY 42041.
RF300-09976	Shatfbury Gulf	Box 204, Shaftbury, VT 05262.
RF300-09979	Campus	803 Medary, Brookings, SD 57006.
RF300-09981	Tom Gulf Service	Route 1 Box 828A, Orefield, PA 18069.
RF300-09982	Huerters Service	Main Street, Kelly, KS 66446.
RF300-09987	Green Hills Standard	9710 South West 100th Ave, Miami, FL 33176.
RF300-10229	Lincoln Co. Coop Oil Co	Box B, Tyles, MN 56178.
RF300-10230	Burrell Express Inc	852 McCrath Highway, Somerville, MA 02145.
RF300-10232	Kanoma Coop Association	P.O. Box 58, Coffeyville, KS 67337.
RF300-10235	Farm Service Coop	306 6th Street, Casming, IA 50841.
RF300-10236	Harry Love Beverage Co	1101 South Broadway, Greenville, MS 38701.
RF300-10240	Dublnap Farmers Coop	105 So. 1st Street, Dunlap, IA 51529.
RF300-10408	Iredell Oil Company	1310 N Center Street, Statesville, NC 28677.
RF300-10482	Tristate Oil Co., Inc	P.O. Box 759, Easton, MD 21801.
RF300-10484	Community Service Center	260 Territorial Road, New Bern, NC 28560.
RF300-10485	Cornetts Pump Service	101 Tremont Frice, Tuscumbia, AL 35674.
RF300-10486	Wells Exxon	316 Main Street, Nyack, NY 10960.
Total	224	

[FR Doc. 89-16935 Filed 7-18-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FR-3618-8]

Financial Assistance Program; Extension of Deadline**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of extension of deadline.

SUMMARY: The Environmental Protection Agency's (EPA) Pollution Prevention Office (PPO) is announcing that the deadline for submitting applications for the Pollution Prevention Incentives for States program has been extended from August 15, 1989 until September 30, 1989.

FOR FURTHER INFORMATION CONTACT: Jackie Krieger or Brian Symmes, Office of Policy, Planning, and Evaluation (OPPE), Pollution Prevention Office (PPO), Mail Code PM-219, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Phone: (202) 245-4167.

SUPPLEMENTARY INFORMATION: On May 17, 1989, the EPA announced in the Federal Register (54 FR 21281) the

availability of \$3.2 million in grant/cooperative agreement funds for the Pollution Prevention Incentives for States program. The purpose of this program is to support state- and regional-level innovative pollution prevention programs that address the reduction or elimination of pollutants across all environmental media: air, land, and water. Eligible applicants are state and interstate agencies.

With this publication, EPA is announcing an extension of the deadline for submittal of applications from August 15 to September 30, 1989. Response to the May 17 Federal Register (54 FR 21281) notice has been substantial; EPA has received over 100 letters of intent and many organizations are still learning of this financial assistance program. EPA believes that an extension of the deadline of six weeks will give potential applicants more time to coordinate within their states and regions and to develop comprehensive multimedia applications. In addition, EPA plans to increase the total amount of funds distributed in this round by including any additional FY 1990 grant funds appropriated by Congress with the \$3.2 million in remaining FY 1989 funds. Another round of distributing grant funds in FY 1990 is not planned. Interested organizations

that did not submit a letter of intent by May 31 may nevertheless submit an application by September 30.

To apply for funds, state and interstate agencies must submit a complete application package plus two copies to: Grants Operations Branch, Grants Administration Division (PM-216F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Applications postmarked after September 30, 1989 will not be considered for an award.

Application packages can be obtained by contacting Jackie Krieger at the address and phone number listed above in the "Further Information" section.

Robert H. Wayland III,
Deputy Assistant Administrator.

[FR Doc. 89-16870 Filed 7-18-89; 8:45 am]
BILLING CODE 6560-50-M

[FRL-3616-9]

Transfer of Data to Contractor**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its

contractor, Westat, Inc., information which has been, or will be, submitted to EPA under the authority of the Resource Conservation and Recovery Act (RCRA). This firm is conducting regulatory impact analyses, regulatory flexibility analyses, operational and resource impact analyses, environmental impact statements, and developing information about hazardous waste generation and handling activities. Some of the information may have a claim of business confidentiality.

ADDRESS: Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste (OS-312), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Officer, Office of Solid Waste (OS-312), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4670.

SUPPLEMENTARY INFORMATION:

I. Transfer of Data

The U.S. Environmental Protection Agency is using annual and biennial report data to conduct regulatory impact analyses, regulatory flexibility analyses, operational and resource impact analyses, environmental impact statements, and to develop information about hazardous waste generation and handling activities. These analyses will support the policies and programs established for solid and hazardous waste management under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), including subsequent amendments through 1984.

Under EPA Contract No. 68-01-7359, Westat, Inc., will assist the Information Management Staff of the Office of Solid Waste in using annual and biennial report data to conduct regulatory impact analyses, regulatory flexibility analyses, operational and resource impact analyses, environmental impact statements, and to develop information about hazardous waste generation and handling activities. Some of the information being transferred may have been claimed as confidential business information.

In accordance with 40 CFR 2.305(h), EPA has determined that Westat requires access to confidential business information (CBI) submitted to EPA under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of confidential business information that EPA may transfer to this firm, on a

need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, Westat will return all such materials to EPA.

Westat has been authorized to have access to RCRA CBI under the EPA "Contractor Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of the contractor and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractor. Personnel from this firm will be required to sign nondisclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contractor Requirements Manual.

Dated: June 29, 1989.

Robert L. Duprey,

Acting Assistant Administrator.

[FR Doc. 89-16859 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100066; FRL-3610-4]

Science Applications International Corp., ABT, Assoc. Inc., Radian Corp., Versar Inc., Westat Inc., and John M. Wise Assoc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Science Applications International Corp. (SAIC), ABT Assoc. Inc., and Radian Corp. and its subcontractors, Westat Inc., Versar Inc., and John M. Wise Assoc. have been awarded a contract to perform work for EPA's Office of Water Regulations & Standards and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to SAIC, ABT Assoc. Inc., and Radian Corp., its subcontractors Westat Inc., Versar Inc., and John M. Wise Assoc. consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), respectively and will enable them to fulfill the

obligations of the contracts and this notice serves to notify affected persons.

DATES: SAIC, ABT Assoc. Inc., Radian Corp., its subcontractors Westat Inc., Versar Inc., and John M. Wise Assoc. will be given access to this information no sooner than July 24, 1989.

FOR FURTHER INFORMATION CONTACT:

By mail: Catherine S. Grimes, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 212, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-4460.

SUPPLEMENTARY INFORMATION: Under the Clean Water Act, the Office of Water Regulations & Standards is conducting a survey to obtain information to support the development of an effluent guidelines regulation. A data base will be used to develop and evaluate a sampling plan for surveying the pesticide formulating/packaging point source category. In addition, the production rate of pesticide products will be used, in conjunction with the data obtained from the OWRS survey, towards the development of wastewater pollutant limitations and standards. The type of information to be collected includes a description of the formulating and packaging processes, the volume and chemical nature of wastewater generated by these processes and any related sources of wastewater, the treatment technologies used to remove pollutants from wastewater and the effectiveness of this treatment.

Under Contract No. 68-03-3453, SAIC will assist with the statistical analysis for development of the effluent guidelines regulation.

Under Contract No. 68-C8-0008, Radian Corp. and its subcontractors, Westat Inc., Versar Inc., and John M. Wise Assoc. will assist with the engineering analysis for development of the effluent guideline regulation.

Under Contract No. 68-03-3548, ABT Assoc. will assist with the development of an economic impact analysis of effluent guidelines on the pesticide industry. This analysis will require use of sections 6 and 7 of FIFRA data, needed for the plant/product line closure analysis and for the foreign trade analysis. This review will include the use of demand elasticity estimates for clusters or groups of pesticide active ingredients both imports and exports.

The Office of Water Regulations & Standards and the Office of Pesticide Programs have jointly determined that

the contracts herein described involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be subject of certain evaluations to be made under these contracts. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2) the contracts with SAIC, ABT Assoc. Inc., and Radian Corp. prohibit use of the information for any purpose other than purposes specified in the contract; prohibit disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and require that each official and employee of the contractors sign an agreement to protect the information from unauthorized release. In addition, SAIC, ABT Assoc., and Radian Corp. and its subcontractors, Westat Inc., Versar Inc., and John M. Wise Assoc. are required to submit for EPA approval a security plan in accordance with the FIFRA Information Security Manual under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to these contractors until the above requirements have been fully satisfied. Records of information provided to these contractors and subcontractors will be maintained by the Project Officer for these contracts in the EPA, Office of Water Regulations & Standards. All information supplied to SAIC, ABT Assoc. Inc., Radian Corp. and its subcontractors Westat Inc., Versar Inc., and John M. Wise Assoc. by EPA for use in connection with these contracts will be returned to EPA when they have completed their work.

Dated: July 5, 1989.

Susan H. Wayland,
Acting Director, Office of Pesticide Programs.
[FR Doc. 89-16868 Filed 7-18-89; 8:45 am]
BILLING CODE 6560-50-M

[OPP-100065; FRL-3618-5]

Newtek Corp.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with

pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Newtek Corp. has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Newtek Corp. consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), respectively. This transfer will enable Newtek Corp. to fulfill the obligations of the contract and serves to notify affected persons.

DATES: Newtek Corp. will be given access to this information no sooner than July 24, 1989.

FOR FURTHER INFORMATION CONTACT:

By mail: Catherine S. Grimes, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number:
Room 212, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-4460.

SUPPLEMENTARY INFORMATION: Under Contract No. 68-W9-0014, Newtek Corp. will assist the Office of Pesticide Programs (OPP) in the process of converting major flat file systems to ADABAS, and develop major data systems under ADABAS software in a Natural programming language supported by the Customer Information Control System (CICS). Conversion to an ADABAS environment will provide the systems capability to interact with each other via both online and the batch environment. Newtek Corp. will provide data base management system analysis and have access to data bases containing information submitted to EPA under FIFRA and FFDCA. This access is incidental to their work, which involves loading and maintenance of all systems and applications software, system performance tuning, data file backup services, diagnosis and remedy of system hardware and software failures and implementation of EPA directed security protocols within the system environment. While Newtek Corp. employees have complete access to all data within the systems environment, they are not in a position to know the actual significance to the data, nor do they use the data within its subject matter context.

The Office of Pesticide Programs has determined that access by Newtek Corp. to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2) the contracts with Newtek Corp. prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition Newtek Corp. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to Newtek Corp. by EPA for use in connection with this contract will be returned to EPA when Newtek Corp. has completed its work.

Dated: July 3, 1989.

Susan H. Wayland,
Acting Director, Office of Pesticide Programs.
[FR Doc. 89-16869 Filed 7-18-89; 8:45 am]
BILLING CODE 6560-50-M

[OPP-42050C; FRL-3617-8]

Illinois State Plan for Certification of Applicators of Pesticides Classified for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve amendments to the Illinois State Plan.

SUMMARY: The State of Illinois has submitted to EPA proposed amendments to the Illinois State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Illinois is proposing to revise its commercial applicator recordkeeping provisions and to establish additional commercial

applicator subcategories. Illinois also proposes a strengthening of private applicator certification and recertification requirements and the establishment of a special certification for private applicator grain fumigation. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is at this time soliciting comments on the proposed amendments.

DATE: Written comments should be submitted on or before August 18, 1989.

ADDRESSES: Send written comments identified by the docket control number OPP-42050C, to: Lavarre Uhlken, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Illinois State Plan and the proposed amendments are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605
2. Bureau of Plant and Apiary Protection, Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.

FOR FURTHER INFORMATION CONTACT:

Lavarre Uhlken (312-886-6016), or William Anderson (217-765-2427), Chief, Bureau of Plant and Apiary Protection, Illinois Department of Agriculture, State Fairgrounds, Springfield, IL 62794-9281.

SUPPLEMENTARY INFORMATION: The Illinois State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of July 26, 1978 (43 FR 32327). Illinois is proposing a revision of the recordkeeping requirements for commercial applicators.

Other amendments propose that private applicators be required to pass a written examination to demonstrate competency. The written examination may be taken with or without formal training programs offered by the University of Illinois, Cooperative Extension Service. The Private Applicator training programs are now required to be a minimum of 3 hours in length instead of 2 hours. The State is proposing at this time to amend the recertification procedures for private applicators by requiring private applicators to become recertified on a 3-year cycle instead of a 5-year cycle.

In addition, Illinois proposes to further subdivide the commercial category, Industrial, Institutional, Structural and Health Related Pest Control, by adding the subcategory Wood Products Pest

Control. The Illinois Department of Public Health, in cooperation with the Illinois Department of Agriculture, certifies and recertifies commercial applicators in this category. The subcategories under the Ornamental and Turf category have been revised and are now: (1) Ornamental Pest Control, (2) Turf Pest Control, and (3) Plant Management Pest Control. A new commercial certification category, Soil Fumigation Pest Control has been added. Private applicators engaged in grain fumigation will be required to receive a special grain fumigation certification in addition to their private applicator certification.

Copies of the amended State Plan are available at the addresses given above. EPA is now soliciting comments on these amendments.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 89-16861 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42026B; FRL-3618-2]

Indiana State Plan for Certification of Applicators of Pesticides Classified for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve amendments to the Indiana State Plan.

SUMMARY: The State of Indiana has submitted to EPA proposed amendments to the Indiana State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Indiana is proposing to amend its Plan by establishing new commercial certification categories and subcategories and registered technician programs for Categories 3B and 7B. Indiana also is requiring additional private applicator certification requirements in space and commodity fumigation and eliminating the nonreader certification provision. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is now soliciting comments on the proposed amendments.

DATE: Comments must be received by August 18, 1989.

ADDRESSES: Send comments identified by the docket control number OPP-42026B, to: Lavarre Uhlken, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Indiana State Plan, as proposed, are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605
2. Pesticide Administrator, Indiana State Chemist Office, Department of Biochemistry, Purdue University, West Lafayette, IN 47907.

FOR FURTHER INFORMATION CONTACT:

Lavarre Uhlken, (312-886-6016), or David Scott (317-494-1583), Pesticide Administrator, Indiana State Chemist Office, Department of Biochemistry, Purdue University, West Lafayette, IN 47907.

SUPPLEMENTARY INFORMATION:

The Indiana State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of November 26, 1976 (41 FR 52101). Indiana is now proposing to upgrade its certification program by establishing a new aerial category for commercial applicators and further subdividing the commercial applicator category Industrial, Institutional, Structural and Health Related Pest Control to include the subcategories food industry fumigation and grain fumigation. Uncertified persons working under the direct supervision of a commercial applicator in Wood Destroying Pest Control (Category 7B) and Turf Pest Control (Category 3B) must also successfully complete a comprehensive registered technician program. An applicator who wants to become certified in the above two subcategories must first have been a registered technician. Furthermore, a private applicator who uses space and commodity fumigants is required to receive special certification in space and commodity fumigation in addition to their private applicator certification.

In addition, the nonreader certification provision will be eliminated as a certification option. Unless the State Lead Agency is required by court order, the State will not certify nonreaders.

Copies of the amended State Plan are available for review at the addresses given above. EPA solicits comments on these amendments.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V

[FR Doc. 89-16862 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[PP 7G3531/T581; FRL-3616-5]

Establishment of Temporary Tolerances; Isazofos**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has established temporary tolerances for residues of the insecticide isazofos in or on certain raw agricultural commodities. These temporary tolerances were requested by Ciba-Geigy Corp.

DATE: These temporary tolerances expire December 31, 1990.

FOR FURTHER INFORMATION CONTACT:

By mail: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 211, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-2600.

SUPPLEMENTARY INFORMATION: Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419, has requested in pesticide petition (PP) 7G3531 the establishment of temporary tolerances for residues of the insecticide isazofos (O-[5-chloro-1-(methylethyl)-1H-1,2,4-triazol-3-yl] O,O-diethyl phosphorothioate) and its metabolites expressed as isazofos equivalents, and calculated as its primary hydrolysis metabolite (5-chloro-3-hydroxy-1-isopropyl-1H-1,2,4-triazole) in or on corn grain and fresh corn (including sweet corn kernels plus cob with husks removed) at 0.02 part per million (ppm), corn forage and silage at 0.10 ppm, and corn fodder at 0.30 ppm. These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 100-EUP-89, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active insecticide to be used must not exceed the quantity authorized by the EUP.

2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of EPA or the Food and Drug Administration.

3. These temporary tolerances expire December 31, 1990. Residues not in excess of .02 part per million in or on corn grain and fresh corn, of 0.10 in or on corn forage and silage, and of 0.30 ppm in or on corn fodder after expiration of these tolerances will not be considered actionable if the insecticide is legally applied during the term of, and in accordance with, provisions of the experimental use permit/tolerance.

4. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Authority: 21 U.S.C. 346(j).

Dated: June 28, 1989.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 89-16540 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42016C; FRL-3618-1]

Michigan State Plan for Certification of Applicators of Pesticides Classified for Restricted Use**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of intent to approve amendments to the Michigan State Plan.

SUMMARY: The State of Michigan has submitted to EPA proposed amendments to Michigan's State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Michigan is proposing to upgrade and expand its procedures for the recertification of both private and commercial applicators, add five new subcategories and standards of competency for commercial certification, include additional standards of competency for both private and commercial applicators engaged in the application method of soil and grain fumigation, and require additional administrative standards for commercial specialty categories. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is at this time soliciting comments on the proposed amendments.

DATE: Written comments must be submitted on or before August 18, 1989.

ADDRESSES: Send written comments identified by the docket control number OPP-42016C, to: David Star, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Michigan State Plan and the proposed amendments are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605
2. Pesticide and Plant Pest Management Division, Michigan Department of Agriculture, 611 West Ottawa, North Ottawa Tower, 4th Floor, Lansing, MI 48909.

FOR FURTHER INFORMATION CONTACT:

David Star (312-886-8009), or Keith Creagh (517-373-1087), Pesticide and Plant Pest Management Division, Michigan Department of Agriculture, 611 West Ottawa, North Ottawa Tower, 4th Floor, Lansing, MI 48909.

SUPPLEMENTARY INFORMATION: The Michigan State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of February 15, 1977 (42 FR 9203). The State of Michigan has now submitted to EPA an amended State Plan. The proposed amendments include the addition of subcategories and corresponding standards of competency for commercial applicators. The Aquatic Pest Control category has been expanded by the addition of microbial pests in swimming pools subcategory and microbial pests in cooling towers subcategory. The Industrial, Institutional, Structural, and Health Related Pest Control category has been expanded to include vertebrate pest control subcategory and interior plantscape subcategory. Under the Ornamental and Turf category there is established a separate Turf subcategory for applicators desiring only certification in turf pest control.

Michigan is proposing to amend the standards of competency for both private and commercial applicators involved in grain and soil fumigation. Before a private or commercial applicator may apply a pesticide through soil and grain fumigation methods, the applicator will be required to receive special certification in grain and soil fumigation in addition to certification as a private or commercial applicator. Further, Michigan has promulgated administrative standards to

permit the adoption of additional requirements for other specialized pesticide applications.

Michigan is also proposing to modify the mechanism used for the recertification of private and commercial applicators by adding a continuing certification credits (pesticide education) program. Voluntary participation in this program, by certified applicators, would be allowed in lieu of taking an appropriate examination for recertification.

EPA is now soliciting comments on the proposed amendments to the Michigan State Plan. Interested persons are invited to submit their written comments, to the address given above.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 89-16863 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42043D; FRL-3618-6]

Minnesota State Plan for Certification of Applicators of Pesticides Classified for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve amendments to the Minnesota State Plan.

SUMMARY: The State of Minnesota has submitted to EPA proposed amendments to the Minnesota State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Minnesota is proposing to amend its Plan by upgrading the certification and recertification provisions for private and commercial applicators and adding two new commercial subcategories. In addition, the amended plan will eliminate direct supervision of uncertified applicators. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is soliciting comments on the proposed amendments at this time.

DATE: Comments must be received by August 18, 1989.

ADDRESSES: Send comments identified by the docket control number OPP-42043D, to: Lavarre Uhlken, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Minnesota State Plan, as proposed, are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection

Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605

2. Chief, Agronomy Services Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107.

FOR FURTHER INFORMATION CONTACT:

Lavarre Uhlken, (312-886-6016), or Michael Fresvik, (612-296-8547), Supervisor, Agronomy Service Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107.

SUPPLEMENTARY INFORMATION: The Minnesota State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of September 27, 1978 (43 FR 43765). Minnesota is now requesting to upgrade and expand its certification and recertification requirements for private and commercial applicators. Private applicators will be required to pass a written examination or complete a correspondence course to become certified. The written examination can be taken at the end of any county Cooperative Extension Service training sessions, or be completed at a State Office. Certification of commercial applicators will be required by all who apply restricted use pesticides; the Plan proposes to eliminate direct supervision of uncertified commercial applicators. Annual recertification will be required of all commercial applicators except in the Agricultural Pest Control Category. Those certified in the Agricultural Pest Control Category will have a 3-year certification period. Previously the recertification period for commercial applicators, except in the Industrial, Institutional, Structural and Health-Related Pest Control category which remains 1 year, was 5 years. The State plans to establish a fumigation subcategory and a wood preservative subcategory in the Industrial, Institutional, Structural and Health-Related Pest Control Category.

Passage of the 1987 Minnesota Pesticides Control Law, as amended, required the State Lead Agency to change major portions of its certification program.

Copies of the amended State Plan are available for review at the addresses given above. EPA is now soliciting comments on these amendments.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 89-16864 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42042B; FRL-3618-3]

Ohio State Plan for Certification of Applicators of Pesticides Classified for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve amendments to the Ohio State Plan.

SUMMARY: The State of Ohio has submitted to EPA proposed amendments to the Ohio State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Ohio is proposing to amend its Plan by establishing new competency standards and new certification categories and subcategories for private and commercial applicators. Ohio is also proposing to upgrade the recertification training requirements. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is soliciting comments on the proposed amendments at this time.

DATE: Written comments must be submitted on or before August 18, 1989.

ADDRESSES: Send written comments identified by the docket control number OPP-42042B, to: Lavarre Uhlken, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Ohio State Plan, as proposed, are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605.
2. Pesticide Regulation Section, Ohio Department of Agriculture, 8995 East Main St., Reynoldsburg, OH 43068.

FOR FURTHER INFORMATION CONTACT:

Lavarre Uhlken (312-886-6016), or Oren Spilker (614-866-6361), Specialist-In-Charge, Pesticide Regulation Section, Ohio Department of Agriculture, 8995 East Main St., Reynoldsburg, OH 43068.

SUPPLEMENTARY INFORMATION: The Ohio State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of April 13, 1977 (42 FR 19377). Ohio is now requesting to upgrade general competency standards for the certification and recertification of commercial and private applicators. These include the demonstration of practical knowledge on (1) ground water contamination by pesticides and resource protection and (2) protection of

endangered animals and plants. The plan proposes to amend the following commercial applicator categories by adding subcategories: (1) The Forest Pest Control category will include a wood preservation subcategory, (2) The Ornamental Plant and Shade Tree Pest Control category will include an interior plantscape subcategory, and (3) The Specialized Pest Control category will include a bee pest control subcategory, greenhouse pest control subcategory and pole treatment subcategory. Ohio proposes to add a Wood Preservatives Category for private applicators, thus expanding private applicator certification categories to 15. Category competency standards have been expanded to adequately cover the new categories and to reflect changing pest control technologies.

Recertification training requirements are being upgraded to include minimum training credits to be accumulated during the last 2 years of an individual's 3-year certification period. This continuing certification credits program will apply to both commercial and private applicators.

Copies of the amended State Plan are available for review at the addresses given above. EPA is now soliciting comments on these amendments.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 89-16865 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42052D; FRL-3617-9]

Wisconsin State Plan for Certification of Applicators of Pesticides Classified for Restricted Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve amendments to the Wisconsin State Plan.

SUMMARY: The State of Wisconsin has submitted to EPA proposed amendments to the Wisconsin State Plan for Certification of Applicators of Pesticides Classified for Restricted Use. Wisconsin is proposing to amend its Plan by establishing an additional category and subcategory for commercial applicators, and requiring that only certified commercial and private applicators may apply restricted use pesticides. Notice is given of the intention of the Regional Administrator, Region V, to approve the proposed amendments. EPA is at this time soliciting comments on the proposed amendments.

DATE: Comments must be received by August 18, 1989.

ADDRESSES: Send comments identified by the docket control number OPP-42052D, to: David Star, Pesticides and Toxic Substances Branch (5SPT-7), U.S. Environmental Protection Agency, Region V, 230 Dearborn St., Chicago, IL 60604.

Copies of the Wisconsin State Plan and the proposed amendments are available for review at the following locations:

1. Pesticides and Toxic Substances Branch, U.S. Environmental Protection Agency, Region V, 536 South Clark St., 7th Floor, Federal Building, Chicago, IL 60605.
2. Agricultural Resources Management Division, Wisconsin Department of Agriculture, Trade and Consumer Protection, 801 West Badger Road, Madison, WI 53708.

FOR FURTHER INFORMATION CONTACT:

David Star (312-886-6009), or Edward Bergman (608-266-0197), Agricultural Resources Management Division, Wisconsin Department of Agriculture, Trade and Consumer Protection, 801 West Badger Road, Madison, WI 53708.

SUPPLEMENTARY INFORMATION: The Wisconsin State Plan for Certification of Applicators of Pesticides Classified for Restricted Use was formally approved by notice in the *Federal Register* of November 28, 1978 (43 FR 55462).

Wisconsin is now requesting to upgrade its certification program by establishing a subcategory for wood preservation under the existing commercial category, Industrial, Institutional, Structural and Health Related Pest Control, and by establishing a new commercial applicator category for aerial application. Certification of both private and commercial applicators will be required by all who apply restricted use pesticides; thereby, eliminating all direct supervision of uncertified applicators.

Copies of the amended State Plan are available for review at the addresses given above. EPA is soliciting comments on these amendments at this time.

Dated: July 3, 1989.

Valdas V. Adamkus,

Regional Administrator, Region V.

[FR Doc. 89-16866 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51736; FRL-3617-7]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of 53 such PMNs and provides a summary of each.

DATES: Close of Review Periods:

- P 89-799, 89-800, 89-801, September 10, 1989.
 P 89-802, September 11, 1989.
 P 89-803, September 12, 1989.
 P 89-804, September 11, 1989.
 P 89-805, 89-806, 89-807, 89-808, 89-809, September 12, 1989.
 P 89-810, September 13, 1989.
 P 89-811, 89-812, 89-813, 89-814, 89-815, 89-816, September 16, 1989.
 P 89-817, 89-818, 89-819, 89-820, 89-821, 89-822, 89-823, 89-824, 89-825, 89-826, 89-827, 89-828, 89-829, 89-830, 89-831, 89-832, 89-833, September 17, 1989.
 P 89-834, September 16, 1989.
 P 89-835, September 18, 1989.
 P 89-836, 89-837, 89-838, September 20, 1989.
 P 89-839, 89-840, 89-841, 89-842, 89-843, September 23, 1989.
 P 89-844, September 18, 1989.
 P 89-845, 89-846, 89-847, 89-848, 89-849, 89-850, 89-851, September 24, 1989.

Written comments by:

- P 89-799, 89-800, 89-801, August 11, 1989.
 P 89-802, August 12, 1989.
 P 89-803, August 13, 1989.
 P 89-804, August 12, 1989.
 P 89-805, 89-806, 89-807, 89-808, 89-809, August 13, 1989.
 P 89-810, August 14, 1989.
 P 89-811, 89-812, 89-813, 89-814, 89-815, 89-816, August 17, 1989.
 P 89-817, 89-818, 89-819, 89-820, 89-821, 89-822, 89-823, 89-824, 89-825, 89-826, 89-827, 89-828, 89-829, 89-830, 89-831, 89-832, 89-833, August 18, 1989.
 P 89-834, August 17, 1989.
 P 89-835, August 19, 1989.
 P 89-836, 89-837, 89-838, August 21, 1989.
 P 89-839, 89-840, 89-841, 89-842, 89-843, August 24, 1989.
 P 89-844, August 19, 1989.
 P 89-845, 89-846, 89-847, 89-848, 89-849, 89-850, 89-851, August 25, 1989.

ADDRESS: Written comments, identified by the document control number "[OPTS-51736]" and the specific PMN

number should be sent to: Document Processing Center [TS-790], Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Room L-100, Washington, DC 20460. (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 89-799

Manufacturer. 3(M).
Chemical. (G) Fluoro-substituted urethane.
Use/Production. (G) Water repellent. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Acute dermal toxicity: LD 50 > 2 g/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: moderate species (Rabbit).

P 89-800

Manufacturer. The Dow Company.
Chemical. (G) Unsaturated organic substituted siloxane.
Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2000 mg/kg species (Rat).

P 89-801

Manufacturer. Lilly Industrial Coatings, Inc.
Chemical. (G) Polymer of benzenecarboxylic acid, benzene dicarboxylic anhydride, vegetable fatty acids, aliphatic polyol and phenolic acids.

Use/Production. (G) Industrial liquid paints. Prod. range: 26,532-44,220 kg/yr.

P 89-802

Manufacturer. ChemRex, Inc.
Chemical. (G) Modified polyether polyurethane prepolymer.
Use/Production. (S) Moisture-curable polymer for commercial coating. Prod. range: Confidential.

P 89-803

Manufacturer. ChemRex, Inc.

Chemical. (G) Polyether polyurethane prepolymer.

Use/Production. (S) Component of a moisture-curable polyurethane. Prod. range: Confidential.

P 89-804

Manufacturer. ChemRex, Inc.
Chemical. (G) Polyurethane prepolymer with polyether polyols.
Use/Production. (S) Moisture-curable polymer for industrial coating. Prod. range: Confidential.

P 89-805

Manufacturer. Confidential.
Chemical. (G) Polyisocyanate polyaddition product (PIPA).
Use/Production. (G) Stable dispersion of polyurethane particles. Prod. range: Confidential.

P 89-806

Manufacturer. Eastman Kodak Company.
Chemical. (G) (Substituted nitrogen heterocycle)amino substituted pyrazole.
Use/Production. (G) Nondispersive use in a commercial/consumer article. Prod. range: 750-2,000 kg/yr.

P 89-807

Manufacturer. Eastman Kodak Company.
Chemical. (G) (Aromaticamine)substituted nitroheterocyclic halide.
Use/Production. (G) Chemical intermediate. Prod. range: 1,000-2,500 kg/yr.

P 89-808

Manufacturer. Eastman Kodak Company.
Chemical. (G) Substituted nitroheterocyclic halide.
Use/Production. (G) Chemical intermediate. Prod. range: 1,000-25,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD 50 473 mg/kg species (Rat). Acute dermal toxicity: LD50 2 g/kg. Skin irritation: slight species (Guinea Pig). Skin sensitization: negative species (Guinea Pig).

P 89-809

Importer. Kuraray International Corporation.
Chemical. (G) Modified polyisoprene.
Use/Import. (G) Rubber modifier of tires and industrial goods, sealants and adhesives of automobile and construction. Import range: Confidential.

P 89-810

Manufacturer. Confidential.
Chemical. (G) Polyamino polyether.

Use/Production. (G) Dispersively applied coatings. Prod. range: 1,500-300,000 kg/yr.

P 89-811

Manufacturer. Confidential.
Chemical. (G) Dimer modified polyester.
Use/Production. (G) Resin for coatings (protective and decorative). Prod. range: Confidential.

P 89-812

Manufacturer. The Dow Chemical Company.
Chemical. (G) Unsaturated organic.
Use/Production. (S) Intermediate for polymer manufacture. Prod. range: Confidential.

P 89-813

Manufacturer. The Dow Chemical Company.
Chemical. (G) Unsaturated organic.
Use/Production. (S) Intermediate for polymer manufacture. Prod. range: confidential.

P 89-814

Manufacturer. E.I. du Pont de Nemours & Company, Inc.
Chemical. (G) Ethylene interpolymer.
Use/Production. (G) Injection molder parts. Prod. range: Confidential.

P 89-815

Manufacturer. 3M.
Chemical. (G) Trimethylammonium salt.
Use/Production. (G) Isolated intermediate, destructive use. Prod. range: Confidential.

P 89-816

Manufacturer. LanChem.
Chemical. (G) Acrylic resin solution.
Use/Production. (S) Resin used to manufacture industrial coatings. Prod. range: Confidential.

P 89-817

Importer. Kuraray International Corporation.
Chemical. (S) 3-Methyl-1, 3-butanediol.
Use/Import. (S) Solvent. Import range: 9,090.9-18,181.8 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 species (Mouse). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig). Photoallergenicity: negative species.

P 89-818

Manufacturer. Sannor Industries, Inc.

- Chemical.* (G) Polyurethane based on Polyisocyanates, polyols and polyamines.
Use/Production. (G) Coating. Prod. range: Confidential.
P 89-819
Manufacturer. The Dow Chemical Company.
Chemical. (G) Unsaturated organic.
Use/Production. (S) Intermediate for polymer manufacture. Prod. range: Confidential.
P 89-820
Manufacturer. Confidential.
Chemical. (S) Isophthalic acid; trimethylolpropane; pentaerythritolpalm oil.
Use/Production. (S) Printing ink vehicle. Prod. range: 18,000-25,000 kg/yr.
P 89-821
Manufacturer. Confidential.
Chemical. (G) Substituted heteropolycyclic sulfonic acid, compound with alkanolamine.
Use/Production. (S) Component of sales item. Prod. range: Confidential.
P 89-822
Manufacturer. Confidential.
Chemical. (G) Polymethylene polyphenyl isocyanate prepolymer.
Use/Production. (S) Component of industrial auto armrest. Prod. range: 1,700-2,500 kg/yr.
P 89-823
Importer. Confidential.
Chemical. (G) Triazinyl reactive azo dye.
Use/Import. (S) Dyestuff for cellulosic fiber. Import range: Confidential.
Toxicity Data. Mutagenicity: negative.
P 89-824
Manufacturer. Confidential.
Chemical. (G) An Alkoxide.
Use/Production. (G) Destructive use. Prod. range: Confidential.
P 89-825
Manufacturer. Confidential.
Chemical. (G) Alkylbenzene.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
P 89-826
Manufacturer. Confidential.
Chemical. (G) Alkaryl sulfonic acid.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.
P 89-827
Manufacturer. Confidential.
Chemical. (G) Metal salt of alkaryl sulfonic.
Use/Production. (G) Contained use. Prod. range: Confidential.
P 89-828
Manufacturer. Confidential.
Chemical. (G) Metal salt of alkaryl sulfonate.
Use/Production. (G) Contained use. Prod. range: Confidential.
P 89-829
Manufacturer. Confidential.
Chemical. (G) Metal salt alkaryl sulfonate.
Use/Production. (G) Contained use. Prod. range: Confidential.
P 89-830
Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
P 89-831
Manufacturer. Confidential.
Chemical. (G) Alkyd.
Use/Production. (G) Resin in coatings. Prod. range: Confidential.
P 89-832
Manufacturer. Confidential.
Chemical. (S) Alpha methyl styrene hydrocarbon resin.
Use/Production. (S) Printing ink vehicle component. Prod. range: 600,000-610,000 kg/yr.
P 89-833
Manufacturer. DSM Resins U.S., Inc.
Chemical. (G) Dibasic acid/glycol ester.
Use/Production. (G) Used in the formulation of organic coatings. Prod. range: Confidential.
P 89-834
Manufacturer. Confidential.
Chemical. (G) Disubstituted naphthalene sulfonic acid.
Use/Production. (G) Destructive use. Prod. range: Confidential.
P 89-835
Manufacturer. Confidential.
Chemical. (G) Phosphoric acid-mono(and di)octadecyl ester-zinc salt.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 15,000 mg/kg species(Rat). Mutagenicity: negative.
P 89-836
Importer. Confidential.
Chemical. (G) Phosphorylated polyester.
Use/Import. (G) Additive open, nondispersive use. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 10,000 mg/kg species(Rat). Eye irritation: moderate species(Rabbit). Skin irritation: negligible species(Rabbit).
P 89-837
Importer. Confidential.
Chemical. (G) Phosphorylated polyester.
Use/Import. (G) Additive, open, nondispersive use. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 10,000 mg/kg species(Rat). Eye irritation: moderate species(Rabbit). Skin irritation: negligible species(Rabbit).
P 89-838
Manufacturer. Confidential.
Chemical. (G) High solids copolymer resin.
Use/Production. (S) High solids, low-VOC industrial enamels. Prod. range: Confidential.
P 89-839
Manufacturer. Confidential.
Chemical. (G) Metal salt of a naphthalic acid.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
P 89-840
Manufacturer. The Dow Chemical Company.
Chemical. (G) Epoxy/polyolefin composition.
Use/Production. (S) A binder resin. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 1,000 mg/kg species(Rabbit). Acute dermal toxicity: LD50 > 2,000 mg/kg species(Rat). Mutagenicity: negative.
P 89-841
Manufacturer. The Dow Chemical Company.
Chemical. (G) Epoxy/polyolefin composition.
Use/Production. (S) A binder for flame sprayable epoxy powder resin. Prod. range: Confidential.
P 89-842
Importer. DNP (America), Inc.
Chemical. (G) Vinyl chloride alkyl acrylate poly styrene derivative polymer.
Use/Import. (S) Thermal transfer printing. Import range: 400-2,500 kg/yr.
P 89-843
Manufacturer. Confidential.
Chemical. (G) Crosslinked phenolic/acids resin.

Use/Production. (G) Filler for modeling compounds. Prod. range: Confidential.

P 89-844

Importer. Himont U.S.A., Inc.
Chemical. (S) Melamine hydrobromide.

Use/Import. (S) Flame retardant for polypropylene and propylene/ethylene copolymers. Import range: 15,000-1,008,000 kg/yr.

P 89-845

Manufacturer. Monsanto Company.
Chemical. (G) Modified bismaleimide.
Use/Production. (G) Laminating resin. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species(Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species(Rabbit). Eye irritation: none species(Rabbit). Skin irritation: negligible species(Rabbit).

P 89-846

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Substituted naphthalene disulfonic acid salt.
Use/Production. (G) Fiber reactive dye. Prod. range: Confidential.

P 89-847

Manufacturer. General Electric Plastics Business Group.

Chemical. (G) Bisphenol A aromatic diether diimide.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species(Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species(Rabbit). Eye irritation: none species(Rabbit). Skin irritation: negligible species(Rabbit).

P 89-848

Manufacturer. General Electric Plastics Business Group.

Chemical. (G) Nitroaromatic imide.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 89-849

Manufacturer. E.I. du Pont de Nemours & Co., Inc.

Chemical. (G) Acrylic ester copolymer, quaternary salt.
Use/Production. (G) Open, dispersive use. Prod. range: Confidential.

P 89-850

Manufacturer. Diaz Chemical Company.

Chemical. (S) Dibromofluorobenzene-3,4.

Use/Production. (S) Intermediate to production of monobromofluorobenzene

to be used in research and development. Prod. range: 50,000 kg/yr.

P 89-851

Manufacturer. Diaz Chemical Company.

Chemical. (S) Dibromofluorobenzene-2,4.

Use/Production. (S) Intermediate production of monofluorobenzene for research and development in pharmaceutical and stable. Prod. range: 50,000 kg/yr.

Date: July 7, 1989.

Steven Newburg-Rinn,
Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 89-16867 Filed 7-18-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Requirement Approval by Office of Management and Budget

July 12, 1989.

The following information collection requirements have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Doris Benz, Federal Communications Commission, telephone (202) 632-7513.

OMB No.: 3060-0128

Title: Application for Private Land Mobile and General Mobile Radio Services

Form No.: FCC 574

A revised application form FCC 574 has been approved through 5/31/92. The November 1987 edition with an expiration date of 9/30/90 will remain in use until revised forms are available.

OMB No.: 3060-0057

Title: Application for Equipment Authorization

Form No.: FCC 731

A revised application form FCC 731 has been approved through 4/30/92. The March 1988 edition with an expiration date of 1/31/91 will remain in use until revised forms are available.

OMB No.: 3060-0059

Title: Statement Regarding the Importation of Radio Frequency Devices Capable of Causing Harmful Interference

Form No.: FCC 740

The approval on form FCC 740 has been extended through 11/30/90. The January 1988 edition with an expiration date of 10/31/90 will remain in effect.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-16850 Filed 7-18-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35.).

Type: New.

Title: Evaluation of the Dissemination of NEHRP Materials on Seismic Safety of New Buildings.

Abstract: Evaluate extent and effectiveness of dissemination of National Earthquake Hazards Reduction Program materials. Used to improve the Building Seismic Safety Council's dissemination for future years. Targeted audiences are potential users of the materials—design professionals, building code organizations and officials, building owners, and earthquake-specific organizations.

Type of Respondents: Individuals or households, State or local governments.

Estimate of Total Annual Reporting and Recordkeeping Burden: 1,300.

Number of Respondents: 2,980.

Estimated Average Burden Hours Per Response: 436 (26 minutes).

Frequency of Response: Other—One time.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to the FEMA Clearance Officer at the above address; and to Pamela Barr, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Date: July 12, 1989.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 89-16902 Filed 7-18-89; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-828-DR]

Texas; 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 State of Texas (FEMA-828-DR), dated May 19, 1989, and related determinations.

DATED: June 7, 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 State of Texas, dated May 19, 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 May 19, 1989:

The counties of Cass, Cherokee, Coryell, Denton, Houston, Jasper, Limestone, Upshur, Van Zandt, Wichita, and Waller for Individual Assistance.

George H. Orrell,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 89-16901 Filed 7-18-89; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Horizon Bancorp, Inc., 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 August 9, 1989.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Horizon Bancorp, Inc.*, Bethesda, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of GOLDcrest Bank, Bethesda, Maryland, a *de novo* bank.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Country Bank Shares Corporation*, Janesville, Wisconsin; to acquire 88 percent of the voting shares of State Bank of Mt. Horeh, Mt. Horeh, Wisconsin; 90 percent of the voting shares of State Bank of Argyle, Argyle, Wisconsin; and 90 percent of the voting shares of Citizens State Bank of Clinton, Clinton, Wisconsin. Comments on this application must be received by August 2, 1989.

2. *Fayette Bancorporation*, Marion, Iowa; to acquire 100 percent of the voting share of Maynard Savings Bancsharescorp, Maynard, Iowa, and thereby indirectly acquire The Maynard Savings Bank, Maynard, Iowa. Comments on this application must be received by August 4, 1989.

3. *Mansfield Bancorp, Inc.*, Mansfield, Illinois; to become a bank holding company by acquiring at least 90 percent of the voting shares of Peoples State Bank of Mansfield, Mansfield, Illinois.

4. *Liberty National Bancorp, Inc.*, Louisville, Kentucky; to acquire 100 percent of the voting shares of Florence Deposit Bank, Florence, Kentucky, which engages in the sale, as agent, of credit related insurance sold in connection with extensions of credit made by the bank.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.*, Minneapolis, Minnesota; to merge with

Northern Cities Bancorporation, Inc., Anoka, Minnesota, and thereby indirectly acquire The Northern Bank, Anoka, Minnesota, and The Northern National Bank, Forest Lake, Minnesota.

2. *Martinius Corporation*, Rogers, Minnesota; to acquire 28.88 percent of the voting shares of Almelund Bancshares, Inc., Almelund, Minnesota, and thereby indirectly acquire Farmers State Bank, Almelund, Minnesota.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fidelity Bankshares, Inc.*, Garden City, Kansas; to acquire 100 percent of the voting shares of Olathe Financial Services Corporation, Olathe, Kansas, and thereby indirectly acquire 96.4 percent of the voting shares of Heritage Bank of Olathe, Olathe, Kansas. Comments on this application must be received by August 4, 1989.

Board of Governors of the Federal Reserve System, July 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-16847 Filed 7-18-89; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of May 16, 1989

In accordance with § 271.5 of its Rules Regarding Availability of Information (12 CFR 271, *et seq.*), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on May 16, 1989.¹ The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that the rate of economic growth has slowed in recent months. Gains in total nonfarm payroll employment moderated substantially in March and April, and employment in manufacturing was about unchanged over the two months. The civilian unemployment rate rose considerably to 5.3 percent in April. Industrial production increased in April after declining on balance in the preceding two months. Growth in consumer spending has slowed considerably in recent months. Housing starts declined further in April. Recent indicators of business capital spending show a rebound after a decline in the fourth quarter. The nominal

¹ Copies of the record of policy actions of the Committee for the meeting of May 16, 1989, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

U.S. merchandise trade deficit was smaller on average in January and February than in the fourth quarter. Broad measures of prices have risen somewhat more rapidly in 1989, with a significant contribution from sharp increases in energy prices.

Interest rates have declined considerably since the Committee meeting in late March. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies rose further on balance over the intermeeting period.

Growth of M2 and M3 was sluggish in April, primarily because of a sizable decline in transactions balances. Through April, expansion of M2 has been at a rate below the Committee's range for the year, while growth of M3 has been in the lower portion of its range.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives, the Committee at its meeting in February established ranges for growth of M2 and M3 of 3 to 7 percent and 3½ to 7½ percent, respectively, measured from the fourth quarter of 1988 to the fourth quarter of 1989. The monitoring range for growth of total domestic nonfinancial debt was set at 6½ to 10½ percent for the year. The behavior of the monetary aggregates will continue to be evaluated in the light of movements in their velocities, developments in the economy and financial markets, and progress toward price level stability.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. Taking account of indications of inflationary pressures, the strength of the business expansion, the behavior of the monetary aggregates, and developments in foreign exchange and domestic financial markets, somewhat greater reserve restraint or somewhat lesser reserve restraint would be acceptable in the intermeeting period. The contemplated reserve conditions are expected to be consistent with growth of M2 and M3 over the period from March through June at annual rates of about 1½ and 4 percent, respectively. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a federal funds rate persistently outside a range of 8 to 12 percent.

By Order of the Federal Open Market Committee, July 11, 1989.

Normand Bernard,

Assistant Secretary, Federal Open Market Committee.

[FR Doc. 89-16846 Filed 7-18-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Revision of Vessel Sanitation Program Operations Manual

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Publication of a revised *Vessel Sanitation Program Operations Manual*.

SUMMARY: The *Vessel Sanitation Program Operations Manual* has been revised and will be distributed to members of the cruise ship industry and other interested parties.

DATE: On or about August 1, 1989.

FOR FURTHER INFORMATION CONTACT:

Linda Anderson, Chief, Special Programs Group, Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE., Atlanta, Georgia, 30333. Telephone: FTS: 236-4595, Commercial: (404) 488-4595.

SUPPLEMENTARY INFORMATION: A request for public comment on a proposal to revise the *Vessel Sanitation Program Operations Manual* was published in the *Federal Register* on Wednesday, April 12, 1989 (54 FR 14684).

The public notice of the intent to revise the Manual provided for a 60-day comment period. During the 60-day period, 65 separate comments were received from 6 sources. None of the comments received opposed a revision of the *Operation's Manual*. Of the 65 comments received, 5 were editorial and not of a technical nature, 11 comments addressed issues regarding the water systems on board, 12 comments were made concerning food protection and source, 17 comments addressed equipment and warewashing, 1 comment concerned solid and liquid waste disposal, 2 comments addressed handwashing requirements, 4 comments concerned pest control, 4 comments concerned miscellaneous facilities, and 9 comments addressed issues concerning administration of the Vessel Sanitation Program. All comments were considered and reviewed for technical accuracy and, if appropriate, the recommended changes were incorporated into the Manual. A list of the comments received and the Department's rationale for accepting or rejecting the comments may be obtained by writing to: Linda Anderson, Chief, Special Programs Group, Center for Environmental Health and Injury Control (F29), CDC, 1600 Clifton Road NE., Atlanta, Georgia, 30333.

The revised *Vessel Sanitation Program Operations Manual* will be distributed to members of the passenger

cruise vessel industry and other interested parties on or about August 1, 1989.

Dated: July 13, 1989.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 89-16845 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

Pitman-Moore, Inc.; Withdrawal of Approval of New Animal Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 10 new animal drug applications (NADA's) held by Pitman-Moore, Inc. The NADA's provide for the use of various new animal drugs in dogs, cats, and horses. The firm requested the withdrawal of the approvals. In a final rule published elsewhere in this issue of the *Federal Register*, FDA is amending the animal drug regulations by removing the portions of the regulations reflecting the approvals.

EFFECTIVE DATE: July 31, 1989.

FOR FURTHER INFORMATION CONTACT:

Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Mundelein, IL 60060, is the sponsor of the following 10 NADA's.

1. NADA 9-342; Phthalofyne tablets; for the treatment of whipworm (*Trichuris vulpis*) infection in dogs; originally approved April 8, 1954.
2. NADA 10-905; Chlorpromazine hydrochloride (tablets and injection); for use as a tranquilizer, potentiator, and antiemetic with a sedating effect in dogs and cats; originally approved July 18, 1957.
3. NADA 11-699; Phthalofyne intravenous solution; for the treatment of whipworm infection in dogs; originally approved February 4, 1960.
4. NADA 12-360; Ronnel tablets; for the treatment of demodectic mange, tick, flea, and lice infections in dogs, and for the treatment of flea infestations in cats; originally approved May 18, 1961.
5. NADA 12-361; Ronnel emulsifiable concentrate; for the treatment of demodectic and sarcoptic mange, ticks, fleas, and ear mites in dogs, and for the

treatment of fleas and ear mites in cats; originally approved June 2, 1961.

6. NADA 12-554; Sulfadimethoxine injection; for the treatment of susceptible bacterial infections in dogs, cats, and horses; originally approved May 26, 1961.

7. NADA 13-618; Piperacetazine injection; for use as a tranquilizer, sedative, and antiemetic agent, and for the symptomatic relief of pruritis in dogs and cats; originally approved June 6, 1972.

8. NADA 13-619; Piperacetazine tablets; for use as a tranquilizer, sedative, and antiemetic agent, and for the symptomatic relief of pruritis in dogs and cats; originally approved June 6, 1972.

9. NADA 47-341; Griseofulvin tablets; for the treatment of fungal infections of the skin, hair, and claws caused by *Trichophyton mentagrophytes*, *T. rubrum*, *T. schoenleini*, *T. sulphurem*, *T. verrucosum*, *T. interdigitale*, *Epidermophyton floccosum*, *Microsporum gypseum*, *M. canis*, and *M. audouini* in dogs and cats; originally approved June 30, 1978.

10. NADA 65-192; Bacitracin methylene disalicylate and streptomycin sulfate tablets, for the treatment of bacterial enteritis caused by susceptible pathogens such as *Escherichia coli*, *Proteus* spp., *Staphylococcus* spp., and *Streptococcus* spp., and for the symptomatic treatment of associated diarrhea in dogs; originally approved September 6, 1955.

Pitman-Moore, Inc., requested the withdrawal of approval of the above NADA's because the products are no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 9-342, NADA 10-905, NADA 11-699, NADA 12-360, NADA 12-361, NADA 12-554, NADA 13-618, NADA 13-619, NADA 47-341, and NADA 65-192 and all supplements thereto is hereby withdrawn, effective July 31, 1989.

In a final rule published elsewhere in this issue of the Federal Register, FDA is removing 21 CFR 520.443, 520.1760, 520.1780, 520.2080b, 522.443, 522.1800, 524.2080, and 548.112b, and amending 21 CFR 520.1100 and 522.2220 to reflect withdrawal of the approvals.

Dated: July 11, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89-16851 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89N-0301]

Drug Export: ORTHO* HCV Antibody Elisa Test System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the biological product ORTHO* HCV Antibody ELISA Test System to Austria, Australia, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Ireland, Italy, Luxembourg, The Netherlands, New Zealand, Norway, Sweden, Switzerland, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT:

Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency published a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that

Ortho Diagnostic Systems, Inc., Raritan, NJ 08869, has filed an application requesting approval for the export of the biological product ORTHO* HCV Antibody ELISA Test System to Austria, Australia, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Ireland, Italy, Luxembourg, The Netherlands, New Zealand, Norway, Sweden, Switzerland, and The United Kingdom. The ORTHO* HCV Antibody Test System is a qualitative, enzyme-linked, immunosorbent assay for the detection of antibody to hepatitis C virus (anti-HCV) in human serum or plasma.

The application was received and filed in the Center for Biologics Evaluation and Research on June 30, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by July 31, 1989, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated under 21 CFR 5.44.

Dated: July 7, 1989.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 89-16853 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89N-0229]

Drug Export; Prednisolone Acetate Ophthalmic Suspension, 1 Percent (Sterile)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Pharmafair, Inc., has filed an application requesting approval for the export of the human drug Prednisolone

Acetate Ophthalmic Suspension, 1% (Sterile) to Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drug under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Mary F. Cooper, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Pharmafair, Inc., 110 Kennedy Dr., Hauppauge, NY 11788, has filed an application requesting approval for the export of the drug Prednisolone Acetate Ophthalmic Suspension, 1 percent (Sterile), to Canada. This product is used in the treatment of inflammatory and allergic conditions, allergic nonpurulent blepharitis, herpes zoster ophthalmicus, nonspecific superficial keratitis, and nonpurulent keratoconjunctivitis. It may suppress graft reaction after keratoplasty. The application was received and filed in the Center for Drug Evaluation and Research on June 29, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket

number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by July 31, 1989, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: July 10, 1989.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-16796 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89N-0228]

Drug Export; Pro-Air® (Procatamol Hydrochloride) Aerosol

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Parke-Davis has filed an application requesting approval for the export of the human drug Pro-Air® (procatamol hydrochloride) Aerosol to Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Mary F. Cooper, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in

the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Parke-Davis, Pharmaceutical Research Division, Warner-Lambert Co., 2800 Plymouth Road, Ann Arbor, MI, 48105-2430, has filed an application requesting approval for the export of the drug Pro-Air® (procatamol hydrochloride) Aerosol, to Canada. This drug is indicated as a bronchodilator for the symptomatic relief of reversible bronchospasm due to bronchial asthma, chronic bronchitis and other bronchopulmonary disorders in which bronchospasms are a complicating factor. The application was received and filed in the Center for Drug Evaluation and Research on June 20, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by July 31, 1989, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: July 10, 1989.

Sammie R. Young,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 89-16797 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings**AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees. **MEETINGS:** The following advisory committee meetings are announced.

Drug Abuse Advisory Committee

Date, time, and place. August 7 and 8, 1989, 8:30 a.m., Parklawn Bldg., Conference Rms. D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, August 7, 1989, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 4:30 p.m.; open committee discussion, August 8, 1989, 8:30 a.m. to 4:30 p.m.; Thomas E. Nightingale, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs which possess stimulant, depressant, or analgesic properties including those aspects of safety related to the potential of these drugs to produce dependence and to be abused.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact persons before July 24, 1989, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On August 7, 1989, the committee will discuss the abuse potential and the possible necessity of scheduling dezocine (NDA 19-082) DALGAN/Wyeth-Ayerst Laboratories) under the Controlled Substances Act. Wyeth-Ayerst Laboratories plans to market dezocine as a potent analgesic. Dezocine is a partial agonist which produces analgesia through an interaction with central opiate receptors. On August 8, 1989, the committee will

discuss general issues relating to assuring safety of volunteers used in abuse potential evaluations, specific issues relating to the testing of hallucinogenic drugs, and abuse of parenteral medicine by health professionals.

Obstetrics-Gynecology Devices Panel

Date, time, and place. August 24 and 25, 1989, 9 a.m., Rm. 503A-529A, Hubert H. Humphrey Bldg., 200 Independence Avenue SW., Washington, DC.

Type of meeting and contact person. Open public hearing, August 24, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open public hearing, August 25, 1989, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; Colin M. Pollard, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1180.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 11, 1989, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application on a catheter used for chorionic villus sampling. The committee will also discuss guidelines to evaluate female barrier contraceptive devices.

Anesthetic and Life Support Drugs Advisory Committee

Date, time, and place. August 28 and 29, 1989, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Type of meeting and contact person. Open public hearing, August 28, 1989, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; open committee discussion, August 29, 1989, 8:30 a.m. to 4 p.m.; Isaac F. Rouben, Center for Drug Evaluation and Research (HFD-9), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the field of anesthesiology and surgery.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 15, 1989, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On August 28, 1989, the committee will discuss NDA 19-627, propofol (Diprivan®, ICI Pharmaceuticals—Stuart Pharmaceuticals) emulsion for intravenous injection. On August 29, 1989, the committee will discuss: (1) NDA 19-627, noted above, (2) a status report on isoflurane (Forane®, Anaquest), and (3) NDA's 19-677 and 19-678 for edrophonium and atropine combination (Enlon Plus®, Anaquest).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public

advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: July 13, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 89-16795 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Availability of a Collaborative Agreement for the Development of a Two-Gigaflop Computer for Molecular Simulations

The National Institutes of Health wishes to develop, under the Federal Technology Transfer Act of 1986, a special purpose computer (GEMMSTAR) designed for macromolecular simulations and molecular mechanics applications. The Government seeks a collaborator which, in accordance with the requirements of the regulations governing the licensing of government-owned inventions (37 CFR Part 404), has the most meritorious plan for the development of GEMMSTAR under the best terms for the Government.

GEMMSTAR is the subject of U.S. Patent pending number 261,304 (application 10/24/88). This machine will be a translation into computer hardware of an existing software package, Generate, Emulate, and Manipulate Macromolecules (GEMM), developed by the Molecular Graphics and Simulation Laboratory of the Division of Computer Research and Technology (DCRT) of the National Institutes of Health. The GEMMSTAR will interface to a host machine, which will do other calculations necessary for molecular mechanics and simulations.

GEMMSTAR will calculate the compute-intensive pair interaction potential found in most molecular simulation codes including a van der Waal term and an electrostatic energy term. Additional terms (such as a pressure and a polarization term) will be incorporated into GEMMSTAR in order to make the machine more flexible so as to be able to better respond to future demands. GEMMSTAR will compute the energy and forces for these potential energy terms and save them for subsequent analysis, minimization, or integration of the equations of motion for molecular dynamics.

Development of GEMMSTAR under the agreement will consist of the following general steps:

- (1) Participate in a detailed architectural design and simulation.
- (2) Provide non-recurring engineering funding and design facilities.
- (3) Provide an appropriate engineering team to the project.
- (4) Design and supply Application Specific Integrated Circuits (ASIC's). The design calls for 50 to 60 copies of a single, new, ASIC. (approximately 50,000 gates and 256 pins.)
- (5) Carry out the mechanical and board layouts, and build and test prototype boards.

(6) Develop system software to support the GEMMSTAR. Applications software will be the responsibility of the Government.

(7) Manufacture and market production units.

Under the resulting Cooperative Research and Development Agreement, NIH will grant an exclusive royalty-bearing license for the subject U.S. patent application, and an option to acquire an exclusive royalty-bearing license for future related U.S. patent applications and patents issued thereon, and those that may result from the agreement.

A panel of senior Government scientists and computer specialists from the Division of Computer Research and Technology will use the following criteria to choose the industrial partner:

- (1) Demonstrable experience with modern computer and/or chip manufacturing techniques.
- (2) Prior manufacture of computers and components and application specific computers in particular.
- (3) Demonstrated experience and ability to market and distribute production special purpose computers.
- (4) Willingness and demonstrated plan to commit the necessary resources to the project, including funding, personnel, design, computation, testing, and manufacturing resources.
- (5) Likely availability, and ability to interface to, a host machine capable of approximately 200 megaflops, and capable of sustaining close to a 50 mbyte/second I/O bandwidth.
- (6) Willingness to cooperate and collaborate on a regular basis with appropriate NIH scientific and engineering staff.
- (7) Demonstrated ability to bring this class of product to market in a timely manner.
- (8) A business plan favorable to the interests of the Government including reasonable royalties from any GEMMSTAR revenue, and for the retention of the exclusive license.

For further information (including a copy of the patent application and design notes) contact Ms. Marian Dawson, Executive Officer, Division of Computer Research and Technology, The National Institutes of Health, Building 12A, Room 3023, Bethesda, MD, 20892, or telephone (301) 496-5206.

This notice will be effective until the close of business September 5, 1989.

J.E. Rall,

Acting Director, National Institutes of Health.

Dated: July 12, 1989.

[FR Doc. 89-16802 Filed 7-18-89 8:45 am]

BILLING CODE 4160-01-M

Public Health Service**National Vaccine Injury Compensation Program; List of Petitions Received****AGENCY:** Public Health Service, HHS.**ACTION:** Notice.

SUMMARY: The Public Health Service (PHS) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the PHS Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Claims Court is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Claims Court, 717 Madison Place, NW., Washington, DC 20005, (202) 633-7257. For information on the Public Health Service's role in the Program, contact the Administrator, Vaccine Injury Compensation Program, Parklawn Building, 5600 Fishers Lane, Room 4-101, Rockville, MD 20857, (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Claims Court and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to PHS. The Claims Court is directed by statute to appoint special masters to take evidence, conduct hearings as appropriate, and to submit to the Court proposed findings of fact and conclusions of law.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table set forth at section 2114 of the PHS Act. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not

listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the Federal Register a notice of each petition filed. Set forth below is a list of petitions received by PHS from June 13 through July 6, 1989. Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table (see section 2114 of the PHS Act) but which was caused by" one of the vaccines referred to in the table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Claims Court at the address listed above (under the heading "For Further Information Contact"), with a copy to PHS addressed to Director, Bureau of Health Professions, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Patsy Johnson on Behalf of Christa Johnson, Albuquerque, New Mexico Claims Court, Docket No. 89-62 V
2. Robin D. Cooper and Ruth M. Cooper on Behalf of Jason Dean Cooper, Wichita, Kansas, Claims Court Docket No. 89-63 V
3. Margie Marie Davis on Behalf of Mark Allan Davis, Denver, Colorado, Claims Court Docket No. 89-64 V
4. Brett K. Wilson and Julianne Wilson on Behalf of Jadanne Rose Wilson, Cheyenne, Wyoming, Claims Court Docket No. 89-65 V
5. Anna Maria Gazzzi, Chicago, Illinois, Claims Court Docket No. 89-66 V
6. Brenda Sue Edgar on Behalf of Marvin A. Edgar, Atlanta, Georgia, Claims Court Docket No. 89-67 V
7. Marvin Meyer and Carol Meyer on Behalf of Laura Michelle Meyer, Wichita, Kansas, Claims Court Docket No. 89-68 V
8. Jane Hussey on Behalf of Adam Troy Monteith, Rochester, New Hampshire, Claims Court Docket No. 89-69 V
9. James Lewis Brooks, Knoxville, Tennessee, Claims Court Docket No. 89-70 V
10. Lisa Munn on Behalf of Chelsea Vukelich, Gobebe, Michigan, Claims Court Docket No. 89-71 V
11. Carol A. Huber and Steve J. Huber on Behalf of Garrett Michael Huber, Waterville, Maine, Claims Court Docket No. 89-72 V
12. Gloria Crossett on Behalf of Laurie Ann Crossett, Plantation, Florida, Claims Court Docket No. 89-73 V
13. Joyce Metzger and Donald A. Metzger on Behalf of Glenn Metzger, Honolulu, Hawaii, Claims Court Docket No. 89-74 V

Dated: July 12, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89-16799 Filed 7-18-89; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of Administration**

[Docket No. N-89-2020]

Submission of Proposed Information Collections to OMB**AGENCY:** Office of Administration, HUD.**ACTION:** Notices.

SUMMARY: The proposed information collection requirements described below

have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESS: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as

described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of

the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: July 10, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Section 8 Housing Assistance Payments Program—Special Allocations (Loan Management Set-Aside).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: The rule containing these information collections authorizes use of Section 8 assistance in existing multifamily projects with insured or HUD-held mortgages, including Section 202 projects and projects sold by HUD subject to purchase money mortgages.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, and Non-Profit Institutions.

Frequency of Submission: On Occasion.
Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Content of Application.....	300		1		40		12,000
Notice Upon Contract Expiration.....	175		1		1		175

Total Estimated Burden Hours: 12,175.

Status: New.

Contact: James J. Tahash, HUD, (202) 426-3944; John Allison, OMB, (202) 395-6880.

Date: July 10, 1989.

Proposal: Good Faith Estimate.

Office: Housing.

Description of the Need for the Information and Its Proposed Use:

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires lenders to provide borrowers the Special Information Booklet and the Good Faith Estimate of Settlement Costs to inform the borrower of the nature and costs of real estate settlement services. Section 4 of RESPA requires the settlement agents to provide the borrowers and the

seller a HUD-1 which sets forth all settlement costs.

Form Number: HUD-1.

Respondents: Businesses or Other For-Profit.

Frequency of Submission:

Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Recordkeeping.....	20,000		173.5		.25		867,500

Total Estimated Burden Hours: 876,500.

Status: Extension.

Contact: Richard Harrington, HUD, (202) 755-5676; John Allison, OMB, (202) 395-6880.

Date: July 10, 1989.

[FR Doc. 89-16848 Filed 7-18-89; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-89-2021]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members

of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: July 11, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Information Collection	Number of Respondents	Frequency of Response	Hours per Response	Burden Hours
Information Collection	600	1	5	300

Total Estimated Burden Hours: 300.
Status: Extension.

Contact: Ann M. Sudduth, HUD, (202) 755-7330. John Allison, OMB, (202) 395-6880.

Date: July 11, 1989.

[FR Doc. 89-16849 Filed 7-18-89; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-060-4760-90]

Roswell District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Roswell District Grazing Advisory Board Meeting.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: Thursday, August 17, 1989, beginning at 10 a.m. A public comment period will be held following conclusion of the agenda.

Location: BLM Roswell District Office, 1717 West Second St., Roswell, New Mexico 88201.

FOR FURTHER INFORMATION CONTACT: David L. Mari, Associate District Manager, or Terry Keim, Public Affairs Specialist, Bureau of Land Management,

P.O. Box 1397, Roswell, NM 88202-1397, (505) 622-9042.

SUPPLEMENTARY INFORMATION: The agenda will consist of two issues; (1) Discussion of FY 90 Range Improvement Projects and (2) New Mexico Drought Policy. The meeting is open to the public. Interested persons may make oral statements to the Board during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the Associate District Manager by August 10, 1989. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours, within 30 days following the meeting. Copies will be available for the cost of duplication.

Francis R. Cherry, Jr.,

District Manager.

[FR Doc. 89-16878 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-FB-M

[AZ-020-09-4212-13; AZA-23975; AZA-13143]

Realty Action; Disposal of Public Land; Acquisition of Non-Federal Lands, Pima County, AZ

The following described federal lands have been determined to be suitable for disposal either by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C.

Proposal: Deed-in-Lieu of Foreclosure (Corporate Mortgagors or Mortgagors Owning More Than One Property).

Office: Housing.

Description of the Need For The

Information and Its Proposed Use:

Mortgagees must obtain written consent from local HUD Field Offices to accept a deed-in-lieu of foreclosure when the mortgagor is a corporate mortgagor or a mortgagor owning more than one property. Mortgagees must provide HUD specific information.

Form Number: None.

Respondents: Individuals or Households and Businesses or Other For-Profit.

Frequency of Submission: On Occasion.
Reporting Burden:

1716 or the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869, et seq.:

Gila and Salt River Base and Meridian, Pima County, Arizona

T. 14 S., R. 15 E.,

Sec. 5, lots 3 and 4, S½NW¼.

Comprising 172.8 acres.

In the event the above-described public land is conveyed via exchange, the United States will acquire all of the below-described non-federal land from the city of Tucson.

Parcel 1

The West Half of the Southwest Quarter of the Northeast Quarter of section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Parcel 2

The South Half of the Southeast Quarter of section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Except that part thereof lying within East Broadway, as shown on Road Map recorded in Box 6 of Road Maps at Page 96 thereof.

Further except that part thereof lying within Freeman Extension, Road No. 238, as shown on Road Map recorded in Book 2 of Road maps at Page 156.

Parcel 3

The South Half of the Southeast Quarter of the Northeast Quarter of section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Except that portion described as follows:

Beginning at the Southeast corner of that Southeast Quarter of the Northeast Quarter;

Run thence North 89°56'30" West, a distance of 681.65 feet to a point;

Thence North 00°00'15" East, a distance of 662.92 feet to a point;

Thence North 89°57'00" East, a distance of 681.60 feet to a point;

Thence South along the Easterly Quarter section line to the true point of beginning;

Except the East 30 feet thereof within the right-of-way of Freeman Extension as shown on the Road Map recorded in Book 2 of Road Maps at Page 156.

Except all coal and other minerals as reserved in the patent from the United States of America.

Parcel 4

The East Half of the Southwest Quarter of the Northeast Quarter; and the North Half of the Southeast Quarter, all in section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Except any portion lying within Freeman Road.

Parcel 5

That part of the South Half of the Southeast Quarter of of the Northeast Quarter of section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Beginning at the Southeast corner of the Southeast Quarter of the Northeast Quarter;

Run thence North 89°56'30" West, a distance of 681.65 feet to a point;

Thence North 00°00'15" East, a distance of 662.92 feet to a point;

Thence North 89°57'00" East, a distance of 681.60 feet to a point;

Thence South along the Easterly Quarter section line to the true point of beginning;

Except the East 30 feet thereof within the right-of-way of Freeman Extension as shown on the Road Map recorded in Book 2 of Road Maps as Page 156.

Parcel 6

The North Half of the Southeast Quarter of the Northeast Quarter of section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona;

Except the East 30 feet thereof within the right-of-way of Freeman Extension

as shown of the Road Map recorded in Book 2 of Road Maps at Page 156.

Parcel 7

The East Half of the East Half of the Southwest Quarter; and the East Half of the West Half of the East Half of the Southwest Quarter, all in section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Except any portion laying within Broadway Boulevard; and

Further except all coal and other minerals as reserved in the patent from the United States of America.

Parcel 8

The Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter in section 7, Township 14 South, Range 16 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Except any portion lying within Broadway Boulevard; and

Further except all coal and other minerals as reserved in the patent from the United States of America.

Comprising 297.00 acres, more or less.

The subject lands to be conveyed to the city of Tucson are currently encumbered with two withdrawals, PLO 5761 and EO 1082. Prior to the conveyance to the city, the above-listed withdrawals will be revoked.

The parcel is also encumbered with R&PP Lease AZA-13143. This Lease shall also be relinquished prior to transfer.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way 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. Rights-of-way AZA-9738, AZA-22102 and AZA-23678.

3. Minerals shall be reserved to the United States.

4. All valid existing rights.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the public lands from appropriation under the public land laws, except exchange or conveyance under R&PP Act, including the mining laws, and from any subsequent land exchange proposals filed by any proponent other than the city of Tucson.

The segregation of the described selected lands shall terminate upon issuance of a document conveying title to such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the

expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested persons may submit comments to the District Manager, Phoenix District, Bureau of Land Management, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Objections will be reviewed by the State Director, who may modify, vacate or sustain this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

William T. Childress,
Acting District Manager.

Date: July 13, 1989.

[FR Doc. 89-16843 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-32-M

[CA-060-09-4212-13; CA-23043]

Realty Action; Exchange of Public and Private Lands, San Diego County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands, CA-23043.

SUMMARY: The following described public lands, located in San Diego County, have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

San Bernardino Meridian

T. 18S., R. 1E.,
Sec. 29: NW ¼.

Containing 160 acres, more or less.

In exchange for these lands the United States will acquire from the Rancho Vista Del Mar Corporation the following offered private lands abutting the Otay National Cooperative Land and Wildlife Management Area:

San Bernardino Meridian

T. 18S., R. 1E.,
Sec. 21: SW ¼SW ¼;
Sec. 28: N ½N ½.

Containing 200 acres, more or less.

In addition to the above described lands, the United States will also acquire from Rancho Vista Del Mar a fifty (50) foot wide road right-of-way across lands located within T. 18S., R. 1E, sections 19, 29, and 30, SBM, San Diego County. This right-of-way will provide the United States with legal access to the western boundary of the

Otay National Cooperative Land and Wildlife Management Area.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire non-Federal lands adjacent to, and access for, the Otay National Cooperative Land and Wildlife Management Area. These private offered lands are also within a Bureau Wilderness Study Area. These non-federal lands will provide additional habitat for wildlife, contain sensitive plant species, and will enhance the Bureau of Land Management's ability to manage the area by consolidating land ownership. The right-of-way to be acquired will enable the Bureau to facilitate providing the public with unrestricted access to the area. Since the 160 acres of public land to be disposed of in this exchange is surrounded by private land owned by the Rancho Vista Del Mar Corporation, this exchange allows the Bureau to consolidate lands in the area for practical and sound management purposes. The public interest will be well served by completing this exchange.

The values of the lands to be exchanged are approximately equal. Full equalization of values will be achieved through either acreage adjustment or by cash payment in an amount not to exceed 25% of the value of the lands being transferred out of Federal ownership.

The lands to be transferred from the United States will be subject to the following reservations and rights-of-way:

1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (43 U.S.C. 945).
 2. A reservation to the United States of a right-of-way for a helicopter training site; Act of October 21, 1976 (43 U.S.C. 1761-1771); BLM Serial No. CA-8906.
 3. A reservation to the United States of a right-of-way for a firebreak and access road; 44 L.D. 513; BLM Serial No. R-433.
 4. A road right-of-way granted to San Diego Gas & Electric Company, its successors, or assigns under the authority of the Act of October 21, 1976 (43 U.S.C. 1761-1771); BLM Serial No. CA-10677.
 5. A reservation to the United States of a road right-of-way; Act of October 21, 1976 (43 U.S.C. 1761-1771);
- Lands to be acquired in this exchange will not be subject to any encumbrances or reservations.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining laws, except for mineral leasing. This segregative effect will expire upon issuance of patent or two (2) years from the date of publication, whichever occurs first.

For detailed information concerning this exchange contact Mike Selman, BLM Palm Springs-South Coast Resource Area, at (619) 323-4421.

For a period of 45 days after publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, California Desert District, 1695 Spruce Street, Riverside, CA 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

H.W. Riecken,
Acting District Manager.
July 12, 1989.

[FR Doc. 89-16844 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-40-M

[MT-020-09-4212-14]

Realty Action—Amendment

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action, amendment.

SUMMARY: A reappraisal of the fair market value of the following lands has resulted in the corresponding values for disposal by sale:

5th Principal Meridian

SDM-58032
T. 103 N., R. 73 W.,
Section 5, S $\frac{1}{2}$ N $\frac{1}{4}$ containing 80.00 acres
Reappraisal Fair Market Value \$50 per acre
(\$4,000)

SDM-66124
T. 3 N., R. 30 E.
Section 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$, containing 40.00 acres
Reappraisal Fair Market Value \$50 per acre
(\$2,000)

SDM-66126
T. 3 N., R. 30 E.
Section 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, containing 40.00
acres
Reappraisal Fair Market Value \$52.50 per
acre (\$2,100)

SDM-66127
T. 3 N., R. 30 E.
Section 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ containing 40.00 acres
Reappraisal fair market value \$52.50 per acre
(\$2,100)

SDM-66584

T. 5 N., R. 29 E.

Section 1, Lot 1 containing 39.93 acres
Reappraisal fair market value \$50 per acre
(\$2,000)

DATES: For 45 days from the date of this publication in the **Federal Register**, comments may be submitted to the District Manager, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the Montana State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

The subject land will be offered for sale on an open competitive basis by sealed bid only. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth (20%) of the amount bid. Bids will be opened on September 8, 1989, at 9 a.m. If not sold, the land will remain available for sale on a continuing basis until a sale is completed or until September 8, 1990, when this sale will be terminated.

Any sealed bids received will be opened at 9 a.m. each succeeding Wednesday until the lands are sold or the sale is closed.

Bidder Qualifications: The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state of the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of South Dakota. Bids must be made by the principal or his agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value. Bids must be individually submitted for each parcel in this notice. The sealed bid envelope must be addressed as follows: Cashier-Sealed Bid, Public Land Sale SDM_____, P.O. Box 36800, Billings Montana 59107-6800. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bid. The highest qualifying sealed bid shall then be declared.

Final Details: Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 180 days of the date of the

sale. Failure to submit the required amount within 180 days shall disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM.

FOR FURTHER INFORMATION CONTACT: Information related to this sale is available at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301 or the South Dakota Resource Area, 310 Roundup Street, Belle Fourche, South Dakota 57717 or at (605) 892-2526.

SUPPLEMENTARY INFORMATION: This proposed action is consistent with BLM policies and plans. The sale first appeared in the Federal Register in 48 FR 48715, October 20, 1983, (SDM-58032) and in 51 FR 9723, March 20, 1986 (SDM-66124, SDM-66126, SDM-66127, and SDM-66584).

Sandra E. Sacher,
Associate District Manager.

[FR Doc. 89-16838 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-0N-M

[CA-940-09-4520-12; C-5 and 10-89]

Filing of Plat of Survey

July 10, 1989.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Nevada County
T. 6 S., R. 8 E.

2. These supplemental plats of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 8, Township 10 North, Range 9 East, and E $\frac{1}{2}$ NE $\frac{1}{4}$ section 12, Township 17 North, Range 8 East, Mount Diablo Meridian, California, were accepted May 4 and May 8, 1989.

3. These supplemental plats will immediately become the basic record of describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These supplemental plats were executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Public Information Section.
[FR Doc. 89-16837 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-40-M

[CA-940-09-4520-12; (Group 774)]

Plat of Survey

July 10, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, El Dorado and Alpine Counties
T. 11 N., R. 18 E.

2. This plat, representing the dependent resurvey of the Second Standard Parallel North along a portion of the south boundary, a portion of the north boundary, a portion of the subdivisional lines, and the survey of the subdivision of sections 13, 24, and 25, Township 11 North, Range 18 East, Mount Diablo Meridian, California, under Group No. 774 California, was accepted May 17, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Alpine and El Dorado National Forests.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,
Chief, Public Information Section.
[FR Doc. 89-16888 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-40-M

[CA-940-09-4520-12; (Group 1036)]

Plat of Survey

July 10, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Inyo County
T. 16 S., R. 37 E.

2. This plat, representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and a portion of the North Pole Placer, Mineral Survey No. 5404, and the survey of a portion of the subdivision of Section 24, Township 16 South, Range 37 East, Mount Diablo Meridian, California, under Group No. 1036 California, was accepted May 9, 1989.

3. This plat will immediately become the basic record of describing the land

for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,
Chief, Public Information Section.
[FR Doc. 89-16889 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-40-M

[CA-940-09-4520-12; (Group 913)]

Plat of Survey

July 10, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Shasta County
T. 36 N., R. 1 W.

2. This plat, representing the dependent resurvey of a portion of the north boundary, and a portion of the subdivisional lines, and the survey of the subdivision of Section 2, 10, and 14, Township 36 North, Range 1 West, Mount Diablo Meridian, California, under Group No. 000 California, was accepted March 28, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Shasta Trinity National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,
Chief, Public Information Section.
[FR Doc. 89-16890 Filed 7-18-89; 8:45 am]
BILLING CODE 4310-40-M

[CA-940-09-4520-12; (Group 913)]

Plat of Survey

July 10, 1989.

1. This plat of the following described land will be officially filed in the

California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Shasta County
T. 36 N., R. 1 E.

2. This plat, representing the dependent resurvey of a portion of the west boundary and subdivisional lines, and the survey of the subdivision of Section 6, Township 36 North, Range 1 East, Mount Diablo Meridian, California, under Group No. 913 California, was accepted March 28, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16891 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 996)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Shasta County
T. 36 N., R. 1 E.

2. This plat, representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, the survey to complete Section 3, and the survey of the subdivision of Section 3, Township 36 North, Range 1 East, Mount Diablo Meridian, California, under Group No. 996 California, was accepted May 24, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Shasta Trinity National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage

Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16892 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 978)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Modoc County
T. 42 N., R. 15 E.

2. This plat, representing the dependent resurvey of a portion of the south boundary and a portion of the subdivisional lines, and the survey of the subdivision of Sections 27 and 34, Township 42 North, Range 15 East, Mount Diablo Meridian, California, under Group No. 978 California, was accepted May 26, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Lassen National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16893 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 985)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, Madera County
T. 9 N., R. 22 E.

2. This plat, representing the dependent resurvey of the subdivision of Section 13, and the survey of the subdivision of Section 13 and the metes-and-bounds survey of Lots 7 and 8, in Section 13, Township 9 North, Range 22 East, San Bernardino Meridian, California, under Group No.

985 California, was accepted May 26, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16894 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 770)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Luis Obispo and Santa Barbara Counties

T. 9 N., R. 32 W.,

T. 10 N., R. 32 and 33 W.,

T. 11 N., R. 32 W.

2. These plats, representing the (1) Dependent resurvey of portions of the Tepusquet Rancho and Sisquoc Rancho, the limiting of fractional sections, and a portion of the exterior boundaries and subdivisional lines, and the extension survey and survey of a portion of the subdivisional lines of T. 9 N., R. 32 W., San Bernardino Meridian, California,

(2) Dependent resurvey of portion of the Rancho de Suey, Tepusquet Rancho, and Sisquoc Rancho in T. 10 N., R. 32 and 33 W., the limiting boundaries of fractional sections, and a portion of the exterior boundaries and subdivisional lines of T. 10 N., R. 32 W., and the extension survey and survey of the subdivision of section 34, T. 10 N., R. 32 W., San Bernardino Meridian, California,

(3) Dependent resurvey of the south and east boundaries, portions of the west and north boundaries, a portion of the Rancho de Suey, and a portion of the subdivisional lines, of T. 11 N., R. 32 W., San Bernardino Meridian, California, under Group No. 770 California, was accepted March 24, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat

has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Los Padres National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16895 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 1042)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, Madera County
T. 6 S., R. 20 E.

2. This plat, representing the dependent resurvey of a portion of the south and east boundaries, and a portion of the subdivisional lines, the survey of the subdivision of Section 33, and the metes-and-bounds survey of a portion of the southerly right-of-way boundary of Interstate 10, and a portion of the easterly right-of-way boundary of Wiley Well Road, in Section 33, Township 6 South, Range 20 East, San Bernardino Meridian, California, under Group No. 1042 California, was accepted June 30, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16896 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 927)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Humboldt Meridian, Humboldt County
T. 7 and 8 N., R. 4 and 5 E.

2. This plat, representing the dependent resurvey of the exterior boundaries of a portion of the interior lines, and the survey of lots 140A, 140B, 141A, 141B, 143A, 145A, 145B, 146A, 146B, and 165B, of Campbell Field within the Hoopa Valley Indian Reservation, in Townships 7 and 8 North, Ranges 4 and 5 East, Humboldt Meridian, California, under Group No. 927 California, was accepted April 5, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16897 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12 (Group 1004)]

Plat of Survey

July 11, 1989.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Mariposa County
T. 3 S., R. 20 E.

2. This plat, representing the dependent resurvey of portions of the west and north boundaries, a portion of the subdivisional lines, the survey of the subdivision of Section 16, and the metes-and-bounds survey of Parcel A in Section 16, Township 3 South, Range 20 East, Mount Diablo Meridian, California, under Group No. 1004 California, was accepted May 22, 1989.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is

available to the public for information only.

4. This plat was executed to meet certain administrative needs of the National Park Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 89-16898 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12; C-8-89]

Filing of Plat of Survey

July 11, 1989.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Bernardino County
T. 10 N., R. 6 W.

2. This supplemental plat of Section 28, Township 10 North, Range 6 West, San Bernardino Meridian, California, was accepted May 22, 1989.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2811, Sacramento, California, 95825.

Herman J. Lyttge,

Public Information Section.

[FR Doc. 89-16899 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-09-4520-12; C-6-89]

Filing of Plat of Survey

July 11, 1989.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Napa County

T. 10 N., R. 6 W.

2. This supplemental plat of Section 33, Township 10 North, Range 6 West, Mount Diablo Meridian, California, and the mineral survey records was accepted June 13, 1989.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2811, Sacramento, California, 95825.

Herman J. Lyttge,

Public Information Section.

[FR Doc. 89-16900 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-40-M

[OR-943-09-4214-10; GP9-123; OR-44410]

Proposed Withdrawal and Opportunity for Public Meeting; OR**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 507.50 acres of public land for the National Historic Oregon Trail Interpretive Center at Flagstaff Hill. This notice closes the land for up to 2 years from surface entry and new mining claims. The land will remain open to mineral leasing.

DATE: Comments and requests for a public meeting must be received by October 17, 1989.

ADDRESS: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503-231-6905.

SUPPLEMENTARY INFORMATION: On July 13, 1989, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Willamette Meridian

T. 9 S., R. 41 E.

Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of lot 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$, and that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ located north of the northerly right-of-way line of State Highway 86;

Sec. 6, lots 1, 2, 3, and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, and those portions of lot 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ located north of the northerly right-of-way line of State Highway 86.

The area described contains approximately 507.50 acres in Baker County, Oregon.

The purpose of the proposed withdrawal is to protect the proposed National Historic Oregon Trail Interpretive Center at Flagstaff Hill located adjacent to State Highway 86 approximately five miles northeast of Baker, Oregon.

For a period of 90 days from the date of publication of this notice, all persons who wish to subject 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 the time and place will be published in the *Federal Register* at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the *Federal Register*, the land will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date: *Provided*, that such segregation shall not be construed to prevent the owner or owners of any unperfected mining claim currently existing on the land from making a discovery of valuable minerals for the purpose of establishing validity and securing mineral patent. The temporary uses which may be permitted during this segregative period are leases, licenses, permits, and disposal of mineral or vegetative resources.

Dated: July 13, 1989.

Robert E. Mollohan,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89-16832 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-33-M

Geological Survey**Topographic Quadrangle Maps; Building Classifications; Discontinuance****AGENCY:** Department of the Interior, Geological Survey.**ACTION:** Notice of intent; discontinuing building classifications on topographic maps.

SUMMARY: National Mapping Division policy calls for buildings to be classified as Class 1 or 2 on standard topographic quadrangle maps, based on information on building use obtained during field survey operations. Class 1 buildings are structures intended primarily for housing human activities and include residences, hotels, churches, schools, shops, most public and commercial buildings, factories, service stations, and others of similar character. Class 2 buildings are structures not intended primarily for housing human activities and include warehouses, barns, greenhouses, sheds, and others constructed to house machinery or animals, or for storage. The National Mapping Division proposes to eliminate building class distinctions on standard topographic quadrangle maps. This proposal is based on a lack of definitive requirements for building use information and the desire to expedite mapping operations. The result is that all buildings will be portrayed with uniform symbology regardless of building use. It should be noted that churches, schools, and landmark buildings will still be symbolized and/or labeled according to existing standards. Comments are being requested from other Federal agencies, State agencies, and the private sector to determine the use of building class information as currently depicted on standard topographic quadrangle maps, and the impact of eliminating building class distinctions.

DATE: Please submit all comments on the impact of eliminating Class 1 or 2 building distinctions in writing by August 15, 1989.

FOR FURTHER INFORMATION WRITE OR CALL: William J. Jones, Chief, Office of Technical Management, National Mapping Division, 510 National Center, Reston, Virginia 22092, 703-648-4566.

SUPPLEMENTAL INFORMATION: If you support continuation of present symbology, please include a statement of the application being made of the building classification.

Lowell E. Starr,

Chief, National Mapping Division, U.S. Geological Survey.

Date: July 12, 1989.

[FR Doc. 89-16880 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-31-M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that McMoran Oil & Gas Co. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 10739, Block 210, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 7, 1989. Comments must be received on or before August 3, 1989, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention: OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans and Pipeline Section, Exploration/

Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: June 10, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89-16886 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Exploration and Producing U.S. Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 5473 and 5475, Blocks 192 and 205, respectively, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATES: The subject DOCD was deemed submitted on July 7, 1989. Comments must be received on or before August 3, 1989, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals

Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention: OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT:

Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: July 10, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89-16885 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 8, 1989. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the

significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington DC 20013-7127. Written comments should be submitted by August 3, 1989.

Beth Boland,
Chief of Registration, National Register.

ARIZONA

Maricopa County

Wrigley, William, Jr., *Winter Cottage*, 2501 E. Tetawa Trail, Phoenix, 89001045

CALIFORNIA

Santa Clara County

Campbell Union High School Historic District, 1 W. Campbell Ave., Campbell, 89001048

FLORIDA

Highlands County

Central Station (Sebring MPS), 301 N. Mango St., Sebring, 89001009

Hainz, Edward, *House*, (Sebring MPS), 155 W. Center Ave., Sebring, 89001010

Highlands County Courthouse, (Sebring MPS), 430 S. Commerce Ave., Sebring, 89001013

Sebring, H. Orvel, *House*, (Sebring MPS), 483 S. Lake View Dr., Sebring, 89001012

Vinson, Paul L., *House*, (Sebring MPS), 309 N. Lake View Dr., Sebring, 89001011

Polk County

Polk County Courthouse, Old, 100 E. Main St., Bartow, 89001055

LOUISIANA

Caddo Parish

Kings Highway Christian Church, 806 Kings Hwy., Shreveport, 89001042

Grant Parish

Ethridge House, 401 Louise St., Colfax, 89001043

Livingston Parish

Livingston Parish Courthouse, Old, Second and Mulberry Sts., Springfield 89001040

Sabine Parish

Kansas City Southern Depot, Spanish and Port Arthur Sts., Zwolle, 89001041

St. Landry Parish

St. Landry parish Lumber Company, 215 N. Railroad Ave., Opelousas, 89001044

MASSACHUSETTS

Middlesex County

Tyler Park Historic District, Roughly bounded by Princeton, Foster, and Pine Sts., Lowell, 89001056

NEW JERSEY

Camden County

Cooper Street Historic District, Cooper St. from 2nd to 7th Sts., Camden, 89001057

NORTH CAROLINA

Cabarrus County

Spears House, 1615 Morrison Rd., Concord vicinity, 89001046

Orange County

Rocky Ridge Farm Historic District, Roughly bounded by Rocky Ridge Rd., Country Club Rd., Laurel Hill Rd., Laurel Hill Cir., and Buttons Dr., Chapel Hill, 89001039

Wake County

Henderson, Isabelle Bowen, *House and Gardens*, 2134 Oberlin Rd., Raleigh, 89001049

OHIO

Franklin County

Arendt-Seymour House, (Canal Winchester MPS), 53 W. Columbus St., Canal Winchester, 89001024

Barnhardt-Bolenbaugh House, (Canal Winchester MPS), 113 E. Waterloo St., Canal Winchester, 89001027

Berry, Dr. L. W., *House* (Canal Winchester MPS), 68 Washington St., Canal Winchester, 89001033

Bruns-Wynkoop House, (Canal Winchester MPS), 129 Washington St., Canal Winchester, 89001023

Carty, J.—R. J. *Tussing House*, (Canal Winchester MPS), 48 Elm St., Canal Winchester, 89001025

David's Reformed Church, (Canal Winchester MPS), 80 W. Columbus St., Canal Winchester, 89001017

Decker, Elias, *Farmhouse*, (Canal Winchester MPS), 6170 Lithopolis Rd., Canal Winchester, 89001034

Deitz, Samuel, *Farmhouse*, (Canal Winchester MPS), 280 Ashbrook Rd., Canal Winchester, 89001021

Epley, Henry J., *House*, (Canal Winchester MPS), 55 Franklin St., Canal Winchester, 89001020

Foor-Alspach House, (Canal Winchester MPS), 92 E. Waterloo St., Canal Winchester, 89001035

Cayman, Christian, *House*, (Canal Winchester MPS), 110 E. Waterloo St., Canal Winchester, 89001037

Griffith, James, *House* (Canal Winchester MPS), 172 Waterloo St., Canal Winchester, 89001019

Haffey, Parley, *Farm Complex* (Canal Winchester MPS), 525 Gender Rd., Canal Winchester, 89001022

Helpman—Chaney House (Canal Winchester MPS), 132 W. Columbus St., Canal Winchester, 89001032

King, William, *House* (Canal Winchester MPS), 80 E. Waterloo St., Canal Winchester, 89001031

Lehman, Abraham, *Farmhouse* (Canal Winchester MPS), 40 Lehman Dr., Canal Winchester, 89001016

Methodist Church Parsonage (Canal Winchester MPS), 59 W. Columbus St., Canal Winchester, 89001030

North High Street Historic District (Canal Winchester MPS), Roughly N. High St. and E. and W. Mound St., Canal Winchester, 89001038

Peoples Bank Company Building (Canal Winchester MPS), 10 N. High St., Canal Winchester, 89001026

Thursh, Morgan, *Farm Complex* (Canal Winchester MPS), 375 Gender Rd., Canal Winchester, 89001036

Times Building—Lodge Hall (Canal Winchester MPS), 19 E. Waterloo St., Canal Winchester, 89001028

Zellers—Langel House (Canal Winchester MPS), 163 W. Waterloo St., Canal Winchester, 89001029

Williams County

Stryker Depot, N. Depot St., Stryker, 89001014

PENNSYLVANIA

Chester County

Kennett Square Historic District, Roughly bounded by Sickles, Willow, Mullberry, Broad, South, Union, Cedar, Lafayette, State, and Washington, Kennett Square, 89001052

Delaware County

Thunderbird Lodge, 45 Rose Valley Rd., Rose Valley, 89001053

Lancaster County

Eby Shoe Corporation, 136 N. State St., Ephrata, 89001050

Nissly—Stauffer Tobacco Warehouses, 322-24 N. Arch St. and 317-19 N. Mulberry St., Lancaster, 89001051

North Prince Street Historic District, Roughly N. Prince St. and W. Lemon St., Lancaster, 89001054

VIRGINIA

Prince William County

Brentsville Courthouse and Jail (Civil War Properties in Prince William County MPS), 12239 and 12249 Bristow Rd., Brentsville, 89001060

Freestone Point Confederate Battery (Civil War Properties in Prince William County MPS), At Potomac River off VA 610 in Leesylvania State Park, Woodbridge vicinity, 89001059

Greenwich Presbyterian Church and Cemetery (Civil War Properties in Prince William County MPS), 9510 Burwell Rd., Greenwich, 89001065

Mayfield Fortification (Civil War Properties in Prince William County MPS), Address Restricted, Manassas vicinity, 89001063

Mitchell's Ford Entrenchments, (Civil War Properties in Prince William County MPS), Address restricted, Manassas Park vicinity, 89001064

Orange and Alexandria Railroad Bridge Piers (Civil War properties in Prince William County MPS), Address Restricted, Manassas Park vicinity, 89001061

Signal Hill (Civil War Properties in Prince William County MPS), Signal Hill Rd. and Blooms Rd., Manassas vicinity, 89001062

WISCONSIN

Milwaukee County

Coast Guard Station, Old, 1600 N. Lincoln Memorial Dr., Milwaukee, 89001047

[FR Doc. 89-16854 Filed 7-18-89; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Research Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on August 10-11, 1989 in Conference Room 'C' of the Pan American Health Organization Building, 525 Twenty-Third Street, NW., Washington, DC. The Committee will (1) continue its discussion of the system of scientific review A.I.D. uses for science and technology projects; (2) hear a brief update on U.S. and international research on AIDS; and (3) work on a scope of work for a special panel report to RAC on Global Warming which will be used as a discussion document at a later meeting.

The meeting will begin at 9:00 a.m. August 10 and adjourn at 5:00 p.m. On August 11, the meeting will begin at 8:00 a.m. and adjourn at 12:30 p.m. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Dr. Curtis R. Jackson, Director, Research and University Relations, Bureau for Science and Technology, is designated as the A.I.D. Representative at the meeting. Persons desiring more specific information should contact Dr. Jackson at (703) 875-4005 or Room 309, 1601 North Kent Street, Rosslyn, Virginia. Curtis R. Jackson,

A.I.D. Representative, Research Advisory Committee.

Date: July 11, 1989.

[FR Doc. 89-16877 Filed 7-18-89; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

Agency Form Submitted for OMB Review

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget for review.

Purpose of Information Collection: The proposed information collection is for use by the Commission in connection with investigation No. 332-275, Competitive Position of the U.S. Gear Industry in U.S. and Global Markets, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). Certain information from one of three forms will also be for use by the U.S. Department of Commerce and the Department of the Navy in their joint study, Department of Commerce/Department of the Navy National Security Assessment of the Gear Industry, instituted under the authority of the Defense Production Act of 1950, as amended (50 U.S.C. 2155).

Summary of Proposals:

(1) *Number of forms submitted:* Three.
(2) *Title of form:* Investigation No. 332-275, Competitive Position of the U.S. Gear Industry in U.S. and Global Markets—Questionnaires for U.S. Producers, U.S. Importers/Purchasers, and U.S. Distributors.

(3) *Type of request:* New.
(4) *Frequency of use:* Nonrecurring.
(5) *Description of respondents:* Firms which produce, assemble, import, purchase, and distribute gears, gear products, flexible couplings, and vehicle gearing.

(6) *Estimated number of respondents:* 482.

(7) *Estimated total number of hours to complete the forms:* 22,358.

(8) Information obtained from the forms that qualify as confidential business information will be so treated and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment: Copies of the forms and supporting documents may be obtained from Dennis Fravel, telephone (202) 252-1404. Comments about the proposals should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attention: Don Arbuckle, Desk Officer for the U.S. International Trade Commission. If you anticipate commenting on a form but find that time to prepare comments will prevent you from submitting them promptly you should advise OMB of your intent within 2 weeks of the date this notice appears in the *Federal Register*. Mr. Arbuckle's telephone number is (202) 395-7340. Copies of any comments should be provided to Charles Ervin [U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436].

Hearing impaired individuals are advised that information on this matter

can be obtained by contacting our TDD terminal on (202) 252-1810.

By order of the Commission.
Issued: July 14, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-16940 Filed 7-18-89; 8:45 am]
BILLING CODE 7020-02-M

Possible Modifications to the Harmonized System

AGENCY: International Trade Commission.

ACTION: Consideration of proposed modifications to the Harmonized Commodity Description and Coding System (Harmonized System).

SUMMARY: This notice is intended to obtain views of interested parties and agencies concerning possible modifications to the nomenclature of chapters 84, 85 and 90 of the Harmonized System.

EFFECTIVE DATE: July 12, 1989.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements (202-252-1592) or Craig Houser, Nomenclature Analyst (202-252-1597).

Background

Effective January 1, 1989, the Harmonized Tariff Schedule of the United States (HTS), based upon the nomenclature structure of the Harmonized System, replaced the Tariff Schedules of the United States. Administered by the Customs Cooperation Council, the Harmonized System is an international nomenclature scheme adopted by way of a convention and intended to serve as a thorough, up-to-date classification of goods for tariff, statistical and shipping documentation purposes.

The United States International Trade Commission (Commission), the Customs Service, and the Bureau of Census have been assigned responsibilities for the development of technical proposals to be directed to the Harmonized System Committee (HSC) under section 1210 of the Omnibus Trade and Competitiveness Act of 1988. As indicated in the notice issued by the United States Trade Representative (USTR) (53 FR 45646 of November 10, 1988), the Commission is the lead agency in considering amendments to the Harmonized System nomenclature that are intended to insure that the HS keeps abreast of changes in technology and patterns of international trade. At its last session, the HSC announced a deadline of September 30 for the receipt

of comments from contracting parties to the HS convention on proposals to amend the nomenclature of chapters 84, 85 and 90 of the Harmonized System.

Request for proposals. In accordance with the USTR notice, the Commission is seeking proposals for specific modifications to the nomenclature of these three chapters that will further the above goals. In particular, the Commission is interested in obtaining views regarding possible amendments covering robotic devices, telecommunications products, and other goods of these chapters of interest to the U.S. trade and business community. Interested parties, associations, and government agencies should submit specific language for proposed article descriptions together with appropriate descriptive comments and, to the extent available, trade data. To permit review of these proposals, suggested modifications must be received by the Commission by no later than the close of August 16, 1989.

Submission of views. Written submissions along with nine copies should be submitted to the Secretary of the Commission at 500 E St. SW., Washington, DC 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 252-1810.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: July 13, 1989.

[FR Doc. 89-16923 Filed 7-18-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-264]

Certain Electric Power Tools, Battery Cartridges, and Battery Chargers; Commission Decision To Extend the Deadline for Determining Whether To Review an Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend its administrative deadline for determining whether to review an initial determination ("ID") issued by the presiding administrative law judge ("ALJ") concerning violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation. The deadline is extended by eight (8) days—i.e., from July 20, 1989, to July 28, 1989.

ADDRESSES: Copies of all nonconfidential documents filed in this

investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT:

P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1061. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202-252-1810.

SUPPLEMENTARY INFORMATION:

The subject investigation is being conducted to determine whether there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337 (1982 and Supp. VI 1988) in the importation or sale of certain electric power tools, battery cartridges, and battery chargers from Taiwan. See 53 FR 31112 (Aug. 17, 1988) as amended by 53 FR 45787 (Nov. 23, 1988). Owing to the complexity of the issues, the number of parties, and other factors, the investigation has been designated "more complicated." See 54 FR 16009 (Apr. 20, 1989).

On June 2, 1989, the presiding ALJ issued an ID holding that there has been no violation of section 337 by any respondent except one who was found to have infringed complainants' registered trademark in the importation or sale of an accused Taiwanese product. Complainants and two groups of respondents have petitioned for review of the ID. Collectively, the petitions contest nearly every finding and conclusion in the ID. Various parties have filed responses opposing each petition in whole or in part.

Under interim Commission rule 210.53(h), the Commission's 45-day deadline for determining whether to review the ID was Thursday, July 20, 1989. Because of the complexity of this investigation and the number of issues raised in the petitions and the responses, the Commission has ordered an 8-day extension of the review decision deadline—i.e., from Thursday July 20 to Friday July 28, 1989. If the Commission does not order a review on or before that date (and does not order a further extension of time to do so), the ID will become the Commission's final determination concerning violation of section 337 in this investigation. See interim Commission rule 210.53(h) (53 FR 33043 and 33070, Aug. 29, 1988) (to be codified at 19 CFR 210.53). This action was taken pursuant to Commission rule 201.14(b) (19 CFR 201.14(b)) and interim

rule 210.54(b)(1) (53 FR 33053 and 33071, Aug. 29, 1988) (to be codified at 19 CFR 210.54(b)(1)).

The 18-month statutory deadline for completing this investigation is February 20, 1990. See 19 U.S.C. 1337(b)(1). The statement in 54 FR 16009 (Apr. 20, 1989) indicating that the statutory deadline is January 17, 1990, was in error and should be disregarded.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: July 10, 1989.

[FR Doc. 89-16924 Filed 7-18-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-436 and 437 (Preliminary)]

Generic Cephalexin Capsules From Israel and Portugal

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731-TA-436 and 437 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Israel and Portugal of generic cephalexin capsules, provided for in subheading 3004.20.00 of the Harmonized Tariff Schedule of the United States (previously reported under item 411.76 of the Tariff Schedules of the United States), that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by August 28, 1989.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207, as amended), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: July 12, 1989.

FOR FURTHER INFORMATION CONTACT:

Diane J. Mazur (202-252-1184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background. These investigations are being instituted in response to a petition filed on July 12, 1989, by Biocraft Laboratories, Inc., of Elmwood Park, NJ.

Participation in the investigations. Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list. Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under an administrative protective order (APO) and APO service list. Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these preliminary investigations to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the *Federal Register*. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary

information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on August 4, 1989, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Diane J. Mazur (202-252-1184) not later than July 31, 1989, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions. Any person may submit to the Commission on or before August 8, 1989, a written brief containing information and arguments pertinent to the subject matter of these investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than August 11, 1989. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: July 13, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89-16922 Filed 7-18-89; 8:45 am]

BILLING CODE 7020-02-M

[Inv. No. 337-TA-266]

Certain Reclosable Plastic Bags and Tubing; Determination Not To Review Initial Advisory Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is given that the Commission has determined not to review the initial advisory opinion (IAO) issued by the presiding administrative law judge (ALJ) in the above-captioned advisory opinion proceeding, finding that reclosable plastic bags sought to be exported to the United States by Kingdom Plastic Manufacturing Co., Ltd. (KPM) are not covered by the exclusion order issued at the conclusion of ITC Inv. No. 337-TA-266. The IAO therefore becomes the Commission's advisory opinion.

ADDRESSES: Copies of the nonconfidential version of the IAO and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E St., SW., Washington, DC 20436, Room 707M, telephone 202-252-1102. Hearing impaired individuals are advised that information in this matter can be obtained by contacting the Commission's TDD terminal at 202-252-1810.

SUPPLEMENTARY INFORMATION: On April 29, 1988, the Commission issued a general exclusion order at the conclusion of the above-captioned investigation. On June 28, 1988, upon a request by KPM, the Commission instituted an advisory opinion proceeding pursuant to Commission rule 211.54 (19 CFR 211.54) to determine whether certain reclosable plastic bags sought to be exported to the United States by KPM are covered by the Commission's exclusion order. The proceeding was assigned to the ALJ who had presided over the original section

337 investigation. On March 8-11, 1989, the ALJ held a hearing on the matter in which KPM, the Commission investigative attorney, and the complainant (Minigrip Inc.) in the original investigation participated. On May 25, 1989, the ALJ issued an IAO finding that the reclosable plastic bags sought to be exported to the United States by KPM are not covered by the Commission's exclusion order. On June 12, 1989, complainant Minigrip Inc. filed a petition for review of the IAO. On June 19, 1989, requester KPM filed an opposition to the petition for review.

Authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission interim rule § 211.54(b) (53 FR 33075, Aug. 29, 1988).

By Order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: July 11, 1989.

[FR Doc. 89-16921 Filed 7-18-89; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31487]

Natchez Trace Railroad—Purchase and Lease—CSX Transportation Lines Between Wellington and Anniston, AL and Talladega and Gantt's Jct., AL; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision accepting application for consideration.

SUMMARY: The Commission is accepting for consideration the application, filed June 19, 1989, by Natchez Trace Railroad (NTR), Kyle Railways, Inc. (Kyle), and CSX Transportation, Inc. (CSXT) for the purchase and lease of unconnected lines of CSXT railroad totaling 41.42 miles. One line runs between Anniston and Wellington, AL; the other line runs between Talladega and Gantt's Junction, AL. The Commission finds that this is a minor transaction under 49 CFR Part 1180.

DATES: Written comments must be filed with the Interstate Commerce Commission no later than August 17, 1989. Comments from the Secretary of Transportation and Attorney General of the United States must be filed by September 1, 1989. Applicant's reply is due September 21, 1989. Comments must be served on all parties of record within 10 days of the Commission's issuance of

a service list. The Commission expects to issue the service list shortly thereafter.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 (TDD for hearing impaired: (202) 275-1721).

ADDRESSES: Send an original and 10 copies of all documents to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 31487, Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy of all documents to the United States Secretary of Transportation, the Attorney General of the United States, and each of applicants' representatives.

Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street SW., Washington, DC 20590

Attorney General of the United States, Washington, DC 20530

Lawrence H. Richmond, CSX Transportation, Inc., 100 North Charles Street, Baltimore, MD 21201

Fritz R. Kahn, Verner, Liipfert, Bernhard, McPherson & Hand, 901 15th St., NW., Washington, DC 20005-2301.

SUPPLEMENTAL INFORMATION: Natchez Trace Railroad (NTR), Kyle Railways, Inc. (Kyle), and CSX Transportation, Inc. (CSXT), collectively "applicants," seek approval under 49 U.S.C. 11343, *et seq.* to purchase a 15.06-mile line between Anniston and Wellington, AL, and to lease a 26.36-mile line between Talladega and Gantt's Junction, AL. They contend that this is a minor transaction under 49 CFR 1180.2(c), and submitted their application in accordance with the railroad consolidation regulations at 49 CFR Part 1180. They intend to consummate the transaction as soon as possible after final Commission approval.

NTR is a Class III railroad common carrier which presently operates 55 miles of line between Oxford and Grand Junction, MS. NTR is controlled by Kyle, which in turn controls other carriers.

CSXT is a Class I railroad and a unit of CSX Corporation. It transported about 8,100 and 7,700 originating and terminating carloads on the two lines at issue in 1987 and 1988, respectively. During 1987-1988, 2,800 of the carloads moved on the line to be sold and 13,000 on the line to be leased. The lines carry no overhead traffic.

Applicants state that the proposed transaction will result in operating economies and improved service, thus enhancing their financial viability. Specifically, the proposed transaction will enable NTR to enter a new market and spread its administrative, insurance,

and operating costs over a larger base. CSXT, on the other hand, will be relieved of inefficiencies inherent in operating what for it is a marginal line. Applicants also state that the transaction will improve service. As a local carrier, NTR assertedly will be better able to accommodate the needs of the line's shippers.

Applicants contend that the proposed transactions will not substantially reduce competition, create a monopoly, or restrain trade in freight surface transportation in any region of the United States. As applicants do not compete for traffic on the line, the transaction will merely substitute one rail carrier for another on an existing line. The line is parallel to an interstate highway, and the area is served by motor carriers. Applicants state that, if anything, the transaction should enhance intermodal competition by allowing the rail mode to compete more effectively with other modes.

NTR will be able to interchange traffic on the Anniston-Wellington line at Wellington with CSXT and at Anniston with Southern Railway Company (Southern). On the Talladega-Gantt's Jct. line, NTR will be able to interchange traffic with CSXT at Talladega and Southern at Sylacauga, AL.

NTR intends to operate the line with its own employees. As a result, CSXT's work force will be reduced by three employees on the Anniston-Wellington line and by seven employees on the Talladega-Gantt's Jct. line. No positions with NTR will be eliminated. It expects to hire additional employees to operate the line and states that it will offer these positions to former CSXT employees.

CSXT states that it intends to negotiate employee protection agreements with affected employees pursuant to the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979) and Mendicino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980)*.

Under the consolidation regulations, we must determine whether a proposed transaction is major, significant, minor, or exempt. The proposed transaction, involving Class I and Class III railroads, has no regional or national significance and will neither result in a major market extension nor reduce the present level of competition. Accordingly, we find the proposal is a minor transaction under § 1180.2(c). Since the application complies with our regulations governing minor transactions, with appropriate modifications, we are accepting it for consideration.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained upon request from applicants' representatives named above.

Any interested persons, including governmental entities, may participate in this proceeding by submitting written comments. Any person who files timely written comments shall be considered a party of record if the comments so request. In this event, no petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(iii) written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

(d) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment on the proposal;

(e) If desired, a request for an oral hearing with reasons supporting the request; the request must indicate the disputed material facts that can only be resolved at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that the proposal constitutes a minor transaction, no responsive applications will be permitted. The time limits for processing a minor transaction are set forth at 49 U.S.C. 11345(d).

Discovery may begin immediately. We admonish the parties to resolve all discovery matters expeditiously and amicably.

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

It is ordered:

1. This proposal is found to be a minor transaction under 49 CFR 1180.2(c).

2. The application in Finance Docket No. 31487 is accepted for consideration.

3. The parties shall comply with all provisions as stated above.

4. This decision is effective on the date of service.

Decided: July 12, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89-16936 Filed 7-18-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Member to the Performance Review Board

Title 5 U.S.C. 4314 (c) (4) provides that Notice of the appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individual is hereby appointed to a three-year term, effective June 19, 1989: Roderick DeArment.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry K. Goodwin, Director of Personnel Management, Room C-5526, Department of Labor, Frances Perkins Building, Washington, DC 20210, Telephone Number (202) 523-6551.

Signed at Washington, DC, this 11th day of July, 1989.

Elizabeth Dole,

Secretary of Labor.

[FR Doc. 89-16917 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 31, 1989.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 31, 1989.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 10th day of July 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Albert Forte Neckwear (workers).....	Paulsboro, NJ.....	7/10/89	6/5/89	23,096	Neckties.
Allied Bendix (workers).....	Troy, NY.....	7/10/89	6/16/89	23,097	Auto & Aircraft Break Lining.
C.C. Tank Rental Co. (workers).....	Colorado, City, TX.....	7/10/89	6/19/89	23,098	Frac Tank Rental for Oil Wells.
Charles Komar & Son (workers).....	Middletown, NJ.....	7/10/89	6/19/89	23,099	Womens' Lingerie, Nightwear & Outerwear.
Cone Mills Corp. (workers).....	New York, NY.....	7/10/89	6/9/89	23,100	Finished Fabrics.
Crist Lakeshore Plateau Co. (workers).....	Phoenix, AZ.....	7/10/89	6/15/89	23,101	Oil & Gas.
Demetrious Designs (workers).....	New York, NY.....	7/10/89	6/13/89	23,102	Bridals Gowns & Evening Dresses.
Diebold Inc. (SWO).....	Hamilton, OH.....	7/10/89	6/19/89	23,103	Security Products.
Dorothy Undergarment (ILGWU).....	New York, NY.....	7/10/89	6/13/89	23,104	Ladies' Undergarments.
Dotronix, Inc. (workers).....	Elk River, MN.....	7/10/89	6/21/89	23,105	CRT Monitors.
E.D.M. Electronics (workers).....	Linden, NJ.....	7/10/89	6/13/89	23,106	Car Alarms.
Ford Motor Co. (company).....	Edison, NJ.....	7/10/89	6/20/89	23,107	Passenger Cars.

APPENDIX—Continued

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
General Electric/Microelectronics Center (workers).....	Somerville, NJ.....	7/10/89	6/10/89	23,108	Semiconductor Clips.
Ilford Photo Corp. (company).....	Fairfield, NJ.....	7/10/89	6/13/89	23,109	Photographic Chemicals.
Klinger Industries (workers).....	Morton, MS.....	7/10/89	6/22/89	23,110	Automobile Wire Harnesses.
Lasmo Energy Corp. (company).....	Tulsa, OK.....	7/10/89	6/12/89	23,111	Oil & Gas.
Lasmo Energy Corp. (company).....	Hays, KS.....	7/10/89	6/12/89	23,112	Oil & Gas.
Lasmo Energy Corp. (company).....	Great Bend, KS.....	7/10/89	6/12/89	23,113	Oil & Gas.
Liberty Services, Inc. (workers).....	Belle Chasse, LA.....	7/10/89	6/16/89	23,114	Oil & Gas.
Magna-Tek, Inc. (company).....	Paterson, NJ.....	7/10/89	6/16/89	23,115	Video Tapes.
National Leather Goods Co. (workers).....	Philadelphia, PA.....	7/10/89	6/22/89	23,116	Luggage.
Plateau Supply (workers).....	Farmington, NM.....	10/7/89	6/15/89	23,117	Oil & Gas.
RCA Broadcast Systems Div. (workers).....	Gibbsboro, NJ.....	10/7/89	6/14/89	23,118	Equipment for Broadcasting.
R.S.P. Industries, Inc. (workers).....	Brooklyn, NY.....	10/7/89	5/23/89	23,119	Refrigerators & Freezers.
Robinson Drilling of Texas (workers).....	Big Spring, TX.....	10/7/89	6/9/89	23,120	Oil & Gas.
Rockwell, International; Measurement & Flow Div. (workers).....	Pittsburgh, PA.....	10/7/89	6/15/89	23,121	Admin. & Tech. Support.
Santa Fe Energy Co. (workers).....	Amarillo, TX.....	10/7/89	6/20/89	23,122	Oil & Gas.
Soroco Well Service (workers).....	Bloomfield, NM.....	10/7/89	6/10/89	23,123	Oil & Gas.
Tektronix, Inc.; Test & Measurement Div. (workers).....	Beaverton, OR.....	7/10/89	6/6/89	23,124	Electronic Testing.
Trafalgar House Oil & Gas, Inc. (workers & company).....	Houston, TX.....	7/10/89	5/23/89	23,125	Oil & Gas.
Universal Resources Corp. (workers).....	Oklahoma City, OK.....	7/10/89	6/21/89	23,126	Oil & Gas.
Volkswagen of America (workers).....	New Stanton, PA.....	7/10/89	6/17/89	23,127	Assemble Cars.
W.W. Steel Co., Elec. Transformer Div. (workers).....	Norman, OK.....	7/10/89	4/13/89	23,128	Electric Transformer Cases.
Western Atlas Int'l., Atlas Cased Hole (workers).....	Pampa, TX.....	7/10/89	6/8/89	23,129	Provide Wireline Services.
Wildcat Well Logging, Inc. (company).....	Oklahoma City, OK.....	7/10/89	6/15/89	23,130	Oil & Gas.

[FR Doc. 89-16914 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,561]

Bates Fabrics, Inc. Lewiston, ME; Revised Determination on Reconsideration

On June 19, 1989, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Bates Fabrics, Inc., Lewiston, Maine. The affirmed notice regarding application for reconsideration was published in the *Federal Register* on June 27, 1989 (54 FR 27077).

The Amalgamated Clothing and Textile Workers of America (ACTWA) claimed that the Yarn Department at Bates Fabrics, Lewiston, Maine closed because of company imports of yarn. The union also claimed that U.S. imports of bedspreads increased in 1988 compared to 1987.

With respect to the workers in the Yarn Department, all of the group eligibility criteria of the Trade Act of 1974 were met.

On reconsideration, the Department found that the subject firm eliminated the on-site manufacturing of yarn in the Yarn Department and imported substantial amounts of yarn in 1988. The Yarn Department ceased production in December 1988 when all workers in the Yarn Department were laid off.

With respect to workers producing bedspread, the "contributed importantly" test was not met. In order

for a worker group to become certified eligible to apply for adjustment assistance, it must meet all three of the Group Eligibility Requirements of the Trade Act—a significant decrease in employment, an absolute decrease in sales or production and an increase in imports "contributing importantly" to worker separations and declines in sales or production.

The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department's initial survey showed that the majority of customers did not import bedspreads. Customers increasing their imports while decreasing their purchases from the subject firm reported insignificant imports of bedspreads.

The Amalgamated Clothing and Textile Workers submitted a list of additional customers of the subject firm alleging that the customers increased their import purchases of bedspreads.

On reconsideration, the Department found that the additional list of customers submitted by the union either included customers previously surveyed or were customers who did not import bedspreads in the period relevant to the petition.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the yarn produced at Bates Fabrics, Lewiston, Maine contributed importantly to the decline in sales and

to the total or partial separation of workers at Bates Fabrics, Inc., Lewiston, Maine. In accordance with the provisions of the Act, I make the following revised determination:

All workers of the Yarn Department of Bates Fabrics, Inc., Lewiston, Maine who became totally or partially separated from employment on or after February 27, 1988 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Also, after careful review of the additional facts obtained on reconsideration, I affirm the Department's negative determination for workers producing bedspreads at Bates Fabrics, Inc., Lewiston, Maine.

Signed at Washington, DC, this 10th day of July 1989.

Barbara A. Farmer,

Director, Office of Program Management,
Unemployment Insurance Service.

[FR Doc. 89-16916 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,479]

Forest Oil Corp., Corpus Christi, TX; Affirmative Determination Regarding Application for Reconsideration

A former worker supported by a company official requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of the Forest Oil Corporation, Corpus Christi, Texas. The negative determination was issued on April 18,

1989 and published in the *Federal Register* on May 23, 1989 (54 FR 22379).

New data was submitted showing that the decreased production criterion of the Trade Act was met in 1988 for the South Texas Division. A list of customers was submitted alleging that the "contributed importantly" test will also be met.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC this 7th day of July, 1989.

Barbara Ann Farmer,

Director, Office of Program Management,
Unemployment Insurance Service.

[FR Doc. 89-16920 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,774]

Halliburton Logging Services, Inc. Houston Manufacturing Facility Former Welex Manufacturing Plant, Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 23, 1989 applicable to all workers of the Houston Manufacturing plant of Halliburton Logging Services, Inc., Houston, Texas.

The certification is being amended to show the correct receipt date of the petition as April 17, 1989. The impact date is also corrected to March 20, 1988, one year prior to the petition date instead of April 13, 1988 which applies to the Welex field locations (TA-W-22,857A-J) and not the Houston manufacturing plant (TA-W-22,774).

The notice, therefore is amended by including the correct petition receipt date of April 17, 1989 and the correct impact date of March 20, 1988 for Halliburton Logging Services' Houston Manufacturing Facility (former Welex Manufacturing Plant) Houston, Texas.

The amended notice applicable to TA-W-22,774 is issued as follows:

All workers of Halliburton Logging Services, Inc., Houston Manufacturing facility, (former Welex Manufacturing Plant), Houston, Texas who became totally or partially separated from employment on or after March 20, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 6th day of July, 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and
Actuarial Services, UIS.

[FR Doc. 89-16912 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of June 1989.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-22,859; *LL.C. Data Device Corp.*,
Bohemia, NY

TA-W-22,870; *Rexon Technology*,
Wayne, NJ

TA-W-22,783; *Loadcraft, Brady, TX*

TA-W-22,869; *Regina Co., Rahway, NJ*

TA-W-22,871; *Richard Broid Corp.*, *New York, NY*

TA-W-22,830; *Royal, Inc., Chattanooga, TN*

TA-W-22,893; *Martin Lithographers*,
Plainview, NY

TA-W-21,899; *Microwave Semiconductor Corp.*,
Somerset, NJ

TA-W-22,874; *Allen-Stevens Drum Accessories*,
Somerset, NJ

TA-W-22,902; *Pensilco Corp.*, *Bradford, PA*

TA-W-22,875; *Allied-Signal Aerospace Co.*,
Flight Systems Div., Teterboro, NJ

In the following cases, the investigations revealed that criterion (3) has not been met for the reasons specified.

TA-W-22,863; *Mario Papa & Sons*,
Gloversville, NY

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,886; *Elco Corp.*, *Huntingdon Div.*,
Huntington, PA

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,884; *Weiss Bros. Fur Co., Inc.*,
New York, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,904; *Plastic Box Corp.*, *Wood Ridge, NJ*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,894; *ITT Corp.*, *Clifton, NJ*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-22,850; *Cooper Industries, Inc.*,
Kirsch Div., Scottsville, KY

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,841; *Almer's Construction*,
Tioga, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,858; *Homco International, Inc.*,
Casper, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,873; *UNOCAL Pipeline Co.*,
Illinois District, Olney, IL

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,867; *Public Service Co., of NM*,
Waterflow, NM

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,849; *Continental Beverage Packaging, Inc.*, *Wayne, NJ*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-22,852; *Endicott Johnson Corp., Tuckhannock, PA*

Aggregate U.S. imports of work footwear did not increase in 1988 compared to 1987 or in January through March 1989 period compared to the same period in 1988.

TA-W-22,851; *Delisle Fashions, Inc., Fitchburg, MA*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-21,391; *A.K. Guthrie Drilling, Big Spring, TX*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,872; *Springs Industries, Inc., Huntsville, AL*

Aggregate U.S. imports of broadwoven fabrics (Total cotton, man-made and silk) did not increase in 1988 compared to 1987.

TA-W-22,839; *A & S Manufacturing/CFC International, Inc., Moonachie, NJ*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,900; *Parker and Parsley Petroleum Co., Midland, TX*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,888; *Fenn Wright & Masson, New York, NY*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-22,889; *G. Ikola, Inc., McCall, ID*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-22,882; *Berman Brothers, Inc., New York, NY*

U.S. imports of fur wearing apparel decreased in 1988 compared to 1987.

TA-W-22,891; *Greenwood Mills, Inc., New York, NY*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determination

TA-W-22,709; *Peters Stamping Co., Perrysburg, OH, Fayette, OH*

A certification was issued covering all workers separated on or after March 14, 1988 and before December 31, 1988

TA-W-22,908; *Shure Electronics of Arizona, Inc., Phoenix, AZ*

A Certification was issued covering all workers separated on or after May 1, 1989 and before June 30, 1989.

TA-W-22,926; *Northwest Drilling & Supply, Inc.*

A certification was issued covering all workers separated on or after May 1, 1988 and before December 31, 1988.

TA-W-22,883; *Beta Handbag, Hialeah, FL*

A certification was issued covering all workers separated on or after March 28, 1988.

TA-W-22,853; *Etra Handbags, Long Island, NY*

A certification was issued covering all workers separated on or after October 31, 1988.

TA-W-22,897; *Levolor-Lorentzen, Inc., Weirton, WV*

A certification was issued covering all workers separated on or after August 1, 1988.

TA-W-22,868; *R & J Fashions, Inc., Long Branch, NJ*

A certification was issued covering all workers separated on or after April 10, 1988 and October 30, 1988.

TA-W-22,837; *Wiedmer Brothers Well Service, Tioga, ND*

A certification was issued covering all workers separated on or after August 1, 1988.

TA-W-22,893; *IBM Systems Technology Div., Colorado Spring, CO*

A certification was issued covering all workers separated on or after April 17, 1988.

TA-W-22,906; *Proll Molding Co., Bloomfield, NJ*

A certification was issued covering all workers separated on or after April 9, 1988.

TA-W-22,887; *Federal Mogul Corp., Signal-Stat Div., Somerset, NJ*

A certification was issued covering all workers engaged in employment related to the assembly of 900 and 100 switches separated on or after January 1, 1989.

TA-W-22,907; *Schmid Laboratories, Inc., Little Falls, NJ*

A certification was issued covering all workers separated on or after December 1, 1988.

TA-W-22,905; *Plastic, Inc., Winnebago, IL*

Certification was issued covering all workers separated on or after June 23, 1989.

TA-W-22,955; *Atlas Wireline Service, Casper, WY*

A certification was issued covering all workers separated on or after October 1, 1988.

TA-W-22,956; *Atlas Wireline Service, Cody, WY*

A certification was issued covering all workers separated on or after October 1, 1988.

TA-W-22,957; *Atlas Wireline Service, Gillette, WY*

A certification was issued covering all workers separated on or after October 1, 1988.

TA-W-22,927; *Pool Company, San Angelo, TX*

A certification was issued covering all workers separated on or after May 1, 1988.

TA-W-22,744; *Technical Drilling Service, Midland TX*

A certification was issued covering all workers separated on or after March 21, 1988 and before January 31, 1989.

TA-W-22,745; *Technical Drilling Service, Elk City, OK*

A certification was issued covering all workers separated on or after March 21, 1988 and before January 31, 1989.

TA-W-22,746; *Technical Drilling Service, Oklahoma City, OK*

A certification was issued covering all workers separated on or after March 21, 1988 and before January 31, 1989.

TA-W-22,848; *Collyer Insulated Wire Co., Lincoln, RI*

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,847; *Cardell-Tlapek Co., Magnolia, AR*

A certification was issued covering all workers separated on or after April 14, 1988.

TA-W-22,814; *Ideal Security Hardware Corp., St. Paul, NM*

A certification was issued covering all workers separated on or after March 30, 1988.

TA-W-22,814A; *Ideal Security Hardware Corp., Roseville, MN*

A certification was issued covering all workers separated on or after March 30, 1988.

TA-W-21,866; *Parker Drilling Co., Rocky Mountain Div., Mills, WY*

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,866A; *Parker Drilling Co., Rocky Mountain Div., Located in The State of Wyoming*

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,866B; Parker Drilling Co., Rocky Mountain Div., Located in The State of Idaho

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,866C; Parker Drilling Co., Rocky Mountain Div., Located in The State of Colorado

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,866D; Parker Drilling Co., Rocky Mountain Div., Located in The State of Montana

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,866E; Parker Drilling Co., Rocky Mountain Div., Located in The State of Utah

A certification was issued covering all workers separated on or after April 12, 1988.

TA-W-22,916; Data Log, Inc., LaPlace, LA

A certification was issued covering all workers separated on or after January 1, 1989.

TA-W-22,842; Alvin Associates, New York, NY

A certification was issued covering all workers separated on or after April 12, 1988 and before June 4, 1989.

TA-W-22,846; Bishop Construction, Inc., Killdeer, ND

A certification was issued covering all workers separated on or after April 13, 1988 and before June 1, 1989.

TA-W-22,845; Bayless Drilling Co., Farmington, NM

A certification was issued covering all workers separated on or after December 1, 1988.

TA-W-22,774; Halliburton Logging Service, Inc., Houston Manufacturing Facility (Former Welex Manufacturing Plant), Houston, TX

A certification was issued covering all workers separated on or after April 13, 1988.

TA-W-22,938; Halliburton Logging Service, Inc., Fort Worth Manufacturing Facility, (Former Gearhart Manufacturing Plant), Fort Worth, TX

A certification was issued covering all workers separated on or after May 2, 1988.

TA-W-22,844; Artesia Fishing Tool Co., Artesia, NM

A certification was issued covering all workers separated on or after April 9, 1988.

TA-W-22,812; General Electric Co., Lighting Business Group, Warren, OH

A certification was issued covering all workers engaged in the production of subassemblies in the parts operations department and the hand and hologen mounting department separated on or after April 5, 1988.

TA-W-22,857; Welex (Formerly A Div. of Halliburton Co), Headquartered in Houston, TX & Operating at Various Locations in The Following states:

TA-W-22,857A California
TA-W-22,857B Colorado
TA-W-22,857C Kansas
TA-W-22,857D Louisiana
TA-W-22,857E Mississippi
TA-W-22,857F New Mexico
TA-W-22,857G Oklahoma
TA-W-22,857H Texas
TA-W-22,857I Utah
TA-W-22,857J Wyoming

A certification was issued covering all workers separated on or after April 13, 1988 and before January 1, 1989.

TA-W-22,856; Halliburton Logging Services, Inc., (Formerly Welex & Gearhart Industries, Inc.) (Currently a Div. of Halliburton Co) Headquartered in Houston, TX and Operating at Various Locations in The Following States:

TA-W-22,856A Alaska
TA-W-22,856B Arkansas
TA-W-22,856C California
TA-W-22,856D Colorado
TA-W-22,856E Kansas
TA-W-22,856F Louisiana
TA-W-22,856G Mississippi
TA-W-22,856H New Mexico
TA-W-22,856I North Dakota
TA-W-22,856J Oklahoma
TA-W-22,856K Pennsylvania
TA-W-22,856L Texas
TA-W-22,856M Utah
TA-W-22,856N West Virginia
TA-W-22,856O Wyoming

A certification was issued covering all workers separated on or after January 1, 1989.

TA-W-22,855; Halliburton Services, Inc., Headquartered in Duncan Oklahoma And Operating at Various Locations in The Following States:

TA-W-22,855A California
TA-W-22,855B Colorado
TA-W-22,855C Illinois
TA-W-22,855D Kansas
TA-W-22,855E Kentucky (Except Henderson, KY TA-W-22,669)
TA-W-22,855F Louisiana

TA-W-22,855G Michigan
TA-W-22,855H Montana
TA-W-22,855I Nebraska
TA-W-22,855J New Mexico
TA-W-22,855K North Dakota
TA-W-22,855L Ohio
TA-W-22,855M Oklahoma
TA-W-22,855N Pennsylvania
TA-W-22,855O Texas
TA-W-22,856P Utah
TA-W-22,855Q West Virginia
TA-W-22,856R Wyoming

A certification was issued covering all workers separated on or after April 13, 1988.

TA-W-22,854; Gearhart Industries, Inc., Headquartered in Fort Worth, Texas and Operating at Various Locations in the Following States:

TA-W-22,854A Alaska
TA-W-22,854B Arkansas
TA-W-22,854C California
TA-W-22,854D Colorado
TA-W-22,854E Illinois
TA-W-22,854F Kansas
TA-W-22,854G Louisiana
TA-W-22,854H Michigan
TA-W-22,854I Mississippi
TA-W-22,854J New Mexico
TA-W-22,854L North Dakota
TA-W-22,854M Ohio
TA-W-22,854N Oklahoma
TA-W-22,854O Pennsylvania (Except Homer City (TA-W-22,144))
TA-W-22,854P Tennessee
TA-W-22,854Q Texas
TA-W-22,854R Utah
TA-W-22,854S Virginia
TA-W-22,854T West Virginia
TA-W-22,854U Wyoming

A certification was issued covering all workers separated on or after April 13, 1988 and before January 1, 1989.

I hereby certify that the aforementioned determinations were issued during the month of June 1989. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons to write to the above address.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance

Dated: July 11, 1989.

[FR Doc. 89-16913 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,406]

Muskogee Inspection Co., Muskogee, OK; Revised Determination on Reconsideration

On June 21, 1989, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at the Muskogee Inspection Company, Muskogee, Oklahoma. The affirmed notice regarding application for reconsideration was published in the *Federal Register* on June 30, 1989 (54 FR 27769).

On reconsideration, the Department found that the inspection services provided by the subject firm are fully integrated with its parent company, Tubular Corporation of America (TCA), Muskogee, Oklahoma. The worker separations at the Muskogee Inspection Company were directly attributable to a reduced demand for their services from their parent company. Workers at TCA were certified eligible to apply for adjustment assistance on March 29, 1989 (TA-W-22,374).

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the articles produced at the Muskogee, Oklahoma plant of TCA contributed importantly to the decline in sales and to the total or partial separation of workers at the Muskogee Inspection Company, Muskogee, Oklahoma. In accordance with the provisions of the Act, I make the following revised determination:

All workers of Muskogee Inspection Company, Muskogee, Oklahoma who became totally or partially separated from employment on or after November 1, 1988 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 10th day of July 1989.

Barbara Ann Farmer,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 89-16915 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

Spielberg Manufacturing; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of

TA-W-22,506 Antonia, Missouri

TA-W-22,506A New York, New York

TA-W-22,506B Los Angeles, California

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the

Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 13, 1989 applicable to all workers of Spielberg Manufacturing, Antonia, Missouri. The Certification was published in the *Federal Register* on May 23, 1989 (54 FR 22381).

Based on new information from the company, workers at the New York, New York Sales Office and the Los Angeles, California Sales Office and Distribution Center were separated from employment when the Antonia plant closed on July 23, 1988. The notice, therefore is amended by including all locations of Spielberg Manufacturing.

The amended notice applicable to TA-W-22,506 is hereby issued as follows:

All workers of Spielberg Manufacturing, Antonia, Missouri; and the New York, New York Sales Office and the Los Angeles, California Sales Office and Distribution Center who became totally or partially separated from employment on or after January 4, 1988 and before August 23, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 11th day of July 1989.

Barbara Ann Farmer,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 89-16919 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY**Meeting**

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public meeting in the vicinity of Los Angeles, California. The location of this meeting is to be announced at a later date in the *Federal Register*.

DATE: Thursday, August 3, 1989; 1:30-4:30.

Status: The meeting is to be open to the public.

Matters to be Discussed: The purpose of this public meeting is to enable the Commission members to discuss progress on the proposed research agenda, and to discuss findings received from the prior hearings.

FOR FURTHER INFORMATION CONTACT:

Barbara C. McQuown, Director, National Commission for Employment

Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to Title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 14th day of July.

Barbara C. McQuown,

Director, National Commission for Employment Policy.

[FR Doc. 89-16929 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-30-M

Hearings

ACTION: Notice of hearing.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of two public hearings to be held in the vicinity of Los Angeles, California. The location of these hearings is to be announced at a later date in the *Federal Register*.

DATES: Thursday, August 3, 1989, 9:00-1:00; Friday, August 4, 1989, 9:00-12:00.

Status: The hearing is to be open to the public.

Matters to be Discussed: The purpose of this public hearing is to enable the Commission members to learn from various segments of the Job Training Partnership Act (JTPA) system their reactions to a draft Commission paper which examines possible explanations for the under-representation of Hispanics in JTPA. Persons invited to testify represent State and local government agencies that administer JTPA programs and organizations that provide training under JTPA. Interested parties may submit written comments either prior to or after the official hearing date, but no later than August 15, 1989 to the Commission headquarters. These will be the last of a series of hearings that were conducted across the U.S. over the course of four months. It is anticipated that the results of the hearings will be used to develop formal Commission recommendations.

FOR FURTHER INFORMATION CONTACT: Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to Title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the hearing and written testimony submitted by witnesses will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 14th day of July.

Barbara C. McQuown,
Director, National Commission for
Employment Policy.

[FR Doc. 89-16930 Filed 7-18-89; 8:45 am]
BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by August 18, 1989.

ADDRESSES: Send comments to Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative

Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests a review of the revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Locals Program Application Guidelines for FY 1991.

Frequency of Collection: Annually.

Respondents: State or local governments; Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit organizations and state or local arts agencies that apply for funding under specific program categories. This information is necessary for the accurate, thorough, and fair consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 75.

Average Burden Hours per Response: 13.76.

Total Estimated Burden: 1,032.

Anne C. Doyle,

Administrative Services Division, National
Endowment for the Arts.

[FR Doc. 89-16835 Filed 7-18-89; 8:45 am]
BILLING CODE 7537-01-M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (National Services Section) to the National Council on the Arts will be held on August 9-10, 1989, from 9:15 a.m.-5:30 p.m. in Room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public, if time allows, on August 10, 1989, from 4:15 p.m.-5:30 p.m. The topic for discussion will be policy issues.

The remaining portions of this meeting on August 9, 1989, from 9:15 a.m.-5:30 p.m. and August 10, 1989, from 9:15 a.m.-

4:15 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne M. Sabine,

Director, Council and Panel Operations
National Endowment for the Arts.

[FR Doc. 89-16883 Filed 7-18-89; 8:45 am]
BILLING CODE 7537-01-M

Opera-Musical Theater Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Opera-Musical Theater Advisory Panel (Professional Companies Section) to the National Council on the Arts will be held on August 15-17, 1989, from 9:00 a.m.-7:00 p.m. and August 18, 1989, from 9:00 a.m.-5:30 p.m. in Room M07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on August 15, 1989, from 9:00 a.m.-9:30 a.m. and on August 18, 1989, from 10:00 a.m.-noon. The topic for discussion will be policy issues.

The remaining portions of this meeting on August 15, 1989, from 9:30 a.m.-7:00 p.m., August 16-17, 1989, from 9:00 a.m.-7:00 p.m., and August 18, 1989, from 9:00 a.m.-10:00 a.m. and from noon-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended.

including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 89-16884 Filed 7-18-89; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-373 and 50-374]

Commonwealth Edison Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-11 and NPF-18, issued to Commonwealth Edison Company, (the licensee), for operation of the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed amendments would revise the provisions in the Technical Specifications (TS) relating to the deletion of the 3.25 limitation from the refuel outage interval surveillance.

The proposed action is in accordance with the licensee's application for amendment dated December 4, 1987, as supplemented by a letter dated March 10, 1989.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide flexibility for scheduling the performance of surveillance and to permit consideration of plant operating conditions that may

not be suitable for conducting a surveillance at its specified time interval.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to Technical Specifications. The proposed revisions would allow the licensee to exempt surveillance specified within an 18-month surveillance interval from the provision of Specification 4.0.2 that limits the combined time interval for three consecutive surveillances to 3.25 times the 18-month surveillance interval. Therefore, the proposed changes do not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves systems located within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impact associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on April 14, 1989 (54 FR 15040). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for LaSalle County Station, Units 1 and 2, dated November 1978.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated December 4, 1987 and a supplement dated March 10, 1989 which are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L St., NW., and the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Rockville, Maryland, this 12th day of July 1989.

For the Nuclear Regulatory Commission.

Paul C. Shemanski,

Acting Director, Project Directorate III-2,
Division of Reactor Projects III, IV, V, and
Special Projects.

[FR Doc. 89-16907 Filed 7-18-89; 8:45 am]

BILLING CODE 7530-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co., Turkey Point Plant, Units 3 and 4; Issuance of Partial Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a partial decision concerning a request filed pursuant to 10 CFR 2.206 by Mr. Thomas J. Saporito, Jr., which asked the NRC to (1) Keep Turkey Point Units 3 and 4 shut down until Florida Power & Light Company (the licensee) completes an internal safety investigation and the NRC completes an investigation of the allegations provided by Mr. Saporito to the NRC Region II office on December 5, 1988, (2) immediately suspend and revoke the operating licenses for Turkey Point Units 3 and 4, (3) issue a notice of violation and impose an escalated civil penalty on the licensee because of discrimination and harassment, and (4) immediately issue an order outlining the steps to be taken to correct problems with security, operations, maintenance, plant equipment, and employee/operator training deficiencies.

The Director of the Office of Nuclear Reactor Regulation has determined that, with the exception of two issues raised in the Petition, the Petition should be denied. These two issues, which involve (1) a chilling effect on reporting safety concerns as a result of discrimination and harassment, and (2) the falsification and destruction of documents, are still under investigation. When the investigation is complete, the NRC will determine whether any action is appropriate with regard to these two issues. The reasons for this decision are explained in the Partial Director's Decision Under 10 CFR 2.206, DD-89-05, which is available for public inspection in the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Local Public Document Room at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida.

A copy of the partial decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). As provided in this regulation, the partial decision will constitute the final action of the Commission, except for the remaining two open issues, 25 days after issuance, unless the Commission, on its own motion, institutes review of the partial decision within that time period.

Dated at Rockville, Maryland, this 12th day of July 1989.

For the Nuclear Regulatory Commission,
Thomas E. Murley,
Director, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-16908 Filed 7-18-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

**Philadelphia Electric Co. et al.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company for operation of the Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, located in York County, Pennsylvania.

The proposed amendments would revise the calibration frequencies for certain narrow range reactor water level instrumentation and reactor pressure

instrumentation from once per six months to once per operating cycle in accordance with the licensee's application for amendment dated July 12, 1989.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The current Technical Specifications (Table 4.2.F) for Peach Bottom contain the requirement that the reactor water level (narrow range) and the reactor pressure instrumentation associated with the Feedwater Control System be calibrated at a frequency of once per six months. This instrumentation is not safety related and is not part of the post accident monitoring instrumentation. The current TS also require that certain reactor pressure recorders associated with NUREG-0737 accident monitoring requirements be calibrated at six month intervals.

The licensee has provided the following analysis to support a no significant hazards consideration determination for this change:

(i) *The proposed revisions do not involve a significant increase in the probability or consequences of an accident previously evaluated.* The proposed frequency of once/operating cycle is consistent with the industry standards and NRC guidelines, and ensures an acceptable level of reliability for the instrumentation. Based on a review of historical calibration data, feedwater level control and accident monitoring will not be adversely affected.

The feedwater instruments share manifolds with other instruments which generate scram and/or primary containment isolation signals. If the calibration is done at power, valving the narrow range level and pressure instruments back into service following calibration may cause a pressure transient which could result in a reactor scram or isolation. The proposed frequency would eliminate the need to

perform the calibration at power or to shut the plant down for the purpose of calibration. Because the proposed change does not alter the function of the instrumentation, the change does not increase the probability of occurrence or the consequences of an accident or malfunction previously evaluated.

(ii) *The proposed revisions do not create the possibility of a new or different kind of accident from any accident previously evaluated.* The proposed change does not involve any hardware changes to the instruments or changes to their ranges. The proposed change effects only the frequency of calibration, and does not involve any new testing or calibration methods or configurations. Additionally, the proposed change does not effect the redundancy, electrical separation or equipment qualification of the instruments. Therefore, the proposed change does not create the possibility for an accident or malfunction of a different type than any previously evaluated.

(iii) *The proposed revisions do not involve a significant reduction in a margin of safety.* The feedwater reactor water level and feedwater reactor pressure indicators which are the subject of the proposed Technical Specification change do not initiate or control safety-related systems, and are not part of accident monitoring. Their function is to provide indication as part of the feedwater level control loops. Feedwater level control is discussed in Section 7.10 of the UFSAR. The accident monitoring instruments involved are similar to numerous other instruments which serve more significant safety functions and are calibrated once/operating cycle. Thus, accident monitoring capability will not be degraded such that any margin of safety could be decreased. Accident monitoring is discussed in Section 7.20 of the UFSAR. Surveillance intervals for the instrumentation involved are not discussed in the UFSAR or Technical Specification BASES. The proposed change does not affect the function or operability of the indicators or their associated transmitters and therefore, does not reduce any safety margins.

Based on the above reasoning, the licensee has determined that the proposed changes involve no significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analyses. Accordingly, the Commission proposes to determine that the requested amendment does not

involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the *Federal Register* notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 17, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action,

it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue, N.W., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 12, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Rockville, Maryland, this 14th day of July 1989.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I-2, Division of
Reactor Projects I/II, Office of Nuclear
Reactor Regulation.

[FR Doc. 89-16906 Filed 7-18-89; 8:45 am]

BILLING CODE 7550-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27013; File No. SR-Amex-
89-11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Expansion of AUTO-EX To Select Amex Equities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 12, 1989, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange Incorporated ("Amex" or "Exchange"), proposes to implement a pilot program for the use of AUTO-EX (a feature of the Exchange's PER/AMOS order routing system) for the automatic execution of select Amex equities. The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

(1) Purpose

In 1977, the Exchange introduced the Post Execution Reporting ("PER") system that electronically routes public customer orders of up to 2099 shares to the post where the order is automatically printed on an order ticket and given to the specialist for execution. In 1984, the per system was enhanced by the introduction of Autoper, which bypasses the printed order ticket and allows the specialist to automatically execute the order displayed on a "touch screen" located at the post. The Exchange now proposes to further enhance the PER system by introducing the AUTO-EX feature to selected Amex equities.

AUTO-EX is an extension of the PER order routing system. It automatically executes market and marketable limit orders that have been routed by the PER system to the specialist's post. The execution is immediately reported to the tape and to the member firm entering the order. AUTO-EX trades are submitted for comparison processing by the Exchange as locked-in trades.

Since 1986, the AUTO-EX has been used in selected option classes; the strong support AUTO-EX has received from member firms has prompted the Exchange to begin to expand the use of the system to all option classes (see SEC Release No. 34-25996 permitting the Exchange to expand AUTO-EX to all option-classes.)

Amex stated that the AUTO-EX for equities pilot program will be in effect for one year and will initially include twenty of the Exchange's most active stocks. During the course of the pilot period, however, Amex will review the program and expand it to include additional equities.¹

The pilot program proposed by the Exchange will allow the immediate execution of certain public customer market and marketable limit orders of up to 599 shares in the stocks selected by the Exchange for the program. Orders will be automatically executed, except when the best bid or offer represents an order on the specialist's book or in the trading crowd.² Thus, for example, if the

¹ Amex has informed the Commission that it will notify the Commission each time it expands the number of stocks in the pilot program.

² The automated execution systems of the Boston, Midwest and Pacific Stock Exchanges automatically display to the specialist for 15 seconds every order sent through the systems for execution. The purpose of this exposure period is to provide the specialist an opportunity to improve upon the execution price.

best bid represented an order on the book or in the crowd, an incoming order to sell up to 599 shares would be diverted to the specialist's PER screen for manual execution by the specialist against such bid. Similarly, where a regional exchange is displaying a quote through the Intermarket Trading System (ITS) with a better bid or offer than currently displayed on the Amex, the specialist could either match the quote or provide for diversion of the incoming AUTO-EX order to the PER screen to allow for manual execution on the regional exchange.

The Exchange believes that this expansion of AUTO-EX to selected Amex equities will help in its overall efforts to retain equity order flow and to remain competitive with exchanges which have similar automated systems in place. In furtherance of these efforts the Exchange will waive transaction charges for orders of up to 599 shares in the stocks selected for participation in the pilot program whether or not executed through AUTO-EX. If these efforts prove successful, the Exchange will consider expanding the pilot program to additional stocks.

(2) Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular, in that it will foster cooperation and coordination with persons engaged in facilitating transactions in securities, and will also result in more efficient and effective market operations, consistent with Section 11A(a)(1)(B).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such

Amex's proposed system, like the Philadelphia Stock Exchange's, does not provide, however, a similar exposure period for those orders that will be automatically executed.

longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the Amex consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) institute proceedings to determine whether the Proposed rule change should be disapproved.

Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 9, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: July 10, 1989.

[FR Doc. 89-16806 Filed 7-18-89; 8:45 am]

BILLING CODE 8010-01-M

(Release No. 34-27026; File No. SR-Amex-89-16)

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc. Relating to Options on the Japan Index

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 28, 1989, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to trade options on a new Japan Index developed by the Exchange and based on stocks traded on the Tokyo Stock Exchange ("TSE").

The text of the proposed rule change is available at the Office of the Secretary, Amex, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The Exchange is proposing to trade options based on the Japan Index developed by the Amex, a two-hundred stock, price-weighted index based entirely on shares of Japanese issuers traded on the TSE. The TSE securities chosen for the Index meet the proposed eligibility standards (discussed below) with respect to market value, trading activity, and price level. In choosing the component securities, the Exchange also has given consideration to the distribution of securities across various major industrial categories. The Exchange reserves the right to increase or decrease the number of stocks in the Index as needed to maintain a balanced industry representation of the Japanese market.

The Exchange will calculate and disseminate the value of the Japan Index once a day before the opening of U.S. trading. Index values are calculated based on the daily last sale prices in yen of the component securities trading on the TSE, applying the special index valuation method described below. The Amex will administer the Index,

applying offsetting divisor adjustments to the Index in light of stock splits, stock replacements, or other corporate actions which would otherwise cause a discontinuity in the Index values. The initial value of the Japan Index will be set to a level of approximately 330.00 on June 30, 1989.

The proposed options on the Index are European style (exercise at expiration only), and cash settled. Standard option trading hours (9:30 a.m. to 4:15 p.m. NY time) would apply.

Index Valuation Method. The Exchange considers its proposed valuation method to be a substantial innovation in the means of trading instruments on foreign stock indices in U.S. dollar terms. Simply stated, the valuation method assigns a value of one U.S. dollar to 100 decimal points of the Index. Thus, as the Index level follows changes in the yen prices of the component stocks, the option premium values change in U.S. dollar terms, without regard to fluctuations in the exchange rate. To illustrate the direct relationship between yen movement of prices on the Tokyo Stock Exchange and dollar movement of the Japan Index, suppose, hypothetically, that the yen price of all stocks on the Tokyo Stock Exchange were to drop by 1 percent (e.g., from 2500.00 yen to 2475.00 yen as measured by TOPIX) one day. The Japan Index would also drop by 1 percent in U.S. dollars, (e.g., from 350.00 to 346.50) without regard to fluctuations in the yen/dollar exchange rate that day.

This method permits the option premiums to be quoted in U.S. dollars and trading accounts to be denominated in U.S. dollars. All Exchange, Options Clearing Corporation, and clearing member systems will be able to accommodate trading, clearance, and settlement of the options without alteration.

A market participant desiring to invest solely in the direction of the Japanese stock market, and who holds a Japan Index call, for example, will gain in dollars if the Japanese stock market rises and lose if it declines. The converse is true for a put holder.

The Exchange believes the proposed valuation method is superior to possible alternative methods. The valuation method utilized for the Japan Index is designed to facilitate trading in the options by those who are concerned primarily with benefiting in dollar terms from changes in the yen price levels of the Japanese stocks, and not in the combined effect of yen price and dollar/yen exchange rate changes. The valuation method will also be useful to

those whose interest is in the combined effect of exchange rate and yen price changes by combining positions in the Japan Index options with positions in exchange rate products (e.g., currency futures, forwards, options, etc.).

Standards for Component Stock Selection. The Exchange has established the following eligibility criteria for selecting stocks to be included in the Index:

1. Each component security shall be issued by a Japanese issuer and traded on the TSE.

2. The minimum market value in Japanese yen of the component security during the preceding 20 business days before Index inclusion as measured by total shares outstanding must be 25 billion yen (approximately 175 million dollars as of June 22, 1989).

3. The yen price per share for each component security during the preceding 20 business days before Index inclusion must be less than five times the average price of all stocks in the Index. To continue to be included in the Index, the yen price per share for each component security during the preceding 20 business days before quarterly Index review must be less than ten times the average price of all stocks in the Index.

4. All securities selected for inclusion in the Index must have traded an average of more than 500,000 shares per month over the previous six months. The Exchange will monitor the trading of all component securities, and if it determines that any component security fails to meet this liquidity threshold, consideration will be given to substituting another security with greater liquidity, consistent with maintaining balanced industry representation.

The Amex will review the performance of each component security at the end of each calendar quarter, and if any should fail to continue to meet the above criteria, the Amex will consider the selection of suitable replacements.

Choice of Japan Index Calculation/Settlement Time. On normal business weekdays, the TSE holds two two-hour trading sessions daily. The morning trading session runs from 9:00 a.m. to 11:00 a.m. Tokyo time, and the afternoon trading sessions runs from 1:00 p.m. to 3:00 p.m. Tokyo time. In terms of New York time, the Friday TSE morning trading session runs from 7:00 p.m. to 9:00 p.m. New York time on Thursday night, and the Friday TSE afternoon trading session runs from 11:00 p.m. to 1:00 a.m. New York time later that Thursday night. (Three Saturdays each month the TSE also holds a morning trading session).

For option trading purposes, the daily value of the Japan Index will be determined based on the closing prices of component securities in the latest trading session held that calendar day on the TSE, (normally the afternoon trading session except if that session has been canceled due to a holiday or other reason). The options will expire on the Saturday following the third Friday of the expiration month. The last trading day in an options series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday), except in the event of holiday scheduling as described below.

For settlement purposes, the settlement value of the Japan Index will be determined based on the closing TSE prices of component securities in the morning trading session on the trading day in Japan following the last day of trading in the expiring contracts. Normally, because trading in expiring options contracts will cease on a Thursday at 4:15 p.m. New York time, the settlement value of the Japan Index will be determined at the close of the Friday TSE morning trading session, that is, at 9:00 p.m. New York time on Thursday night, just under 5 hours after trading has ceased in the expiring options.

The closing TSE prices in the Friday morning session will be used because they are chronologically closest to the time when options trading on the Amex ceases on the last trading day in expiring options series, thereby providing the most timely, reliable, and accurate measurement of the price level of TSE stocks at expiration of the Japan Index options.

Holiday Scheduling. In the event that the TSE is closed on the third calendar Friday of a contract month due to a Japanese holiday or other reason, the last trading day for expiring Japan Index options contracts will be the exchange business day in New York which precedes the last TSE trading day prior to the third calendar Friday of the month. In this event, the Index settlement valuation will be determined at the close of the morning trading session on the TSE on the last trading day prior to the third calendar Friday in Japan.

In the event that the Thursday preceding expiration Friday is not an Amex business day in the U.S., the preceding business day will be the last trading day for expiring Japan Index options, and settlement will be based on the close of the morning trading session on the TSE on calendar Thursday in Japan.

There will be no trading on any holiday on which the Amex is closed for trading, independent of whether the TSE is open for trading. Likewise, there will be trading on any day on which the American Stock Exchange is open for trading, independent of whether or not the TSE is open for trading.

Extension of Surveillance Agreement. Currently, in connection with Amex trading of options on the International Market Index ("IMI"), the Exchange has a market surveillance agreement with the TSE which provides that the TSE will supply the Amex, upon request, with clearing data, large position holder information, and time, sale, and quote information with respect to the Japanese component stocks included in the IMI. The Exchange has undertaken to discuss with the TSE extension of the existing agreement to share market surveillance information on all stocks included in the Japan Index.

Exchange Rules Applicable to Stock Index Options. Amex Rules 900C through 980C will apply to option contracts based on the Index. The Index is deemed to be a Broad Stock Index Group under Rule 900C(b)(1). Under Rule 903C, the Exchange intends to list up to three near calendar months and five additional long-term option series with consecutive June and December expirations, extending into successive years. Under Rule 904C(b), the Exchange proposes to establish a position limit of 25,000 contracts on the same side of the market, provided no more than 15,000 of such contracts are in series in the nearest expiration month.

(2) The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5

U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 400 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by [insert date 21 days from date of publication].

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: July 12, 1989.

EXHIBIT A.—COMPONENT SECURITIES OF THE JAPAN INDEX (AS OF JULY 15, 1989)

Stock	Industry	Avg mthly trdg vol Dec 88-May 89 (000's)	LS (6/9/89) (yen)	Shrs out (000's)	Mkt val (6/9/ 89) (million yen)	Component % price weight	Industry % price weight
All Nippon Airways	Air Transport	1749	1850	1,373,492	2,540,960	0.62	0.62
Mitsui Bank	Bank	5760	2290	1,777,511	4,070,500	0.77	7.41
Mitsui Trust and Banking	Bank	4015	2020	1,134,360	2,291,407	0.68	
Sumitomo Bank	Bank	16259	3520	2,524,290	8,885,501	1.18	
The Daiichi Kangyo Bank	Bank	8460	3320	2,691,194	8,934,764	1.11	
Mitsubishi Trust & Banking	Bank	5497	2650	1,236,837	3,277,618	0.89	
The Bank of Tokyo	Bank	6582	1640	1,915,519	3,141,451	0.55	
The Mitsubishi Bank	Bank	11153	3180	2,551,304	8,113,147	1.07	
The Fuji Bank	Bank	8109	3480	2,549,536	8,872,385	1.17	
UBE Industries, Ltd	Chemicals	9318	874	831,920	727,098	0.29	9.13
Konica Corp.	Chemicals	1984	1150	354,492	407,666	0.39	
Toa Gosei Chemical Industry	Chemicals	2458	1080	194,651	210,223	0.36	
Nippon Kayaku Co. Ltd	Chemicals	2210	1360	181,725	247,146	0.46	
Mitsui Toatsu Chemicals	Chemicals	11507	1060	673,881	714,314	0.36	
Tosoh Corp.	Chemicals	5123	1010	441,168	445,580	0.34	
Rasa Industries	Chemicals	6831	780	55,480	43,274	0.26	
Showa Denko K.K.	Chemicals	12089	1190	976,873	1,162,479	0.40	
Nissan Chemical Ind. Ltd.	Chemicals	2679	850	138,440	117,674	0.28	
Nippon Carbide Ind	Chemicals	8305	896	66,921	59,961	0.30	
Fuji Photo Film Co., Ltd	Chemicals	2214	3970	378,675	1,503,340	1.33	
Mitsubishi Kasei Corp.	Chemicals	5245	1130	1,329,628	1,502,480	0.38	
Shin-Etsu Chemical Co., Ltd	Chemicals	2612	1770	318,359	563,495	0.59	
Asahi Denka Kogyo	Chemicals	3384	1040	63,258	65,788	0.35	
Denki Kagaku Kogyo K.K.	Chemicals	7976	940	474,813	446,324	0.32	
Nippon Synthetic Chem. Ind.	Chemicals	3353	1030	65,778	67,751	0.35	
Nippon Oil & Fats Co.	Chemicals	1443	1130	212,580	240,215	0.38	
Sumitomo Chemical Co	Chemicals	7985	955	1,621,170	1,548,217	0.32	
Nippon Soda Co	Chemicals	1216	955	84,000	80,220	0.32	
Kanegafuchi Chemical	Chemicals	17772	1020	340,912	347,730	0.34	
Mitsubishi Petrochemical	Chemicals	6149	1630	440,415	717,878	0.55	
Sekisui Chemical	Chemicals	23231	1410	460,162	648,828	0.47	
Sumitomo Cement Co.	Clay and Glass	3672	927	271,959	252,106	0.31	4.40
Nippon Carbon Co	Clay and Glass	1912	867	118,267	102,537	0.29	
Nippon Sheet Glass Co	Clay and Glass	5015	1110	417,649	463,590	0.37	
Nihon Cement Co.	Clay and Glass	4221	1170	293,526	343,425	0.39	
Tokai Carbon Co.	Clay and Glass	2204	1000	156,954	156,954	0.34	
Onoda Cement Co	Clay and Glass	3072	991	463,144	458,976	0.33	
Asahi Glass Co	Clay and Glass	3619	2360	1,161,923	2,742,138	0.79	
Toto Ltd	Clay and Glass	10482	2340	302,736	708,402	0.78	
Noritake Co., Ltd	Clay and Glass	931	1440	139,818	201,338	0.48	
Mitsubishi Mining and Cement	Clay and Glass	4763	922	451,549	416,328	0.31	
Tekken Construction Co	Construction	4941	1430	142,219	203,373	0.48	6.11
Shimizu Corp	Construction	13294	2090	210,192	439,301	0.70	
Kajima Corp	Construction	9180	2140	858,488	1,837,164	0.72	
Daiwa House Industries	Construction	1997	2130	438,005	932,951	0.71	
Toa Harbor Works	Construction	1933	1290	177,200	228,588	0.43	
Taisei Corp	Construction	34982	1650	1,012,357	1,670,389	0.55	
Sata Kogyo Co.	Construction	18240	2460	240,710	592,147	0.82	
Ohbayashi Corp	Construction	13158	1820	728,047	1,325,046	0.61	
Tobishima Corp	Construction	1938	1350	225,768	304,787	0.45	
Fujita Corp	Construction	18890	1880	443,533	833,842	0.63	
Takeda Chemical Industries	Drugs	2177	2340	869,706	2,035,112	0.78	2.79

EXHIBIT A.—COMPONENT SECURITIES OF THE JAPAN INDEX (AS OF JULY 15, 1989)—Continued

Stock	Industry	Avg mthly trdg vol Dec 88-May 89 (000's)	LS (6/9/89) (yen)	Shrs out (000's)	Mkt val (6/9/ 89) (million yen)	Component % price weight	Industry % price weight
Sankyo Co	Drugs	3141	2440	354,755	865,602	0.82	
Yamanouchi Pharmaceutical	Drugs	1072	3540	276,517	978,870	1.19	
Ok Electric Industry Co	Electric Equipment	5275	1110	575,801	639,139	0.37	10.18
Yokogawa Electric	Electric Equipment	2152	1880	252,667	475,014	0.63	
Fuji Electric	Electric Equipment	11930	1130	700,714	791,807	0.38	
Nippondenso Company, Ltd	Electric Equipment	12454	2420	714,356	1,728,742	0.81	
Sony Corp	Electric Equipment	3134	7670	286,043	2,193,950	2.57	
Sanyo Electric	Electric Equipment	17272	951	1,864,429	1,773,072	0.32	
Toshiba Corp	Electric Equipment	25575	1410	3,083,468	4,347,690	0.47	
Hitachi, Ltd	Electric Equipment	13946	1600	3,025,008	4,840,013	0.54	
Fujitsu, Ltd	Electric Equipment	6045	1500	1,761,839	2,642,759	0.50	
Matsushita Electric Industry	Electric Equipment	5637	2400	1,958,324	4,699,978	0.80	
Mitsubishi Electric Corp	Electric Equipment	18111	1160	2,125,360	2,465,418	0.39	
Sharp Corp	Electric Equipment	4903	1380	956,881	1,320,496	0.46	
NEC Corp	Electric Equipment	4536	1820	1,499,224	2,728,588	0.61	
Yuasa Battery Co. Ltd	Electric Equipment	4250	1400	174,959	244,943	0.47	
Meidensha Corp	Electric Equipment	2324	1260	201,705	254,148	0.42	
Hitachi Cable	Electric Equipment	2075	1280	374,780	479,718	0.43	
Nisshin Flour Milling Co	Foods	1811	1650	197,510	325,892	0.55	5.67
Kikkoman Corp	Foods	2992	1230	166,901	205,288	0.41	
Kirin Brewery Co	Foods	2060	1910	951,035	1,816,477	0.64	
Meiji Milk Products	Foods	1476	1000	280,565	280,565	0.34	
Meiji Seika Kaisha, Ltd	Foods	1430	1150	389,431	447,848	0.39	
Asahi Breweries, Ltd	Foods	11692	2140	307,197	657,402	0.72	
Nippon Flour Mills Co	Foods	1249	933	181,751	169,574	0.31	
Ajinomoto Co	Foods	1143	2710	639,832	1,733,945	0.91	
The Nisshin Oil Mills Ltd	Foods	1581	1170	133,715	156,447	0.39	
Nippon Beet Sugar Mfg Co	Foods	1767	867	153,250	132,868	0.29	
Nichirei Corp	Foods	1809	1210	295,764	357,874	0.41	
Morinaga & Co	Foods	1556	961	243,194	233,709	0.32	
Osaka Gas Co. Ltd	Gas Services	13433	889	2,399,539	2,133,190	0.30	0.67
Tokyo Gas Co., Ltd	Gas Services	7018	1120	2,725,953	3,053,067	0.38	
Taisho Marine & Fire Ins	Insurance	2435	1320	681,260	899,263	0.44	1.96
Tokio Marine & Fire Ins. Co	Insurance	5388	2030	1,468,115	2,980,273	0.68	
Yasuda Fire & Marine Ins	Insurance	2798	1320	871,568	1,150,470	0.44	
Nippon Fire & Marine	Insurance	15378	1170	537,259	628,593	0.39	
Mitsubishi Steel Mfg. Co	Iron & Steel	856	2290	144,000	329,760	0.77	4.30
Nippon Yakin Kogyo Co	Iron & Steel	3310	1390	165,237	229,679	0.47	
Nippon Steel Corp	Iron & Steel	37700	845	6,636,705	5,608,016	0.28	
Japan Steel Works Ltd	Iron & Steel	13191	1140	371,463	423,468	0.38	
Sumitomo Metal Industry	Iron & Steel	30900	830	2,786,152	2,312,506	0.28	
Kobe Steel, Ltd	Iron & Steel	29532	837	2,539,739	2,125,762	0.28	
Kawasaki Steel Corp	Iron & Steel	24274	998	2,933,280	2,927,413	0.33	
Nippon Denko Co	Iron & Steel	3928	1080	111,762	120,703	0.36	
Nippon Metal Industry Co	Iron & Steel	2370	1230	156,306	192,256	0.41	
Nippon Stainless	Iron & Steel	21172	1330	94,579	125,790	0.45	
Nippon Kokan K.K.	Iron & Steel	28677	875	3,188,620	2,790,043	0.29	
Nippon Seiko K.K.	Machinery	7662	1100	539,925	593,918	0.37	4.15
Komatsu Ltd	Machinery	10164	1260	922,555	1,162,419	0.42	
Niigata Eng. Co	Machinery	4475	905	333,417	301,742	0.30	
Chiyoda Chemical Engineering	Machinery	5188	1700	195,224	331,881	0.57	
Nachi-Fugikoshi Corp	Machinery	2083	1150	227,193	261,272	0.39	
Kubota Ltd	Machinery	7096	1250	1,407,759	1,759,699	0.42	
Ebara Corp	Machinery	9772	2290	280,904	643,270	0.77	
Okuma Machinery Works Ltd	Machinery	9585	1670	129,762	216,703	0.56	
NTN Toyo Bearing Co	Machinery	4327	1070	408,375	436,961	0.36	
Nippon Susian Kaisha Ltd	Marine Products	1704	885	295,960	261,925	0.30	0.87
Kyokuyo Co	Marine Products	1095	885	113,280	100,253	0.30	
Nichiro Gyogyo Kaisha, Ltd	Marine Products	3074	839	184,490	138,007	0.28	
Tokyo Rope Mft. Co	Metal Products	1028	1570	141,462	222,095	0.53	5.91
Nippon Mining Co	Metal Products	11951	900	867,008	780,307	0.30	
Fujikura Ltd	Metal Products	2712	1210	332,679	402,542	0.41	
Showa Electric Wire & Cable	Metal Products	3540	1300	208,328	270,826	0.44	
Furukawa Co	Metal Products	4481	960	238,373	228,838	0.32	
Nippon Light Metal Co	Metal Products	4371	985	415,520	409,287	0.33	
Sumitomo Electric Ind	Metal Products	2800	1530	690,406	1,056,321	0.51	
Mitsui Mining & Smelting Co	Metal Products	15808	880	486,000	427,680	0.29	
Dowa Mining Co	Metal Products	3721	885	218,592	193,454	0.30	
Sumitomo Metal Mining Co	Metal Products	2694	1440	416,055	599,119	0.48	
Toyo Seikan Kaisha	Metal Products	2542	2650	164,000	434,600	0.89	
Toho Zinc	Metal Products	14128	900	100,000	90,000	0.30	
Mitsubishi Metal Corp	Metal Products	15978	1130	656,990	742,399	0.38	
Furukawa Electric	Metal Products	9287	1300	620,368	806,478	0.44	
Sumitomo Coal Mining	Mining	9357	890	73,570	65,477	0.30	0.71
Mitsui Mining Co	Mining	4200	1220	152,108	185,572	0.41	
Honda Motor Co	Motor Vehicles	2401	1940	948,373	1,839,844	0.65	3.45
Isuzu Motor Ltd	Motor Vehicles	4654	1020	919,110	937,492	0.34	

EXHIBIT A.—COMPONENT SECURITIES OF THE JAPAN INDEX (AS OF JULY 15, 1989)—Continued

Stock	Industry	Avg mthly trdg vol Dec 88-May 89 (000's)	LS (6/9/89) (yen)	Shrs out (000's)	Mkt val (6/9/ 89) (million yen)	Component % price weight	Industry % price weight
Toyota Motor Corp	Motor Vehicles	3026	2680	2,845,164	7,625,040	0.90	
Suzuki Motor Co	Motor Vehicles	2958	925	382,522	353,833	0.31	
Hino Motor	Motor Vehicles	2144	1110	351,867	390,350	0.37	
Nissan Motor Co	Motor Vehicles	12792	1600	2,481,515	3,970,424	0.54	
Mazda Motor Corp	Motor Vehicles	4693	1020	1,026,885	1,047,423	0.34	
Yamaha Motor	Other Manufacturing	1152	1420	225,631	320,396	0.48	1.90
Toppan Printing Co	Other Manufacturing	2145	1930	627,162	1,210,423	0.65	
Dai Nippon Printing Co	Other Manufacturing	1428	2330	675,596	1,574,139	0.78	
Jujo Paper Co	Paper & Pulp	4266	1230	473,019	581,813	0.41	2.51
Hokuetsu Paper Mills	Paper & Pulp	5166	1200	119,464	143,357	0.40	
Honshu Paper Co	Paper & Pulp	2979	1000	312,686	312,686	0.34	
Oji Paper Co	Paper & Pulp	6820	1730	601,799	1,041,112	0.58	
Sanyo-Kokusaku Pulp Co	Paper & Pulp	4936	1060	432,169	458,099	0.36	
Mitsubishi Paper Mills, Ltd.	Paper & Pulp	3248	1260	319,502	402,573	0.42	
Nippon Oil Co	Petroleum	11474	1490	1,202,707	1,792,033	0.50	2.06
Tonen Corp	Petroleum	4500	2060	587,760	1,210,786	0.69	
Mitsubishi Oil Co	Petroleum	2105	1140	336,232	383,304	0.38	
Showa Shell Sekiyu K.K.	Petroleum	1038	1470	273,080	401,428	0.49	
Ricoh Company, Ltd.	Precision Instrument	3438	1250	601,443	751,804	0.42	1.88
Nikon	Precision Instrument	2774	1450	363,536	527,127	0.49	
Canon Inc.	Precision Instrument	5362	1790	617,295	1,104,958	0.60	
Citizen Watch Co	Precision Instrument	6048	1120	306,419	343,189	0.38	
Tokyu Corp	Railroad Transportat.	4068	1690	1,038,016	1,754,247	0.57	3.87
Tobu Railway Co. Ltd.	Railroad Transportat.	6648	1480	796,137	1,178,283	0.50	
Odakyu Electric Railway	Railroad Transportat.	2966	1430	639,292	914,188	0.48	
Keihin Electric Express Rail	Railroad Transportat.	2491	1630	460,889	751,249	0.55	
Keio Teito Electric	Railroad Transportat.	2275	1400	555,674	777,944	0.47	
Keisei Electric Railway	Railroad Transportat.	2712	2540	271,670	690,042	0.85	
Kinki Nippon Railway	Railroad Transportat.	2824	1380	1,467,621	2,025,317	0.46	
Heiwa Real Estate Co.	Real Estate	1297	2100	97,293	204,315	0.70	2.34
Mitsui Real Estate Devel	Real Estate	5078	2500	724,623	1,811,558	0.84	
Mitsubishi Estate Co., Ltd.	Real Estate	3827	2390	1,269,893	3,035,044	0.80	
Mitsukoshi, Ltd.	Retail Stores	2004	2360	474,155	1,119,006	0.79	0.79
Bridgestone Corp	Rubber	3344	1620	721,512	1,168,849	0.54	0.97
The Yokohama Rubber Co.	Rubber	2656	1260	241,474	309,087	0.43	
Kawasaki Kisen Kaisha, Ltd.	Sea Transport	13686	881	585,500	515,828	0.30	1.25
Showa Line	Sea Transport	2027	922	272,797	251,519	0.31	
Nippon Yusen K.K.	Sea Transport	16425	1020	1,143,454	1,166,323	0.34	
Mitsui OSK Lines	Sea Transport	14485	920	1,047,495	963,695	0.31	
The Nomura Securities Co	Securities/Finance	2762	3250	1,957,304	6,361,238	1.09	3.43
The Nikko Securities Co	Securities/Finance	1188	1820	1,430,698	2,603,870	0.61	
Daiwa Securities	Securities/Finance	1105	2200	1,273,317	2,801,297	0.74	
Nippon Shinpan Co	Securities/Finance	12697	1360	301,923	416,654	0.46	
Japan Securities Finance	Securities/Finance	1664	1580	123,750	195,525	0.53	
Toei Company	Services	1125	1230	141,427	173,955	0.41	1.97
Korakeun Co	Services	4937	4090	139,913	572,244	1.37	
Nikkatsu Corp	Services	5010	563	237,142	133,511	0.19	
Hitachi Zosen Corp	Shipbuilding	17682	778	1,001,975	779,537	0.26	1.34
Mitsubishi Heavy Ind	Shipbuilding	23736	1190	3,323,935	3,955,483	0.40	
Ishikawajima-Harima Heavy	Shipbuilding	11614	1140	1,298,490	1,480,279	0.38	
Mitsui Eng. and Shipbldg	Shipbuilding	27293	905	763,090	690,596	0.30	
Kanebo, Ltd.	Textile Products	6381	860	488,801	420,369	0.29	4.02
Mitsubishi Rayon Co	Textile Products	10095	829	606,878	503,102	0.28	
Fuji Spinning Co	Textile Products	1498	821	108,000	88,668	0.28	
Toray Industries	Textile Products	13702	995	1,376,482	1,369,600	0.33	
Teijin Ltd	Textile Products	6739	879	945,525	831,116	0.29	
Toho Rayon Co. Ltd.	Textile Products	20831	1140	90,530	103,204	0.38	
Asahi Chemical Ind	Textile Products	8485	1200	1,347,480	1,616,976	0.40	
Kuraray Co	Textile Products	929	1330	243,315	323,609	0.45	
Nisshinbo Industries	Textile Products	6440	1430	225,519	322,492	0.48	
Nitto Boseki Co. Ltd.	Textile Products	1689	831	240,463	199,825	0.28	
Toyobo Co	Textile Products	8607	880	684,936	602,744	0.29	
Unitikao, Ltd.	Textile Products	6855	798	475,960	379,816	0.27	
Sumitomo Corp	Trade	3608	1320	884,042	1,166,935	0.44	2.27
Marubeni Corp	Trade	16869	884	1,379,290	1,219,292	0.30	
Mitsubishi Corp	Trade	7858	1450	1,544,993	2,240,240	0.49	
C. Itoh & Co	Trade	11353	990	1,330,554	1,317,248	0.33	
Iwatani International	Trade	3890	1110	225,940	250,793	0.37	
Mitsui & Co	Trade	10369	1030	1,371,278	1,412,416	0.35	
Nippon Sharyo Seizo Kaisha	Transport Equipment	16824	1620	131,455	212,957	0.54	0.54
Nippon Express Company	Trucking	6400	1480	1,029,578	1,523,775	0.50	0.50

[FR Doc. 89-16807 Filed 7-18-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27025; File No. SR-NYSE-89-09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Stock Option and Broad Index Option Position and Exercise Limits

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 2, 1989, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes hedge exemptions from the Exchange's position limits for stock options and broad index options and amends its position and exercise limits for broad index options.

The proposed rule change amends Rule 704(b) to establish a pilot program to exempt certain hedge positions from the current three-tiered position limits for stock options. The exemption will enable investors to double stock option positions from the current limits, provided that (a) the options in excess of the current limits are fully hedged on a nominal, one-for-one basis (e.g., by 100 shares or, in the case of an adjusted contract, the number of shares represented by the adjusted contract) and (b) the hedged positions consist of:

- Long stock and short calls,
- Long stock and long puts,
- Short stock and long calls, or
- Short stock and short puts.

The exemption will be automatic (i.e., the Exchange need not specifically approve a position in advance). Excess option positions must be liquidated prior to or contemporaneously with a decrease in the hedged stock position. In no event can a stock option position, even if fully hedged, exceed twice the current position limit.

The proposed rule change amends Rules 704(c)(i) and 705 to modify the broad index option position and exercise limits applicable to options on the NYSE Composite Index¹ ("NYA") in

¹ "NYSE Composite Index" is a registered mark of the New York Stock Exchange, Inc.

three respects to conform them with limits presently applicable to broad index options traded on the other options exchanges. First, it re-expresses the limits as numbers of contracts rather than in dollars. Second, it raises the aggregate position limit to 45,000 contracts on the same side of the market, with no more than 25,000 in the nearest-term series. And third, it sets the exercise limits at 25,000 contracts (the nearest-term series' position limit).

The filing amends Rules 704(c)(ii) and 705 to establish a pilot program for a hedge exemption to the position limit for broad index options that will be limited to public customers of member organizations.² The exemption, which will be available upon individual application and approval by the Exchange, will enable a public customer of a member organization to hedge a qualified long stock portfolio with broad index option contracts, either long puts or short calls, or a combination, or an equivalent position, up to a maximum of 125,000 contracts, without regard to the normal position limits. Owners of expiring contracts held in reliance on the hedge exemption will be allowed to exercise all such contracts just prior to expiration.

The exemption will be available only in accordance with the procedures and conditions of Supplementary Material .70 of Rule 704. In order to use the exemption, a public customer of a member organization must have a previously-established and Exchange-approved stock portfolio (a) that is comprised of common stocks that are each net long and are distributed across at least four industry groups, (b) that consists of at least 20 stocks, none of which account for more than 15 percent of the value of the portfolio and (c) that is carried in an account with a member organization, thus assuring that the Exchange has the ability to conduct adequate surveillance of the hedged position. A broad index option position held pursuant to the hedge exemption cannot exceed the value of the hedged stock portfolio after the value of the public customer's offsetting stock index futures, options on those futures and other broad index option positions have been subtracted from the portfolio value.

The pilot program's procedures preclude use of the hedge exemption for arbitrage between stock portfolios and broad index options. They also require

² The proposed rule change also amends Rule 700(b) and Supplementary Material .30 of Rule 753 to transfer the definition of a "public customer of a member organization" to the definitional section of Rule 700.

the hedge exemption customer to establish and liquidate stock and broad index option hedge positions in an orderly fashion so as not to cause unreasonable fluctuations or price changes; to liquidate or decrease the options hedge prior to or contemporaneously with any decrease in the value of the hedged stock portfolio; and to mark appropriately all options orders affecting the hedged position.

Holders of broad index option positions under the exemption will be under a continuing obligation to update application information and to report to the Exchange any material changes related to their hedge position, including changes to their hedged stock portfolios and their positions in stock index futures, options on those futures and other broad index options. Any customer who violates any of the hedge exemption provisions will be required to liquidate any excess position promptly and in an orderly manner and may lose its exemption.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in Sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose—Institutional investors often have stock holdings greater than their positions in the stock and broad index options that overlie their stock positions. Yet, because of the position limits for stock and broad index options, such investors are unable to increase their option positions enough to hedge their long stock positions. The rule change proposal increases the broad index option position and exercise limits and also provides specific relief from the otherwise-applicable stock and broad index option position and exercise limits to meet more effectively the hedging needs of institutional customers. The rule change proposal also conforms the Exchange's position and exercise limits for stock and broad index options with those of the other options exchanges.

Stock Option Position Limits: Hedge Exemption

Rule 704(b) sets position limits on the number of stock options on the same side of the market that an investor may control. These position limits are 8,000, 5,500 or 3,000 contracts on the same side of the market, depending upon the trading volume and number of outstanding shares of the underlying stock. Since each stock option contract generally corresponds to 100 shares of the underlying stock, Rule 704(b) normally restricts investors from acquiring option positions covering more than 800,000, 550,000 or 300,000 shares of the stock. These limits currently apply regardless of any offsetting position an investor may have in the underlying stock. Thus, institutional investors, though they often have stock holdings greater than these translated limits, are unable to acquire offsetting option positions beyond the limits even for purposes of hedging their stock positions.

The proposed pilot program will address this need by enabling investors to double stock option positions that are fully hedged by qualifying stock positions.

The Exchange's Market Surveillance Department will monitor use of the exemption to detect any abuses or violations of the program or any attempts at manipulation. If an excess option position is not fully hedged with shares of stock on a one-for-one basis, the options holder will lose the exemption, be required to close out his positions in excess of the current position limit and be precluded from effecting additional opening transactions until he has done so. In addition, the Exchange can proceed against the responsible member organization(s) with appropriate disciplinary action.

The proposed cut-off date of May 19, 1990, for the pilot program coincides with the virtually identical pilot programs that the Commission has approved for the American Stock Exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE") and the Philadelphia Stock Exchange, Inc. ("Phlx") (Rel. No. 34-25738) (May 24, 1988), and, more recently, for the Pacific Stock Exchange, Inc. ("PSE") (Rel. No. 34-25811) (June 20, 1988).

Broad Index Option Positions: Altered Limits

Under current Exchange rules, the position and exercise limits for NYA contracts are expressed in terms of the dollar value of contracts rather than their number. Thus, when the index

value fluctuates, the allowable number of contracts also fluctuates. The proposed rule change, which bases the limits on a fixed number of contracts rather than on their dollar value, will eliminate unnecessary compliance and administrative complications that can now occur because of the index's fluctuation.

The proposal will increase the NYA position limit from the current \$300 million level (equal to approximately 19,250 contracts based on the closing index value of 155.58 for December 27, 1988). The new aggregate position limit will be 45,000 contracts (approximately \$700 million at index value 155.58) and the limit for the nearest expiration month will be 25,000 contracts (approximately \$389 million at index value 155.58). As noted, the general exercise limit is specifically set at the position limit for the nearest-term series. When compared on the basis of the value that the contracts cover, these limits are approximately the same as those approved by the Commission for broad index options traded at the Amex, CBOE and Phlx (Rel. Nos. 34-24556 (June 5, 1987) and 34-25644 (May 3, 1988)).

Broad Index Options Positions: Hedge Exemption

The proposed index option hedge exemption will enable a public customer of a member organization to hedge a qualifying stock portfolio with up to 125,000 broad index options contracts, in addition to any broad index option positions the customer holds under the position limits of Rule 704(c)(1).

On the Wednesday prior to expiration, member organizations carrying broad index option hedge positions for customers will, for surveillance purposes, be required to telefax data to the Exchange regarding the current status of the customers' hedge position. In addition, the Exchange will monitor broad index option hedge positions and movements in those positions daily to determine if the positions are being maintained in accordance with all conditions and requirements, as well as for other rule violations.³ The Exchange may take

³ The Exchange will specifically monitor the pilot program to determine the effects of the hedge exemption on the market and to ensure that problems do not arise because of the exemption. Specifically, the Exchange will obtain the following information in its monitoring program: (1) The persons who use the hedge exemption; (2) how often the hedge exemption is used; (3) the dollar values of any portfolios hedged; (4) the number of stocks represented in the portfolios and the quantity of each stock held; (5) the positions held by the hedge exemption customers in broad index stock group futures, options on those futures and other broad

disciplinary action against the responsible member organization(s) for any violation of the hedge exemption, if warranted.

Exercises of broad index options in excess of the near-term series' position limits will be examined carefully. Any account that liquidates a substantial amount of stock on the last trading day prior to the expiration and that exercises in excess of 25,000 broad index option contracts will be subject to a rebuttable presumption that the customer has violated the hedge exemption provisions. The Exchange is prepared to coordinate its hedge exemption program with the other options exchanges in order to prevent an applicant from using more than one hedge exemption to hedge a single qualified stock portfolio.

The proposed cut-off date of July 22, 1989, for the pilot program coincides with the virtually identical pilot programs approved by the Commission for the CBOE (Rel. No. 34-25739 (May 24, 1988)) and the Amex (Rel. No. 34-25938 (July 22, 1988)).

Statutory Basis. The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that it will facilitate transactions in securities and thus increase market depth and liquidity. Therefore, the proposed rule change is consistent with section 6(b)(5) of the 1934 Act, which provides that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

index options; and (6) the number of broad index option contracts held pursuant to the exemption. The Exchange will further advise the Commission of the results of any investigations of apparent violations of any of the hedge exemption provisions.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
 (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 9, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 12, 1989.

Jonathan G. Katz,
 Secretary.

[FR Doc. 89-16911 Filed 7-18-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-17064; 811-3433]

BMI Equity Fund, Inc.; Application for Deregistration

July 12, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: BMI Equity Fund, Inc. ("Applicant").

Relevant 1940 Act Section:

Deregistration under section 8(f).
Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company subject to the 1940 Act.

Filing Dates: The application on Form N-8F was filed on June 23, 1989, and amended on July 10, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 7, 1989, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 67 Wall Street, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Regina Hamilton, Staff Attorney, at (202) 272-3024, or Stephanie M. Monaco, Branch Chief, at (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee. One may obtain a copy by going to the SEC's Public Reference Branch or by telephoning the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, organized as a Maryland corporation and open-end non-diversified management investment company under the 1940 Act, filed a Notification of Registration pursuant to section 8(a) of the 1940 Act on Form N-8A, and a registration statement pursuant to section 8(b) on March 31, 1982. Applicant's registration statement became effective on November 19, 1982.

2. On April 12, 1989, Applicant's Board of Directors adopted a resolution declaring the liquidation and dissolution of the Applicant to be in the best interests of the Applicant and its shareholders, and directed that the matter be submitted to the shareholders for consideration. On May 24, 1989, at a special meeting of Applicant's shareholders, the shareholders voted in

favor of the proposed liquidation and dissolution of Applicant.

3. By May 22, 1989, all investment activity of Applicant had terminated. Proceeds from portfolio liquidation were retained at Applicant's custodian bank. All shareholders were paid net asset value of \$33.18 as of May 24, 1989, for each of 59,310,414 shares.

4. Applicant has no assets, nor has it retained any investment securities. Applicant has not within the past eighteen months transferred any of its assets to a separate trust, the beneficiaries of which were or are shareholders of the Applicant.

5. As of the filing of the application, Applicant had no outstanding debts or liabilities, except for an estimated accounting fee of approximately \$4,500 to be assumed and paid for by Brean Murray, Foster Securities Inc., Applicant's principal underwriter. Brean Murray, Foster Securities Inc. has assumed all expenses, including legal fees, incurred in connection with the liquidation.

6. Applicant is not a party to any litigation or administrative proceeding, has no shareholders, and is not engaged in, nor intends to engage in, any business activities other than those necessary for the winding up of its affairs.

7. Applicant will file Articles of Dissolution with the Maryland Department of Assessments and Taxation following issuance of the requested order deregistering Applicant under the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
 Secretary.

[FR Doc. 89-16909 Filed 7-18-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24924]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

July 13, 1989.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through

the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 7, 1989 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Ohio Power Company (70-6373)

Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, SW., Canton, Ohio 44702, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a post-effective amendment to its application-declaration pursuant to sections 9(a), 10 and 12(d) of the Act and Rule 44(b)(3) promulgated thereunder.

By order dated November 26, 1979 (HCAR No. 21308), Ohio Power was authorized to enter into an agreement of sale ("Agreement") with the Ohio Air Quality Development Authority ("Authority") concerning the financing of pollution control facilities ("Facilities") at Ohio Power's Cardinal and Muskingum River Generating Stations. Under the Agreement the Authority is to issue and sell its pollution control revenue bonds ("Revenue Bonds"), in one or more series, the proceeds from which sales are to be deposited by the Authority with the trustee ("Trustee") under the indenture ("Indenture") entered into between the Authority and the Trustee pursuant to which Indenture the Revenue Bonds are issued and secured. The proceeds will then be applied to the payment of the costs of construction of the Facilities, originally estimated at \$100 million, or, in the case of proceeds from the sale of refunding bonds, to the payment of principal, premium, if any, and/or interest on Revenue Bonds to be refunded.

Ohio Power conveyed an undivided interest in a portion of the Facilities to the Authority, which portion the Authority sold to Ohio Power under an

installment sales arrangement requiring Ohio Power to pay as the purchase price semi-annual installments in such an amount, together with other monies held by the Trustee under the Indenture for that purpose, as to enable the Authority to pay, when due, the interest and principal on the Revenue Bonds. Jurisdiction was reserved in the order of November 26, 1979, with respect to the payment of the purchase price of the Facilities by installment payments insofar as such payments were affected by the interest rate or rates of the Revenue Bonds to be issued and sold by the Authority.

It is stated that the Authority now proposes to issue and sell a series of refunding bonds ("Refunding Bonds") in the aggregate principal amount of \$50 million, the net proceeds from the sale of which will be used to provide for the principal payment requirement for the refunding prior to their stated maturity of \$50 million principal amount of Revenue Bonds previously issued by the Authority. The Refunding Bonds will be issued under and secured by the Indenture and a first supplemental indenture, will bear interest semi-annually and will mature at a date or dates not more than thirty years from the date of issuance.

Electec, Inc. (70-7610)

Electec, Inc. ("Electec"), One Poydras Plaza, 639 Loyola Avenue, New Orleans, Louisiana 70113, a nonutility subsidiary of Entergy Corporation ("Entergy"), a registered holding company, has filed a post-effective amendment to its application pursuant to sections 9(a) and 10 of the Act.

By Commission order dated April 19, 1989 (HCAR No. 24866) Electec was authorized to enter into an agreement with an initial eight-year term, with the Vosko Arkansas Joint Venture ("Joint Venture"), pursuant to which Electec will assign to the Joint Venture rights to process liquid hydrocarbons contained in a natural gas stream owned by Arkansas Power & Light Company ("AP&L"), a public-utility subsidiary of Entergy. AP&L will grant to Electec a limited right to process the natural gas purchased by AP&L from the McKamie Patton Unit A field in Miller County, Arkansas (both of Electec's agreements with the Joint Venture and AP&L collectively referred to as "Agreements"). The Joint Venture will gather and process the raw natural gas to eventually produce pipeline quality natural gas.

AP&L will provide Electec with the base load charge of raw natural gas to be processed by the Joint Venture. AP&L

will receive back from Electec, at no cost, natural gas having an equivalent amount of Btus as that which it provided to Electec. Any additional natural gas needed to satisfy this return requirement as a result of loss during processing ("Make-up Btus") will be provided to Electec by the Joint Venture at no cost to Electec.

The Joint Venture has been experiencing difficulty in procuring gas supplies in addition to those to be received from AP&L, the availability of which are critical to the Joint Venture's ability to return Make-Up Btus to AP&L. As a consequence, the proposed Agreements have not been executed. Electec and the Joint Venture still intend to enter into the proposed transactions as soon as the above-described difficulties are resolved. Electec therefore requests authorization to enter the Agreements at any time prior to December 31, 1989.

New England Electric System (70-7659)

New England Electric System ("NEES"), a registered holding company, 25 Research Drive, Westborough, Massachusetts 01582, has filed an application-declaration pursuant to sections 8(a), 7, 9(a), 10 and 12(c) of the Act and Rules 42 and 50(a)(5) thereunder.

NEES proposes to pay a portion of its outside directors' compensation in the form of NEES common shares. NEES further proposes, from time to time through May 1, 1999, to purchase on the open market its common shares, not exceeding in the aggregate 20,000 shares, and pay said shares to its outside directors as such compensation pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection 50(a)(5) thereunder. The shares will be in addition to retainers and fees for board and committee service. Initially, compensation for service on the board will include 100 NEES common shares payable as of each May 1, to each outside director serving on such date.

New England Electric System (70-7664)

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rule 50 and 50(a)(5) thereunder.

NEES proposes to issue and sell from time-to-time through July 31, 1991, up to 4,000,000 shares of its authorized but unissued common stock, par value \$1 per share ("Additional Common Stock"),

at competitive bidding in accordance with the alternative procedures authorized by the Statement of Policy dated September 2, 1982 (HCAR No. 22623) or alternatively, pursuant to an exception from the competitive bidding requirements of Rule 50 under subsection 50(a)(5) thereunder.

The proceeds from the sale of the Additional Common Stock, estimated at approximately \$100,000,000, will be used to finance, in part, capital expenditures of NEES' subsidiary companies. NEES proposes to provide funds to its subsidiaries through: (1) Loans; (2) the purchase of subsidiary capital stock; and (3) capital contributions, as previously authorized. In addition, NEES proposes to use the proceeds to pay short-term indebtedness of the company pursuant to the exceptions available under Rule 42(b) and for other corporate purposes.

Transok, Inc. (70-7686)

Transok, Inc. ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101, a subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the Act.

Transok is seeking authority to spend up to \$750,000 for a 25% interest in a natural gas compression facility to be constructed in Navarro County, Texas. The remaining 75% of the facility will be owned by Valero Transmission Company, L.P. and Phillips Natural Gas Company. Among other benefits, Transok will be able to transport natural gas from Oklahoma to CSW's Texas electric operating subsidiaries, Central Power & Light Company and West Texas Utilities Company for use in their generating plants.

Allegheny Power System, Inc. (70-7693)

Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application pursuant to section 6(b) of the Act and Rule 50(a)(5) thereunder.

Allegheny proposes to issue and sell notes to banks ("Bank Notes") and commercial paper to dealers in commercial paper in an aggregate principal amount of up to \$75 million at any one time outstanding through September 30, 1991. This amount will include any short-term debt presently outstanding pursuant to order of the Commission dated September 29, 1987 (HCAR No. 24467).

Each Bank Note will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance or

renewal thereof, and will bear interest at no greater rate than the then current prime commercial credit or equivalent interest rate of the bank at which the borrowing is made. The Bank Notes may or may not have prepayment provisions.

Allegheny has agreed to pay for lines of credit with a group of banks by maintaining compensating balances (no greater than 2.5% of all or a portion of the line of credit) and/or by paying an annual case fee (no greater than 1/8% of all or the balance of the line of credit.)

The commercial paper will not be prepayable and will have varying maturities, none more than 270 days. The commercial paper notes will be sold directly to dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. Allegheny requests an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) for the issuance and sale of the commercial paper.

Allegheny will use the proceeds of the Bank Notes and commercial paper to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries, and to finance other general corporate purposes, including the financing of construction. In addition, Allegheny may use the proceeds of such proposed borrowings to repurchase shares of Allegheny common stock in order to fund its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan") in lieu of issuing additional new shares of common stock pursuant to such Dividend Plan. Allegheny is not requesting authorization to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries or to repurchase shares of its common stock in this application. Allegheny will file a future application with the Commission for authorization to make capital contributions to its direct and advances to its indirect subsidiaries, to acquire notes or stock of such subsidiaries and to repurchase shares of Allegheny common stock.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-16910 Filed 7-18-89; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, will hold a public meeting at 9:30 a.m. on Thursday, August 17, 1989, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Conference Room 4113A, Honolulu, Hawaii, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Charles T. C. Lum, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850.

Jean M. Nowak,

Director, Office of Advisory Councils.

July 10, 1989.

[FR Doc. 89-16840 Filed 7-18-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Formulation of a National Transportation Policy

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice of public hearings.

SUMMARY: This notice announces the intent of the Department of Transportation to elicit public comment with respect to intercity passenger and international transportation systems, in the formulation of a comprehensive, integrated National Transportation Policy. The policy cluster groups addressing these issues plan to conduct two public hearings to solicit information and advice. The DOT believes public comment is essential to development of a viable public policy. As a consequence, this notice describes some key issues and requests a dialogue and input on issues, positions, problems, and recommended solutions for addressing the challenges facing intercity passenger and international transportation in the 1990's and beyond.

In order to stimulate a discussion of such concerns, in addition to the public hearings the cluster groups will be holding a series of focus groups and site visits. Through the discussion and comments gathered from these outreach efforts, the Department seeks to broaden its knowledge and garner consensus for a national multi-modal transportation

policy addressing intercity passenger systems and international transportation. The information will be used in formulation of a National Transportation Policy which will set forth the framework through which decisions in transportation infrastructure, services, and related needs can be systematically assessed and implemented during the next decade and into the 21st Century.

DATE: Comments must be received on or before September 1, 1989, in order to be fully considered in the development of the national transportation policy. Comments can be sent to the Cluster Chairpersons listed below.

Comments addressing intercity passenger service concerns should be sent to the Intercity Passenger Service Cluster Group Chairman: Mr. Dale E. McDaniel, Acting Associate Administrator for Policy, Planning, and International Aviation, Federal Aviation Administration, Room 1005, 800 Independence Avenue, SW., Washington, DC 20591 Ph: (202) 267-9105.

Comments relating to international transportation issues should be addressed to the International Cluster Group Chairman: Mr. Arnold Levine, Director, Office of International Transportation and Trade, U.S. Department of Transportation, Room 10300, 400 Seventh Street, SW., Washington, DC 20590 Ph: (202) 366-4368.

The public hearings will be held on July 31, 1989 and August 1, 1989, in Chicago, Illinois; on August 14 and August 15, 1989, in Fort Worth, Texas.

The jointly arranged public hearings will be held with the first day devoted to intercity passenger service issues and the following day allocated for international transportation matters. The Chicago hearing on intercity passenger service issues will be held July 31, 9 a.m. to 5 p.m.; the Chicago hearing on international transportation issues, with a focus on items related to U.S.-Canada, will be conducted August 1 from 9 a.m. to 5 p.m.

The Fort Worth hearing on intercity passenger service issues will be held from 9 a.m. to 5 p.m. on August 14; the Fort Worth hearing on international issues, with a focus on items relating to U.S.-Mexico/Latin American interests, will follow on August 15, from 9 a.m. to 5 p.m.

ADDRESSES: The public hearings will be held at the following locations:

(1) July 31, 1989 and August 1, 1989, from 9:00 a.m. to 5 p.m. at the FAA, Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East

Devon Avenue, Room 106, Des Plaines, IL 60018.

(2) August 14, and August 15, 1989, from 9:00 a.m. to 5 p.m., at the Worthington Hotel, 200 Main Street, Pacific Room, Fort Worth, Texas 78102.

FOR FURTHER INFORMATION CONTACT:

For further information on Intercity Passenger Cluster activities: Mr. John Mathewson, Manager, Planning Analysis Division, APO-100, Room 933C, 800 Independence Street SW., Washington, DC 20591 (202) 207-8444.

Regarding International Cluster Group activities: Ms. Florizelle Liser, Special Trade Policy Advisor, P-22, Office of International Transportation and Trade, U.S. Department of Transportation, Room 10300, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-4368.

SUPPLEMENTARY INFORMATION: The DOT policy cluster groups believe that development of an integrated National Transportation Policy should involve the widest possible dialogue with affected parties. To that end, public hearings have been scheduled at which views may be expressed orally.

With regard to the overall purpose of developing an integrated National Transportation Policy, refer to OST's notice issued on June 23, 1989 (54 FR 27970); published July 3, 1989.

Hearing Procedures

(a) Attendance is opened to the interested public but limited to the space and time available. With the approval of the chairperson, members of the public may present oral statements at the hearings.

(b) Persons desiring to present oral statements should notify the appropriate cluster group chairperson listed in this notice not later than July 25, 1989.

(c) Any person wishing to make a presentation will be asked to sign in and estimate an amount of time needed for their statement. Statements should be limited to fifteen minutes.

(d) The chairperson may allocate the time available for each presentation in order to accommodate all speakers. The hearing may be adjourned at any time if all persons present have had the opportunity to speak.

(e) Written material concerning the topics may be accepted at the discretion of the chairperson of each hearing.

(f) The hearings will not be formally recorded. However, informal recordings will be made of presentations to ensure that each respondent's comments are accurately noted.

Materials relating to the stated issues will be accepted at the individual meetings. Every reasonable effort will be made to hear every request for

presentation consistent with a reasonable closing time for the hearing.

Issues To Be Addressed at the Hearings

There are a number of key issues the Intercity Passenger Service Cluster Group must consider in assisting in the formulation of a national transportation policy. These include, but are not limited to, the following:

1. *Roles:* What should be the roles of the Federal, state, local, and private sectors in providing intercity passenger service? How should they interact, coordinate, and cooperate with one another? Who should regulate, research, develop, plan, produce, operate, fund, assist, collect and disseminate information, or otherwise be involved in intercity passenger transportation, and in broad terms how should each be involved?

2. *Preserving the infrastructure:* What steps should be taken to ensure appropriate reconstruction, rehabilitation, preservation, and maintenance of the transportation infrastructure, including roadways, railways, airways, terminals, and control systems?

3. *More effective, efficient transportation:* What steps should be taken to gain more effective and efficient use of the intercity passenger service and facilities available today? Possible answers include modernization, use of new technology, converting old infrastructure to new uses, providing service to special groups, fostering better intermodal connections, improving the quality, timeliness, and frequency of service, managing demand, and assuring enough trained, skilled human resources to operate the transportation system. What economic incentives or disincentives exist or could be used in the future to maximize efficiency in our transportation system? How is adequacy of service measured, and when is service deemed adequate?

4. *Expanding the infrastructure:* What steps should be taken to expand the infrastructure, where, and how? How should local concerns be addressed, and when if ever, should they be overridden? How can expansion of roads, rail, and air, including possible new modes such as high speed rail and tiltrotor, be coordinated so that expansion does the most good possible for the entire national transportation system?

5. *New technology:* What technological innovations should be fostered for intercity passenger service and how? The Federal role in research and development seems an important part of the issue; what should the Federal Government do, if anything, to

promote, fund, conduct, and apply behavioral and human factors research and to help research, design, demonstrate, build, and operate new technologies such as high speed rail, tiltrotor, new generation SSTs, smart cars and highways, and new safety devices?

6. *Costs and financing:* What will future programs cost, who should pay, and how? Are there new approaches to financing that should be used? Who subsidizes modes in the transportation system now, are there cross-subsidies, and what level of subsidy or cross subsidy should there be? How does the tax system affect transportation and the choice among modes, and should changes be made in the tax incentive structure? How far should the transportation system move toward user charges, and what about those who may be denied transportation because they cannot pay? How should costs and financing differ for different existing modes and possible future modes such as high speed rail?

7. *Safety:* How should safety issues such as aging facilities and equipment, security, and drug and alcohol abuse in transportation be addressed? How can operator safety be enhanced, given the likelihood of older operators and an increasingly complexity and automated transportation environment? How should the Department maintain and improve the safety of intercity passenger transportation? What should be the appropriate level of safety oversight, promotion, guidance, and regulation for each mode? Should the Department emphasize regulation, enforcement, and/or voluntary compliance, and how?

8. *Environment and energy:* How can the transportation system provide needed services with less noise and pollution? How far should the Department go in encouraging, providing incentives, or requiring reduced environmental impacts and more energy efficiency? How should the Department work with States and localities to meet environmental concerns and encourage compatible land use while building or improving the transportation system?

The international cluster group has identified a number of broad issues to be addressed; they include:

1. *Maximizing transportation efficiency* for passengers and shippers for the purpose of fostering a more competitive economy; facilitating international transportation of passengers and freight;

—How can the U.S. Government encourage U.S. flag and other carriers and port authorities to operate

efficiently? To invest in modern equipment and facilities?

—How can the U.S. Government encourage its trading partners to adopt market oriented policies that emphasize the development and facilitation of efficient transportation infrastructure necessary to support an integrated international system?

—How vigorously should the U.S. Government protect access of third-flag carriers to U.S. trade?

—How can the U.S. Government balance the sometimes competing demands of carriers, passengers, and shippers in international markets?

2. *Achieving an equitable international competitive environment* for U.S. transportation companies; eliminating unfair and discriminatory practices that affect U.S. carriers;

—How best can the U.S. Government eliminate those foreign policies and practices that discriminate against or otherwise inhibit the provision of competitive services by U.S. carriers? Merits of multilateral vs. bilateral vs. unilateral approaches?

—Under what circumstances should the U.S. Government apply sanctions against foreign carriers (i.e. reduce efficiency in the short term for potential gains in efficiency in the long term)?

—Again, how best can the U.S. Government balance the needs of carriers, passengers, and shippers?

3. *Promoting U.S. transportation interests* to achieve national security, transportation safety and security and economic objectives through such unilateral measures as direct or indirect financial assistance, buy/fly/ship American policies, and cabotage restrictions;

—What are the broad national policy goals that warrant government promotion and support of transportation services and equipment manufacturing?

—How effective are current methods of promoting and supporting the transportation industry in helping to achieve those broad policy goals?

—What alternative methods of promotion and support might be more effective?

—What role, if any, should the Department of Transportation play in promoting the sale of U.S. transportation equipment and services (e.g. consulting and engineering services)?

4. *Cooperating internationally* to achieve national security, transportation safety and security, environmental, and economic objectives through adoption of treaties and conventions, participation

in international organizations, and the development of joint policy approaches bilaterally and internationally;

—What key international treaties and conventions should the United States adopt?

—In what, if any, areas should the United States consider proposing new international agreements?

—On what international bodies should the United States focus its resources?

Issued in Washington, DC on July 13, 1989.

Dale E. McDaniel,

Chairman, Intercity Passenger Cluster Group.

Arnold Levine,

Chairman, International Cluster Group.

[FR Doc. 89-16882 Filed 7-14-89; 12:41 pm]

BILLING CODE 4910-82-M

National Highway Traffic Safety Administration

Automotive Fuel Economy Program Report to Congress

The attached document, *Automotive Fuel Economy Program, Thirteenth Annual Report to the Congress*, has been prepared pursuant to Section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163) which requires in pertinent part that "each year beginning 1977, the Secretary shall transmit to each House of Congress, and publish in the **Federal Register**, a review of average fuel economy standards under this part."

Barry Felrice,

Associate Administrator for Rulemaking.

July 12, 1989.

Automotive Fuel Economy Program
Thirteenth Annual Report to the
Congress

May 1989.

Table of Contents

Section I: Introduction
Section II: Fuel Economy Improvement by
Manufacturers
Section III: 1988 Activities
Section IV: Use of Advanced Technology

Section I: Introduction

This Thirteenth Annual Report to the Congress summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during 1988 regarding implementation of applicable Sections of Title V: "Improving Automotive Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended (the Act). Section 502(a)(2) of the Act requires submission of a report

each year. Included in this report are sections summarizing rulemaking activities during 1988 and a discussion of the use of advanced automotive technology by the industry as required by Section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95-238).

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new passenger cars and light trucks in the United States (U.S.) market. The authority to administer the program has been delegated by the Secretary to the Administrator of NHTSA, 49 CFR 1.50(f).

NHTSA's responsibilities in the fuel economy area include: (1) Establishing and amending average fuel economy standards for manufacturers of

passenger cars and light trucks, as necessary; (2) promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards; (3) considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing fewer than 10,000 passenger cars annually worldwide) and establishing alternative standards for them; (4) preparing reports to Congress annually on the fuel economy program; (5) enforcing fuel economy standards and regulations; and (6) responding to petitions concerning domestic production by foreign manufacturers and other matters.

To date, passenger car fuel economy standards have been established by the Congress for Model Years (MY's) 1978 through 1980 and for 1985 and thereafter,

and by NHTSA for MY's 1981 through 1984. In addition, during the 1985 to 1988 period, NHTSA amended passenger car standards for MY's 1988 through 1989. Standards for light trucks have been established by NHTSA for MY's 1979 through 1991. All current standards are listed in Table I-1.

On October 14, 1988, the President signed the Alternate Motor Fuels Act of 1988, Pub. L. 100-494. This act amends the Motor Vehicle Information and Cost Savings Act to provide special CAFE treatment for vehicles capable of using non-petroleum fuels in MY 1993 and thereafter. The intent of this provision is to encourage manufacturers to produce vehicles that can operate on alternate fuels.

TABLE I-1.—FUEL ECONOMY STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS MODEL YEARS 1978 THROUGH 1991 (MPG)

Model year	Passenger cars	Two-wheel drive	Light trucks ¹	
			Four-wheel drive	Combined ^{2,3}
1978				
1979	* 18.0			
1980	* 19.0	17.2	15.8	17.2
1981	* 20.0	16.0	14.0	(⁴)
1982	22.0	⁵ 16.7	15.0	(⁵)
1983	24.0	18.0	16.0	17.5
1984	26.0	19.5	17.5	19.0
1985	27.0	20.3	18.5	20.0
1986	* 27.5	⁷ 19.7	⁷ 18.9	⁷ 19.5
1987	⁸ 26.0	20.5	19.5	20.0
1988	⁸ 26.0	21.0	19.5	20.5
1989	⁸ 26.0	21.0	19.5	20.5
1990	⁸ 26.5	21.5	19.0	20.5
1991	* 27.5	20.5	19.0	20.0
	* 27.5	20.7	19.1	20.2

¹ Standards for MY 1979 light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. Standards for MY's 1980-1991 are for light trucks with a GVWR of 8,500 lbs. or less.

² For MY 1979, light truck manufacturers may comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the 17.2 mpg standard.

³ For MY's 1982-1991, manufacturers may comply with the two-wheel and four-wheel drive standards or may combine their two-wheel and four-wheel drive light trucks and comply with the combined standard.

⁴ Established by Congress in Title V of the Act for 1985 and subsequent years unless revised by DOT.

⁵ Manufacturers whose light truck fleet is powered exclusively by basic engines which are not also used in passenger automobiles, must meet standards of 14 mpg and 14.5 mpg in MY's 1980 and 1981, respectively.

⁶ Revised in June 1979 from 18.0 mpg.

⁷ Revised in October 1984 from 21.6 mpg for two-wheel drive, 19.0 mpg for four-wheel drive, and 21.0 mpg for combined.

⁸ Title V provided the Department of Transportation with the authority to amend the standard of 27.5 mpg for 1985 and subsequent model years. NHTSA amended the standard to 26.0 for MY 1986 in October 1985, to 26.0 mpg for MY's 1987 and 1988 in October 1986, and to 26.5 mpg for MY 1989 in September 1988.

Section II: Fuel Economy Improvement by Manufacturers

The fuel economy achievements for domestic and foreign manufacturers in MY 1987 have been updated to include final Environmental Protection Agency (EPA) calculations, where available, since the publication of the *Twelfth Annual Report to the Congress* and, together with current data for MY 1988, are listed in Tables II-1 and II-2.

Overall fleet fuel economy improved for passenger cars from 28.4 mpg in MY

1987 to 28.7 mpg in MY 1988. Continued lower fuel prices during 1988 contributed to the low demand for diesel engines (0.3 percent market share for MY 1987 and less than 0.1 percent for MY 1988). For MY 1988, CAFE values increased over MY 1987 levels for 11 of 27 passenger car manufacturers which produced cars in both MY's 1987 and 1988. (See Table II-1.) These 11 companies accounted for about 55 percent of the total MY 1988 production. Manufacturers continued to introduce new technologies and more fuel-efficient

models, as well as some larger, less fuel-efficient imported cars. For MY 1988, two domestic manufacturers raised their passenger car CAFE 0.7 and 0.9 mpg from their MY 1987 levels, while one fell 0.4 mpg below its MY 1987 CAFE level. Overall, the three domestic manufacturers increased their combined CAFE by 0.3 mpg. The average CAFE for imported cars increased 0.1 mpg in MY 1988 from the MY 1987 CAFE level. Graph II-1 illustrates the steady increase in total fleet CAFE from MY 1978 to MY 1988 for passenger cars.

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER¹ MODEL YEARS 1987 AND 1988

Manufacturer	Model year CAFE (MPG)	
	1987	1988
Domestic:		
Chrysler.....	27.5	28.4
Ford.....	26.8	26.4
GM.....	26.9	7.6
Sales Weighted Average.....	27.0	27.3
Imported:		
Alfa Romeo.....	25.5	25.6
AMC/Renault.....	33.0	(²)
Bertone.....	29.5	29.5
BMW.....	24.9	21.6
Chrysler Imports.....	33.4	30.3
Daihatsu.....		46.5
Ford Imports.....	23.8	35.6
GM Imports.....	39.7	38.5
Honda.....	32.6	32.0
Hyundai.....	34.8	35.0

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER¹ MODEL YEARS 1987 AND 1988—Continued

Manufacturer	Model year CAFE (MPG)	
	1987	1988
Isuzu.....	38.8	32.6
Jaguar.....	19.3	22.0
Mazda.....	29.0	28.7
Mercedes-Benz.....	22.3	21.3
Mitsubishi.....	31.7	29.8
Nissan.....	29.7	30.4
Peugeot.....	24.1	23.4
Porsche.....	25.4	24.7
Saab.....	26.2	26.5
Sterling.....	22.8	23.7
Subaru.....	31.0	31.8
Suzuki.....	50.4	50.3
Toyota.....	33.4	32.6
Volvo.....	26.4	26.0
VW ²	30.1	30.3

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER¹ MODEL YEARS 1987 AND 1988—Continued

Manufacturer	Model year CAFE (MPG)	
	1987	1988
Yugo.....	34.7	33.8
Sales Weighted Average.....	31.1	31.2
Total Fleet Average.....	28.4	28.7
Fuel Economy Standards.....	26.0	26.0

¹ Manufacturers of fewer than 10,000 passenger cars annually that have requested alternative fuel economy standards are not listed.

² Includes VW domestic production and VW and Audi imports.

³ Included with Chrysler imports.

Note: Some MY 1987 CAFE values differ from those in the Twelfth Annual Report to Congress due to inclusion of final EPA calculations.

TABLE II-2.—LIGHT TRUCK FUEL ECONOMY PERFORMANCE BY MANUFACTURER

[Model Years 1987 AND 1988]

Manufacturer	Model year CAFE (MPG)					
	Two-wheel drive		Four-wheel drive		Combined ¹	
	1987	1988	1987	1988	1987	1988
Domestic:						
AMC.....	23.9		20.7			(²)
Chrysler.....					21.0	21.6
Ford.....					20.4	20.4
GM.....	20.8		19.0			20.4
Sales Weighted Average.....	20.9		19.6		20.7	20.7
Imported:						
Chrysler Imports.....					22.3	22.8
Ford Imports.....	26.8		21.0			
Isuzu.....	29.6	25.9	21.8	20.0		
Mazda.....					26.2	26.4
Mitsubishi.....	27.5	26.7	21.7	21.7		
Nissan.....					23.4	22.6
Range Rover.....			16.4	16.7		
Subaru.....			27.6	30.8		
Suzuki.....			33.1	33.3		
Toyota.....	27.8	25.8	23.8	23.1		
VW.....		20.3			19.0	
Sales Weighted Average.....	28.0	25.9	25.4	24.8	23.9	23.3
Total Fleet Average.....	22.4	25.9	21.5	24.8	21.4	20.9
Fuel Economy Standard.....	21.0	21.0	19.5	19.5	20.5	20.5

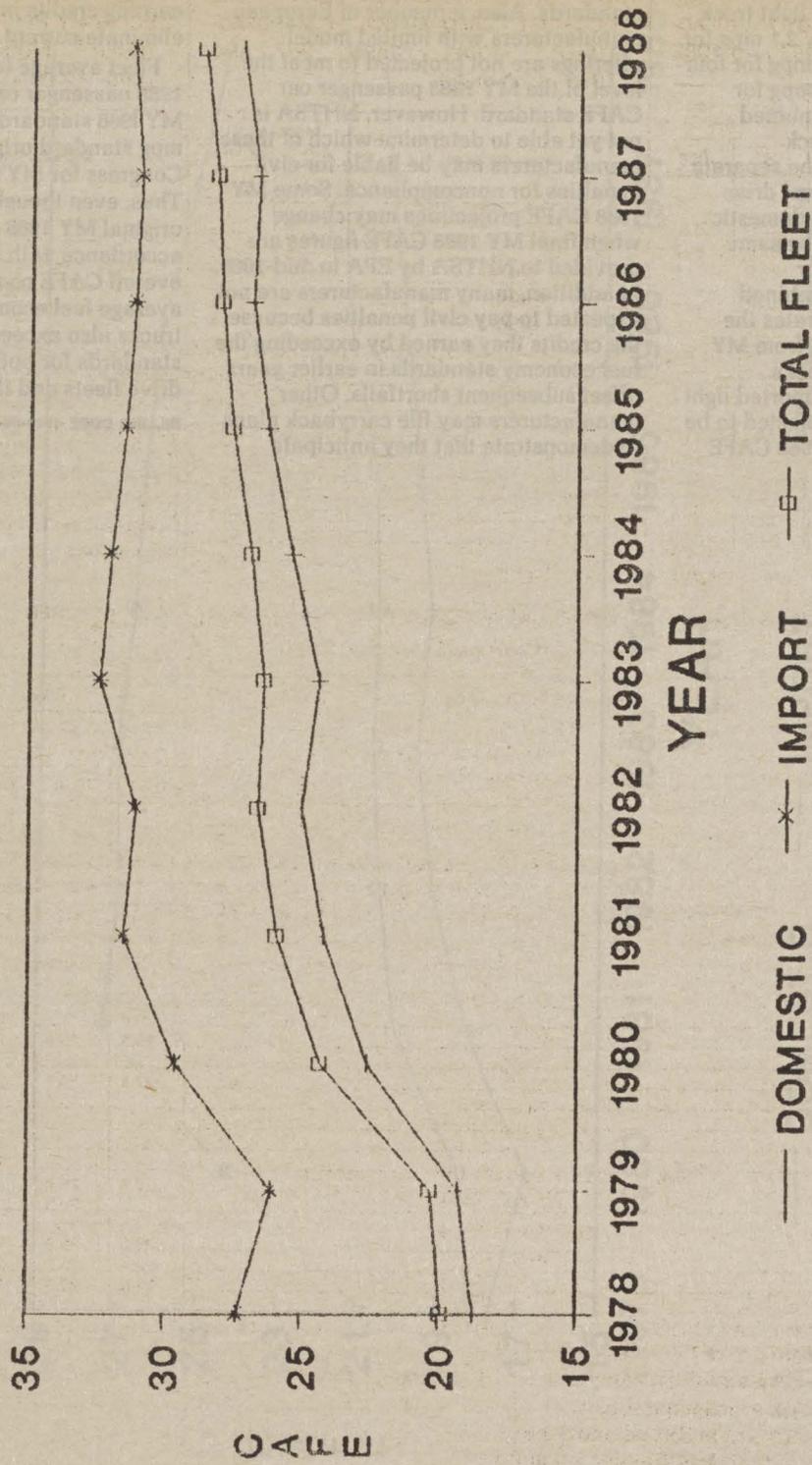
¹ In MY's 1987 and 1988, light truck manufacturers could comply with the two-wheel and four-wheel drive standards or could combine their two-wheel and four-wheel drive fleets and comply with the combined standards.

² Included with Chrysler.

Note: Some MY 1987 CAFE values differ from those used in the Twelfth Annual Report to Congress due to the use of final EPA calculations.

BILLING CODE 4910-59-M

CAFE PERFORMANCE PASSENGER CARS



GRAPH II-1

GRAPH II-1

BILLING CODE 4910-59-C

CAFE levels for imported light truck manufacturers decreased by 2.1 mpg for two-wheel drive trucks, 0.8 mpg for four-wheel drive trucks, and 0.6 mpg for manufacturers using the combined standard. Domestic light truck manufacturers did not use the separate two-wheel drive or four-wheel drive standards for MY 1988. The domestic total fleet CAFE remained the same from MY 1987 to MY 1988 for manufacturers using the combined standards. Graph II-2 illustrates the increase in total fleet CAFE from MY 1979 to MY 1988 for light trucks.

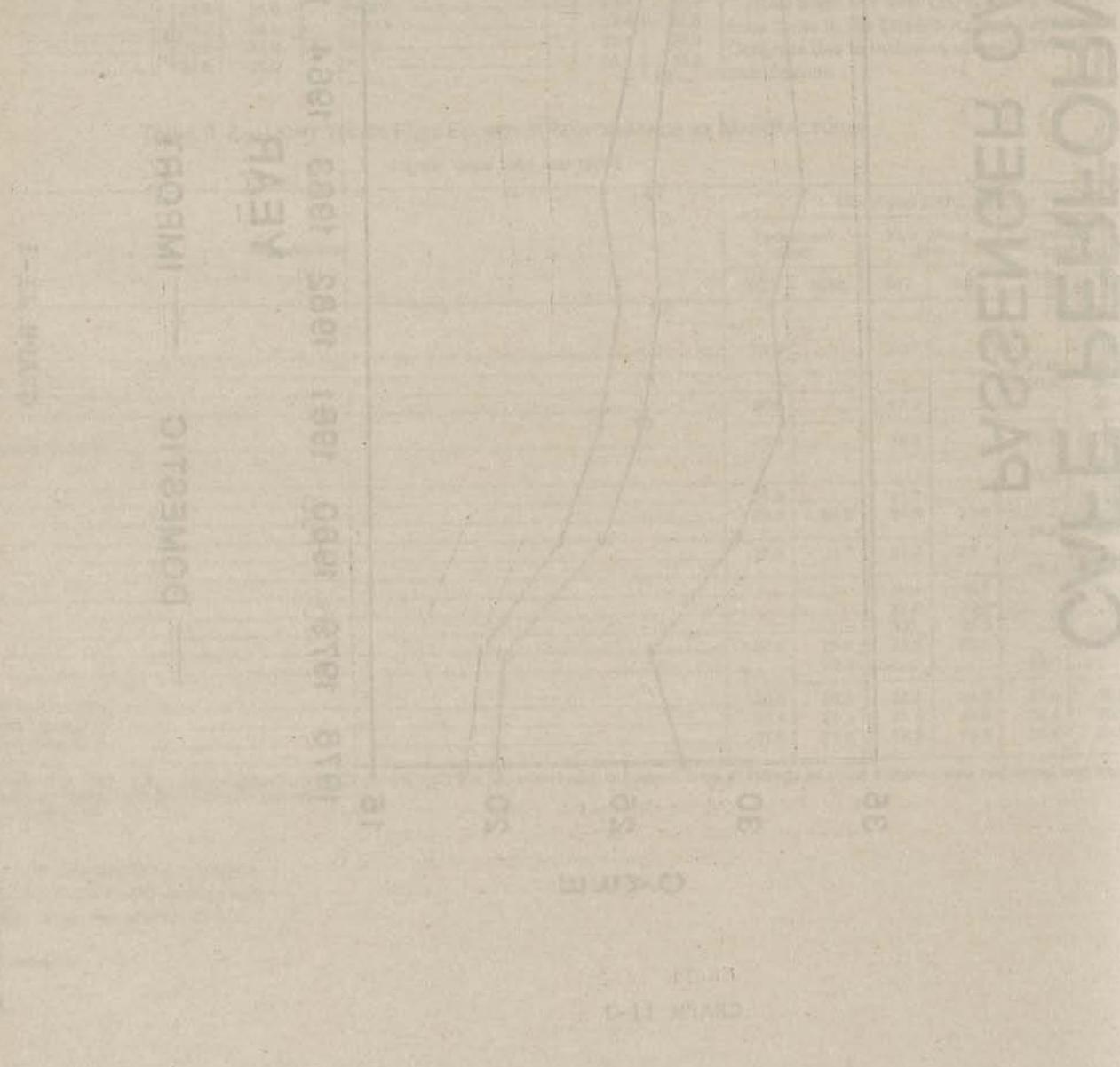
Two domestic and two imported light truck manufacturers are projected to be below the level of the MY 1988 CAFE

standards. Also, a number of European manufacturers with limited model offerings are not projected to meet the level of the MY 1988 passenger car CAFE standard. However, NHTSA is not yet able to determine which of these manufacturers may be liable for civil penalties for noncompliance. Some MY 1988 CAFE projections may change when final MY 1988 CAFE figures are provided to NHTSA by EPA in mid-1989. In addition, many manufacturers are not expected to pay civil penalties because the credits they earned by exceeding the fuel economy standards in earlier years offset subsequent shortfalls. Other manufacturers may file carryback plans to demonstrate that they anticipate

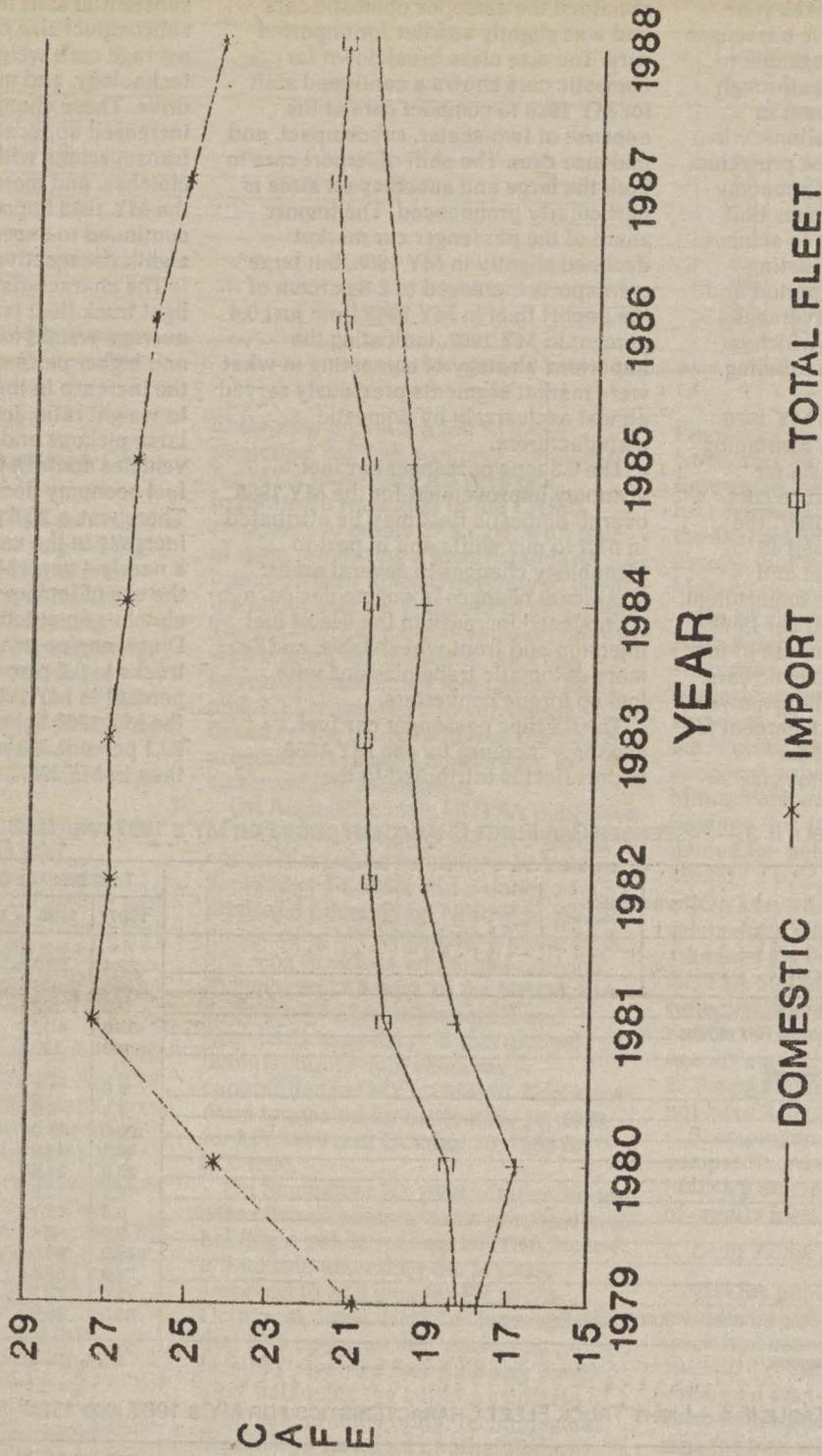
earning credits in future model years to eliminate current deficits.

Fleet average fuel economy for all MY 1988 passenger cars exceeded both the MY 1988 standard and the higher 27.5 mpg standard originally set by the Congress for MY's 1985 and beyond. Thus, even though NHTSA lowered the original MY 1988 standard in accordance with statutory criteria, overall CAFE continued to rise. Fleet average fuel economy for MY 1988 light trucks also exceeded the MY 1988 standards for both two- and four-wheel drive fleets and the combined basis.

BILLING CODE 4910-59-M



CAFE PERFORMANCE LIGHT TRUCK COMPOSITE



GRAPH II-2

GRAPH II-2

BILLING CODE 4910-58-C

NHTSA estimates that by the year 2000 the projected cumulative passenger car and light truck fuel savings due to manufacturers' achievements through calendar year 1988 will amount to approximately 585 billion gallons, when compared to the consumption projected at MY 1976 new vehicle fuel economy levels. This calculation assumes that manufacturers will continue to achieve the fuel economy levels of existing standards for the post-1990 period and that on-road fuel economy averages 15 percent below EPA ratings, which is consistent with current EPA labeling requirements.

The characteristics of the MY 1988 passenger car fleet reflect a continuing trend toward increased consumer demand for higher performance cars. (See Table II-3.) Since MY 1987, the average curb weight increased 43 pounds for the domestic fleet and decreased 15 pounds for the import fleet, with the total new passenger car fleet being 28 pounds heavier because of the relatively large share of domestic cars. From MY 1987 to MY 1988, horsepower per 100 pounds increased 3.5 percent for domestic cars and 2 percent for imported cars. Average engine size

remained the same for domestic cars and was slightly smaller for imported cars. The size class breakdown for domestic cars shows a continued shift for MY 1988 to compact cars at the expense of two-seater, subcompact, and mid-size cars. The shift of import cars to both the large and subcompact sizes is particularly pronounced. The import share of the passenger car market declined slightly in MY 1988, but large car exports increased to 2.8 percent of the import fleet in MY 1988 from just 0.4 percent in MY 1987, indicating the importers' strategy of competing in what were market segments previously served almost exclusively by domestic manufacturers.

The 0.3 mpg passenger car fuel economy improvement for the MY 1988 overall domestic fleet may be attributed in part to mix shifts and in part to technology changes in several areas: significant changes in engine design, a pronounced increase in the use of fuel injection and front wheel drive, and more automatic transmissions with lockup torque converters.

The 0.1 mpg passenger car fuel economy increase for the MY 1988 import fleet is attributed to the

substantial shift from compact to subcompact size cars, a decrease in average curb weight, improved engine technology, and more use of front-wheel drive. These changes offset losses due to increased application of automatic transmissions with less usage of lockup clutches, and more large cars. CAFE for the MY 1988 import passenger car fleet continued to exceed 30.0 mpg for the eighth consecutive model year.

The characteristics of the MY 1988 light truck fleet (see Table II-4) show an average weight increase of 90 pounds and higher performance as reflected by the increase in the average horsepower to weight ratio. Increased popularity of large pickups and special purpose vehicles contributed to the 0.2 mpg fleet fuel economy decrease for MY 1988. There was a 20.5 percentage point increase in the use of fuel injection and a nearly 4 percentage point increase in the use of lockup torque converter clutches on automatic transmissions. Diesel engine usage declined in light trucks to 0.2 percent in MY 1988 from 0.6 percent in MY 1987. The import share of the MY 1988 light truck fleet declined to 20.1 percent, 7.6 percentage points lower than in MY 1987.

TABLE II-3.—PASSENGER CAR FLEET CHARACTERISTICS FOR MY'S 1987 AND 1988

Characteristics	Total fleet		Domestic fleet		Import fleet	
	1987	1988	1987	1988	1987	1988
Fleet Average Fuel Economy, mpg.....	28.4	28.7	27.0	27.3	31.1	31.3
Fleet Average Curb Weight, lbs.....	2,805	2,833	2,982	3,025	2,523	2,508
Fleet Average Engine Displacement, in. ³	162	162	190	190	117	115
Fleet Average Horsepower/Weight ratio, HP/100 lbs.....	3.98	4.12	4.03	4.18	3.91	3.99
Percent of Fleet.....	100	100	61.5	61.9	38.5	38.1
<i>Segmentation by EPA Size Class, percent:</i>						
Two-Seater.....	2.6	1.5	1.5	1.1	4.4	2.4
Minicompact.....	1.0	0.9	0.0	0.0	2.7	2.5
Subcompact*.....	20.0	21.0	7.8	6.7	39.2	45.5
Compact*.....	40.1	41.0	33.7	39.9	50.0	43.0
Mid-Size.....	23.9	21.5	36.8	31.9	3.4	3.7
Large*.....	12.5	13.8	20.1	20.2	0.4	2.8
Diesel Engines.....	0.3	0.01	0.1	0.0	0.6	0.2
Turbocharged Engines.....	3.9	2.4	3.5	2.2	4.8	2.8
Fuel Injection.....	72.0	80.9	82.4	93.6	56.0	59.0
Front-Wheel Drive.....	74.9	82.6	68.8	79.1	84.6	88.7
Automatic Transmissions.....	75.0	77.2	69.7	90.6	51.7	54.5
Automatic Transmissions with Lockup Clutches or Split Torque Features.....	83.0	88.5	84.6	93.5	78.5	74.3

*Includes associated station wagons.

TABLE II-4.—LIGHT TRUCK FLEET CHARACTERISTICS FOR MY'S 1987 AND 1988

Characteristics	Total fleet		2wd fleet		4wd fleet	
	1987	1988	1987	1988	1987	1988
Fleet Average Fuel Economy, mpg.....	21.6	21.4	22.2	22.0	21.5	20.4
Fleet Average Equivalent Test Weight, lbs.....	3,797	3,887	3,745	3,837	3,902	3,986
Fleet Average Engine Displacement, in. ³	210	225	212	225	207	227
Fleet Average Horsepower/Equivalent Test Weight ratio, HP/100 lbs.....	3.38	3.61	3.39	3.58	3.36	3.65
Percent of Fleet.....	100	100	67.2	64.2	32.9	35.5
Import Share, percent.....	27.7	20.1	25.0	18.8	36.1	28.6
<i>Segmentation by Type, percent:</i>						
Passenger Van:						
Compact.....	14.6	6.2	21.1	9.3	1.5	0.5
Large.....	1.1	0.7	1.7	1.0		

TABLE II-4.—LIGHT TRUCK FLEET CHARACTERISTICS FOR MY'S 1987 AND 1988—Continued

Characteristics	Total fleet		2wd fleet		4wd fleet	
	1987	1988	1987	1988	1987	1988
Cargo Van:						
Compact.....						
Large.....	3.0	2.0	4.4	3.2	0.2	
Small Pickup.....	7.6	6.3	11.3	9.8		
Large Pickup.....	29.0	23.8	35.8	30.8	15.1	11.3
Special Purpose.....	21.9	28.4	20.4	27.1	25.1	31.0
Cab Chassis.....	22.5	31.8	5.0	17.9	58.1	57.2
Diesel Engines.....	0.3	0.6	0.4	0.9		
Fuel Injection.....	0.6	0.2	0.7	0.1	0.4	0.3
Automatic Transmissions.....	66.8	87.3	65.9	87.8	68.6	87.2
Automatic Transmissions with Lockup Clutches.....	60.3	63.6	65.7	67.7	49.4	56.1
	77.6	81.5	76.8	80.9	79.6	84.2

Section III: 1988 Activities

A. Petitions to Amend Passenger Car CAFE Standards

On April 28, 1988, NHTSA published a denial of two petitions for rulemaking filed by General Motors Corporation (GM) and Mercedes-Benz of North America, Inc. (Mercedes), seeking retroactive reductions in passenger car fuel economy standards. Mercedes asked the agency to reduce the model year 1984 and 1985 standards to 26.0 mpg or lower. GM asked the agency to reduce the model year 1985 standard to 26.0 mpg or lower.

As the agency explained, it based its denial on a determination that exercising its discretion to amend retroactively would be inconsistent with the statutory scheme of the Federal fuel economy law, Title V of the Motor Vehicle Information and Cost Savings Act (53 FR 15241, at 15243, April 28, 1988).

GM filed another petition on the same issue on May 27, 1988, after the April 28, 1988 petition denial. GM indicated three bases for the agency to consider again the retroactive amendment of the MY 1985 CAFE level, including the argument that NHTSA should agree to a "one-time-only" retroactive amendment of the standard. The agency considered all of the arguments presented by GM, but decided to deny the petition for rulemaking. NHTSA affirmed the rationale of its original decision, and further concluded that an agency exercise of discretion to issue a "one-time-only" retroactive amendment would not be consistent with the scheme of the CAFE statute (53 FR 39115, October 5, 1988). On November 22, 1988, GM filed a petition for judicial review in the DC Circuit, U.S. Court of Appeals, of the agency's denial of its rulemaking petition.

The agency also received petitions from the Automobile Importers of America, Inc. (AIA), Mercedes, GM, Austin Rover, and the Competitive

Enterprise Institute (CEI) to lower passenger car fuel economy standards for MY's 1989-1990. All petitions requested a reduction in the CAFE standards to below 27.5 mpg, with four of them requesting a lower standard based on their alleged inability to meet the statutorily set standard of 27.5 mpg. The petitions suggested various levels at which to set the standard, with the lowest recommended level being 22 mpg. CEI requested a lower standard based on the contention that the CAFE program has caused an increase in motor vehicle fatalities.

On August 29, 1988, NHTSA published in the Federal Register (53 FR 33080) a notice of a public meeting to be held on September 14, 1988, and a notice of a proposed rulemaking (NPRM) to amend the existing MY 1989-1990 standards of 27.5 mpg to values within the range of 26.5 mpg to 27.5 mpg. In the NPRM, the agency requested information and comments to assist it in this analysis of manufacturers' fuel economy capabilities for MY's 1989-90. Comments were requested by September 15, 1988 for MY 1989 and October 28, 1988 for MY 1990.

On September 30, 1988, after receiving extensive comments on its proposal and holding a public meeting, NHTSA issued a final rule amending the MY 1989 standard to 26.5 mpg (53 FR 39275, October 6, 1988). NHTSA determined that 26.5 mpg was the "maximum feasible" average fuel economy level after balancing the statutory criteria of economic practicability, technological feasibility, the effect of other Federal motor vehicle standards and the need of the nation to conserve energy.

On October 27, 1988, the National Resources Defense Council (NRDC) filed a petition for judicial review of the MY 1989 standard in the U.S. Court of Appeals for the Ninth Circuit in San Francisco. GM, Ford, and AIA have filed petitions to intervene in that suit. NRDC's petition is addressed solely to alleged violations of the National

Environmental Policy Act of 1969. On November 28, 1988, the Competitive Enterprise Institute (CEI) filed a petition for review of the MY 1989 Standard in the District of Columbia Circuit. CEI asserts that the standard was set too high, citing safety concerns.

On November 7, 1988, the Center for Auto Safety and Public Citizen jointly submitted a petition for administrative reconsideration of the MY 1989 standard. The petition addressed various issues arising under the fuel economy provisions (Title V) of the Motor Vehicle and Information Cost Savings Act. [On May 23, 1989, NHTSA denied the petition (54 FR 22899; May 30, 1989).]

[On May 16, 1989, NHTSA terminated rulemaking with respect to the MY 1990 standard (54 FR 21985; May 22, 1989). NHTSA stated that the decision reflected the increasing need of the nation to conserve energy and the agency's conclusion that retention of the 27.5 mpg standard for MY 1990 would not have a significant adverse effect on U.S. employment or on the competitiveness of the U.S. auto industry due in part, to the availability of credits from past years.]

B. Light Truck Standards

NHTSA published a final rule establishing MY 1990 and 1991 light truck fuel economy standards on April 5, 1988 (53 FR 11074). The agency set a combined standard of 20.0 mpg for MY 1990; with optional standards of 20.5 mpg for two-wheel drive (2WD) trucks and 19.0 mpg for four-wheel drive (4WD) trucks. For MY 1991, the combined standard was established at 20.2 mpg; and optional standards are 20.7 mpg for 2WD trucks and 19.1 for 4WD trucks.

In the final rule for MY 1990 and 1991 trucks, the agency determined that Ford is the "least capable" manufacturer for both years with a combined fuel economy capability of 20.0 mpg for MY 1990 and 20.2 mpg for MY 1991. GM is

the least capable manufacturer for 4WD trucks for both years, with projected nominal CAFE levels of 19 mpg for MY 1990 and 19.1 mpg for MY 1991. For 2WD trucks, Ford is the least capable manufacturer with a range of 20.3 mpg to 20.7 mpg for both model years.

The agency concluded, upon balancing the relevant statutory factors, that the relatively small and uncertain energy savings that would be associated with setting a standard above Ford or GM's capability would not justify the economic harm to the companies and the economy as a whole. The agency projected that Ford could achieve a combined fuel economy level no higher than 20.0 mpg for MY 1990 and 20.2 mpg for MY 1991 and GM no higher than 20.4 mpg for MY's 1990 and 1991. A 20.4 mpg optimistic projection for MY 1990 by Ford could drop to as low as 19.9 mpg, if all potential risks are realized.

The 20.4 mpg figure projected by GM was also subject to risks, these being a potential loss of 0.4 mpg due to mix-shift risk resulting from lower gas prices and shifts towards larger trucks and engines for MY's 1990 and 1991.

The agency selected 20.0 mpg for MY 1990 and 20.2 mpg for MY 1991 as the final combined standards to balance the potentially serious adverse economic consequences associated with the realization of the above market and technological risks against Ford and GM's opportunities as the "least capable" manufacturers with a substantial share of sales. Since Ford and GM produce more than 52 percent of all light trucks subject to the fuel economy standards, their capabilities have a significant effect on the level of the industry's capability and, therefore, on the level of the standards.

C. Low Volume Petitions

Section 502(c) of the Act provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable passenger car fuel economy standards if these standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one that manufactured fewer than 10,000 passenger automobiles, worldwide, in the model year for which the exemption is sought (the affected model year) and in the second model year before the affected model year.

The agency has pending petitions for alternative standards from Lamborghini, Lotus, Maserati, LondonCoach, Ferrari, Bitter, Shelby, Dutcher Motors, Rolls-

Royce, ASC Inc., and Prototype Automotive Services. Some manufacturers previously eligible for alternative fuel economy standards may not be eligible for future model years as a result of acquisitions or other relationships with larger manufacturers. In addition, the agency has received inquiries concerning eligibility to file for low volume exemption by certain small importers/manufacturers.

D. Carryback Plans

Section 502(1) of the Act allows an automobile manufacturer to earn fuel economy credits during any model year in which the manufacturer's fleet exceeds the established CAFE standard. The amount of credits a manufacturer earns is determined by multiplying the number of tenths of a mile per gallon by which the average fuel economy of the manufacturer's fleet in the model year exceeds the standard by the total number of vehicles in the manufacturer's fleet for the model year.

Already earned fuel economy credits are carried forward by the agency, (with affected manufacturers given an opportunity to comment on the agency's allocation of credits) and distributed to any of the three succeeding model years in which the manufacturer's fleet falls below the CAFE standard. For example, credits earned in MY 1983 have been used to offset deficiencies in MY 1984, 1985, and/or 1986. A manufacturer also may submit to the agency a carryback plan, which demonstrates that it will earn sufficient credits within the following three model years which can be allocated to meet the CAFE standard in the model year involved.

Ford submitted a carryback plan on January 13, 1988, for MY 1985 light truck CAFE compliance. Ford's carryback plan was approved. Ford also submitted a carryback plan on July 28, 1988, requesting that credits earned by its MY 1988 import passenger car fleet, which includes cars from its recently-acquired Aston Martin Lagonda subsidiary, be carried back to satisfy penalties for either of the predecessor fleets that accrue from MY's 1985-1987.

E. Enforcement

Notice letters for shortfalls in MY 1986 for most affected manufacturers were distributed after the disposition of *Center for Auto Safety v. Thomas* by the DC Circuit of the U.S. Court of Appeals. This case involved a challenge to an EPA rule adopting a new methodology for calculating automobile fuel efficiency. After a rehearing *en banc*, the case was dismissed because a majority of the full court did not find that the petitioners had standing to sue. This

decision had the effect of reinstating the challenged EPA rule.

On May 3, 1988, the agency's complaint counsel commenced an enforcement action against Mercedes-Benz of North America (MBNA) to collect the \$5,509,400 in civil penalties owed for MY 1985. On December 29, 1988, a DOT administrative law judge issued an initial decision concluding that MBNA could not challenge the agency's decision not to retroactively amend the MY 1984 and 1985 standards in that administrative enforcement proceeding, and that MBNA was liable for the full amount claimed. [MPNA has appealed that initial decision to the Administrator.]

Also on December 29, 1988, MBNA paid the \$5,509,400 that NHTSA claimed was due, on condition that if the civil penalty were ultimately reduced NHTSA will refund the difference. On the same date MBNA paid NHTSA \$20,214,700 it owed for its non-compliance with the MY 1988 standard.

F. Technology Studies

A study of low tension piston rings and roller cam followers for engine friction reduction was performed. U.S. major automobile manufacturers were surveyed to determine the state of the art of these technologies. Manufacturing costs and fuel economy benefits were evaluated. These approaches were found to be effective, and details of the methodology and costs are discussed in a final report entitled: "Low Tension Piston Rings and Roller Cam Followers for Engine Friction Reduction-Costs of Retooling and Fuel Economy Benefits". The report is being made available to the public through the National Technical Information Service.

Section IV: Use of Advanced Technology

This section fulfills the statutory requirement of Section 305 of Title III of the Department of Energy Act of 1978 (Pub. L. 95-238) which directs the Secretary of Transportation to submit an annual report to Congress on the use of advanced technologies by the automotive industry to improve motor vehicle fuel economy. This report focuses on the introduction of new models, the application of materials to save weight, and the advances in electronic technology which improved fuel economy in MY 1988.

New Models. In 1988, manufacturers introduced more aerodynamic models and new front-wheel drive (FWD) cars and some more aerodynamic, lighter-weight trucks.

The domestic automakers introduced several all-new cars as well as updates of previous cars. GM profited the new mid-size GM10 FWD cars in three models: The Buick Regal, the Pontiac Grand Prix and the Oldsmobile Cutlass Supreme. GM designed more-rounded lines for its compact J-body Chevrolet Cavalier, Pontiac Sunbird, Oldsmobile Firenza, and Buick Skyhawk. Chrysler introduced four all-new FWD cars for the 1988 model year: the midsize C-body Chrysler New Yorker and New Yorker Landau, the Dodge Dynasty, and the Jeep Eagle Division's Premier. Ford introduced the completely redesigned Continental, featuring FWD for the first time. It weighs 170 pounds less than its rear-drive predecessor, but is 0.5 inches longer in wheelbase and has more interior room. Ford also introduced, as an early 1989 model, the sporty Probe, produced by Mazda at its new Flat Rock, MI, assembly plant in conjunction with the Mazda MX-6. Ford emphasized aerodynamics in its restyling of the Tempo/Topaz and Crown Victoria/Grand Marquis models.

Automobile importers introduced a variety of new cars and updates to their current models. Mazda's first luxury car for the U.S. market, the 929 rear-wheel drive sedan, debuted with the firm's first V-6 overhead cam, 18 valve 3-liter engine. Mazda also introduced a restyled 625 compact sedan and hatchback and began production of the MX-6 model at its U.S. assembly plant. Mercedes introduced two gasoline-powered models, the midsize 300CE hardtop, and also the 300TE wagon and the S-class 300 SEL, replacing the diesel 300TD and 300 SDL, respectively. BMW introduced the 750iL powered by a 295-hp 5-liter V-12 engine, an all-wheel drive 325iX, a sporty 535iS, and a performance oriented M5 model. The 1.6 liter 26-valve 4-cylinder Toyota Corolla entered the market in 1988. The engine uses scissor gears to position the camshafts closer to each other for a smaller valve angle. Toyota also revived the supercharger with the new 1.6 liter 16-valve MR2 engine with better fuel economy during low and midrange operation. The Nissan Pulsar 1.8 liter engine was replaced with a port-injected 1.8 liter 16-valve engine. Nissan also introduced a lighter weight Garrett T-25 high-flow turbocharger on the 300ZX to improve low-end response. Mitsubishi introduced an early 1989 FWD Galant model that is smaller than the Galant Sigma and offers a 16-valve engine with low friction roller cam followers, 4-speed automatic transmission, and an "active" suspension that modifies spring rates and ride heights for various driving

conditions. Some other newcomers include the subcompact Ford Festiva from South Korea and the compact Mexican-built Mercury Tracer.

In the domestic light truck area, GM's redesignated C/K pickups improved the average fuel economy by 0.8 mpg over 1987 pickups (*Automotive Engineering*, February 1988), by enhancing the aerodynamics and reducing weight. GM's new manual HM 290 transmission introduced on 2WD and 4WD light duty trucks improved fuel economy through low-friction components and low viscosity lubricants. GM offered an optional 4.3-liter V-6 in the S-10/S-15 lineup, the biggest engine in the compact pickup field.

Engine Technology. Some manufacturers made significant changes to the engines in their 1988 models. Both Chrysler's 2.2 and 2.5 liter, 4 cylinder powerplants have roller camshaft followers, which improve idle quality and fuel economy at low speeds and when idling. City cycle fuel economy for both engines increased 4% with the automatic and 3% with manual transaxle. Ford used fuel injection Ford installed the fuel injection systems on all gasoline powered light trucks, with the exception of the 2.0-liter engine offered on the Ranger S. GM enlarged its Cadillac 4.1-liter V-8 engine to 4.5-liters of displacement, increasing horsepower and torque by 20%, without increasing fuel consumption in most applications. The GM 3.8-liter engine was extensively redesigned for reduced internal friction and smoothness, resulting in an engine with more power and acceleration as well as improved fuel economy and lower emissions. The all-new 16-valve Quad 4 engine was optional in all GM compact N-cars: The Oldsmobile Calais, Pontiac Grand AM and Buick Skylark. Multi-valve engine designs such as the Quad 4 offer the potential for both improved performance and improved fuel economy. For 1988, 3- and 4-valve engines were offered on an array of imported cars including the Austin Rover Sterling, Saab 9000, Jaguar XJ6, BMW M-5, Nissan Pulsar, some Mazdas and Chevrolet Novas, and most Hondas and Toyotas.

New Material Applications. For the 1988 model year, automakers chose plastics, aluminum, and stainless steel for a number of significant new component applications in their cars, vans, and pickup trucks.

GM's Buick Reatta is the second car designed and built in the U.S. to use thermoplastic fenders. The first was the 1987 Buick LeSabre T-type. Ford expanded the use of all-plastic bumpers on the Ford Escort and Tempo and

Mercury Topaz in MY 1988. Another important new application for plastics was the use of blow-molded high-density polyethylene fuel tanks on 1988 Chrysler Eagle Premier cars. The plastic tanks weigh approximately 30 percent less than conventional terne-plated steel tanks. A significant new application for plastics was the integrated rear fender/sidestep/taillamp molding for the Sportside versions of GM's large pickup truck. Additional new applications of plastics included the urethane bumper fascias on Chrysler's New Yorker and Dynasty models, as well as those on GM's new GM10 cars.

GM's Quad 4 engine featured an aluminum cylinder head, camshaft carrier and ignition cover. The Quad 4 engine used aluminum pistons and aluminum tuned tubular intake manifolds. Other significant new aluminum applications include the reinforcement bars on bumper systems for Chrysler C-cars, oil pans and rocker covers on Chrysler's Eagle Premier cars, radiators used in some GM mid-size cars, heater cores in most 1988 Fords, and cylinder blocks and heads on the European-built V-6 engine option for the Eagle Premier.

New uses for stainless steel included exhaust manifolds on GM's Quad 4 engine and exhaust pipes, intermediate pipes, mufflers and tailpipes on Chrysler C-cars. Fire rings in the cylinder head gaskets on several of GM's V-6 and V-8 engines were also made of stainless steel in the 1988 model year, as were the foil substrates, or liners, in some GM catalytic converters.

Electronics. Application of electronic components that increase fuel economy in vehicles continues to rise. There is a worldwide growth rate of 18% per year in vehicle electronics, not including audio. Electronics has had its biggest success in two main areas engine controls and comfort/convenience items. Electronics were vital in reducing exhaust emission, and electronic fuel injection has all but taken over from carburetors. Cars of the future may use three different computers to control functions: One for engine and transmission; one for instrumentation and interior functions, including climate control; and one combining suspension, steering and anti-lock brakes. Market projections call for an average value of \$2,000 per car in electronics content by 1990.

Summary

Due to the stabilization of oil prices and supply, consumer demand in MY 1988 shifted slightly to more powerful and larger passenger cars and light

trucks. The auto industry, responding to this shift, has increased the horsepower of its engines and shifted production mix causing an increase in average weight of MY 1988 passenger cars. Still, there were some considerable technical gains, particularly in engine design, that contributed to improvements in fuel economy in MY 1988.

[FR Doc. 89-16715 Filed 7-18-89; 8:45 am]

BILLING CODE 4910-59-M

[Docket 84-02, Notice 5]

Report to Congress on the Pilot Test Program of the National Driver Register Problem Driver Pointer System

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

ACTION: Notice.

SUMMARY: The National Highway Traffic Safety Administration submitted to Congress on March 31, 1989, its report on the one-year pilot test program of the National Driver Register (NDR) Problem Driver Pointer System which was conducted from August 3, 1987 to July 31, 1988. The agency was directed to conduct the pilot test program and to prepare the report by the NDR Act of 1982 (Pub. L. 97-364), which mandated the establishment of an improved NDR system to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals.

ADDRESSES: Copies of the report have been placed in the agency docket and are available for public inspection in Room 5109, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. (Docket hours are 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Clayton E. Hatch, Chief, National Driver Register (NTS-24), 400 Seventh Street, SW., Washington, DC 20590.

Authority: 23 U.S.C. 401 note; delegation of authority at 49 CFR 1.50.

Issued on: July 11, 1989.

George L. Reagle,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 89-16834 Filed 7-13-89; 4:55 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 13, 1989.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557-0158

Form Number: FFIEC 035

Type of Review: Revision

Title: Monthly Consolidated Foreign Currency Report of Banks in the U.S.

Description: This information is needed to monitor the foreign positions of major banking institutions and to detect changes in policy in individual banks. Also used as an aid in the analysis of foreign exchange markets. All respondents are major U.S. banks or agencies of foreign banks

Respondents: Businesses or other for-profit

Estimated Number of Respondents: 46

Estimated Burden Hours Per

Respondent: 12 hours 41 minutes

Frequency of Response: Monthly

Estimated Total Reporting Burden: 6,999 hours

Clearance Officer: John Ference (202) 447-1177, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219

OMB Reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 89-16872 Filed 7-18-89; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: July 13, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the

Treasury, Room 2224, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0085

Form Number: 1040A

Type of Review: Revision

Title: U.S. Individual Income Tax Return

Description: This form is used by individuals to report their income subject to income tax and to compute their correct tax liability and supplemental Medicare premium. The data is used to verify that the income reported on the form are correct and are also for statistics use

Respondents: Individuals or households

Estimated Number of Respondents:

18,334,000

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping, 1 hour 21 minutes
Learning about the law or the form, 2 hours 13 minutes

Preparing the form, 2 hours 56 minutes
Copying, assembling, and sending the form to IRS, 35 minutes

Frequency of Response: Annually

Estimated Total Recordkeeping/

Reporting Burden: 135,751,677 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.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 89-16873 Filed 7-18-89; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: July 13, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0089

Form Number: ATF F 5100.24 (1637)

Type of Review: Extension

Title: Application for a Basic Permit Under the Federal Alcohol Administration Act

Description: ATF F 5100.24 (1637) is an application for a basic permit for beverage distilled spirits plants and bonded wineries. The issuance of basic permits to distillers, and wine producers is required by the Federal Alcohol Administration Act. The permit identifies persons entitled to engage in operations and the location and extent of operations

Estimated Number of Respondents: 150

Estimated Burden Hours Per Response: 3 hours

Frequency of Response: On occasion

Estimated Total Reporting Burden: 435 hours

Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 89-16874 Filed 7-18-89, 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service**Tax Counseling for the Elderly (TCE) Program; Availability of Application Packages**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Availability of TCE application packages.

SUMMARY: This document provides notice of the availability of Application Packages for the 1990 Tax Counseling for the Elderly (TCE) Program.

DATES: Application packages are available from the IRS at this time. The deadline for submitting an application package to the IRS for the 1990 Tax Counseling for the Elderly (TCE) Program is September 1, 1989.

ADDRESSES: Application Packages may be requested by contacting: Program Manager, Tax Counseling for the Elderly

Program, Internal Revenue Service, Volunteer and Education Programs Branch (T:T:VE), 1111 Constitution Ave., NW., Room 7215, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Mr. Roy Johnson, Volunteer and Education Programs Branch, (T:T:VE), Room 7215, Internal Revenue Service, 1111 Constitution Ave. NW., Washington, DC 20224. The non-toll-free telephone number is: (202) 566-4904.

SUPPLEMENTARY INFORMATION:

Authority for the Tax Counseling for the Elderly (TCE) Program is contained in section 163 of the Revenue Act of 1978, Pub. L. No. 95-600, 92 Stat. 12810, Nov. 6, 1978. Regulations were published in the Federal Register at 44 FR 72113 on December 13, 1979. Section 163 gives the Internal Revenue Service authority to enter into cooperative agreements with private or public non-profit agencies or organizations to establish a network of trained volunteers to provide free tax information and return preparation assistance to elderly individuals. Elderly individuals are defined as individuals age 60 and over at the close of their taxable year.

Cooperative agreements will be entered into based upon competition among eligible agencies and organizations. Because applications are being solicited before the FY 1990 budget has been approved, cooperative agreements will be entered into subject to appropriation of funds. Once funded, sponsoring agencies and organizations will receive a grant from the IRS for administrative expenses and to reimburse volunteers for expenses incurred in training and in providing tax return assistance. The Tax Counseling for the Elderly (TCE) Program is referenced in the Catalog of Federal Domestic Assistance in § 21.006.

Claritha D. Nichols,

Acting Chief, Volunteer and Education Programs Branch.

[FR Doc. 89-16904 Filed 7-18-89; 8:45 am]

BILLING CODE 4803-01-M

DEPARTMENT OF VETERANS AFFAIRS**Information Collection Under OMB Review**

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following

proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, VA Clearance Officer (732), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3172.

Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: July 11, 1989.

By direction of the Secretary.

Frank E. Lalley,

Director, Office of Information, Management and Statistics.

Extension

1. Office of Information Management and Statistics.
2. Application of Service Representative for Placement on Department of Veterans Affairs Mailing List.
3. VA Form 70-3215.
4. VA Form 70-3215 is used by service organizations for placing their representatives on the Department's mailing list to receive publications.
5. On occasion.
6. Individuals or households.
7. 150 responses.
8. .166 hour.
9. Not applicable.

[FR Doc. 89-16857 Filed 7-18-89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 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).

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:08 p.m. on Thursday, July 13, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider: (1) Matters relating to assistance agreements pursuant to Section 13(c) of the Federal

Deposit Insurance Act; (2) matters relating to requests for financial assistance pursuant to Section 13(c) of the Federal Deposit Insurance Act; (3) a personnel matter; and (4) matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did

not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 14, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-17036 Filed 7-17-89; 12:49 pm]

BILLING CODE 6714-01-M

Federal Register

Wednesday
July 19, 1989

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status
Report for March 1989

**ENVIRONMENTAL PROTECTION
AGENCY**
[OPTS-53116; FRL-3605-2]
**Premanufacture Notices; Monthly
Status Report for March 1989**
AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for MARCH 1989.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53116]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW, Room L-100, Washington, DC 20460, (202) 554-1304.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, D.C. 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during MARCH; (b) PMNs received previous and still under review at the end of MARCH; (c) PMNs for which the notice review period has ended during MARCH; (d) chemical substances for which EPA has received a notice of commencement to manufacture during MARCH; and (e) PMNs for which the review period has been suspended. Therefore, the MARCH 1989 PMN Status Report is being published.

Date: June 13, 1989

Steven Newburg-Rinn.

*Acting Director, Information Management
Division, Office of Toxic Substances.*
**Premanufacture Notice Monthly Status
Report March 1989**
**I. 156 PREMANUFACTURE NOTICES AND
EXEMPTION REQUESTS RECEIVED DURING
THE MONTH:**

PMN No.

P 89-0428	P 89-0429	P 89-0430	P 89-0431
P 89-0432	P 89-0433	P 89-0434	P 89-0435
P 89-0436	P 89-0437	P 89-0438	P 89-0439
P 89-0440	P 89-0441	P 89-0442	P 89-0443
P 89-0444	P 89-0445	P 89-0446	P 89-0447
P 89-0448	P 89-0449	P 89-0450	P 89-0451
P 89-0452	P 89-0453	P 89-0454	P 89-0455
P 89-0456	P 89-0457	P 89-0458	P 89-0459
P 89-0460	P 89-0461	P 89-0462	P 89-0463
P 89-0464	P 89-0465	P 89-0466	P 89-0467
P 89-0468	P 89-0469	P 89-0471	P 89-0472
P 89-0473	P 89-0474	P 89-0475	P 89-0476
P 89-0477	P 89-0478	P 89-0479	P 89-0480
P 89-0481	P 89-0482	P 89-0483	P 89-0484
P 89-0485	P 89-0486	P 89-0487	P 89-0488
P 89-0489	P 89-0490	P 89-0491	P 89-0492
P 89-0493	P 89-0494	P 89-0495	P 89-0496
P 89-0497	P 89-0498	P 89-0499	P 89-0500
P 89-0501	P 89-0502	P 89-0503	P 89-0504
P 89-0505	P 89-0506	P 89-0507	P 89-0508
P 89-0509	P 89-0510	P 89-0511	P 89-0512
P 89-0513	P 89-0514	P 89-0515	P 89-0516
P 89-0517	P 89-0518	P 89-0519	P 89-0520
P 89-0521	P 89-0522	P 89-0523	P 89-0524
P 89-0525	P 89-0526	P 89-0527	P 89-0528
P 89-0529	P 89-0530	P 89-0531	P 89-0532
P 89-0533	P 89-0534	P 89-0535	P 89-0536
P 89-0537	P 89-0538	P 89-0539	P 89-0540
P 89-0541	P 89-0542	P 89-0543	P 89-0544
P 89-0545	P 89-0546	P 89-0547	P 89-0548
P 89-0549	P 89-0550	P 89-0551	P 89-0552
P 89-0553	P 89-0554	P 89-0555	P 89-0556
P 89-0557	P 89-0558	P 89-0559	P 89-0560
P 89-0561	P 89-0562	P 89-0563	P 89-0564
P 89-0565	P 89-0566	P 89-0567	P 89-0568
P 89-0569	P 89-0570	P 89-0571	P 89-0572
Y 89-0070	Y 89-0071	Y 89-0072	Y 89-0073
Y 89-0074	Y 89-0075	Y 89-0076	Y 89-0077
Y 89-0078	Y 89-0079	Y 89-0080	Y 89-0081

**II. 306 PREMANUFACTURE NOTICES
RECEIVED PREVIOUSLY AND STILL UNDER
REVIEW AT THE END OF THE MONTH:**

PMN No.

P 85-0216	P 85-0535	P 85-0536	P 85-0619
P 85-0718	P 86-0294	P 86-0295	P 86-0592
P 86-1078	P 86-1189	P 86-1235	P 86-1602
P 86-1603	P 86-1804	P 86-1607	P 87-0057
P 87-0058	P 87-0059	P 87-0105	P 87-0197
P 87-0198	P 87-0199	P 87-0200	P 87-0201
P 87-0323	P 87-0770	P 87-0794	P 87-0930
P 87-0931	P 87-0963	P 87-1028	P 87-1066
P 87-1104	P 87-1192	P 87-1226	P 87-1227

P 87-1273	P 87-1337	P 87-1379	P 87-1417
P 87-1436	P 87-1542	P 87-1546	P 87-1547
P 87-1548	P 87-1549	P 87-1555	P 87-1759
P 87-1872	P 87-1881	P 87-1882	P 88-0049
P 88-0083	P 88-0156	P 88-0157	P 88-0195
P 88-0225	P 88-0275	P 88-0319	P 88-0320
P 88-0353	P 88-0387	P 88-0393	P 88-0468
P 88-0515	P 88-0522	P 88-0576	P 88-0598
P 88-0602	P 88-0606	P 88-0622	P 88-0658
P 88-0671	P 88-0701	P 88-0726	P 88-0836
P 88-0804	P 88-0875	P 88-0884	P 88-0888
P 88-0889	P 88-0890	P 88-0894	P 88-0898
P 88-0918	P 88-0972	P 88-0981	P 88-0985
P 88-0997	P 88-0998	P 88-0999	P 88-1005
P 88-1020	P 88-1021	P 88-1035	P 88-1063
P 88-1116	P 88-1118	P 88-1120	P 88-1168
P 88-1189	P 88-1211	P 88-1212	P 88-1220
P 88-1240	P 88-1250	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1275	P 88-1277
P 88-1303	P 88-1377	P 88-1426	P 88-1443
P 88-1446	P 88-1460	P 88-1473	P 88-1514
P 88-1529	P 88-1543	P 88-1567	P 88-1568
P 88-1618	P 88-1619	P 88-1620	P 88-1621
P 88-1622	P 88-1630	P 88-1631	P 88-1632
P 88-1647	P 88-1648	P 88-1657	P 88-1658
P 88-1682	P 88-1686	P 88-1690	P 88-1691
P 88-1730	P 88-1739	P 88-1740	P 88-1748
P 88-1753	P 88-1761	P 88-1763	P 88-1774
P 88-1783	P 88-1786	P 88-1807	P 88-1809
P 88-1811	P 88-1823	P 88-1839	P 88-1844
P 88-1850	P 88-1856	P 88-1857	P 88-1889
P 88-1898	P 88-1937	P 88-1938	P 88-1940
P 88-1956	P 88-1958	P 88-1980	P 88-1982
P 88-1984	P 88-1985	P 88-1995	P 88-1999
P 88-2000	P 88-2001	P 88-2002	P 88-2069
P 88-2100	P 88-2160	P 88-2169	P 88-2177
P 88-2179	P 88-2180	P 88-2181	P 88-2188
P 88-2196	P 88-2204	P 88-2210	P 88-2212
P 88-2213	P 88-2228	P 88-2229	P 88-2230
P 88-2231	P 88-2236	P 88-2237	P 88-2271
P 88-2275	P 88-2293	P 88-2328	P 88-2334
P 88-2341	P 88-2343	P 88-2344	P 88-2349
P 88-2365	P 88-2367	P 88-2380	P 88-2389
P 88-2398	P 88-2399	P 88-2405	P 88-2434
P 88-2435	P 88-2436	P 88-2437	P 88-2463
P 88-2469	P 88-2470	P 88-2473	P 88-2484
P 88-2518	P 88-2529	P 88-2530	P 88-2536
P 88-2540	P 88-2562	P 88-2563	P 88-2564
P 88-2566	P 88-2568	P 88-2575	P 88-2582
P 88-2587	P 88-2620	P 88-2631	P 88-2632
P 89-0030	P 89-0031	P 89-0066	P 89-0073
P 89-0077	P 89-0078	P 89-0089	P 89-0090
P 89-0091	P 89-0097	P 89-0099	P 89-0115
P 89-0116	P 89-0117	P 89-0122	P 89-0184
P 89-0191	P 89-0194	P 89-0195	P 89-0225
P 89-0227	P 89-0234	P 89-0241	P 89-0245
P 89-0254	P 89-0268	P 89-0278	P 89-0279
P 89-0280	P 89-0287	P 89-0292	P 89-0298
P 89-0301	P 89-0303	P 89-0309	P 89-0310
P 89-0311	P 89-0312	P 89-0313	P 89-0314
P 89-0319	P 89-0321	P 89-0322	P 89-0326
P 89-0328	P 89-0329	P 89-0330	P 89-0336
P 89-0340	P 89-0341	P 89-0344	P 89-0347
P 89-0367	P 89-0380	P 89-0383	P 89-0384
P 89-0385	P 89-0386	P 89-0387	P 89-0388
P 89-0396	P 89-0413	P 89-0418	P 89-0420
P 89-0422	P 89-0423	P 89-0424	P 89-0426
P 89-0427	P 89-0470		

III. 117 PREMANUFACTURE NOTICES AND EXEMPTION REQUEST FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAS BEEN ADDED TO THE INVENTORY).

PMN No.

P 83-0669 P 86-0065 P 86-0066 P 86-0067
P 87-0105 P 87-1789 P 87-1770 P 88-0049
P 86-0436 P 88-0468 P 88-0831 P 88-0837

P 88-1250 P 88-1293 P 88-1426 P 88-1460
P 88-1559 P 88-1697 P 88-1698 P 88-1742
P 88-1763 P 88-1801 P 88-1802 P 88-2110
P 88-2112 P 88-2210 P 88-2212 P 88-2213
P 88-2226 P 88-2229 P 88-2230 P 88-2236
P 88-2328 P 88-2399 P 88-2515 P 88-2529
P 88-2530 P 88-2571 P 88-2576 P 88-2597
P 88-2598 P 88-2599 P 88-2610 P 89-0052
P 89-0077 P 89-0085 P 89-0166 P 89-0168
P 89-0169 P 89-0170 P 89-0171 P 89-0172
P 89-0173 P 89-0174 P 89-0175 P 89-0176
P 89-0177 P 89-0178 P 89-0179 P 89-0180
P 89-0181 P 89-0182 P 89-0183 P 89-0185

P 89-0186 P 89-0187 P 89-0188 P 89-0189
P 89-0190 P 89-0192 P 89-0193 P 89-0196
P 89-0197 P 89-0202 P 89-0203 P 89-0204
P 89-0205 P 89-0206 P 89-0207 P 89-0208
P 89-0209 P 89-0210 P 89-0211 P 89-0212
P 89-0213 P 89-0214 P 89-0215 P 89-0216
P 89-0217 P 89-0218 P 89-0219 P 89-0220
P 89-0221 P 89-0222 P 89-0223 P 89-0224
P 89-0226 P 89-0227 P 89-0228 P 89-0229
P 89-0230 P 89-0231 P 89-0232 P 89-0233
P 89-0238 Y 89-0055 Y 89-0063 Y 89-0064
Y 89-0065 Y 89-0066 Y 89-0067 Y 89-0068
Y 89-0069 Y 89-0070 Y 89-0071 Y 89-0072
Y 89-0073

IV. 150 Chemical substances for which EPA has received notices of commencement to manufacture.

PMN No.	Identity/Generic Name	Date of Commencement
P 81-0537	1-Amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-methoxyethyl)oxo	November 28, 1988.
P 82-0168	G Polyurethane of substituted alkanols and a diisocyanate	February 1, 1989.
P 92-0186	G Substituted alkyl amide	January 31, 1989.
P 82-0549	G Sulfonyldiazo substituted naphthalene sulfonic acid salt	February 27, 1989.
P 84-0362	G Polyamido-amine	February 10, 1989.
P 84-4060	Copper ferrocyanide salt of C.I. basic green 1 and C.I. basic yellow 1	November 28, 1989.
P 84-1176	G Alkyl alicyclic alcohol	February 1, 1989.
P 85-0433	1-Propanol,3-mercapto-	April 20, 1987.
P 85-0978	G Amine polyglycol	November 16, 1989.
P 86-0005	Polymer of: terephthalic acid; isophthalic acid; adipic acid; trimellitic anhydride; 2,2'-dimethyl-1,3-propanediol; ethylene glycol; and hexanediol.	July 21, 1988.
P 86-0085	Polymer of 3,3,3-trifluoro-2-trifluoromethyl-1-propene; and 1,1-difluoroethylene	February 8, 1989.
P 86-0339	G Styrenated acrylic copolymer	March 2, 1989.
P 86-1440	G C.I. Disperse yellow 149	November 2, 1988.
P 86-1525	2-pyrrolidone-1-dodecyl	March 6, 1989.
P 86-1559	G Diethylenetriamine, polymer with an alkyl diacid, a monocyclic anhydride, and a quaternized substituted alkyl diamine	February 23, 1987.
P 86-1609	Polyester of aliphatic acid	March 3, 1989.
P 87-0090	G Methylene-bis-trisubstituted aniline derivative	December 20, 1988.
P 87-0093	G Alkylene diol alkyl ether	July 27, 1987.
P 87-0094	G Alkylene diol alkyl ether ester	July 27, 1987.
P 87-0109	G Perfluoroalkyl ester	January 22, 1987.
P 87-0112	G Substituted tartaric acids, sodium salts	August 2, 1987.
P 87-0113	G Substituted tartaric acids, calcium-sodium salts	August 1, 1987.
P 87-0138	G Reaction product of alkyl and aryl dicarboxylics/alkane diols ester polyester with an acrylate prepolymer	March 31, 1988.
P 87-0139	G Reaction product of aryl and alkyl dicarboxylics/alkane polyols/ester polyester with an acrylate prepolymer	February 25, 1988.
P 87-0161	G Disubstituted quinoline hydrochloride	April 1, 1987.
P 87-0236	G Chromate, (1-),bis((5-chloro-2-hydroxyphenyl)azo-2-naphthaleneolato(2-)), hydrogen, compound with 1-tetradecanamine (1:1).	June 19, 1987.
P 87-0296	1-Penten-3-one, 2-methyl-1-(2,6,6-trimethyl-2-cyclohexen-1-y)	June 22, 1987.
P 87-0328	G Piperidinyl triazine derivative	December 8, 1987.
P 87-0330	Aluminum, benzoate 2-ethylhexanonate isopropyl alcohol complexes	October 5, 1987.
P 87-0332	G Substituted benzenesulfonamide	September 18, 1987.
P 87-0334	G Substituted benzenesulfonyl chloride	September 18, 1987.
P 87-0341	G Modified epoxy resin	March 17, 1987.
P 87-0356	G Urethane acrylate	November 30, 1988.
P 87-0363	Polymer of trichloromethylsilane; dichloromethylsilane; trichlorophenylsilane; and dichlorophenylsilane	April 2, 1987.
P 87-0371	G Partially fluorinated polyamic acid	April 7, 1987.
P 87-0372	G Partially fluorinated polyamic acid	March 27, 1987.
P 87-0577	G Alkylindolenium bromide	November 22, 1988.
P 87-0584	G N,N-dialkylarylamine	February 27, 1989.
P 87-1072	G Aromatic sulfonated ester	February 3, 1989.
P 87-1260	G Carbocyanine dye	December 1, 1988.
P 87-1425	G Water based acrylic copolymer solution	February 19, 1989.
P 87-1511	G Staphylococcus aureas	March 14, 1989.
P 87-1553	G Substituted triphenylmethane	January 5, 1989.
P 87-1591	G Modified styrene, butadiene polymer	November 3, 1988.
P 87-1615	G Polyester	February 24, 1989.
P 87-1630	G Aliphatic aromatic acrylic resin	January 19, 1989.
P 87-1652	G Methyl hydrogen methoxy polysiloxane	February 15, 1989.
P 87-1661	G Cycloalkenyl substituted alkyl alkenyl	January 23, 1989.
P 87-1687	G Modified impact polystyrene	February 24, 1989.
P 87-1700	G Polyurethane	February 15, 1989.
P 87-1782	G Siloxane dimer	August 23, 1988.
P 87-1831	G Butyric acid telomer	January 27, 1989.

IV. 150 Chemical substances for which EPA has received notices of commencement to manufacture.—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 87-1839	G Acrylic lactone copolymer	April 29, 1988.
P 87-1840	G Alkoxyated amine alcohol	December 20, 1987.
P 87-1841	G Sulfur containing hindered phenolic derivative	February 17, 1989.
P 87-1849	3,3',3'-Fluoropropyl-methyl cyclosiloxane	February 15, 1989.
P 88-0336	G Zeromethrine merocyanine dye	June 22, 1988.
P 88-0354	G Oleoresinous	February 1, 1989.
P 88-0410	G Reaction product of alkanolamine and dicarboxylic acid	November 14, 1988.
P 88-0434	Unreacted 2,2'-Bicinchronic acid	February 21, 1989.
P 88-0571	G Sodium metal salt of phosphonomethylated diamine	December 13, 1988.
P 88-0589	G Fatty acid amide	February 21, 1989.
P 88-0760	G Polyfunctional copolymer of styrene with alkyl acrylate and substituted alkyl acrylates	February 16, 1989.
P 88-0761	G Silicones resin	January 5, 1989.
P 88-1009	G Organopolysiloxane containing hydrogen, trifluoroalkyl and methyl groups	February 15, 1989.
P 88-1101	G Reaction product between imidazole and phenoxy resin	January 26, 1988.
P 88-1110	G Cobalt aluminum organometallic compound	March 9, 1989.
P 88-1165	G Modified cellulose	February 19, 1989.
P 88-1202	G Benzoate ester	February 23, 1988.
P 88-1383	G Peroxide curable polymer of hexafluoropropylene, tetrafluoroethylene, and vinylidene fluoride	February 24, 1989.
P 88-1389	G Polymer of a quarternary titanate ester and bifunctional acid	February 1, 1989.
P 88-1390	G Modified acrylate polymer	February 1, 1989.
P 88-1488	G Hycar amine terminated butadiene/acrylonitrile polymer	February 22, 1989.
P 88-1553	G Alkyl naphthalene sulfonic acid, magnesium salt	January 5, 1989.
P 88-1602	G Acrylic copolymers emulsion	March 14, 1989.
P 88-1609	G Substituted triazine azomethanesulfonic acid	March 3, 1989.
P 88-1615	Reaction product of siloxanes and silicones, dimethyl, 3-(N-methylamino)isobutyl terminated plus Cyclohexane, 1,1-methylenebis-4-isocyanato-, plus 1,4-butanediol plus poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-	February 24, 1989.
P 88-1617	G Terpene resin	February 28, 1989.
P 88-1672	G Alkoxyated dialkyl-diethylene triamine, alkyl sulfate salt	March 1, 1989.
P 88-1679	G Unsaturated hydrocarbon resin from cyclooctene	February 16, 1989.
P 88-1687	G Alkoxy silane terminated polyether polymer	February 24, 1989.
P 88-1700	Amides from dibasic and fatty amine	February 15, 1989.
P 88-1701	G Pentanal, 4-(4-methyl-3-cyclohexenylidene)-(e) & (z) in a ratio of 40/60 or 60/40	February 23, 1989.
P 88-1709	G Castor oil hydrogenated polymer with ethylenediamine 12,hydroctanoic acid and adipic acid	February 7, 1989.
P 88-1721	Bicyclo(3,2,1)octan-8-ol, 1,5,8-trimethyl-	February 24, 1989.
P 88-1724	G Vinyl acid polymer	January 26, 1989.
P 88-1734	G Acrylic polymer containing quaternary ammonium salts	December 19, 1988.
P 88-1743	G Amino alkyl substituted hydroxypropylcellulose	November 30, 1988.
P 88-1747	G 1,4-Bis(2-(alkenoxy)alkoxy)benzene	December 7, 1988.
P 88-1760	G Organosilicone	February 14, 1989.
P 88-1782	G Vinyl modified nonionic surfactant	February 2, 1989.
P 88-1799	G Organosiloxane	February 14, 1989.
P 88-1803	G Ethylene copolymer	January 3, 1989.
P 88-1814	G Derivatized polyalkylene glycol	February 15, 1989.
P 88-1824	G Polyoxypropylene amine derivative	February 15, 1989.
P 88-1838	Cyclohexanone, 2-(1-mercaptoacetyl-1-methyl ethyl)-5-methyl-(E) + (Z) in a ratio 60/40	February 23, 1989.
P 88-1847	G Substituted benzophenone ester	December 28, 1989.
P 88-1873	G Alkenylsuccinimide	March 9, 1989.
P 88-1877	G Poly(oxyalkylene) amine	February 25, 1989.
P 88-1908	G Ethylene copolymer	December 17, 1988.
P 88-1909	G Ethylene copolymer	December 17, 1988.
P 88-1944	Acetylated cedrus terpenes	March 1, 1989.
P 88-1946	G Salt of substituted naphthalene disulfonic acid	February 11, 1989.
P 88-1960	G Heterocyclic amine	January 13, 1989.
P 88-1993	G Epoxy modified oleoresinous varnish	December 16, 1988.
P 88-1997	1,1-Bis(4-hydroxyphenyl)-1-phenylethane, polymer with dichlorocarbon monoxide, terminated by 4-(ter-butyl)phenol	December 12, 1988.
P 88-2067	G Vinyl modified nonionic surfactant	February 13, 1989.
P 88-2068	G Sodium polyacrylate; acrylate copolymer salt; vinyl copolymer	February 2, 1989.
P 88-2161	G Organopolysiloxane	March 14, 1989.
P 88-2171	G Hexamethylenediamine/adipic acid/dimer acid copolyamide	March 1, 1989.
P 88-2185	Ethaneperoxy acid, reaction products with aluminum isopropoxide and 1,5,10-trimethyl-1,5,9-cyclododecatriene	February 15, 1989.
P 88-2193	G Substituted carboxylic acid, alkane diol polyester	December 22, 1988.
P 88-2195	G Chrome yellow light	December 27, 1988.
P 88-2199	G Polyurethane resin	February 23, 1989.
P 88-2200	G Polyester	February 3, 1989.
P 88-2209	G Carbamodithioc acid, ethylphenyl-lead(2+) salt	February 23, 1989.
P 88-2242	G Hydrogenated fatty acid alkyl	March 9, 1989.
P 88-2252	G Polyurethane	March 2, 1989.
P 88-2306	Poly(oxy(methyl-1,2-ethanediyl)), alpha, alpha'-(methyl-1,2-ethanediyl)bis; (omega-hydroxy-toluene diisocyanate); 2-propen-1-ol	February 19, 1989.
P 88-2424	G Polymeric product of the reaction of epoxy with organic acids and anhydrides	January 4, 1989.
P 88-2459	Substituted dioxazine dye	February 12, 1989.
P 88-2477	G Chromophore substituted polyoxyalkylene	December 28, 1988.
P 88-2478	G Chromophore substituted polyoxyalkylene	December 28, 1988.
P 88-2479	G Chromophore substituted polyoxyalkylene	December 28, 1988.
P 88-2480	G Chromophore substituted polyoxyalkylene	December 28, 1988.
P 88-2481	G Substituted furanone	December 23, 1988.
P 88-2505	G Glycidyl functional acrylic copolymer	March 15, 1989.
P 88-2508	G Polyester	February 26, 1989.
P 88-2565	4-(2-Hydroxyethoxy)phenyl(2-chloro-2-propyl)ketone	January 28, 1989.

IV. 150 Chemical substances for which EPA has received notices of commencement to manufacture.—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 88-2577	G Alkyl aryl ethoxylate	January 18, 1989.
P 89-0005	isononanoic acid adipic acid polyester of glycerine	March 15, 1989.
P 89-0023	G Carboxylated vinyl acrylic copolymer	January 26, 1989.
P 89-0049	G Polyphenylene ether graft polymer	February 15, 1989.
P 89-0059	G Ethylene interpolymer	March 7, 1989.
P 89-0067	G Styrene acryl copolymer	January 12, 1989.
P 89-0083	G Trisubstituted naphthalene	February 25, 1989.
P 89-0088	G N-Butyltriphenylphosphonium chloride	March 6, 1989.
P 89-0106	G Humic acid, sodium salt, polymer with acrylic monomer	March 8, 1989.
P 89-0118	G Substituted lactone	February 28, 1989.
P 89-0172	2-Methy-omega-hydroxy poly(oxy-1,4)butandiyol polymer with 3-hydroxy-2-hydroxy-methyl-2-methyl propanic acid, meta-tetra methoxylylene diisocyanate and 3-amino methyl-3,5,5-trimethyl cyclohexylamine.	March 21, 1989.
P 89-0183	2,3-dihydroxybutanedioic acid-bis(1-methylethyl) ester	March 14, 1989.
P 87-0066	G Ethylene terpolymer	March 1, 1989.
P 88-0058	G Norbornene copolymer	March 12, 1989.
P 88-0108	G Water dispersible epoxy	March 14, 1989.
P 89-0019	G Polyether/polycarbonate	February 22, 1989.
P 89-0042	2,2-dimethyl-1,3-propanediol 2,2,4-trimethyl-1,3-pentanediol isobenzo-1,3-furandione hexanedioic acid 1,3-benzenedicarboxylic acid 1,4-benzenedicarboxylic acid.	February 16, 1989.
P 89-0050	G Intaglio varnish	March 11, 1989.
P 89-0051	G Intaglio varnish	March 11, 1989.
Y 89-0054	G Acrylic polymer	February 23, 1989.
Y 89-0063	G Copolymer alkyd resin	March 14, 1989.

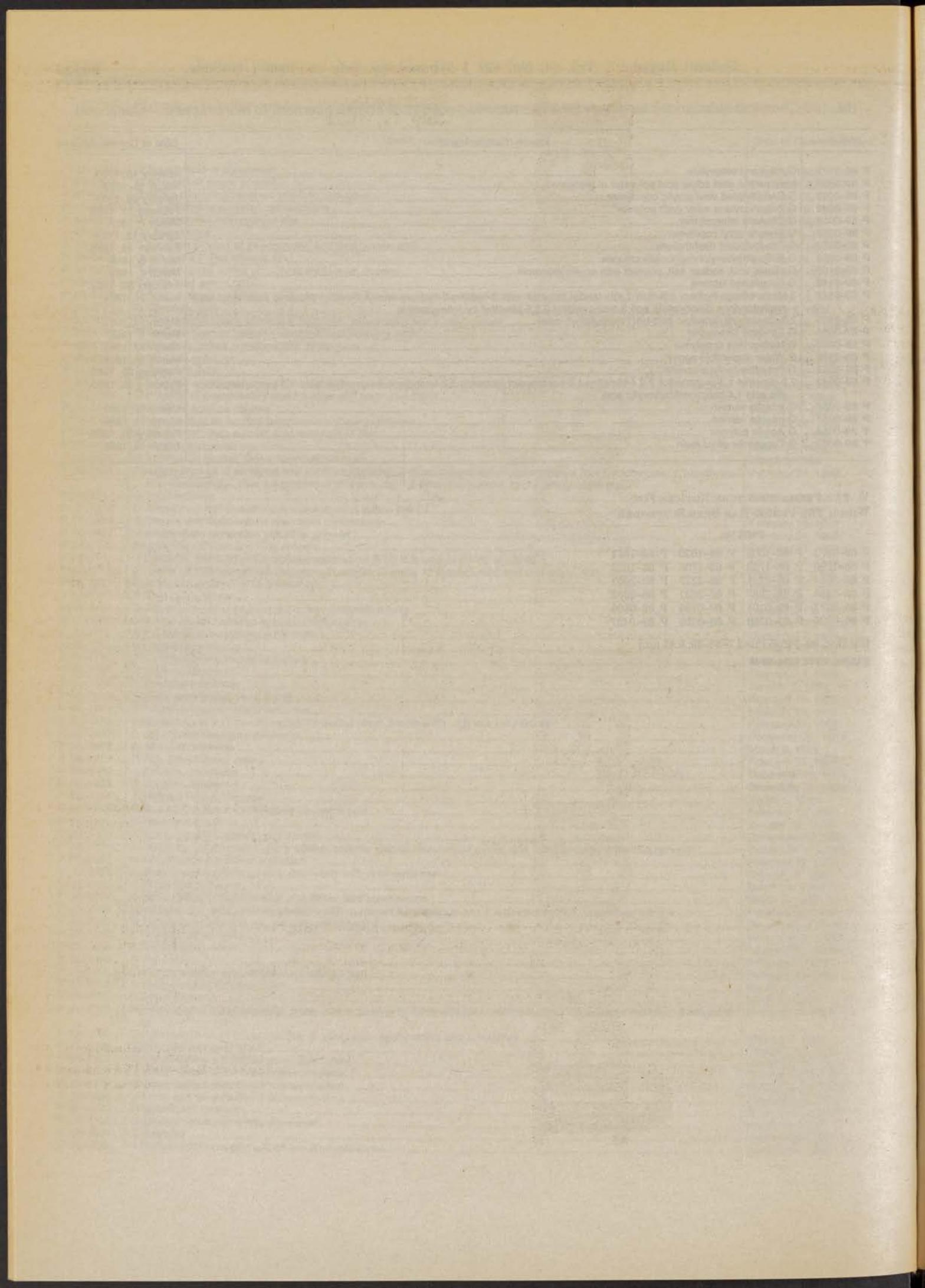
V. 24 PREMANUFACTURE NOTICES FOR WHICH THE PERIOD HAS BEEN SUSPENDED

PMN No.

P 88-0972 P 88-1005 P 88-1620 P 88-1621
P 88-1690 P 88-1783 P 88-1786 P 88-1823
P 88-1857 P 88-2231 P 88-2237 P 88-2463
P 88-2568 P 88-2587 P 88-2631 P 88-2632
P 89-0073 P 89-0191 P 89-0194 P 89-0195
P 89-0225 P 89-0298 P 89-0426 P 89-0427

[FR Doc. 89-14695 Filed 7-18-89; 8:45 am]

BILLING CODE 8560-50-M



federal register

**Wednesday
July 19, 1989**

Part III

Department of Labor

**Occupational Safety and Health
Administration**

Bloodborne Diseases, Survey; Notice

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Bloodborne Diseases, Survey

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.
ACTION: Notice.

SUMMARY: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35; 5 CFR Part 1320 (53 FR 16618 to 16632, May 10, 1988)), is submitting this survey to the Office of Management and Budget (OMB) for the Agency's approval. OSHA is developing a standard to protect workers from occupational exposure to bloodborne diseases, particularly the hepatitis B virus and the human immunodeficiency virus (HIV). The survey will support an assessment of the economic and technological feasibility of a standard by providing data on the population at risk, the extent of exposure, and the extent to which facilities have adopted measures to protect workers. This will be a one time only telephone survey. OSHA estimates that there will be 2669 non-response or screening only respondents requiring 5 minutes per response and 2245 completed surveys from respondents requiring an average of 30 minutes per response for an average of 16 minutes per total responses.

DATE: OSHA has requested an expedited review of this submission under the Paperwork Reduction Act to be completed on or before July 26, 1989.

FOR FURTHER INFORMATION CONTACT: Comments and questions about this survey or the reporting burden should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington DC 20210 (telephone (202) 523-6331). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, Room 3001, Washington, DC 20503 (telephone (202) 395-6880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

SUPPLEMENTARY INFORMATION: OSHA has requested expedited review of this submission because of the high priority the Agency has assigned the completion of the standard for bloodborne diseases.

To collect the data necessary for the economic and technological assessment of the final standard, OSHA must adhere to the schedule set forth below. As a first step, OSHA is submitting the following clearance package to OMB in a request for approval of the survey contained in Appendix I.

Supporting Statement for Survey and Related Data Gathering To Support OSHA Rulemaking on Bloodborne Diseases

A. Justification

1. Necessity of Data Collection

The Office of Regulatory Analysis of the Occupational Safety and Health Administration (OSHA) is collecting data to support an assessment of the technological and economic feasibility of a standard to protect workers from occupational exposure to certain bloodborne diseases, primarily the hepatitis-B virus (HBV) and the human immunodeficiency virus (HIV). Health care and certain other workers are at increased risk for certain infectious diseases due to their exposure to blood and other potentially infectious body fluids. Occupational exposure takes place in a variety of ways, the most common being injuries from needles and other sharp instruments and the contamination of open wounds from blood splash. These exposures are common, not just in medical personnel but in workers indirectly involved in the handling of potentially infectious body fluids.

OSHA has at this time no specific standard regulating exposure to biological hazards such as viruses. In 1983 the Agency issued guidelines in conjunction with the Department of Health and Human Services for reducing the risks of occupational exposure to HBV. In 1988 the Agency issued enforcement procedures providing uniform inspection procedures and guidelines to be followed when conducting inspections and issuing citations under section 5(a)(1) of the Act for occupational exposure to both HBV and HIV.

OSHA has developed a proposed section 6(b) rule to protect workers from bloodborne diseases. The proposal includes provisions for safe work practices, personal protective equipment, training, post-exposure protocol and, in the case of HBV, a vaccination program.

OSHA's Congressional mandate stipulates that the Agency carefully design and study its regulatory proposals. Section 6(b)(5) of the OSHA Act 2d U.S.C. 655 (b)(5) mandates that regulations promulgated by the Agency

shall most adequately assure worker safety and health "to the extent feasible on the basis of the best available evidence." They are to be based on "research and the latest available scientific data." Section 6(f) of the Act requires regulations to be justified by "substantial evidence in the record" and authorizes the Secretary of Labor "to enter into contracts, agreements or other arrangements with appropriate public agencies or private organizations for the purposes of conducting studies related to his responsibility under the Act." The courts have endorsed the view that technological and economic factors affect the feasibility of proposed regulations. Thus, OSHA is obligated to gather data on the technological feasibility, cost of compliance, and economic consequences of future standards.

Executive Order 12291 reiterates this obligation by requiring the preparation of preliminary and final Regulatory Impact Analyses for each major rule. The Agency must analyze the potential benefits and costs of the rule and alternative approaches. The Regulatory Impact Analysis may be combined with the analysis required by the Regulatory Flexibility Act. This Act specifically requires an analysis that describes the "impact of the proposed rule on small entities" and significant regulatory alternatives that "take into account the resources available to small entities."

In order to fulfill the Congressional and Presidential mandates and to better evaluate the economic and technological feasibility of the final OSHA standard, OSHA requires a data base that describes current industry practices and identifies situations where potential hazards exist. Thus, in accordance with Section 6 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 655, OSHA is planning to gather statistically accurate data through a survey to assess the extent to which the various types of facilities affected have already implemented infection control measures to protect workers from these infectious diseases and the direct and indirect costs associated with each of these measures. As discussed below, none of the available data sources are adequate for this purpose.

To estimate accurately the cost of the standard, data are needed on baseline compliance rates by facility for specific provisions of the standard. OSHA also needs an estimate of the proportion of each type of facility that is at various levels of compliance for each provision of the standard. Currently, the data available for estimating the extent to which facilities have adopted measures

to protect workers from bloodborne pathogens is extremely limited or outdated. In addition, most of the data available to OSHA are not based on a random sample, and thus their accuracy cannot be judged. The data that do exist are for the most part over a year old, and are mostly from large, urban hospitals in areas which report a high incidence of HBV and HIV infection. In some facility types, notably physicians' offices, there are almost no data on current compliance levels. Moreover, those studies on compliance that exist do not allow an estimate of the extent to which a facility may have adopted measures which would, at least in part, meet the requirements of the proposed standard.

In addition to estimates of compliance rates, data are needed on a variety of specific aspects of a facility's operation. For example, data on the number of incidents of employee exposure to blood or materials contaminated with blood are needed to estimate the cost of the post-exposure protocol. All existing data on exposure rates are for hospitals or atypical facilities. Similarly, facility-specific data are needed to estimate the number of workers that are at risk.

A timetable for the survey is presented in Figure A-1. The timetable shows that OSHA is attempting to complete the survey within a short period of time in order to permit completion of the final regulatory analysis in conjunction with the final rule. The schedule currently calls for completion of the bulk of the survey effort within a 7-week period. Therefore, we request that an expedited review be performed by OMB.

2. Uses of the Information

The data gathered through this survey will be used by OSHA to make estimates of the direct and indirect costs of the various provisions for safe work practices, personal protective equipment, training, post-exposure followup and HBV vaccination. The information gathered from all of the data collection efforts will be used by OSHA to prepare a final Regulatory Impact Analysis (RIA) for the final rule. Executive Order 12291 requires preparation of an RIA for each major rule. In an RIA, the Agency must assess the potential benefits and costs of the rule and of alternative approaches.

The discussion below describes in detail the data uses for responses to each set of questions in the survey instrument.

A. Introduction and Collection of Identification Data. The first elements of the survey instrument describe the telephone survey in general and

determine whether the respondent is in the facility type anticipated by the survey design. If the respondent is not in the anticipated facility type, the survey will be concluded.

Figure A-1.—Schedule for design and completion

Complete design of survey instrument and submit information collection plan to OMB.	Apr. 28, 1989.
Published Federal Register notice of survey submission to OMB.	Apr. 28, 1989.
Obtain sampling frames for each sample stratum.	May 31, 1989.
Mail notification letters to survey targets.	July 10, 1989.
Receive OMB approval of final survey instrument (expedited).	July 28, 1989.
Begin telephone interviewing.....	July 31, 1989.
Complete telephone interviewing...	Sept. 1, 1989.
Perform data tabulations.....	Sept. 15, 1989.
Integrate survey results into a draft final report.	Sept. 30, 1989.
Respond to comments and submit final report.	Oct. 15, 1989.

B. Data Collection on Type of Organization. These questions identify the type of organization/administration of the facility.

C. Questions on Infection Control Policies and Employment. This set of questions identifies whether the facility has written infection control policies and the general nature of those policies. The type of policy will provide a general indication of the facility's compliance level and a quality control check on later responses. Data are also collected on the number of employees.

D. Data on Rates of Employee Exposure. The next set of questions asks for estimates of the proportion of workers that are potentially exposed to blood or materials contaminated with blood. The information on these workers will provide a more complete understanding of the distribution of exposure within facilities.

E. Questions on Personal Protective Equipment. The industries covered by this data collection were not included in the OSHA survey on personal protective equipment. Questions are asked here regarding employee practices with regard to the use of gloves, face protection, and gowns. Questions are also asked regarding PPE use by non-paid or contract workers.

F. Questions on Medical Surveillance. Questions are asked to determine the percentage of exposed workers who have received the HBV vaccination, the extent to which these workers are offered the HBV vaccine free of charge, and when appropriate, the proportion of workers that accept the vaccine. In addition to the vaccination program, data are collected on the facility's protocol to respond to exposure

incidents. To estimate the cost of the post-exposure protocol in the proposed standard, data are collected on the number of incidents in 1988, and the types of tests the facility administers for the source patient and the exposed worker.

G. Questions Concerning Training. Data are collected on the length and frequency of infection control training provided by the facility. To minimize the burden on the respondent, OSHA will estimate from other sources the reasonable length of time necessary for a training program to cover all the elements called for in the standard.

H. Questions Concerning Housekeeping. Data are collected on the quantity of waste contaminated by blood now disposed of in a manner consistent with the proposal. Data are also collected on sharps and the quantity of sharps disposal containers in use.

I. Questions Concerning Laboratory Facilities. These questions request data on the use of concentrated viruses, the use of centrifuges, and the availability of sinks and autoclaves. Very little data is available from secondary sources regarding laboratory practices.

Because OSHA has not regulated infectious diseases before this time and does not have a substantial amount of experience with the types of workplaces that would be affected, the Agency needs the information that this survey would provide in order to refine the proposed standard.

3. Use of Technology To Reduce Burden

Information for this survey will be collected using a Computer Assisted Telephone Interviewing (CATI) system. Such a procedure will improve the quality and efficiency of the survey in a number of ways and will also reduce respondent burden. First, since the survey is done via telephone, there is no need for scheduling on-site visits to gather the information. This is expected to increase both the response rate and reduce the cost and time of completing interviews. Respondents are also not being asked to fill out a long questionnaire form on their operations.

Further, CATI system responses are entered directly into the computer, eliminating the need for separate recording and coding operations. Also, the computer ensures that the proper sequence of questions is followed automatically. For example, if the response to one question suggests that a follow-up question can be skipped, the computer will automatically move on. The interviewer simply reads the questions as they appear on the screen.

In addition, the use of CATI allows the interviewer to omit questions that would not be relevant for the particular industry being questioned. For example, the questions regarding work with concentrated amounts of the hepatitis-B or the AIDS virus would not be asked of establishments such as corrections facilities or police departments. This system produces a smoothly flowing interview and eliminates any pauses or delays by the interviewer to enter responses by hand or to find the next question. In essence, the computer produces a questionnaire tailored to each industry sector. There are no technical or legal obstacles to these plans for reducing the burden.

4. Efforts To Identify Duplication

OSHA and its contractor, Jack Faucett Associates, Inc., have conducted an extensive literature review and have explored sources within governmental and private agencies for data that are to be collected from these surveys. The findings indicate that there are no attempts to gather, in a systematic fashion, data on the work practices and the costs of control measures to protect workers from occupationally related exposures to bloodborne diseases in the various industries and facility types affected by the rule.

5. Availability of the Data From Existing Sources

OSHA is currently working with the Centers for Disease Control (CDC) to develop a separate questionnaire for the hospital sector. This questionnaire will address the needs of both agencies. As a consequence, the sample frame proposed in this survey excludes hospitals. OSHA will submit a separate survey approval request for hospitals.

There have been several surveys estimating the level of compliance with some aspects of the standard. The Academy of General Dentistry conducted a survey in September of 1987 of practices regarding infectious disease control in private dental practices. This survey, while useful in developing the preliminary RIA, did not collect data on the usage rate of various personal protective equipment and other important information. Most important, it is very likely that compliance rates in dental offices have increased significantly since the AGD survey was conducted.

The Service Employees International Union (SEIU) surveyed workers at a variety of facilities to estimate compliance with various infection control practices. Like the AGD survey, the SEIU data were useful in developing the preliminary RIA but do not cover all

the areas of interest. In addition, the small sample size and non-random selection of facilities limits the usefulness of these data.

There have been a number of surveys and studies analyzing the cost effectiveness of HBV vaccination programs, but these studies are limited to specific, non-randomly selected sets of hospitals.

CDC collects information regarding the incidence of bloodborne diseases in their national medical surveillance, but these data lack information regarding occupationally related exposures to these infections, and do not address current work practices or control costs.

6. Minimizing Small Employer Burden

Over 90 percent of the establishments surveyed will be small. To reduce the burden on these facilities, both the total number of facilities surveyed and the number of questions asked have been kept to a minimum.

7. Consequence of Less Frequent Collection

This is a one time only data collection. No plans exist for subsequent periodic follow up of this survey.

8. Consistency With 5 CFR 1320.6

There are no special circumstances that require the collection of information in any manner inconsistent with the guidelines in 5 CFR 1320.6.

9. Expert Review of the Survey Questionnaire

The survey design team has had discussions with industry experts in order to assess the substance of the survey questions. The clarity of instructions and other specific survey design elements have been reviewed by contractor survey experts, OSHA personnel and expert safety consultants in industry.

A. The survey instrument has been reviewed in March of 1989 by:

Dr. Hugh Conway, Office of Regulatory Analysis, OSHA, 202-523-7283;

Mr. Larry Braslow, Office of Regulatory Analysis, OSHA, 202-523-7283;

Mr. Robert Andrei, Office of Regulatory Analysis, OSHA, 202-523-7283;

Mr. Michael Lawrence, Jack Faucett Associates, 301-961-8800;

Mr. Jack Smalligan, Jack Faucett Associates, 301-961-8800;

Dr. Arnold Greenland, Washington Consulting Group, Inc., 202-457-0233;

Mr. Richard Gruberg, Washington Consulting Group, Inc., 202-457-0233;

Dr. Robert Hiatt, KCA Research, Inc., 703-642-5220.

B. No major problems arose during this review.

C. Public comment will be solicited through the Federal Register notice for the study, and through notification to the trade associations for the affected industries.

10. Confidentiality

Procedures have been developed to protect the confidentiality of the collected data. These measures are summarized below:

A. All contractor and subcontractor personnel will be given instructions regarding the importance of keeping all information they obtain from respondents confidential.

B. The data will be collected using a Computer Assisted Telephone Interviewing (CATI) system. This technology enables the survey responses to be automatically written to a computer data file. Neither the name of the company nor the respondent will appear in the data file. A listing of respondents will be kept separately in a locked file cabinet at the contractor's office, and will be destroyed when no longer needed. The respondents' names will be linked to the data base through a unique number assigned at the time of the interview.

D. Publication of study results will be of a statistical nature only. Respondents will never be identified in any publication or presentation, nor will their names be made available to other individuals or groups.

11. Sensitive Questions

The proposed survey instrument contains no questions of a sensitive nature.

12. Costs

The total one-time cost to the government of the proposed data collection is \$225,000. This estimate includes costs incurred by contractors for administration and operation of the data collection, tabulation of survey results, and subsequent analyses. The total one-time cost to industry is estimated to be \$27,505 (using 30 minutes per facility for complete responses and 5 minutes/facility for screening or refusals).

13. Estimate of Respondent Reporting Burden

The survey instruments have been designed to allow the respondent to provide estimates and approximations. It is not the intent of the survey to require respondents to compile new

data. Where data are requested, the survey instruments note that reference is being made to data which the respondent should be able to estimate readily or access easily.

It is estimated that 30 minutes will be required for the completion of the survey. Based on 2,245 respondents, the respondent burden for completed surveys will be approximately 1,123 hours. For non-complete responses (screening or refusals), the burden will be 222 hours. The total respondent burden will be 1,345 hours. The respondent burden is summarized below.

Type of respondent	Number of respondents	Average completion time (min.)	Total burden (hrs.)	Respondent Cost ¹
Non-response or screening only.....	2,669	5	222	\$4,540
Complete.....	2,245	30	1,123	22,965
Total.....	4,914	—	1,345	27,505

¹ Based on an administrative wage rate of \$20.45 per hour including fringe benefits.

OSHA's 1989 information collection budget (ICB) allocated 1,500 hours to this survey. Because the survey is only expected to require 1,345 hours, the survey will not exceed the hours approved in the ICB.

15. Tabulation/Publication Timetable

The survey results will be placed in the relevant OSHA docket in whole or in part by OSHA as deemed appropriate as soon as complete computer files are finalized. Analysis of the data will appear in the final Regulatory Impact Analysis.

B. Statistical Methods

1. Characterization of the Universe and Sample

To collect data sufficient for the development of a Regulatory Impact Analysis, a probability sample will be taken from each of the 18 industries listed in Table 1.

This universe was reviewed carefully from the perspective of the proposed standard. OSHA considers workers in these industries to have a significant probability of exposure to bloodborne diseases. Hospitals are not included in this data collection effort since a separate survey instrument will be designed for this sector in cooperation with the Centers for Disease Control. Company health units are limited to those existing in establishments having 500 employees or more as it is believed that such facilities are most likely to

have doctors and nurses employed on the premises.

Universe establishment counts and proposed sample sizes are presented in Table 2. The sources to be used for the sampling of this universe are given in Table 3. Much of this universe is derived from the Dun and Bradstreet database. For those particular industries where the Dun and Bradstreet database is weak (e.g., fire and police protection) or does not allow for sampling of highly specialized establishments without extensive screening (e.g., bloodbanks), alternative sources are used. During the data collection effort, OSHA intends to contact approximately 4914 firms (of which approximately 3740 are estimated to be "affected") to produce 2245 useable responses. This response rate is based on OSHA's experience with previous surveys of industry employing similar collection methodologies.

TABLE 1.—SAMPLE STRATIFICATION

Description	SIC ¹
Offices of MD's, Osteopaths, Podiatrists.....	8011, 8031, 8043.
Offices of Dentists.....	8021.
Nursing Homes.....	805.
Medical and Dental Labs.....	807.
Outpatient Care: Home Health Care, Kidney Dialysis Centers, Hospices, Drug Treatment Centers.	8082, 8092, 8093.
Blood Banks and Blood Plasma Centers.....	8099.
Residential Care.....	8361.
Personal Services.....	7963.
Funeral Services.....	7261.
Health Units in Industry.....	20-48.
Research Labs.....	283, 8221, 8731, 8733.
Non-Volunteer Fire and Rescue Services.....	9224.
Correctional Institutions.....	9223.
Police.....	9221.
Medical Equipment Repair.....	384.

¹ Based on 1987 edition of SIC manual.

TABLE 2.—NUMBER OF FIRMS AND SAMPLE SIZES FOR INDUSTRIES TO BE SURVEYED

Description	Cell	Total facilities	Precision (RSE)	Required completes	Total number of solicitations
Offices of MD's & DO's.....	01	179,405	0.050	195	325
Offices of dentists.....	02	94,994	.050	206	343
Nursing homes.....	03	18,274	.050	196	327
Medical and dental labs.....	04	12,195	.100	124	207
Outpatient Care: Home health care.....	05	7,000	.100	123	205
Hospices.....	06	812	.100	108	180
Drug treatment.....	07	3,887	.100	109	182
Dialysis clinic.....	08	861	.100	109	182
Blood banks and others.....	09	672	.075	102	170
Residential care.....	10	20,537	.075	123	205
Personnel services.....	11	1,615	.075	112	709

TABLE 2.—NUMBER OF FIRMS AND SAMPLE SIZES FOR INDUSTRIES TO BE SURVEYED—Continued

Description	Cell	Total facilities	Precision (RSE)	Required completes	Total number of solicitations
Funeral services.....	12	16,051	.100	67	112
Health units in industry.....	13	85,350	.075	132	293
Research labs.....	14	2,146	.075	120	590
Fire and rescue.....	15	3,174	.100	117	195
Corrections.....	16	2,333	.100	113	188
Police.....	17	6,205	.100	123	205
Medical equipment repair.....	18	2,967	.100	66	296
Total.....		457,478		2,245	4,914

Note: The total number of solicitation attempts takes into account the anticipated non-response rate as well as screening for out of scope units.

TABLE 3.—BLOOD BORNE DISEASES SURVEY—SAMPLING FRAMES

Industry	Source
Physicians.....	D&B, 1977 SIC definition for 8011 and 8031. 1987 SIC definition for 8043.
Dentists.....	D&B SIC 8021.
Nursing Homes.....	NCSH 1986 Inventory of Long Term Care Places.
Medical/Dental Labs.....	D&B SICs 8071 and 8072.
Outpatient Care: Home Health Care.....	D&B SIC 8082 (1987 definition).
Kidney Dialysis Center.....	Health Care Financing Administration Directory.
Hospices.....	National Hospice Organization.
Drug Treatment Centers.....	National Institute of Drug Abuse Directory.
Blood/Plasma/Tissue Center:	
Blood Banks.....	National Association for Community Blood Banks List.
Plasma Banks.....	American Blood Resources Association List.
Tissue Banks.....	American Association of Tissue Banks Lists.
Residential Care.....	NCHS 1986 Inventory of Long Term Care Places.
Personnel Services.....	D&B SIC 7361 with screen.
Funeral Services.....	D&B SIC 7261.
Research Labs:	
Independent Labs.....	D&B SIC 7391 with screen.
Drug Company Labs.....	D&B SIC 283 with screen.
Medical Schools Labs.....	
Fire & Rescue.....	National Fire Protection Association.
Corrections.....	American Corrections Association Directory.
Police.....	National Association of Police Chiefs.
Health Units in Industry.....	D&B SICs 20-48 (>500 employees).
Medical Equipment Repair:	
Manufacturers.....	D&B SIC 384 with screen.
Repair Companies.....	Health Devices Source Book.

Notes: 1. Unless otherwise stated all SIC codes are according to the 1977 definitions.

The estimated total number of solicitations required to achieve the target number of completed interviews

in Table 2 is based both upon the expected response rate, as well as upon the anticipated screening process required to reach an affected establishment in each particular industry. For the screening, it is anticipated that 1 in 3.8 establishments in Personnel Services (7361) has employees working with or exposed to blood products (i.e., those providing nursing services); 1 in 3.6 private research labs; 1 in 1.3 establishments for health units in industry; and 1 in 2.9 medical equipment manufacturers.

2. Information Collection Procedures

As described above, independent random samples will be selected from each industry, allowing statistical estimates to be made at levels of precision indicated by Table 2. The precision levels are expressed in terms of relative standard error (RSE), defined as the standard error of the estimate divided by the estimate. All sample sizes have been derived to achieve a confidence level of 95 percent that cost estimates as described below are within plus or minus $(1.96 \times \text{RSE})$ of actual values. In general, smaller RSE values were assigned to industries where the expected cost of compliance to the proposed standard constitutes a large fraction of the total cost borne by all affected establishments in all industries. Conversely, larger RSE values were selected for those industries which are not expected to contribute as much to this overall compliance cost.

Sample sizes were derived as follows. The actual (i.e., incremental) cost incurred by a given establishment as a result of the proposed standard may be modeled as the product of two independent random variables. The first variable relates to the total compliance cost for the establishment. This includes its baseline costs (costs it currently experiences as a result of its current health safety policies) plus incremental costs (additional costs stemming from new policies it may have to implement based upon the new standard). This total cost is independent of any establishment policy or practice and derives solely from the characteristics of each facility (numbers of employees, numbers of people treated, etc.). The second variable varies between 0 and 1, and measures the establishment's current rate of non-compliance with the proposed standard. Hence, the cost to each establishment as a result of the standard may be modeled as,

$$\text{COST}_i = Y_i \times P_i$$

where:

COST_i = Incremental Cost to Establishment

Y_i = Total Compliance Cost to Establishment
 P_i = Establishment's Current Percent Non-compliance to New Standard

and the variance may be expressed as.

$$\text{Var}(\text{COST}) = (E(Y))^2 \text{var}(P) + (E(P))^2 \text{var}(Y) + \text{var}(P) \text{var}(Y).$$

Having split the total variability in cost into two independent components, one stemming from the variability in facility characteristics and the other stemming from variability in policy (i.e., current compliance), sample requirements may be estimated based upon various assumptions about the distributions of each.

For the total cost variable, Y , a gamma distribution was assumed. For cells 4 through 18 the alpha (shape) parameter of the distribution was set to a value equal to 2, resulting in a coefficient of variation (CV) of 70 percent. For cells 1 through 3 (Doctors' Offices, Dental Offices, and Nursing Homes), OSHA has assumed a shape parameter of 3, resulting in a CV of 57 percent. Since only the CV is required to produce estimates for sample size, and since the CV is independent of the scale parameter, no assumptions for the scale parameter were made.

For the non-compliance variable, P , a triangular distribution was assumed with endpoints at zero and one. The mean of the distribution (expected non-compliance rate) as determined for each industry based on expert opinion obtained by OSHA. It was assumed here that mean non-compliance would not be lower than 33 percent and would not be higher than 67 percent.

Survey estimators will be self weighting, and will take the form,

$$Y = \sum (WGT_i \times NRAF_i \times \text{Response}_i),$$

where, WGT is the cell's sampling weight, and $NRAF$ is the cell's non-response adjustment factor based on a mean imputation.

Because the Dun and Bradstreet universe counts for Physicians' and Dental Offices are approximately 25 to 30 percent lower than similar counts obtained from BLS data, estimates for cells 1 and 2 will be benchmarked to BLS 202 employment data. Such estimates will take the form of a ratio estimator:

$$Y = \text{BLS202}_{\text{EMP}} \times \sum (WGT_i \times NRAF_i \times \text{Response}_i) / \sum (WGT_i \times NRAF_i \times E_i);$$

where, $\text{BLS202}_{\text{emp}}$ is the BLS 202 total employment estimate for the industry, and E_i is establishment employment.

The data from the survey will be collected via a Computer Assisted Telephone Interviewing (CATI) procedure. This methodology allows data to be both edited and entered into a computer database as the survey information is being collected over the telephone. Such a procedure greatly helps to reduce nonsampling error by (1) ensuring that the data for each interview are internally consistent; (2) eliminating the risk of key-punch errors arising from the transcription of hard-copy survey data into machine readable form; and by (3) ensuring that the interviewer follows the correct set of questionnaire skip patterns for each respondent.

3. Methods to Maximize Response Rates

This survey is voluntary and is expected to yield a response rate equal to 75 percent for in scope cases. The CATI collection process will help to improve the overall response rate by:

1. Allowing the direct telephone contact with the respondent.

2. Scheduling and maintaining a detailed record of all necessary call-backs.

Establishments will not be classified as non-responses until five attempts to make contact have been made. Efforts will be made to distinguish between those units that do not respond because they are out of business and those that are "refusals." Non-response adjustment procedures to be used during estimation are discussed in Section B.2.

4. Testing

A pretest was conducted and the information from this procedure along with comments received from the public were used to fine-tune the survey instrument.

5. Reviewers

The statistical aspects of the survey have been reviewed by:

Dr. Hugh Conway, Office of Regulatory Analysis, Occupational Safety and Health Administration, (202) 523-9690
 Dr. Arnold Greenland, Mr. Richard Gruberg, The Washington Consulting Group, Inc., 1625 Eye Street, NW., Suite 214, Washington, DC 20006, (202) 457-023314.

Appendix I: Survey Instrument

Signed at Washington, DC, this 17th day of July 1989.

Paul E. Larson,
 Departmental Clearance Officer.

BILLING CODE 4510-26-M

APPENDIX I--SURVEY INSTRUMENT

_____, 1989

OMB Approval # _____
OSHA Contact: Robert Andrei
(202) 523-9916

Name _____
Address _____

Dear _____:

The objective of the Occupational Safety and Health Act of 1970 is to provide a safe and healthful workplace for all employees in the United States. To help achieve this objective, the Occupational Safety and Health Administration (OSHA) is conducting a survey to support an assessment of the technological and economic feasibility of a standard to protect workers from occupational exposure to certain bloodborne diseases, primarily the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). Your facility has been selected to participate in this survey, and an interviewer will be calling you in a few weeks to ask some questions about practices at your facility which provide workers with protection against bloodborne diseases.

The information you can provide is essential to OSHA's rulemaking process, and will help to ensure that the Agency's final analysis reflects the infection control practices of facilities such as yours. The survey will cover the infection control policies of your facility, personal protective equipment, training programs, and related topics. To assist you in your preparation for this survey, we have enclosed a list of the topics and information needs which will be covered. Participation in the survey is voluntary and all responses will be kept strictly confidential and will not be identified by name in any reports or data compilations submitted to OSHA.

We estimate that it will take an average of 30 minutes per complete response for this survey including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information. If you have any comments regarding this estimate or any other aspect of this survey,

Mr. _____
Page 2

including suggestions for reducing this burden, send them to the Office of Information Management, Department of Labor, Room N1301, 200 Constitution Avenue, NW, Washington, DC 20210; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

You can help us to expedite our survey process by designating the best qualified person to answer questions regarding worker protection from blood and other body fluids. Your cooperation will be instrumental in OSHA's development of a feasible and effective final standard.

Thank you for your time and assistance and we look forward to receiving your valuable input.

Sincerely,

Acting Assistant Secretary

TOPICS COVERED BY OSHA SURVEY

1. General Firm Characteristics

- * Primary activity at this location.
- * Total full and part-time employment at this location, including contract workers.
- * Number of employees and contract workers who are reasonably anticipated to contact human blood or other materials contaminated with human blood as a result of the performance of their duties (exposed workers).
- * Numbers of employees and contract workers who come into contact with human blood or other materials contaminated with human blood, on average, at least once a month.
- * Number of clients served in an average month.
- * Percentage of client visits that expose employees to blood.

2. Infection Control Policies

- * The circumstances during which exposed workers are expected to use infection control measures.
- * Hepatitis B vaccination policy.
- * The percentage of exposed workers who have received the hepatitis B vaccine.
- * Procedures followed when an exposure incident occurs, including testing for hepatitis B and human immunodeficiency virus (AIDS virus).

3. Personal Protective Equipment (PPE) and Waste Disposal

- * Quantity of disposable latex and vinyl gloves, reusable gloves, gowns and face protection devices purchased each month.
- * Practices regarding use of PPE for protection against infectious diseases.
- * Disposal of blood-contaminated waste.
- * Quantity of sharps disposal containers in use.

4. Other Topics

- * Length and frequency of training in infection control practices provided for exposed workers.
- * The number of exposure incidents and associated follow-up tests during 1988.
- * Quantity of needles purchased each month.
- * General laboratory characteristics if establishment has a laboratory.

5. Definitions to be used

- * Employee - all workers at your establishment, including owners or partners, except for workers hired under contractual arrangements with an outside firm or agency.
- * Full-time employee - Employee working at least 35 hours per week.
- * Part-time employee - Employee working less than 35 hours per week.
- * Contract worker - One who provides service at your establishment, but who remains on the payroll of an outside firm or agency.
- * Exposed - Having probable contact with human blood or other blood contaminated materials.
- * Exposure incident - A specific eye, mouth, other mucous membrane, nonintact skin, or parenteral (piercing the skin) contact with blood or other material contaminated by blood.

OSHA, BLOODQ, JULY 13, 1989

[INTERVIEWER INSTRUCTIONS: RECORD THE FOLLOWING INFORMATION]

Interviewer Number
Sequence Number
ZIP Code
Sector Code

INTRODUCTION

Hello. My name is _____ and I'm calling from KCA Research in Virginia/California. We are conducting a survey on behalf of the Occupational Safety and Health Administration of the U.S. Department of Labor to assess current practices regarding handling of potentially infectious materials.

A letter was sent to your organization explaining the project. As the letter indicated, we are interested in obtaining information about the potential for exposure to bloodborne diseases such as hepatitis-B and AIDS in organizations such as yours as well as methods of protection which are commonly used. I would like to emphasize that all responses will be kept strictly confidential and respondents will not be identified by name in any reports or data compilations submitted to OSHA.

We are interested in collecting information for your organization at (list address). Should I direct my questions to you or is there someone in the facility with whom you would prefer that I speak?

1. Our records show that your firm is a (give name of sampling sector). Is that correct?

Yes	1	— GOTO Q.3
No	2	

2. What type of organization are you?

Physician's office	01	
Dentist's office	02	
Nursing home	03	
Home health care	04	
Hospice	05	
Kidney dialysis	06	
Other	08	TERMINATE

3. Which of the following best describes the type of ownership of your organization? Is it a sole proprietorship, a partnership, an incorporated unit or a governmental agency?

Sole proprietorship	1	— GO TO Q.7
Partnership	2	— GO TO Q.9
Government	3	— GO TO Q.5
Incorporated	4	
Other (Specify)	5	— GO TO Q.11
Don't know	6	— GO TO Q.11
Refused	7	— GO TO Q.11

4. Are you a for-profit corporation, not for profit, or nonprofit?

For profit	1] — GO TO Q. 11
Not for profit	2	
Non profit	3	
Other (specify)	4	
Don't know	5	
Refused	6	

5. Is that state, federal or local?

Federal	1	— GO TO Q. 11
State	2	
Local	3	

6. What state is your establishment located in?

[RECORD VERBATIM, CHECK AGAINST LIST, TERMINATE IF NOT STATE PLAN STATE OR GO TO Q.11]

7. Are there any employees of this firm other than the owner?

Yes 1
No 2—TERMINATE

8. Is the owner of this business a health care provider at this establishment?

Yes 1
No 2—GO TO Q.11

[IF YES:] Please include the owner as one of the healthcare employees in the following questions.

[GO TO Q.11]

9. Are there any employees working in this establishment other than the owners?

Yes 1
No 2—TERMINATE

10. How many partners work at this establishment as health care providers?

[IF Q.10 IS GREATER THAN 0:] Please include these partners as healthcare employees in the following questions.

11. Are any of the persons working at your establishment ever exposed to human blood or other materials contaminated with human blood as part of the performance of their assigned duties? By exposed we mean persons who are in situations which may reasonably lead to contact with blood or blood contaminated objects.

Yes 1
No 2—TERMINATE

[IF Q.1 or 2 IS NURSING HOME, GO TO Q.13]

[IF Q.1 or 2 IS HOME HEALTH CARE, GO TO Q.14]

[IF Q.1 or 2 IS HOSPICE, ASK BOTH 13 AND 14]

12. Approximately how many patient visits are there at this location in an average month?

[RECORD NUMBER, THEN GO TO Q. 15]

13. Approximately how many patients are at this location on an average day?

[IF HOSPICE, ASK 14, OTHERWISE GO TO Q.15]

14. Approximately how many patient visits are made from this location in an average month?

15. Are there policies at your establishment regarding infection control?

Yes	1	
No	2	] — GO TO Q.20
Don't know	3	
Refused	4	

16. Are these policies written?

Yes	1
No	2
Don't know	3
Refused	4

17. Does your infection control policy require that all bodily fluids, including saliva and urine as well as blood, from all patients be handled as if they were infectious?

Yes	1	— GO TO Q.20
No	2	
Don't know	3	
Refused	4	

18. Does the policy require that blood from all patients be handled as if it were infectious?

Yes	1	— GO TO Q.20
No	2	
Don't know	3	
Refused	4	

19. Does the policy only require that the blood of patients known or suspected of being infected with a bloodborne disease be handled as if it were infectious?

Yes	1
No	2
Don't know	3
Refused	4

The next series of questions are about numbers and categories of employees.

20. How many total employees, including full and parttime employees, are presently employed at your establishment? Do not include contract workers.

21. How many contract workers do you have who perform work onsite? Please include both professional staff and service staff such as laundry and housekeeping workers if they are on contract to you and work on site.

I'm going to read you a list of four separate employee categories and then ask you questions about those categories that you have at your establishment. The categories are health care, housekeeping, administrative and any other category of worker you may use. Please place employees in only one group even though their assigned work may overlap into more than one group. Consider employees administrative only if they do not perform any of the other activities. (The "extra" employee category will be used for occupations which are unique to a particular industry sector).

22. How many of your (answer to Q.20) employees are healthcare workers? Please include employees such as doctors, nurses, aides, technicians, and laboratory employees.

23. How many of these are full-time?

[GO TO Q. 26]

24. How many of your (answer to Q.20) employees are (extra employee category)?

25. How many of these are full time?

26. How many of your (answer to Q.20) employees are housekeeping staff? Please include laundry workers if they do their work on site.

27. How many of these are full-time?

28. How many of your (answer to Q.20) employees are administrative staff?

29. How many of these are full-time?

[IF NUMBER OF EMPLOYEES ADDS TO TOTAL EMPLOYEES, GO TO Q.33]

30. I have (___) not accounted for. Is that correct?

- | | | |
|------------|---|-----------------------|
| Yes | 1 | |
| No | 2 | —GO TO Q.20 & RECOUNT |
| Don't Know | 3 | |
| Refused | 4 | |

31. What type of employee are the employees I have not accounted for?

32. How many of these employees are full-time?

33. Do you have any unpaid workers such as students or volunteers?

- | | | |
|------------|---|---------------|
| Yes | 1 | |
| No | 2 |] —GO TO Q.35 |
| Don't Know | 3 | |
| Refused | 4 | |

34. How many?

[IF Q.1 OR 2 IS NURSING HOME, GO TO Q.36]

35. What percentage of your patient visits require procedures that expose employees to blood?

36. On an average day, about what percentage of patients are given injections or intravenous infusions or have open wounds which would expose employees to blood?

37. Are any of your healthcare employees exposed to blood or material contaminated with blood as part of their assigned duties?

- | | | |
|------------|---|---------------|
| Yes | 1 | |
| No | 2 |] —GO TO Q.45 |
| Don't Know | 3 | |
| Refused | 4 | |

38. What percentage of your (answer to Q.22) health care employees are exposed?

39. What percentage of your (answer to Q.22) health care employees are exposed on average at least once a month?

40. What percentage of your health care employees are exposed to splashes, spatter or aerosols of blood?

[GO TO Q.45]

[IF Q.24 = -1, GO TO Q.45]

41. Are any of your (extra employee category) exposed to blood or material contaminated with blood as part of their assigned duties?

- Yes 1
 - No 2
 - Don't Know 3
 - Refused 4
-] — GO TO Q.45

42. What percentage of your (answer to Q.24) (extra employee category) are exposed?

43. What percentage of your (answer to Q.24) (extra employee category) are exposed on average at least once a month?

44. What percentage of your (extra employee category) are exposed to splashes, spatter or aerosols of blood?

[IF Q.28 = 0, GO TO Q.49]

45. Are any of your housekeeping employees exposed to blood or material contaminated with blood as part of their assigned duties?

- Yes 1
 - No 2
 - Don't Know 3
 - Refused 4
-] — GO TO Q. 49

46. What percentage of your (answer to Q.26) housekeeping employees are exposed?

47. What percentage of your (answer to Q.26) housekeeping employees are exposed on average at least once a month?

48. What percentage of your housekeeping employees are exposed to splashes, spatter or aerosols of blood?

[IF Q.30 = -1, GO TO Q.53]

49. Are any of your "other" employees exposed to blood or material contaminated with blood as part of their assigned duties?

Yes	1	
No	2	
Don't Know	3	] — GO TO Q.53
Refused	4	

50. What percentage of your (number of employees at Q.30) "other" employees are exposed?

51. What percentage of your (number of employees at Q.30) "other" employees are exposed on average at least once a month?

52. What percentage of your "other" employees are exposed to splashes, spatter or aerosols of blood?

The following questions are about personal protective equipment used to guard against exposure to blood.

53. Do employees at your establishment use disposable latex gloves?

Yes	1	
No	2	
Don't know	3	] — GO TO Q.55
Refused	4	

54. How many disposable latex gloves are purchased by your establishment each month?

55. Do employees at your establishment use disposable vinyl gloves?

Yes	1	
No	2	
Don't know	3	] — GO TO Q.57
Refused	4	

56. How many disposable vinyl gloves are purchased by your establishment each month?

[ASK IF Q.53 = 1 OR Q.55 = 1, OTHERWISE GO TO Q. 61]

Of all the disposable gloves, what percentage is used _____?

57. during the provision of health care _____

[GO TO Q.59]

58. while doing (extra empl. cat.) _____

59. while doing housekeeping _____

60. during other activities _____

61. Do employees at your establishment use reusable gloves?

Yes	1] — GO TO Q.67
No	2	
Don't Know	3	
Refused	4	

62. How many pairs of reusable gloves are available at your establishment?

Of all the reusable gloves, what percentage is used _____?

63. during the provision of health care _____

[GO TO Q.65]

64. while doing (extra empl. cat.) _____

65. while doing housekeeping _____

66. during other activities _____

[ASK OF 53 = 1 OR 55 = 1 OR 61 = 1, OTHERWISE GO TO Q.80]

[IF Q.37 IS OTHER THAN YES, GO TO Q.71]

[IF Q.57 AND 63 = 0, GO TO Q.71]

67. Do your health care workers always use gloves in situations that could otherwise lead to skin contact with blood?

Yes	1	— GO TO Q.69
No	2	
Don't Know	3	] — GO TO Q.71
Refused	4	

68. What percent of your health care employees wear gloves in situations that could lead to contact with blood?

69. What percent of those health care employees using gloves replace these gloves as soon as possible whenever they are torn or soiled by blood?

70. What percent of those health care employees who use gloves and see patients replace their gloves for each new patient?

[GO TO Q.74]

[IF Q.41 IS OTHER THAN YES, GO TO Q.74]

[IF Q.58 AND Q.64 = 0, GO TO Q.74]

71. Do your (extra employee category) always use gloves in situations that could otherwise lead to skin contact with blood?

Yes	1	GO TO Q.73
No	2	
Don't Know	3	GO TO Q.74
Refused	4	

72. What percent of (extra employee category) wear gloves in situations that could lead to contact with blood?

73. What percent of those (extra employee category) using gloves replace these gloves as soon as possible whenever they are torn or soiled by blood?

[IF Q.45 IS OTHER THAN YES, GO TO Q.77]

[IF Q.59 AND Q.65 = 0, GO TO Q.77]

74. Do your housekeeping employees always use gloves in situations that could otherwise lead to skin contact with blood?

Yes	1	GO TO Q.76
No	2	
Don't Know	3	GO TO Q.77
Refused	4	

75. What percent of your housekeeping employees wear gloves in situations that could lead to contact with blood?

76. What percent of those housekeeping employees using gloves replace these gloves as soon as possible whenever they are torn or soiled by blood?

[IF Q.49 IS OTHER THAN YES, GO TO Q.80]

[IF Q.60 AND 66 = 0, GO TO Q.80]

77. Do your "other" employees always use gloves in situations that could otherwise lead to skin contact with blood?

- | | | |
|------------|---|--------------|
| Yes | 1 | GO TO Q.79 |
| No | 2 | |
| Don't Know | 3 |] GO TO Q.80 |
| Refused | 4 | |

78. What percent of your "other" employees wear gloves in situations that could lead to contact with blood?

79. What percent of those "other" employees using gloves replace these gloves as soon as possible whenever they are torn or soiled by blood?

80. Do employees at your establishment use reusable face shields?

- | | | |
|------------|---|--------------|
| Yes | 1 | |
| No | 2 |] GO TO Q.82 |
| Don't know | 3 | |
| Refused | 4 | |

81. How many reusable face shields are available at your establishment?

82. Do employees at your establishment use disposable masks?

- | | | |
|------------|---|--------------|
| Yes | 1 | |
| No | 2 |] GO TO Q.84 |
| Don't know | 3 | |
| Refused | 4 | |

83. How many disposable masks are purchased by your establishment each month?

84. Do employees at your establishment use goggles?

- | | | |
|------------|---|--------------|
| Yes | 1 | |
| No | 2 |] GO TO Q.86 |
| Don't know | 3 | |
| Refused | 4 | |

85. How many pairs of goggles are available at your establishment?

[ASK IF Q.80 = 1 OR Q.82 = 1 OR Q.84 = 1, OTHERWISE GO TO Q.103]

Of all the face protection items, what percentage is used _____?

86. during the provision of health care _____

[GO TO Q.88]

87. while doing (extra empl. cat.) _____

88. while doing housekeeping _____

89. during other activities _____

[IF Q.37 IS OTHER THAN YES, GO TO Q.94]

[IF Q.88 = 0, GO TO Q.94]

90. Do your health care employees always use face protection in situations that could otherwise lead to facial contact with blood?

Yes	1	GO TO Q.92
No	2	
Don't Know	3	] GO TO Q.94
Refused	4	

91. What percent of your health care employees wear face protection in situations that could lead to facial contact with blood?

92. What percent of those health care employees using face protection replace the face protection as soon as possible whenever it is torn or soiled by blood?

93. What percent of those health care workers who use disposable masks and see patients replace their disposable masks for each new patient?

[GO TO Q.97]

[IF Q.41 IS OTHER THAN YES, GO TO Q.97]

[IF Q.87 = 0, GO TO Q.97]

94. Do your (extra employee category) always use face protection in situations that could otherwise lead to skin contact with blood?

Yes	1	GO TO Q.96
No	2	
Don't Know	3	] GO TO Q.97
Refused	4	

95. What percent of your (extra employee category) wear face protection in situations that could lead to facial contact with blood?

96. What percent of those (extra employee category) using face protection replace this face protection as soon as possible whenever it is torn or soiled by blood?

[IF Q.45 IS OTHER THAN YES, GO TO Q.100]

[IF Q.88 = 0, GO TO Q.100]

97. Do your housekeeping employees always use face protection in situations that could otherwise lead to skin contact with blood?

Yes	1	GO TO Q.99
No	2	
Don't Know	3	] GO TO Q.100
Refused	4	

98. What percent of your housekeeping employees wear face protection in situations that could lead to facial contact with blood?

99. What percent of those housekeeping employees using face protection replace this face protection as soon as possible whenever it is torn or soiled by blood?

[IF Q.49 IS OTHER THAN YES, GO TO Q.103]

[IF Q.89 = 0, GO TO Q.103]

100. Do your "other" workers always use face protection in situations that could otherwise lead to facial contact with blood?

Yes	1	GO TO Q.102
No	2	
Don't Know	3	] GO TO Q.103
Refused	4	

101. What percent of your "other" employees wear face protection in situations that could lead to facial contact with blood?

102. What percent of those "other" employees using face protection replace this face protection as soon as possible whenever it is torn or soiled by blood?

103. Do the employees use disposable gowns?

- | | | |
|------------|---|---------------|
| Yes | 1 | |
| No | 2 |] GO TO Q.109 |
| Don't know | 3 | |
| Refused | 4 | |

104. How many disposable gowns are purchased by your establishment each month?

Of all the disposable gowns, what percentage is used _____?

105. during the provision of health care _____

[GO TO Q.107]

106. while doing (extra empl. cat.) _____

107. while doing housekeeping _____

108. during other activities _____

109. Do the employees use reusable gowns?

- | | | |
|------------|---|---------------|
| Yes | 1 | |
| No | 2 |] GO TO Q 115 |
| Don't know | 3 | |
| Refused | 4 | |

110. How many reusable gowns do you have on hand?

Of all the reusable gowns, what percentage is used _____?

111. during the provision of health care _____

[GO TO Q.113]

112. while doing (extra empl. cat.) _____

113. while doing housekeeping _____

114. during other activities _____

[ASK IF 103 = 1 OR 109 = 1, OTHERWISE GO TO 128]

[IF Q.37 IS OTHER THAN YES, GO TO Q.119]

[IF Q.105 AND 111 = 0, GO TO Q.119]

115. Do your health care employees always use gowns in situations that could otherwise lead to clothing contact with blood?

- | | | |
|------------|---|---------------|
| Yes | 1 | GO TO Q.117 |
| No | 2 |] GO TO Q.119 |
| Don't Know | 3 | |
| Refused | 4 | |

116. What percent of your health care employees wear gowns in situations that could lead to clothing contact with blood?

117. What percent of those health care employees using gowns replace these gowns as soon as possible whenever they are torn or soiled by blood?

118. What percent of those health care employees who use gowns and see patients replace their gowns as soon as possible if they are torn or soiled by blood?

[GO TO Q.122]

[IF Q.41 IS OTHER THAN YES, GO TO Q.122]

[IF Q.106 AND Q.112 = 0, GO TO Q.122]

119. Do your (extra employee category) always use gowns in situations that could otherwise lead to skin contact with blood?

- Yes 1 — GO TO Q.121
- No 2
- Don't Know 3] — GO TO Q.122
- Refused 4]

120. What percent of your (extra employee category) wear gowns in situations that could lead to clothing contact with blood?

121. What percent of those (extra employee category) using gowns replace these gowns as soon as possible whenever they are torn or soiled by blood?

[IF Q.45 IS OTHER THAN YES, GO TO Q.125]

[IF Q.107 AND Q.113 = 0, GO TO Q.125]

122. Do your housekeeping employees always use gowns in situations that could otherwise lead to clothing contact with blood?

- Yes 1 — GO TO Q.124
- No 2
- Don't Know 3] — GO TO Q.125
- Refused 4]

123. What percent of your housekeeping employees wear gowns in situation that could lead to clothing contact with blood?

124. What percent of those housekeeping employees using gowns replace these gowns as soon as possible whenever they are torn or soiled by blood?

[IF Q.49 IS OTHER THAN YES, GO TO Q.128]

[IF Q.108 AND Q.114 = 0, GO TO Q.128]

125. Do your "other" employees always use gowns in situations that could otherwise lead to clothing contact with blood?

Yes	1	GO TO Q.127
No	2	
Don't Know	3	] GO TO Q.128
Refused	4	

126. What percent of your "other" employees wear gowns in situations that could lead to clothing contact with blood?

127. What percent of those "other" employees using gowns replace these gowns as soon as possible whenever they are torn or soiled by blood?

[IF Q.21 IS 0, GO TO Q. 137]

128. Are any of your contract workers exposed to blood or material contaminated with blood while at your workplace?

Yes	1	
No	2	
Don't Know	3	] GO TO Q. 137
Refused	4	

129. How many of those exposed contract workers are health care workers?

[IF 0, GO TO Q.131]

130. Does your firm provide personal protective equipment such as gloves, gowns, face protection for these contract health care workers?

Yes	1
No	2
Don't know	3
Refused	4

[GO TO Q.133]

131. How many of these exposed contract workers are (extra employee category)?

[IF 0, GO TO Q.133]

132. Does your firm provide personal protective equipment such as gloves, gowns, face protection for these contract (extra employee category)?

Yes	1
No	2
Don't know	3
Refused	4

133. How many of these exposed contract workers are housekeeping workers?

[IF 0, GO TO Q.135]

134. Does your firm provide personal protective equipment such as gloves, gowns, face protection for these contract housekeeping workers?

Yes	1
No	2
Don't know	3
Refused	4

135. How many of these exposed contract workers are "other" workers?

[IF 0, GO TO Q.137]

136. Does your firm provide personal protective equipment such as gloves, gowns, face protection for these "other" contract workers?

Yes	1
No	2
Don't know	3
Refused	4

[IF Q.33 = 2, 3, OR 4, GO TO Q.140]

137. Are any of your unpaid workers exposed to blood or material contaminated with blood while at your workplace?

Yes	1] GO TO Q.140
No	2	
Don't Know	3	
Refused	4	

138. What percent of your unpaid workers are exposed?

139. Does your firm provide personal protective equipment such as gloves, gowns, masks, goggles for these unpaid workers?

Yes	1
No	2
Don't Know	3
Refused	4

[ASK Q.140-145 FOR HEALTHCARE EMPLOYEES IF Q. 39 > 0]

[ASK Q.140-145 FOR EXTRA EMPLOYEE CATEGORY IF Q.43 > 0]

[ASK Q.140-145 FOR HOUSEKEEPING EMPLOYEES IF Q.47 > 0]

[ASK Q.140-145 FOR "OTHER" EMPLOYEES IF Q.51 > 0]

140. What percentage of the (type of employee) who are exposed at least once a month to blood or material contaminated with blood have been vaccinated against Hepatitis B?

141. Are (type of employee) who are exposed to blood on average at least once a month required to be immunized against Hepatitis B?

Yes	1
No	2
Don't Know	3
Refused	4

142. Does your establishment offer the Hepatitis-B vaccine to all of those (type of employee) free of charge?

Yes	1	GO TO Q.144
No	2	
Don't know	3	GO TO Q.146
Refused	4	

143. Of these (type employee) who are exposed to blood on average at least once a month, what percentage are offered the hepatitis-B vaccine free of charge?

144. Of these (type of employee) what percentage have accepted the offer of free hepatitis-B vaccination?

145. Are these (type of employee) screened for the hepatitis-B antibody prior to vaccination?

Yes	1
No	2
Don't Know	3
Refused	4

[REPEAT Q.140-146 FOR EACH TYPE OF EMPLOYEE]

[ASK Q.146-153 FOR HEALTHCARE EMPLOYEES IF Q.37 = 1]

[ASK Q.146-153 FOR EXTRA EMPLOYEE CATEGORY IF Q.41 = 1]

[ASK Q.146-153 FOR HOUSEKEEPING EMPLOYEES IF Q.45 = 1]

[ASK Q.146-153 FOR "OTHER" EMPLOYEES IF Q.49 = 1]

146. Do you offer training regarding the characteristics of bloodborne diseases and acceptable practices to prevent occupational exposure to (type of employee)?

Yes	1	
No	2	
Don't know	3	] — GO TO Q.151
Refused	4	

147. What percent of (type of employee) do not receive training because of their previous training and experience?

148. How frequently is the training provided to (type of employee)?

Once upon employment	01
At job change	02
Monthly	03
Quarterly	04
Semiannually	05
Annually	06
Less often than annually	07
Other (specify)	08
Don't Know	09
Refused	10

149. What is the length of the average training session for this (type of employee)?

Less than half an hour	1
1/2 to 1 hour	2
2 to 3 hours	3
4 to 6 hours	4
7 to 8 hours	5
Longer than 8 hours	6
Other (specify)	7
Don't know	8
Refused	9

150. Does the initial training for employees take place prior to assignment to tasks involving exposure to blood or other materials contaminated with blood?

Yes	1
No	2
Don't know	3
Refused	4

An exposure incident is defined as blood contact with the eyes, other mucous membranes, or broken skin, as well as any cut or puncture-caused contact with blood or other materials contaminated with blood. How many exposure incidents resulting from _____ occurred during 1988 by your (type of employee)?

151. needle sticks _____
 152. cuts from instruments other than needles _____
 153. other blood contact _____

[REPEAT Q.146 THROUGH 153 FOR EACH TYPE OF EMPLOYEE]

[ASK 154 THROUGH 172 ONLY IF Q.151 OR 152 OR 153 IS GREATER THAN 0]

154. After employees were involved in the (sum of Q.151, 152, 153) exposure incidents, were any attempts made to test the source patient for the Hepatitis-B virus?

Yes	1] — GO TO Q.158
No	2	
Don't Know	3	
Refused	4	

155. After these incidents, how many times did you attempt to test the source patient?

156. Was that with the patient's permission?

Yes	1] — GO TO Q.158
No	2	
Don't Know	3	
Refused	4	

157. Of the patients asked, how many agreed to be tested for Hepatitis-B?

158. After employees were involved in the (sum of Q. 151, 152, and 153) exposure incidents, did you offer to test any of the employees for antibody to Hepatitis-B virus?

Yes	1	
No	2	] — GO TO Q.161
Don't know	3	
Refused	4	

159. After these incidents, how many times did you offer to test the employees?

160. Of the employees asked, how many agreed to be tested for Hepatitis-B?

161. Were any of the employees involved in an exposure incident offered Hepatitis-B immune globulin?

Yes	1	
No	2	] — GO TO Q.164
Don't know	3	
Refused	4	

162. How many times did you offer Hepatitis-B immune globulin to these employees?

163. Of the employees asked, how many agreed to receive the Hepatitis-B immune globulin?

164. After employees were involved in the (sum of Q. 151, 152, and 153) exposure incidents, were any attempts made to test the source patient for the AIDS virus?

Yes	1	
No	2	] — GO TO Q.168
Don't know	3	
Refused	4	

165. After these exposure incidents, how many times did you attempt to test the source patient?

166. Was that with the patient's permission?

- | | | |
|------------|---|-----------------|
| Yes | 1 | |
| No | 2 |] — GO TO Q.168 |
| Don't know | 3 | |
| Refused | 4 | |

167. Of the patients asked, how many agreed to be tested for the AIDS virus?

168. After employees were involved in the (sum of Q.151, 152, and 153) exposure incidents, did you ever offer followup testing of the employee for the AIDS virus?

- | | | |
|------------|---|-----------------|
| Yes | 1 | |
| No | 2 |] — GO TO Q.171 |
| Don't know | 3 | |
| Refused | 4 | |

169. After these exposure incidents, how many times did you offer followup testing of the employee?

170. Of the employees asked, how many agreed to be tested for the AIDS virus?

171. After employees were involved in exposure incidents, did you ever offer to provide post exposure counseling about the AIDS virus?

- | | | |
|------------|---|-----------------|
| Yes | 1 | |
| No | 2 |] — GO TO Q.173 |
| Don't know | 3 | |
| Refused | 4 | |

172. How many times did employees accept this offer?

173. What percentage of your waste that is contaminated by blood is disposed of in containers that are color coded or labeled as infectious?

174. Do you have a policy for general cleaning and disinfection?

Yes	1	
No	2	] GO TO Q.176
Don't know	3	
Refused	4	

175. Is this policy written?

Yes	1
No	2
Don't know	3
Refused	4

176. Does your facility use needles?

Yes	1	
No	2	] GO TO Q.180
Don't know	3	
Refused	4	

177. Do your employees ever recap needles by hand?

Yes	1
No	2
Don't know	3
Refused	4

178. How many disposable needles do you purchase each month?

179. How many other needles do you purchase each month?

180. Do you use sharp instruments other than needles?

Yes	1
No	2
Don't Know	3
Refused	4

[If NO TO Q.176 AND Q.180, GO TO Q. 185]

181. A Sharps Disposal Container is defined as a closable, leakproof, puncture resistant, disposable container that is labeled or color coded. Are such containers available in your facility?

Yes	1	
No	2	] GO TO Q.185
Don't know	3	
Refused	4	

182. Are these containers available at all locations where needles or sharp instruments are used?

Yes	1	GO TO Q.185
No	2	
Don't know	3	
Refused	4	

183. In how many different locations are needles or sharp instruments used which do not presently have a Sharps Disposal Container?

184. What percentage of the contaminated needles or other sharp objects are currently disposed of in such containers?

185. Does your establishment have an area where blood or tissue samples are processed?

Yes	1	
No	2	] GO TO Q.193
Don't Know	3	
Refused	4	

186. Do you operate a centrifuge on the premises?

Yes	1	
No	2	] GO TO Q.189
Don't know	3	
Refused	4	

187. Are safety cups used in centrifuge operation for all blood, body fluid, and other potentially infectious material?

Yes	1	GO TO Q.189
No	2	
Don't know	3	
Refused	4	

188. Are safety cups used when handling materials which are known to be infectious?

Yes	1
No	2
Don't know	3
Refused	4

189. Do you work with concentrated amounts of the hepatitis-B or the AIDS virus?

Yes	1] — GO TO Q.192
No	2	
Don't know	3	
Refused	4	

190. Is there a potential for aerosolization of fluid containing these viruses?

Yes	1
No	2
Don't know	3
Refused	4

191. Are hazard warning signs incorporating the universal biohazard symbol posted on all access doors of work areas and all rooms containing these concentrated viruses?

Yes	1
No	2
Don't know	3
Refused	4

192. Is there a sink for hand washing in the laboratory area?

Yes	1
No	2
Don't know	3
Refused	4

193. Does your establishment have an autoclave?

Yes	1
No	2
Don't know	3
Refused	4

194. Is your organization independent or is it affiliated with other establishments?

Independent	1
Affiliated	2
Don't Know	3
Refused	4

[IF NOT NURSING HOME, GO TO Q.196]

195. What is your average daily skilled census? Please include Medicare, Medicaid and private.

196. Which of the following best describes the total annual revenue (budget) at your establishment? Is it less than \$250,000, \$250,000 to less than \$1,000,000, \$1,000,000 to less than \$3,500,000, or \$3,500,000 or more?

Less than \$250,000	1
\$250,000 to \$1,000,000	2
\$1,000,000 to \$3,500,000	3
More than \$3,500,000	4
Don't know	5
Refused	6

197. For our records, what is your name, title and the name of your firm?

If you wish to elaborate on any of the responses given today or supply any additional new information, I can provide you with an address where you may forward your comments. Would you like that address?

Thank you for your time.

[FR Doc. 89-17067 Filed 7-18-89; 8:45 am]

BILLING CODE 4510-26-C

100. What is your average daily caloric intake? (State the number of calories.)

101. Which of the following best describes the total amount of food you eat? (State the number of calories.)

102. How many times a day do you eat?

103. For all records, what is your usual time of day for eating?

104. If you wish to discontinue any of the questions, please advise me by return mail. I can provide you with an additional copy of the questionnaire if you wish.

105. Thank you for your time.

106. Please return this questionnaire to the following address:

107. Name of the person or institution to whom the questionnaire should be returned.

108. Address of the person or institution to whom the questionnaire should be returned.

109. City, State, and Zip Code of the person or institution to whom the questionnaire should be returned.

110. Telephone number of the person or institution to whom the questionnaire should be returned.

111. Any other information you wish to provide.

112. Signature of the respondent.

113. Date of completion of the questionnaire.

Reader Aids

Federal Register

Vol. 54, No. 137

Wednesday, July 19, 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

CFR PARTS AFFECTED DURING JULY

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			
302.....	28964	1822.....	29329
305.....	28964	1823.....	29329
310.....	28964	1910.....	29329
		1941.....	28019, 29329
		1942.....	29329
		1943.....	28019, 29329
		1944.....	29329
		1945.....	29329
		1951.....	28019, 28020, 28411, 29329
		1955.....	29329
		1965.....	29329
		1980.....	28021
3 CFR		Proposed Rules:	
Proclamations:		29.....	27883
5995.....	28409	319.....	29566
5996.....	28993	401.....	28019, 28428, 28820
5997.....	28999	449.....	28429
5998.....	29313	911.....	29338
Executive Orders:		927.....	29340
11958 (Amended by		947.....	29341
EO 12680).....	28995	987.....	29342
12163 (Amended by		989.....	29343
EO 12680).....	28995	1762.....	27883
12171 (Amended by		1864.....	29569
EO 12681).....	28997	1930.....	29901
12680.....	28995	1944.....	29901
12681.....	28997	1956.....	29569
12682.....	29315	1965.....	29569
Administrative Orders:			
Presidential Determinations:		8 CFR	
No. 89-16 of		100.....	29438
June 22, 1989.....	28017	103.....	29438, 29440, 29875
		210a.....	29875
		242.....	29438
		245.....	29440
		245A.....	29434, 29442
		264.....	29438
		299.....	29438
		Proposed Rules:	
		103.....	29344
		242.....	29050
5 CFR			
1201.....	28632	9 CFR	
1202.....	28657	92.....	29003
1203.....	28658	Proposed Rules:	
1204.....	28658	54.....	29576
1205.....	28662	75.....	28070
1206.....	28664		
1209.....	28654	10 CFR	
Proposed Rules:		2.....	27864, 29008
900.....	28426	7.....	28554
		26.....	29139
		51.....	27864
		60.....	27864
		Proposed Rules:	
		2.....	28822
		30.....	30049
		40.....	30049
		50.....	30049
		60.....	30049
		70.....	30049
7 CFR			
2.....	28665		
29.....	27855		
33.....	29317		
400.....	28019, 28411		
401.....	28795		
455.....	30007		
905.....	29318		
910.....	28796, 29701		
916.....	27856		
917.....	27856, 29321		
921.....	29319		
922.....	29319		
923.....	29319		
924.....	29319		
928.....	29318		
929.....	29323		
946.....	27862		
948.....	29324		
955.....	29325		
958.....	29324		
989.....	29326		
1040.....	29327		
1260.....	28019		

FEDERAL REGISTER PAGES AND DATES, JULY

27855-28016.....	3
28017-28408.....	5
28409-28664.....	6
28665-28794.....	7
28795-28998.....	10
28999-29316.....	11
29317-29528.....	12
29529-29700.....	13
29701-29874.....	14
29875-30006.....	17
30007-30204.....	18
30205-30364.....	19

72.....	30049	21 CFR		Proposed Rules:			29063, 29349
150.....	30049	177.....	29018	800.....	29744	60.....	28447, 29352
764.....	29732	310.....	28772, 28780	32 CFR		81.....	29349
12 CFR		520.....	29543, 30205	706.....	30206	82.....	29353
226.....	28665	522.....	29543, 30205	Proposed Rules		142.....	29516
Proposed Rules:		524.....	29543, 30205	281.....	30227	264.....	30228
5.....	28072	548.....	30205	33 CFR		265.....	30228
202.....	29734	556.....	28051	100.....	28814, 29547, 30034-	300.....	29820
32.....	30054	558.....	28051, 28154, 29335,	117.....	30037	302.....	29306
561.....	27885		29544	165.....	28814	355.....	29306
563.....	27885	573.....	29019	167.....	28061	707.....	29524
14 CFR		862.....	30206	Proposed Rules:		41 CFR	
39.....	28022, 28023, 28025,	1308.....	28414	100.....	29348	302-1.....	29716
	28026, 28028, 28554,	Proposed Rules:		34 CFR		42 CFR	
	29008, 29009, 29529,	10.....	28872	203.....	30190	57.....	28065
	29530, 29534, 29535,	310.....	28872	222.....	30039	405.....	29717
	29537, 29538, 30007,	314.....	28872	35 CFR		442.....	29717
	30009	320.....	28823, 28872	103.....	29335	447.....	29717
71.....	28029, 29539, 29540,	341.....	28442	117.....	29335	483.....	29717
	29817, 29888-29891	610.....	30093	135.....	29335	488.....	29717
91.....	28769, 29698, 29892	640.....	30093	Proposed Rules:		489.....	29717
97.....	28029, 30010	22 CFR		103.....	29584	498.....	29717
107.....	28765	34.....	28415	133.....	29584	43 CFR	
108.....	28985	514.....	30033	36 CFR		Public Land Orders:	
Proposed Rules:		23 CFR		13.....	30005	6732.....	30214
Ch. I.....	28074	Proposed Rules:		37 CFR		6733.....	30213
1.....	28978	625.....	29910, 30095	1.....	29548	6734.....	30215
14.....	29978	645.....	29910	2.....	29548	6735.....	30213
39.....	29050-29056, 29577,	658.....	29060	201.....	27873	6736.....	30213
	30059-30062	24 CFR		38 CFR		6737.....	30215
	29579, 29580, 29582	203.....	28053	3.....	28445	6738.....	30214
71.....	28074, 29057-29059,	26 CFR		17.....	28667, 28673	6739.....	30214
	29907	1.....	28576	19.....	28445	Proposed Rules:	
75.....	29908, 29909	602.....	28576	21.....	28676	5450.....	29357
91.....	28978	Proposed Rules:		39 CFR		5460.....	29357
108.....	28982	1.....	28075, 28683, 29061	111.....	27879	45 CFR	
121.....	28978	27 CFR		221.....	29706	302.....	30216
125.....	28978	5.....	29701	222.....	29706	303.....	30216
129.....	28978	Proposed Rules:		223.....	29706	304.....	30216
135.....	28978	9.....	29739	224.....	29706	305.....	30216
15 CFR		29 CFR		225.....	29706	46 CFR	
50.....	29010	1910.....	28054, 28154, 29142,	226.....	29706	502.....	29036
771.....	29011		29545, 29546	227.....	29706	47 CFR	
774.....	28665	1915.....	29142	228.....	29706	1.....	29037
786.....	29011	1917.....	29142	229.....	29706	2.....	30041
799.....	30011	1918.....	29142	40 CFR		22.....	28815, 28816
Proposed Rules:		1926.....	29546	52.....	27880, 29310, 29554,	73.....	28677, 28678, 29038
25.....	28430	2610.....	27872, 28944, 29702		30040		29559-29561, 29719,
16 CFR		2619.....	29703		29555, 29893-29895		29720, 30041, 30042
305.....	28031	2622.....	27872		28062, 29336		29039, 30043
Proposed Rules:		2644.....	27872		28662		29040
703.....	29910	2670.....	29025		29998		28678
17 CFR		2675.....	29025		29712	Proposed Rules:	
200.....	28796	2676.....	29892		28677, 29557	Ch. I.....	28789
201.....	28797	Proposed Rules:			30211	2.....	28823
211.....	29333	1602.....	30097		28418	15.....	28690, 28691, 28693
240.....	28799, 30013	1627.....	30097		29460	73.....	27904, 28077, 28695,
241.....	28799	30 CFR			29715		28696, 29067, 29587,
Proposed Rules:		938.....	29704		29715		29588, 29755, 29756
230.....	30063, 30076	Proposed Rules:				87.....	28823
240.....	30087	715.....	28443			48 CFR	
250.....	29739	916.....	29742			1.....	29278
259.....	29739	920.....	30098			4.....	29278
19 CFR		936.....	29583			7.....	29278
10.....	28412	31 CFR				8.....	29278
134.....	29540	103.....	28416			14.....	29278
141.....	28412	344.....	28752			15.....	29278
178.....	28412	Proposed Rules:				17.....	29278
20 CFR		22.....	29516			19.....	29278
655.....	28037	52.....	28684, 28689, 29061,				

22.....	29278	675.....	30102
25.....	29278		
36.....	29278		
37.....	29278		
38.....	29278		
47.....	29278		
51.....	29278		
52.....	29278		
53.....	29278		
204.....	28419		
503.....	29720		
505.....	29720		
552.....	29720		
705.....	28068		
706.....	28068		
715.....	28068		
752.....	28068		
809.....	30043		
810.....	30043		
814.....	30043		
816.....	30043		
828.....	30043		
852.....	30043		
870.....	30043		
Ch. 18.....	28186		
Proposed Rules:			
15.....	29296		
43.....	29296		
47.....	29984		
52.....	29296, 29984		
219.....	30101		
246.....	30101		
916.....	30230		
917.....	29757		
935.....	29757		
970.....	30230		

49 CFR

89.....	28680
171.....	28750
172.....	28750
173.....	28750
176.....	28750
178.....	28750
192.....	27881
193.....	27881
195.....	27881
390.....	28818
391.....	28818
393.....	28818
571.....	29041-29045, 30223
1011.....	29337
Proposed Rules:	
390.....	29912
512.....	28696
571.....	29067-29071, 29915
572.....	29071

50 CFR

204.....	30045
17.....	29652, 29655, 29658, 29726
285.....	29896
299.....	29896
640.....	30045
642.....	29561
661.....	28818, 29730
663.....	30046
672.....	28422, 28681, 30224
674.....	28423, 30225
Proposed Rules:	
17.....	29915
20.....	29640
285.....	29359, 29916
672.....	30102

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 July 13, 1989.

