AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

8-1-89
Vol. 54 No. 146

federal register

Tuesday
August 1, 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)

8-1-89
Vol. 54 No. 146
Pages 31645-31796

Federal Register

Tuesday
August 1, 1989

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. 146

Tuesday, August 1, 1989

Agricultural Marketing Service
RULES
Dairy products; grading, inspection, and standards:
Butter, 31645

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service

Animal and Plant Health Inspection Service
NOTICES
Environmental statements; availability, etc.:
National boll weevil cooperative control program, 31710
Meetings:
Foreign Animal and Poultry Diseases Advisory Committee, 31711

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
Continental Graphics Corp., 31741

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
Delaware, 31714

Commerce Department
See International Trade Administration; National Oceanic and Atmospheric Administration

Conservation and Renewable Energy Office
NOTICES
Consumer product test procedures; waiver petitions:
Trane Co., Inc., 31723

Defense Department
See also Navy Department
NOTICES
Senior Executive Service:
Performance Review Board; membership, 31723

Drug Enforcement Administration
RULES
Chemical Diversion and Trafficking Act of 1988; implementation:
Precursor and essential chemicals, and tableting and encapsulating machines; records, reports, imports, and exports, 31657
Practice and procedure:
Investigative and law enforcement personnel; civil prosecution exemption, 31669

Employment and Training Administration
NOTICES
Adjustment assistance:
A-1 Rit & Tool Co. et al., 31747
GLI-United Plastics, 31748

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

Environmental Protection Agency
RULES
Hazardous waste:
Identification and listing—
Exclusions, 31675
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Deinked paper fiber, 31674
Toxic substances:
Comprehensive assessment information rule; list additions
Correction, 31680
NOTICES
Agency information collection activities under OMB review, 31730, 31731
(2 documents)

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 31653
Cessna, 31651
Lockheed, 31652
McDonnell Douglas, 31649
Restricted areas, 31655
Transition areas, 31654
PROPOSED RULES
Airworthiness directives:
Pratt & Whitney, 31693, 31694
(2 documents)
Control zones, 31696, 31698–31700
(5 documents)
Jet routes, 31705
Transition areas, 31697, 31701–31704
(5 documents)
NOTICES
Airport noise compatibility program:
Charlotte/Douglas International Airport, NC, 31759
Drake Field Airport, AR, 31760
Rickenbacker Airport, OH, 31761

Federal Communications Commission
RULES
Radio stations; table of assignments:
Illinois, 31686
Kansas, 31686
Minnesota et al., 31685
Pennsylvania, 31685
Virginia, 31685
NOTICES
Agency information collection activities under OMB review, 31731

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 31764

Federal Emergency Management Agency
RULES
Federal crime insurance program:
Commercial plan classification and rating structure, and residential and commercial policy terminology, 31681

Federal Energy Regulatory Commission
PROPOSED RULES
Electric utilities (Federal Power Act):
Generic determination of rate of return on common equity for public utilities, 31706
NOTICES
Natural gas certificate filings:
Valley Gas Transmission, Inc., et al., 31724

Federal Grain Inspection Service
NOTICES
Agency designation actions:
Arizona, 31713
Florida, 31713
Nebraska et al., 31712
Texas, 31712
Texas et al., 31712

Federal Home Loan Bank Board
NOTICES
Conservator appointments:
Clover Federal Savings & Loan Association, 31731
Organization, functions, and authority delegations:
Federal Savings and Loan Insurance Corporation, conservator for insolvent insured institutions; etc., 31731

Federal Maritime Commission
NOTICES
Agreements filed, etc., 31732, 31733
(4 documents)

Federal Reserve System
RULES
Securities credit transactions; OTC margin stocks list (Regulations G, T, U, and X), 31646

Federal Trade Commission
NOTICES
Prohibited trade practices:
Firestone Fire & Rubber Co. Inc., 31733

Food and Drug Administration
PROPOSED RULES
Biological products:
Blood and blood products; labeling requirement removed
Correction, 31765

Forest Service
NOTICES
Meetings:
Mount St. Helens Scientific Advisory Board, 31714

General Services Administration
NOTICES
Agency information collection activities under OMB review, 31733

Health and Human Services Department
See also Food and Drug Administration; Social Security Administration
NOTICES
Organization, functions, and authority delegations:
National Institutes of Health, 31733

Hearings and Appeals Office, Energy Department
NOTICES
Cases filed, 31729

Housing and Urban Development Department
RULES
Community development block grants:
Special projects expenditures; increased local discretion, 31670

Interior Department
See also Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office
NOTICES
National Environmental Policy Act; implementation, 31735
Senior Executive Service:
Performance Review Board; membership, 31736

Internal Revenue Service
RULES
Income taxes:
National principal contract income, 31672
PROPOSED RULES
Income taxes:
National principal contract income; cross reference, 31708
NOTICES
Capital construction fund, nonqualified withdrawals; interest, 31762

International Trade Administration
NOTICES
Countervailing duties:
Carbon steel products from Sweden, 31714
Applications, hearings, determinations, etc.:
Argonne National Laboratory, 31716
Associated Universities, Inc., 31717
California State University et al., 31717
(2 documents)
Energy Department et al., 31720
Princeton University, 31721
Rensselaer Polytechnic Institute, 31722
Texas A&M University et al., 31719
University of Maryland at Baltimore et al., 31719
University of Nebraska Medical Center et al., 31720
University of Utah et al., 31718
University of Wisconsin, 31718

International Trade Commission
NOTICES
Meetings; Sunshine Act, 31764

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
CSX Transportation, Inc., 31738
Garden City Northern Railway, Inc., 31739
Intermountain Western Railroad Co., 31738

Justice Department
See also Antitrust Division; Drug Enforcement Administration; Justice Programs Office
NOTICES
Agency information collection activities under OMB review, 31740

Pollution control; consent judgments:
Printed Circuits, Inc., et al., 31740

Justice Programs Office
NOTICES
Grants and cooperative agreements; availability, etc.:
Native American discretionary programs—
Child abuse cases, 31741
Law enforcement training and technical assistance, 31744

Labor Department
See also Employment and Training Administration; Occupational Safety and Health Administration
NOTICES
International labor affairs:
Worker rights, internationally recognized; export processing zones, 31746

Land Management Bureau
NOTICES
Realty actions; sales, leases, etc.:
Idaho, 31736
Withdrawal and reservation of lands:
Idaho, 31736

Maritime Administration
NOTICES
Capital construction fund, nonqualified withdrawals; interest, 31762

Minerals Management Service
PROPOSED RULES
Outer Continental Shelf; oil, gas, and sulphur operations:
Well-completion and workover operations; minimum training requirements, 31768
NOTICES
Outer Continental Shelf operations:
North American Datum reference; offshore coordinate values, 31737

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Inter-Arts Advisory Panel, 31748

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
Lamps, reflective devices, and associated equipment—
Replaceable bulb headlamps; downward torque deflection requirements, 31687

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Pacific Coast groundfish, 31688
NOTICES
Capital construction fund, nonqualified withdrawals; interest, 31672
Permits:
Marine mammals, 31722

National Park Service
NOTICES
Concession contract negotiations:
Grand Portage-Isle Royale Transportation Lines, Inc., 31737

Navy Department
NOTICES
Meetings:
Naval Academy, Board of Visitors, 31723

Nuclear Regulatory Commission
RULES
Advisory committees; establishment, utilization, and termination; policies and procedures, 31646
NOTICES
Meetings; Sunshine Act, 31764
Applications, hearings, determinations, etc.:
Combustion Engineering, Inc., 31749
Detroit Edison Co., 31749, 31750 (2 documents)
Northern States Power Co., 31751

Occupational Safety and Health Administration
RULES
Safety and health standards, etc.:
Formaldehyde; occupational exposure
Correction, 31765

Postal Rate Commission
NOTICES
Post office closings; petitions for appeal:
Montpelier, MS, 31751

Presidential Documents
PROCLAMATIONS
Special observances:
POW/MIA Recognition Day, National (Proc. 6002), 31794
EXECUTIVE ORDERS
Government employees:
Noncompetitive conversion (EO 12685), 31796

Public Health Service
See Food and Drug Administration

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Depository Trust Co., 31752
Dreyfus Life & Annuity Index Fund, Inc., et al., 31755
Home Life Insurance Co. et al., 31758
Philadelphia Stock Exchange, Inc., 31754, 31755 (2 documents)

Social Security Administration
RULES
Supplemental security income:
Retrospective monthly accounting; certain assistance payments exception, 31656

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 31737

Transportation Department
See Federal Aviation Administration; Maritime Administration; National Highway Traffic Safety Administration

Treasury Department
See also Internal Revenue Service

NOTICES
Agency information collection activities under OMB review, 31762

Separate Parts In This Issue

Part II
Department of the Interior, Minerals Management Service, 31768

Part III
The President, 31794

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6002 31794
Executive Orders:
12685 31796

7 CFR
58 31645

10 CFR
7 31646

12 CFR
207 31646
220 31646
221 31646
224 31646

14 CFR
39 (4 documents) 31649, 31651–31653
71 31654
73 31655
Proposed Rules:
39 (2 documents) 31693, 31694
71 (10 documents) 31696–31704
75 31705

18 CFR
Proposed Rules:
37 31706

20 CFR
416 31656

21 CFR
1310 31657
1313 31657
1316 31669
Proposed Rules:
610 31765
640 31765

24 CFR
570 31670

26 CFR
1 31672
602 31672
Proposed Rules:
1 31708

29 CFR
1910 31765

30 CFR
Proposed Rules:
250 31768

40 CFR
180 31674
261 31675
704 31680

44 CFR
80 31681
83 31681

47 CFR
73 (5 documents) 31685, 31686

49 CFR
571 31687

50 CFR
663 31688

Rules and Regulations

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 1989

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

[DA-88-119]

Grading and Inspection, General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; Revision of United States Standards for Grades of Butter

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the United States Standards for Grades of Butter. The standards have been revised to minimize the impact of the "short" body defect in the grading process. The revision take into consideration the changes in production technology and marketing practices. Modern commercial packaging equipment tends to rework bulk butter in such a way that any existing "short" body defect in the butter is either eliminated or greatly minimized when packaged for the commercial market.

EFFECTIVE DATE: August 31, 1989.

FOR FURTHER INFORMATION CONTACT: Roland S. Golden, USDA/AMS/Dairy Division, Dairy Standardization Section, P.O. Box 96456, Room 2750–S, Washington, DC 20090–6456, (202) 447–7473.

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

The Administrator of the Agricultural Marketing Service has determined that this final rule will not have a significant economic impact on a substantial number of small entities because it concerns a voluntary standard and the revision does not increase costs to those utilizing the standard.

In addition, the Agency's Dairy Standardization Section conducted a review of the United States Standards for Grades of Butter. The objective of the review was to obtain both current and historical information relating to the impact of the "short" body defect in the butter grading process. "Short" body relates to the brittleness of butter and is influenced by processing techniques.

The review involved the collection and evaluation of information from the Agency's Dairy Grading Section and from the American Butter Institute, which represents the butter industry. It was determined from this information that modern commercial packaging equipment is able to rework butter in such a way that any "short" body defect in the butter is eliminated or greatly minimized when the butter is converted into retail packages.

Because of this, less importance should be given to the "short" body defect when grading butter. Formerly, the standards required that butter possessing a "definite short" body defect would receive the next lower grade. However, with the present packaging technology, such downgrading is inappropriate since the defect no longer exists when the butter is packaged for consumers. Therefore, the U.S. Standards for Grades of Butter are revised to minimize the impact of the "short" body defect. Also, the definition of "short" body characteristics is amended to add a definition for "pronounced short."

Changes Adopted in the Final Rule

This document makes the following changes in the United States Standards for Grades of Butter:

1. Deletes the "½" disrating for "slight short."

2. Changes the "1" disrating for "definite short" to a "½" disrating.

3. Provides for a "1" disrating for "pronounces short."

4. Adds a definition for "pronounced short" in the "Explanation of Terms" section.

USDA grade standards are voluntary standards that are developed to assist the orderly marketing process. Dairy plants are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When butter is officially graded, the USDA regulations governing the grading of manufactured or processed dairy products would be in effect. These regulations also require that fees and charges be assessed for grading services provided by USDA.

Response to Industry Comment

A rulemaking document proposing the changes outlined above was published in the Federal Register on March 7, 1989 (54 FR 9452). A 30-day comment period was provided so that interested persons could submit comments on the proposed changes.

The Agency received one comment from an individual representing a farmer-owned cooperative. This commenter stated that the butter manufacturers would benefit from the proposed change and that consumers thus would benefit from the savings in manufacturing costs. However, this individual also suggested that the "short" body defect should be deleted completely from the standards.

The Agency believes that while a "short" body defect usually is greatly reduced by modern packaging equipment, a *pronounced* "short" body defect would not be sufficiently reduced by reworking. It is the experience of the Agency that this degree of the "short" body defect in butter could cause product losses to the packaging company due to the breaking and splitting of the bulk butter during the repackaging process. This loss would mean extra costs to the packagers and eventually to the consumer. Consequently, the pronounced short defect should affect the final grade of the butter, as provided by this final rule.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

For the reasons set forth in the preamble, 7 CFR Part 58 is amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR Part 58 continues to read as follows:

Authority: Sections. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627 unless otherwise noted.

2. In § 58.2627, Table II is revised to read as follows:

§ 58.2627 Specifications for U.S. grades of butter.

* * * * *

TABLE II—CHARACTERISTICS AND DISRATINGS IN BODY, COLOR, AND SALT

Characteristics	Disratings		
	S	D	P
Body:			
Short		½	1
Crumbly	½	1	
Gummy	½	1	
Leaky	½	1	2
Mealy or grainy	½	1	
Weak	½	1	
Sticky	½	1	
Ragged boring	1	2	
Color:			
Wavy	½	1	
Mottled	1	2	
Streaked	1	2	
Color specks	1	2	
Salt:			
Sharp	½	1	
Gritty	1	2	

S—Slight; D—Definite; P—Pronounced

3. Section 58.2635(b)(6) is revised to read as follows:

§ 58.2635 Explanation of terms.

* * * * *

(b) * * *

(6) *Short.* The texture is short-grained, lacks plasticity and tends toward brittleness. The intensity is described as "slight" when the butter lacks pliability and tends to be brittle; "definite" when sharp and distinct breaks form as pressure is applied against the butter plug; and "pronounced" when sharp and distinct breaks form in the butter surface when the trier is inserted, or when segments of the butter plug separate along fracture lines.

* * * * *

Signed at Washington, DC, on July 27, 1989.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 89–17933 Filed 7–31–89; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 7

[RIN 3150–AD25]

Advisory Committees; Policies and Procedures; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published on June 27, 1989 (54 FR 26947), that defines the policies and procedures to be followed by the Nuclear Regulatory Commission in the establishment, utilization, and termination of advisory committees. The action is necessary to correct a paragraph that was inadvertently mislabeled and an incorrect cross-reference.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Acting Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7758.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 27, 1989, in the left-hand column of page 26951, make the following correction:

PART 7—[Corrected]

1. In § 7.10, the second paragraph designated as paragraph (b) is correctly designated as paragraph (c). In addition, the introductory text of the correctly designated paragraph (c) is revised to read as follows:

§ 7.10 The NRC Advisory Committee Management Officer.

* * * * *

(c) For purposes of paragraph (b) of this section, the term "records" includes (but is not limited to):

* * * * *

Dated at Bethesda, Maryland, this 26th day of July 1989.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 89–17912 Filed 7–31–89; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

Regulations G, T, U and X; Securities Credit Transactions; List of Marginable OTC Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published four times a year by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List which was effective May 8, 1989, and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: August 14, 1989.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781. For the hearing impaired *only*, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452–3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This supersedes the last List which was effective May 8, 1989. Additions and deletions for the List were published on April 24, 1989 (54 FR 16357). A copy of the complete List incorporating these additions and deletions is available from the Federal Reserve Banks.

The List of Marginable OTC Stocks includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The List also includes any stock designated

under a Securities and Exchange Commission (SEC) rule as qualified for trading in the national market system (NMS security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the SEC and will be incorporated into the Board's next quarterly List.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR §§ 220.2(s) and 220.17(c) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the Board's List of Marginable OTC Stocks:

Deletions From List

Stocks Removed For Failing Continued Listing Requirements

American Carriers, Inc.
No par common
American Continental Corporation
$.01 par common
$1.00 par exchangeable preferred
American Insured Mortgage Investors '84
Depository units of limited partnership interest
Animed, Inc.
$.01 par common
Applied Data Communications, Inc.
$.01 par common
Aris Corporation
$.01 par common
ASK Corporation
No par common
Associated Companies, Inc.
No par common
Avant-Garde Computing, Inc.
No par common
BI Incorporated
No par common
Big Bear, Inc.
$.01 par common
Bio-Technology General Corp.
$.01 par common
Biomerica Inc.
$.04 par common
Bombay Palace Restaurants, Inc.
$.01 par common
BSD Medical Corporation—Delaware
$.01 par common
Butler National Corporation
$.10 par common
Candela Laser Corporation
$.01 par common
Carolin Mines, Ltd.
Class A, no par common
Celina Financial Corporation
Class A, $.50 par common
Chaparral Resources, Inc.
$.10 par common
Charlotte Charles, Inc.
$.10 par common
Charter-Crellin, Inc.
$.01 par common
Chemex Pharmaceuticals, Inc.
Warrants (expire 05–29–89)
Class 1, warrants (expire 05–20–90)
Circle Express, Inc.
No par common
CMS Advertising, Inc.
$.01 par common
Colorocs Corporation
Class D, warrants (expire 05–04–89)
Comcast Corporation
5½% convertible subordinated debentures
Commonwealth Mortgage Company, Inc.
$.10 par common
Comp-U-Check, Inc.
$.10 par common
Costco Wholesale Corporation
7¼% convertible subordinated debentures
Crescott, Inc.
$.001 par common
De Tomaso Industries, Inc.
$2.50 par common
Dest Corporation
$.01 par common
Digitech, Inc.
$.10 par common
Eagle Telephonics, Inc.
$.01 par common
Electro-Catheter Corporation
$.10 par common
EMS Systems, Ltd.
No par common
Energy Conversion Devices, Inc.
$.01 par common
Exovir, Inc.
$.01 par common
Farm House Foods Corporation
$.05 par common
Great Southern Federal Savings Bank (Georgia)
$1.00 par common
GTS Corporation
$.01 par common
Haber, Inc.
$.01 par common
Voting, $2.00 par cumulative convertible preferred
Harvard Group, PLC
American Depository Receipts for ordinary shares (par value 2p)
Health Images, Inc.
Series A, $.01 par cumulative convertible preferred
Integrated Resources American Insured Mortgage Investors '85
Depository units of limited partnership interest
Kaypro Corporation
No par common
Kenilworth Systems Corporation
$.01 par common
Kimbark Oil & Gas Company
$.10 par common
Kings Road Entertainment, Inc.
$.01 par common
Kreisler Manufacturing Corporation
$.50 par common
Lund Enterprises, Inc.
Warrants (expire 04–30–91)
Margaux, Inc.
$.01 par common
Maxicare Health Plans, Inc.
No par common
7% convertible subordinated debentures
Municipal Development Corporation
$.01 par common
National Business Systems, Inc.

No par common
New Visions Entertainment Corporation
$.001 par common
Series A, par cumulative convertible preferred
Nucorp, Inc.
Warrants (expire 10–31–89)
OCG Technology, Inc.
$.10 par common
Olson Industries, Inc.
$3.00 par common
Paper Corporation of America
Series B, $.01 par preferred stock
Ragen Corporation
$.125 par common
Regina Company, Inc., The
$.0001 par common
Reliable Life Insurance Company, Inc.
Class A, $1.00 par common
Ridgewood Properties, Inc.
$.01 par common
Royal Business Group, Inc.
$1.00 par common
RTI, Inc.
$.01 par common
Sahlen & Associates, Inc.
$.001 par common
Scherer, R.P. Corporation
$1.00 par convertible preferred
Scribe Systems, Inc.
$.01 par common
Southland Financial Corporation
$1.00 par common
Staar Surgical Company
$.01 par common
Status Game Corporation
$.01 par common
Sun State Savings and Loan Association (Arizona)
$1.00 par common
Total Health Systems, Inc.
$.01 par common
TS Industries, Inc.
$.02 par common
United Building Services Corporation of Delaware
$.01 par common
United States Antimony Corporation
$.01 par common
Vicon Fiber Optics Corporation
$.10 par common
Vipont Pharmaceutical, Inc.
Warrants (expire 06–25–89)

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

American Income Life Insurance Company
$1.00 par common
Apollo Computer, Inc.
$.02 par common
7¼% convertible subordinated debentures
Bank of Redlands
$1.25 par common
Berry Petroleum Company
Class A, $.01 par common
Blockbuster Entertainment Corp.
$.10 par common
Brandywine Savings & Loan Association (Pennsylvania)
$1.00 par common
Brinkman Instruments, Inc.
$.01 par common
Brintec Corporation
$.01 par common
Cadnetix Corp.
$.01 par common
Cherokee Group, The
No par common
Colonial American Bankshares Corporation
$5.00 par common
Component Technology Corp.
$.01 par common
Conversion Industries, Inc.
No par common
CPI Corporation
$.40 par common
Criterion Group, Inc.
Class A, $.01 par common
Enseco Incorporated
$.01 par common
Envirodyne Industries, Inc.
$.10 par common
Excelan, Inc.
$.01 par common
Falstaff Brewing Corporation
$1.00 par common
General Ceramics, Inc.
$1.00 par common
Holmes, D.H. Company, Limited
$2.50 par common
HWC Distribution Corp.
$.01 par common
Irwin Magnetic Systems, Inc.
$.001 par common
ISC Systems Corporation
No par common
Itel Corporation
$1.00 par common
Class B, Series C, $1.00 par convertible perferred
Kemper Corporation
$5.00 par common
Krueger, W.A. Company
$.20 par common
Land of Lincoln Savings and Loan
$1.00 par common
Mayfair Industries, Inc.
$.01 par common
MBS Textbook Exchange, Inc.
$.01 par common
National FSI, Inc.
$.01 par common
Network Equipment Technologies, Inc.
$.01 par common
Pacific Western Bancshares
No par common
Plant Genetics, Inc.
$.01 par common
Poly-Tech, Inc.
No par common
Polymer International Corp.
$.01 par common
Princeville Corp.
$.20 par common
Property Trust of America
$1.00 par shares of beneficial interest
Rowe Furniture Corporation
$1.00 par common
Servico, Inc.
$.10 par common
Sound Warehouse, Inc.
$.01 par common
Stocker & Yale, Inc.
$1.00 par common
Stotler Group Inc.
$1.00 par common
Superior Electric Company, The
$1.00 par common
TCF Financial Corporation
$.01 par common
Thrifty Rent-a-Car System, Inc.
$.05 par common
Timberjack Corporation
$.01 par common
Total System Services, Inc.
$.10 par common
United Artists Communications, Inc.
$.01 par common
Universal Furniture Limited
$.01 par ordinary shares
Vitronics Corporation
$.01 par common
Waxman Industries, Inc.
No par common

Additions to the List

Akzo, N.V.
American Depository Receipts
Alameda Bancorporation
$2.50 par common
America First Financial Fund 1987—A Limited Partnership
Beneficial unit certificates, representing limited partnership interest
Bank Maryland Corp.
$.05 par common
Biogen, Inc.
$.01 par convertible exchangeable preferred
Bytex Corporation
$.10 par common
CCAIR, Inc.
$.01 par common
Cell Technology, Inc.
$.01 par common
Warrantes (expire 08–27–92)
Chemdesign Corporation
$.01 par common
Chempower, Inc.
$.10 par common
Cirrus Logic, Inc.
No par common
Columbia Pictures Entertainment, Inc.
Warrants (expire 06–01–92)
Comptronix Corporation
$.01 par common
Conservative Savings Bank (Nebraska)
$.01 par common
Consilium, Inc.
No par common
Cooker Restaurant Corporation

No par common
CRH, PLC
American Depository Receipts
Duty Free International, Inc.
$.01 par common
Dyncorp
Class A, 17% redeemable preferred
Eastchester Financial Corporation
$.01 par common
Fidelity Federal Savings Bank (Virginia)
$8.00 par common
First Financial Management Corp.
7% convertible subordinated debentures
First Merchants Corporation
No par common
First Western Bancorp, Inc. (Pennsylvania)
$5.00 par common
Fleet Aerospace, Inc.
$.01 par common
Foothill Independent Bancorp
No par common
Goal Systems International, Inc.
No par common
Handex Environmental Recovery, Inc.
$.01 par common
Independent Bankgroup, Inc. (Vermont)
$1.00 par common
James Madison Limited
$1.00 par common
Kentucky Medical Insurance Company
Class A, $2.80 par common
Lifeline Healthcare Group, Ltd.
$.10 par common
Miniscribe Corporation
7½% convertible subordinated debentures
Mission-Valley Bancorp (California)
No par common
Nationwide Cellular Service, Inc.
$.01 par common
Warrants (expire 05–04–92)
New Milford Bank & Trust Company, The (Connecticut)
$5.00 par common
Pioneer Federal Savings Bank (Washington)
$1.00 par common
POP Radio Corporation
$.01 par common
Providence and Worchester Railroad Company
$.50 par common
Rexhall Industries, Inc.
No par common
Robert Half International, Inc.
7¼% convertible subordinated debentures
Schultz Sav-O Stores, Inc.
$.05 par common
Sevenson Environmental Services, Inc.
$.10 par common
Staples, Inc.
$.0006 par common
Symantec Corporation
$.01 par common
Synetic, Inc.
$.01 par common
Tele-Communications, Inc.
Rights (expire 01–31–95)
Tocor, Inc.
Units (expire 12–31–94)
Tseng Labs, Inc.
$.005 par common
United Artists Entertainment Company
Class A, $.001 par common
Class B, $.001 par common
Unitog Company
$.01 par common
UNR Industries, Inc.
Warrants (expire 05–31–95)
Xsirius Scientific, Inc.
$.01 par common
Yankee Energy System, Inc.
$5.00 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), July 28, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89–17887 Filed 7–31–89; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–23–AD; Amdt. 39–6287]

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 (Military) Series, Including Model DC–9–80 Series and Model MD–88 Airplanes, Equipped With a Ventral Aft Pressure Bulkhead

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas Model DC–9 and C–9 (Military) series, including Model DC–9–80 series and Model MD–88 airplanes, which currently requires optically aided visual inspections for airplanes with a ventral aft pressure bulkhead, and repair or replacement, as necessary, of the aft pressure bulkhead attach tee. This amendment revises the current optically aided visual inspection program for airplanes equipped with a ventral aft pressure bulkhead, to require a repetitive high frequency eddy current inspection of the attach tee from the aft side of the bulkhead; and deletes the option for low frequency eddy current inspection from the forward side of the aft pressure bulkhead. This amendment is prompted by a recent report of a crack in the aft pressure bulkhead attach tee. If this condition is not corrected, bulkhead attach tee cracks may develop, which could result in rapid depressurization of the fuselage in flight and cause severe structural damage to the airplane.

EFFECTIVE DATE: September 7, 1989.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1–L00 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, DC9/MD80 Program Manager, Airframe Branch, ANM–122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California 90806–2425; telephone (213) 988–5321.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 88–13–09, Amendment 39–5954 (53 FR 21411; June 8, 1988), applicable to Model DC–9 and C–9 (Military) series, including Model DC–9–80 series and Model MD–88 airplanes, to require optically aided visual inspections, and repair or replacement, as necessary, of the aft pressure bulkhead attach tee, was published in the **Federal Register** on April 12, 1989 (54 FR 14658).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Three commenters stated that the proposed rule should not be adopted because the manufacturer is currently developing an optional low frequency eddy current inspection technique from the forward side of the bulkhead. They requested that the proposed rule await release of final service information to provide the operators with a procedure to inspect and repair the attach tees. The FAA disagrees. The FAA is aware that the manufacturer is developing a new nondestructive inspection technique. When this technique has been fully developed and approved, the FAA may consider revising this AD to incorporate the new nondestructive inspection technique. In consideration of the safety implications of the addressed unsafe conditions, however, the FAA considers that it would be inappropriate to delay the issuance of this final rule

action until such an inspection technique is available.

Three commenters stated that the proposed rule incorrectly referenced the manufacturer's service bulletin and part numbers. The FAA agrees, and the appropriate references and part numbers have been incorporated into the final rule.

One commenter stated that the proposed rule should be revised to specify the manufacturer's rework drawings that provide instructions for replacing existing aft pressure bulkhead tee caps with new improved tee caps. The FAA agrees, and the appropriate references and instructions have been incorporated into the final rule.

One commenter stated that the replacement of existing attach tees with the improved attach tee in accordance with the manufacturer's service rework drawing should constitute terminating action for the inspection requirements of this AD, and should be included in the proposed rule as terminating action. The FAA disagrees. Due to the multiple-site nature of the reported cracking, and current nondestructive inspection technology, the need exists for continual inspections at intervals which are supported by tests and analysis.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed, with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,400 Model DC-9 series airplanes of the affected design in the worldwide fleet. It is estimated that 740 airplanes of the affected design in the worldwide fleet. It is estimated that 740 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $592,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the varoius levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For these reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-5954 (53 FR 21411; June 8, 1988), AD 88-13-09, as follows:

McDonnell Douglas: Applies to Model DC-9 series and C-9 (Military) including Model DC-9-80 series and Model MD-88 airplanes, equipped with a ventral aft pressure bulkhead, certificated in any category. Compliance is required as indicated, unless previously accomplished within the last 3,500 landings.

To prevent cracks which could result in structural failure of the ventral aft pressure bulkhead, accomplish the following:

A. Prior to the accumulation of the number of landings indicated in the table below, and thereafter at intervals not to exceed 3,500 landings, inspect the aft side of the ventral aft pressure bulkhead attach tee section around the entire periphery of the fuselage, in accordance with the procedures outlined in paragraphs A.1., A.2., and A.3., below.

TABLE

Accumulated landings as of the effective date of this AD	Initial inspection prior to accumulation of the following landings after effective date of this AD
35,000—49,999	1,500 landings.
50,000—59,999	1,000 landings.
60,000 or more	300 landings.

For airplanes with less than 35,000 landings as of September 6, 1985, conduct the initial inspection before the accumulation of 36,500 landings.

1. Remove any sealant from the inspection area of tee section that might hinder optically aided and high frequency eddy current inspections. Clean dirt, grease, and all foreign materials from the inspection area using lint-free wipers and 1,1,1 trichloroethane solvent or equivalent; and

2. Using an optically aided visual inspection technique, inspect the 5910130-47, -55, and -56 attach tees, in accordance with McDonnell Douglas Service Sketch 3660B, dated February 26, 1985; and

3. Using a high frequency eddy current inspection technique, in accordance with McDonnell Douglas Alert Service Bulletin A53-231, dated February 24, 1989, Accomplishment Instructions, Paragraph 2, Inspection Procedure B., inspect the 5910130-51, -53, and -54 attach tees from the aft side of the bulkhead.

Note: Inspection Procedure B. is applicable to the ventral bulkhead configuration, however, except that the applicable part numbers referenced in paragraph A.3., above, are to be used in-lieu of those part numbers referenced in ASB53-231.

B. If cracks are found, prior to further flight, replace the cracked tee cap or repair by splicing in a section of the tee cap with a new, like or improved part, in accordance with McDonnell Douglas Service Rework Drawings SR09530001, Revision C, dated August 18, 1987; or SR09530001, Revision "Advance D", dated October 29, 1987, or SR09530056, Revision "B", dated March 27, 1989. Prior to the accumulation of 35,000 landings after the repair or replacement, resume the repetitive inspections in accordance with paragraph A., above.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). These documents may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

This amendment supersedes Amendment 39–5954, AD 88–13–09.

This amendment becomes effective September 7, 1989.

Issued in Seattle, Washington, on July 24, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–17881 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 89–NM–40–AD; Amdt. 39–6286]

Airworthiness Directives; Cessna Model 550 and 551 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Cessna Model 550 and 551 series airplanes, which requires inspection of both engine fuel flow transmitter installations, and replacement, if necessary, of certain defective transmitters. Replacement of transmitters with two-piece electrical connector end fittings is required. This proposal is prompted by reports of failure of the two-piece electrical connector fitting, resulting in loss of fuel pressure and total engine power loss. This condition, if not corrected, could lead to additional incidents of total engine power loss and the potential for engine compartment fires.

EFFECTIVE DATE: September 7, 1989.

ADDRESSES: The applicable service information may be obtained from Cessna Aircraft Company, Citation Marketing Division, P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington; or at the FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Pearson, Aerospace Engineer, FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4427.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Cessna Model 550 and 551 series airplanes, which requires inspection for and removal of Cessna Part Number 9912031–5 fuel flow transmitters having a two-piece electrical connector end fitting, and replacement with Cessna Part Number 9912031–6 fuel flow transmitters, was published in the **Federal Register** on April 28, 1989 (54 FR 18304).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the proposed rule.

Since issuance of the proposal, the manufacturer has issued Revision 1 to Cessna Service Bulletin SB550–73–1, dated April 19, 1989. This revision merely clarifies certain wiring replacement procedures. The final rule has been changed to specify Revision 1 as the appropriate service document.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. This change will neither increase the economic burden on any operator nor increase the scope of the rule.

It is estimated that 134 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $21,440.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Cessna: Applies to Model 550 and 551 series airplanes, Unit Numbers –0002 through –0207 and –0209, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent failure of fuel flow transmitter electrical connector end fittings, which could result in total engine power loss or an engine compartment fire, accomplish the following:

A. Within the next 50 hours time-in-service after the effective date of this AD, inspect both engines to determine whether Cessna Part Number (P/N) 9912031–6 fuel flow transmitters are installed, in accordance with Cessna Service Bulletin SB550–73–2, dated February 10, 1989.

B. If Cessna P/N 9912031–6 fuel flow transmitters are installed on both engines, no further action is necessary.

C. If Cessna P/N 9912031–5 fuel flow transmitters are installed, inspect the transmitter electrical connector end fitting for each, in accordance with Cessna Service Bulletin SB550–73–2, dated February 10, 1989.

1. If each Cessna P/N 9912031–5 fuel flow transmitter is determined to have a one-piece electrical connector end fitting, no further action is necessary.

2. Each Cessna P/N 9912031–5 fuel flow transmitter determined to have a two-piece electrical connector end fitting must be replaced, either:

a. Prior to further flight, in accordance with Cessna Service Bulletin SB550–73–1, Revision 1, dated April 19, 1989; or

b. Within 6 months after the effective date of this AD, in accordance with Cessna Service Bulletin SB550–73–1, Revision 1, dated April 19, 1989, provided that the fitting is initially inspected in accordance with Paragraph 5 of Cessna Service Bulletin SB550–73–2, dated February 10, 1989, and inspected thereafter at intervals not to exceed 25 hours time-in-service, and found to be free of cracks between the electrical connector receptacle and the end fitting base. Any transmitter having a cracked fitting must be replaced prior to further flight, in accordance with Cessna Service Bulletin

SB550-73-1, Revision 1. Replacement of a transmitter in accordance with Cessna Service Bulletin SB550-73-1, Revision 1, constitutes terminating action for the repetitive inspection requirements of this paragraph for the transmitter replaced.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

Note: If appropriate, the request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Wichita Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Cessna Aircraft Company, Citation Marketing Division, P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington; or at the FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

This amendment becomes effective September 7, 1989.

Issued in Seattle, Washington on July 24, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17882 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 89-NM-01-AD; Amdt. 39-6288]

Airworthiness Directives; Lockheed Model 382 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Lockheed Model 382 series airplanes, which requires periodic inspections of the nose landing gear (NLG) strut assemblies to detect corrosion and cracking in the steering collar area, and rework or replacement, if necessary. This amendment is prompted by a report of failure of a NLG strut assembly, which resulted in the separation of the NLG from the airplane during landing. This condition, if not corrected, could lead to loss of controllability of the airplane upon landing.

EFFECTIVE DATE: September 7, 1989.

ADDRESSES: The applicable service information may be obtained from Lockheed Aeronautical Systems Company, 86 South Cobb Drive, Marietta, Georgia 30063. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Atlanta Aircraft Certification Office, FAA, Central Region, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bentley, Aerospace Engineer, Airframe Branch (ACE-120A), Atlanta Aircraft Certification Office, FAA, Central Region, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; telephone (404) 991-2910.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Lockheed Model 382 series airplanes, which requires periodic inspections of the nose landing gear (NLG) strut assemblies to detect corrosion and cracking in the steering collar area, was published in the **Federal Register** on March 1, 1989 (54 FR 8550).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The sole commenter, Lockheed, requested that the proposed repetitive inspection interval of 3,000 hours time-in-service be revised to 3,150 hours so that inspections could be accomplished during operators' regular maintenance schedules, and so as to fit Lockheed's recommended time between overhaul of 12,600 hours. The FAA concurs and has determined that extension of the repetitive inspection interval by an additional 150 hours will not have an adverse impact on safety. The final rule has been revised accordingly.

Lockheed indicated that it is revising the applicable service bulletin to include additional information concerning procurement of equipment and to update certain rework procedures to reflect current practices. Lockheed requested that issuance of the final rule be delayed until this revision is available. The FAA does not concur. Lockheed has advised the FAA that the revision to the service bulletin will not be issued until November 1989. In light of the safety implications addressed in the AD, the FAA considers it inappropriate to delay this action until that time. The FAA has determined that the procedures provided in the current issue of the service bulletin are adquate to accomplish the requirements of this AD.

Lockheed also provided updated information as to the current number of affected airplanes in the worldwide and U.S. fleet. The eonomic impact analysis paragraph below has been revised to include this new information.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. These changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 36 Model 382 series airplanes of the affected design in the worldwide fleet. It is estimated that 21 airplanes of U.S. registry will be affected by this AD, that it will take approximately 74 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $62,160 for the initial inspection cycle.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Lockheed: Applies to Model 382 series airplanes, serial numbers 3946 through 4637, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the nose landing gear strut assembly, accomplish the following:

A. Within the next 250 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 3,150 hours time-in-service, perform an inspection for corrosion of the nose landing gear strut assembly, part number 388071-3, in accordance with Lockheed Service Bulletin 382-32-31, dated September 5, 1979.

1. If corrosion is detected which is within the limits specified in the service bulletin, rework in accordance with the service bulletin prior to further flight.

2. If corrosion is detected which is outside the limits specified in the service bulletin, prior to further flight, accomplish one of the following:

a. Replace the defective cylinder assembly, part number 371675-1 with a serviceable cylinder assembly; or

b. Modify the nose landing gear strut and components in accordance with Lockheed Service Bulletin 382-32-23, dated March 17, 1978.

B. Modification of the nose landing gear strut and components in accordance with Lockheed Service Bulletin 382-32-23, dated March 17, 1978, constitutes terminating action for the inspection requirements of this AD.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Atlanta Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Lockheed Aeronautical systems Company, 86 South Cobb Drive, Marietta, Georgia 30063. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Atlanta Aircraft Certification Office, FAA, Central Region, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia.

This amendment becomes effective September 7, 1989.

Issued in Seattle, Washington, on July 24, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-17884 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 39

[Docket No. 89-NM-38-AD; Amdt. 39-6289]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which requires replacement of the upper door liner track pivot bolts on the aft passenger doors. This amendment is prompted by a report of interference between the pivot bolt and the escape slide packboard. This condition, if not corrected, could result in failure of the escape slide to properly deploy and the door to fully open, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

EFFECTIVE DATE: September 7, 1989.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANM-120S; telephone (206) 431-1929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 767 series airplanes, which requires replacement of the upper door liner track pivot bolts on the aft passenger doors, was published in the **Federal Register** on May 1, 1989 (54 FR 18536).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter expressed no objection to the proposed rule.

Since issuance of the Notice, Boeing has issued Revision 1 to Alert Service Bulletin 767-25A0109, dated April 27, 1989. This revision incorporates the "Notice of Status Change" which was cited in paragraph A. of the proposal. The final rule has been revised to reference Revision 1 of the alert service bulletin.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously noted. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 212 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 98 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of the required parts is estimated to be less than $50. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $28,420.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to all Model 767 series airplanes, identified in Boeing Alert Service Bulletin 767–25A0109, Revision 1, dated April 27, 1989, listed in Group 1 on which Boeing Service Bulletin 767–25–0036 has been accomplished, and airplanes listed in Group 2, certificated in any category. Compliance is required within 18 months after the effective date of this AD, unless previously accomplished.

To ensure that the escape slide will deploy properly, accomplish the following:

A. Replace the upper door liner pivot bolts, in accordance with Boeing Alert Service Bulletin 767–25A0109, Revision 1, dated April 27, 1989.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 7, 1989.

Issued in Seattle, Washington, on July 24, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–17883 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 89–AGL–11]

Alteration to Transition Area, Eagle River, WI

AGENCY: Federal Aviation Administraton (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing Eagle River, WI, transition area to accommodate a new VOR/DME Runway 04 Standard Instrument Approach Procedure (SIAP) to Eagle River Union Airport, Eagle River, WI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 u.t.c., November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Harold G. Hale, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, May 30, 1989, the Federal Aviation Administration (FAA) proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the existing Eagle River, WI, transition area airspace (54 FR 22914).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the designated transition area airspace near Eagle River, WI. The present transition area is being modified to accommodate a new VOR/DME Runway 04 SIAP to Eagle River Union Airport, Eagle River, WI.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Eagle River, WI [Revised]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Union Airport (Lat. 45°55'55" N., Long. 89°16'04" W.); and within 3 miles each side of the 037° bearing from the airport, extending from the 5-mile radius area to 7.5 miles northeast of the airport; and within 3

miles each side of the 201° bearing from the airport, extending from the 5-mile radius area to 6 miles southwest of the airport.

Issued in Des Plaines, Illinois, on July 21, 1989.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 89-17885 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 88-ASW-60]

Establishment of Restricted Area R-6318; Marfa, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Restricted Area R-6318, located near Marfa, TX, for the deployment of a tethered aerostat-borne radar system within the restricted area at the request of the United States Customs Service. This action allows the Customs Service to provide surveillance of airspace from the surface up to 14,000 feet mean sea level (MSL) and to detect low-altitude suspect aircraft attempting to penetrate the airspace. The notice of proposed rulemaking (NPRM) for the establishment of R-6318 also included the establishment of R-6316, R-6317, and the alteration of Federal Airway V-13. Preparations for the deployment of a tethered aerostat-borne radar system are completed at the site for R-6318 but have not been completed at the sites for R-6316 and R-6317. The Customs Service is ready to begin operations at the site for R-6318; therefore, action is being taken to establish R-6318 prior to the establishment of R-6316 and R-6317.

EFFECTIVE DATE: 0901 u.t.c., August 10, 1989.

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

SUPPLEMENTARY INFORMATION:

History

On March 10, 1989, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to establish Restricted Areas R-6316 located near Eagle Pass, TX; R-6317 located near El Sauz, TX; R-6318 located near Marfa, TX; and to alter the description of VOR Federal Airway V-13 located in the vicinity of El Sauz, TX (54 FR 10167). This action would allow the Customs Service to provide surveillance of airspace and to detect low-altitude suspect aircraft attempting to penetrate the airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Comments on the proposal were received from the United States Air Force (USAF), the Texas Aeronautical Commission (TAC), and the Aircraft Owners and Pilots Association (AOPA). Only those comments specifically related to R-6318 are listed since this document pertains only to the establishment of R-6318.

The USAF objected to the 15,000 feet MSL ceiling of R-6318 at the proposed location. The restricted area would be located under the Valentine Military Operations Area which has a base of 15,000 feet MSL. The USAF suggested to the Customs Service that the ceiling of the proposed restricted area, R-6318, should be lowered to 14,000 feet MSL. The Customs Service agreed with the suggestion of the USAF and has requested that the FAA establish R-6318 with a ceiling of 14,000 feet MSL instead of the 15,000 feet MSL ceiling as proposed in the NPRM. Therefore, R-6318 will be established with a ceiling of 14,000 feet MSL instead of the 15,000 feet MSL ceiling as proposed in the NPRM.

The TAC submitted the following written comments to the FAA:

1. The TAC objected to the proposed location of R-6318 which would block the VFR flyway between Marfa and Van Horn, TX, along U.S. Highway 90 and the southern pacific railroad tracks. The commission stated that low flying VFR aircraft in marginal VFR conditions traveling east and turning south to avoid R-6318 would easily lose sight of the highway and railroad tracks, and aircraft traveling west and turning north around the restricted area would be at risk from the rising terrain approximately 1.25 nautical miles northeast of R-6318. While it is true that VFR pilots may lose sight of VFR landmarks, e.g., the railroad tracks or the highway, while circumnavigating the restricted area, pilots will be able to establish their aircraft on a heading or course which would allow them to sight the railroad tracks or the highway within a relatively short time or distance. In addition, circumnavigating the restricted area to the northeast may require pilots to make altitude adjustments in VFR conditions to compensate for the rising terrain located northeast of the restricted area. The altitude adjustment, if desired by the pilot, can be taken without any safety problems.

2. The TAC expressed a concern that pilots would be unable to determine the exact location of the aerostat balloon within the restricted area, and that the unlit tether cables of the aerostat balloon would be a considerable risk for any VFR pilot flying through the restricted area. The restricted area is designed to completely contain the aerostat balloon and its cables, lighted or unlighted. We recognize the pilot's desire to be able to see the balloon and its cable, but it is the pilot's responsibility to remain clear of a restricted area between the designated altitudes and during the time of designation for the restricted area, unless the pilot has advance permission to traverse the restricted area. Therefore, determining the exact location of an aerostat balloon within a restricted area and the lighting of its cables would be inconsequential to a pilot.

3. The TAC recommended that alternate sites be studied before any final decision is made on the exact location of the aerostat balloon. Prior to the selection of a site for the restricted area, the Customs Service considered several sites for the restricted area. The site selected for the establishment of the restricted area was determined to be the best possible site for the deployment of a tethered aerostat-borne radar system.

Comments received from the AOPA are as follows:

1. Public hearings should be held to allow for user input. Due to the nature of the aerostat program and security, the Customs Service felt that public hearings prior to the establishment of the aerostat restricted areas would not be in the best interest of the aerostat program.

2. The aerostat balloons should not be flown prior to being indicated on the aeronautical charts, and the FAA should publish Notices to Airmen (NOTAMs) concerning the establishment of the restricted areas. The Customs Service has requested to establish the restricted area as soon as possible in order to execute the radar surveillance systems of the aerostat program. Delaying the deployment of the aerostat would have a significant/adverse impact on the schedule and cost of the proposed radar surveillance systems in the southwest. The FAA will inform the public of the

establishment of R–6318 by publishing the information in the NOTAMs prior to the effective date for the establishment of R–6318. This information will appear in the August special notice procedures between August 10 and September 21, 1989. Subsequently, R–6318 will appear on the en route charts beginning September 21, 1989, and should appear on other related aeronautical charts as they are published.

3. The Customs Service should place strobe lights on the aerostat balloons' tether cables. The FAA does not require the Customs Service to place strobe lights on the aerostat balloons' tether cables while the balloons are within the confines of the restricted area. Also, the Customs Service feels that placing strobe lights on the aerostat balloons' tether cables would pose a dangerous threat to the aerostat balloons during inclement weather, as well as a danger to operators when they retrieve the balloon during lightning activity.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations establishes Restricted Area R–6318 in the vicinity of Marfa, TX. The Customs Service will deploy a tethered aerostat-borne radar system with the capability of detecting low-altitude suspect aircraft attempting to penetrate the airspace at this location. The system will increase the probability of the interception and interdiction of suspect aircraft and provide low-altitude radar coverage for the Customs Service. In order to achieve the aim of the Customs Service, it is necessary to restrict airspace from the surface to 14,000 feet MSL, within a 2-statute-mile radius of a point on the Marfa very high frequency omni-directional radio range (VOR) 292° radial, 21 miles from the VOR.

With the exception of that part of the notice which proposed to establish R–6316, R–6317, alter V–13, change the ceiling of R–6318 from 15,000 feet MSL to 14,000 feet MSL, and editorial changes, these amendments are the same as those proposed in the notice. A separate action will be taken at a later date to establish R–6316, R–6317, and alter V–13, after preparations for the deployment of the tethered aerostat-borne radar systems are completed at those sites. Section 73.63 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

Effective Date

The FAA finds good cause for making this amendment effective in less than 30 days after publication because the Customs Service has indicated that delaying the deployment of the aerostat would have a significant/adverse impact on the schedule and cost of all proposed radar surveillance systems in the southwest. Pilots in the vicinity of Marfa, TX, will be informed of the establishment of R–6318 prior to the effective date through the NOTAM system.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for Part 73 continues to read as follows:

Authority. 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 73.63 [Amended]

2. § 73.63 is amended as follows:

R–6318 Marfa, TX [New]

Boundaries. A 2-mile radius centered at lat. 30°26'00"N., long. 104°20'00"W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Albuquerque ARTCC.
Using agency. United States Customs Service.

Issued in Washington, DC, on July 25, 1989.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 89–17886 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

RIN 0960–AC49

Supplemental Security Income for the Aged, Blind, and Disabled; Exception of Certain Assistance Payments From Retrospective Monthly Accounting

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule implements section 1611(c)(5) of the Social Security Act (the Act) as added by section 9106 of Pub. L. 100–203 (the Omnibus Budget Reconciliation Act of 1987). Section 1611(c)(5) of the Act, effective April 1, 1988, provides that the Supplemental Security Income (SSI) benefit for a month will be computed using the amount of certain assistance payments received in the same month, rather than the amount of these payments received in a prior month.

EFFECTIVE DATE: This rule is effective on August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Irving Darrow, Esq., Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (301) 965–1755.

SUPPLEMENTARY INFORMATION: Pursuant to section 1611(c) of the Act, the SSI benefit amount is determined based on income in the second prior month rather than the current month. This is known as retrospective monthly accounting (RMA). The statute provides an exception to this general rule under which benefit amounts for the first 3 months of eligibility or reeligibility are based on income in the first month of eligibility or reeligibility. These provisions are contained in 20 CFR 416.420.

Section 1611(c)(5) of the Act, as added by section 9106 of Pub. L. 100–203, provides a further limited exception to the statutory rule for counting income in determining benefit amounts. Under this special rule, income in the form of certain assistance payments will be considered in determining the benefit amount for the month in which it is received (the current month) rather than having such income received in a prior month determine the current month's benefit amount. These assistance payments are as follows:

(1) Aid to families with Dependent Children under title IV–A of the Social Security Act (the Act);

(2) Foster Care under title IV–E of the Act;

(3) Refugee Cash Assistance pursuant to section 412(e) of the Immigration and Nationality Act;

(4) Cuban and Haitian Entrant Assistance pursuant to section 501(a) of Pub. L. 96–422; and

(5) Bureau of Indian Affairs general assistance and child welfare assistance pursuant to 42 Stat. 208 as amended.

This final rule amends § 416.420(b) of the current regulations to include this statutory change.

Justification for Dispensing With Rulemaking Procedures

The Department, even when not required by statute, as a matter of policy, generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and comment procedures when an agency finds there is good cause for dispensing with such procedures. Section 553(b)(3)(B) of the APA exempts application of notice and comment rulemaking procedures "when the agency for good cause finds * * * that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest." We are dispensing with notice and comment rulemaking in the case of this rule because such rulemaking is unnecessary since this rule merely reflects the provisions of section 1611(c)(5) of the Social Security Act, as added by section 9106 of Pub. L. 100–203, and does not contain any policies established by the Secretary.

Regulatory Procedures

Executive Order No. 12291

The Secretary has determined that this is not a major rule under Executive Order 12291, because program and administrative costs are entirely the result of legislation and not this rule. The program and administrative costs will be insignificant and savings are estimated at less than $1 million a year. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act of 1980

This regulation imposes no reporting and recordkeeping requirements necessitating clearance by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 13–807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income.

Dated: May 31, 1989.

Dorcas R. Hardy,

Commissioner of Social Security.

Approved: July 5, 1989.

Louis W. Sullivan,

Secretary of Health and Human Services.

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

PART 416—[AMENDED]

1. The authority citation for Subpart D of Part 416 continues to read as follows:

Authority: Secs. 1102, 1611 (a), (b), (c), and (e), 1612, 1617, and 1631 of the Social Security Act; 42 U.S.C. 1302, 1382 (a), (b), (c), and (e), 1382a, 1382f, and 1383.

2. In § 416.420, a new paragraph (b)(4) is added to read as follows:

§ 416.420 Determination of benefits; general.

* * * * *

(b) *Exceptions to the general rule.*—

* * *

(4) *Income derived from certain assistance payments.* We use your income in the current month from the programs listed below to determine your benefit amount for that same month. The assistance programs are as follows:

(i) Aid to Families with Dependent Children under title IV–A of the Social Security Act (the Act);

(ii) Foster Care under title IV–E of the Act;

(iii) Refugee Cash Assistance pursuant to section 412(e) of the Immigration and Nationality Act;

(iv) Cuban and Haitian Entrant Assistance pursuant to section 501(a) of Pub. L. 96–422; and

(v) Bureau of Indian Affairs general assistance and child welfare assistance pursuant to 42 Stat. 208 as amended.

* * * * *

[FR Doc. 89–17845 Filed 7–31–89; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1310 and 1313

Records, Reports, Imports, and Exports of Precursor and Essential Chemicals, Tableting Machines and Encapsulating Machines

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule.

SUMMARY: This final rule establishes procedures designed to implement the requirements of the Chemical Diversion and Trafficking Act of 1988. The rule contains the requirements for the recordkeeping, reporting, importing, and exporting of precursor and essential chemicals and recordkeeping and reporting on tableting machines and encapsulating machines.

EFFECTIVE DATE: Part 1310 (the format required on records and reports) will be effective August 31, 1989; Part 1313 will be effective October 30, 1989; except §§ 1313.15(a) and 1313.24(a) which will be effective on August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

Introduction

On February 8, 1989, a notice of proposed rulemaking designed to implement the Chemical Diversion and Trafficking Act of 1988 (the "Act") was published in the **Federal Register** (54 FR 6144–6151). The proposed rule provided the opportunity for interested parties to submit comments on these proposed regulations on or before March 27, 1989.

The numbering system for Parts 1310 and 1313 has been revised from the proposed regulations to be consistent with the numbering in existing regulations in 21 CFR Part 1300.

Thirty-four interested parties filed comments. A section-by-section analysis of the comments and the DEA's consideration of them are set forth below.

Part 1310—Records and Reports of Listed Chemicals and Certain Machines

Several comments were received stating that the Piperidine Report (DEA Form 420) and its relevant regulations be deleted from this section. To avoid any confusion, DEA wishes to clarify that the previous Part 1310, to include the

DEA Form 420, the seven-day and the semiannual reports, is deleted and replaced by the current Part 1310.

Definitions (§ 1310.01)

Fourteen comments addressed the definitions of "regulated person" and "retrievable" and the exemptions to a "regulated transaction" as being unclear, confusing, or not in compliance with the Act. The DEA has redefined the term "regulated person" to more closely parallel the definition of "person", as used elsewhere in Title 21 (See 21 CFR 1301.02(j)).

One comment stated that the definition of "regulated person" should be expanded to include the parent and subsidiaries, affiliates and related companies. However, it is DEA's view that companies that are separate legal entities will be treated for the purposes of these regulations as separate "regulated persons".

Four comments asked whether a licensed customs broker is in any sense a "regulated person" and also exprssed concern about the role of common carriers. The broker becomes a regulated person only when it meets the definition of a chemical importer or exporter, as explained in § 1310.01(f)(1)(ii), § 1313.02(b) and § 1313.02(f).

Several comments took exception to § 1310.01(f)(1)(i), which establishes the exemption for certain domestic, lawful transactions for "agents and employees". The comments stated that the proposed exemption would add confusion to the clear language of the Act, would create the need for excessive, unnecessary and unintended recordkeeping and reporting and would be redundant. It is the intent of the regulation to ensure that records are available and that the ability exists to assign specific responsibility. As such, specific definition of those persons who are covered by the exemption is necessary.

One comment objected to § 1310.01(f)(1)(i) by addressing the unrelated topic of warehouses and public terminals. Exemptions which apply to warehouses and public terminals are specifically covered under § 1310.01(f)(1)(ii).

One comment noted the incorrect reference mentined at the end of § 1310.01(f)(1) (ii) and (iii); "this section" and "this title or title III". DEA concurs and the wording has been changed to reflect the proper reference.

It was noted by DEA that part of the exemption relating to tableting machines and encapsulating machines specified under § 1310.01(f)(2) had been inadvertently omitted from the proposed regulations. The missing language has been incorporated into this subsection.

One comment requested a clarification of the term "manufacture". Three comments questioned if the Act applied to chemicals "used in the manufacture" of products manufactured under the approval of the Federal Food, Drug, and Cosmetic Act. It was not the intent to regulate "use or consumption in manufacture". A regulated transaction does not cover receipt of listed chemicals, except by a regulated person. Also, a specific exemption from the term regulated transaction is provided for a "chemical mixture" as set forth in § 1310.01(g).

Two comments took exception to the use of "readily" in the definition of "retrievable" (§ 1310.01(h)), stating that timeliness should not be a primary concern and that it adds nothing to the definition. Clearly, one of the purposes of the Act is to provide law enforcement access to information which is accurate and can be responded to in a timely manner. Therefore, timeliness is a major concern.

Three comments addressed the need to define the terms "tableting" and "encapsulating" machines, as regulated by the Act. DEA has incorporated the definitions into the final regulations (§§ 1310.01 (i) and (j)). One comment asked for specific clarification of the status of a specific encapsulating machine which is addressed with this added definition. The proposed § 1310.01(i) is redesignated as paragraph (k).

Substances Covered (§ 1310.02)

Several comments addressed the 30 days advance notice of additions of substances as listed chemicals, specified in § 1310.02(c), as being insufficient, inadequate, and in need of improvement. These parties have misinterpreted this subsection. Prior to implementing the addition or deletion of substances as listed chemicals, DEA will publish in the **Federal Register** a proposed rule allowing 30 days for comments. It has been and will continue to be this agency's practice to provide for reasonable effective dates and sufficient time to establish compliance with the regulations at the time any final order is published adding a new chemical.

One comment suggested that DEA adopt a similar mechanism described in Section 6053(b) of the Act for adding new chemicals to the list. That section provides for the Attorney General to forward to the Office of Management and Budget (OMB) any proposed regulations for OMB's comments and recommendations. DEA currently forwards all proposed rules and final rules to OMB for review pursuant to E.O. 12291, except those required to be made "on the record." Since this is not an "on the record" rulemaking, all proposals for adding or deleting chemicals from the list of listed chemicals will be reviewed by OMB.

One comment requested DEA to include a period of time for establishing "regular customers" and "regular suppliers" after adding a substance as a listed chemical. Although the Act does not contain a provision for this additional period, DEA recognizes the usefulness of this suggestion and intends to provide an opportunity for such submissions under any final order which may be issued under § 1310.02(h).

Several comments addressed the need for DEA to specifically identify the listed chemicals by means of a numbering system already in use by the chemical industry to minimize uncertainty regarding which chemicals are regulated. DEA has reviewed the three numbering systems specifically mentioned in the comments (CAS, TSUS, and Schedule B) and has determined that they were designed for other purposes and do not specifically meet the needs of the Act. In addition, there are overlaps and repetitions within each of these systems which may cause additional confusion.

However, DEA will produce a reference guide as an aid to the regulated industry.

Persons Required To Keep Records and File Reports (§ 1310.03)

Three comments addressed a reference missing from § 1310.03. This section should end "* * * shall keep a record of the transaction as specified by § 1310.04 and file reports as specified by § 1310.05." DEA agrees with these comments and has made the appropriate modifications.

Maintenance of Records (§ 1310.04)

Several comments requested further explanation of the phrase "the principal place of business", as specified in the proposed § 1310.04(c). DEA has inserted additional language into this subsection clarifying that any regulated person who conducts regulated transactions at more than one location shall keep records at each location. To allow flexibility to companies with multiple locations, a provision for a single central recordkeeping location is provided. However, each regulated person operating at multiple locations where records are stored must devise a system to ensure that the recordkeeping and reporting requirements are not being

evaded. This subsection was subdivided to facilitate a better understanding of its purpose.

One comment suggested that records be maintained for at least five to seven years. This recommendation would be inconsistent with the specific time limits for keeping records established by the Act.

Reports (§ 1310.05)

Several comments requested further clarification of the terms "extraordinary quantity", "uncommon method of payment", and "unusual or excessive losses". These terms apply to situations which appear to be outside the framework of a normal business transaction. The chemical industry is expected to understand the nature of its legitimate business transactions and must make informed decisions as to whether the above terms apply to any of their transactions. DEA intends to make available informal guidance, as opposed to regulations, to assist the chemical industry in meeting this requirement.

Two comments requested clarification of the term "nearest" DEA office mentioned in §§ 1310.05(a) and (b). This regulation has been reworded to reflect that contacts are to be made to the DEA Divisional office for the area in which the regulated person making the report is located. DEA office locations are available in telephone directories and will be available in DEA guidelines.

Sixteen comments addressed the reporting requirements for quantitative and cumulative thresholds as being vague and ambiguous and also requested further clarification. The threshold limits apply only to the maintenance of records under Part 1310 and for import/export transactions under Part 1313 and do not automatically trigger the filing of reports on regulated transactions. It was not the intent of DEA to imply that reporting was required for virtually every chemical transaction that exceeds the quantitative or cumulative thesholds. To avoid the unintentional confusion concerning the application of quantitative and cumulative thresholds, DEA has removed subsection (c) from § 1310.05 and placed it under § 1310.04(f) where it is more appropriate. Reports are still required for any transactions which meet the specific reporting requirements of § 1310.05.

Several comments addressed the level of the threshold quantities. One comment requested that these quantitative thresholds be replaced with percentage amounts, relative to the previous year's experience. Comments from law enforcement agencies expressed that the proposed thresholds were too high for chemicals not used in the production of pharmaceuticals and suggested a zero threshold for these chemicals. Among the comments, there was no consensus nor were any alternatives provided. The figures outlined in the regulations were arrived at after substantial internal study and discussions with industry. DEA intends to be flexible with experience regarding thresholds, but these these thresholds will remain for the initial implementation of the Act.

One comment requested DEA to establish an upper threshold limit in which shipments which exceed these thresholds are not regulated. This is not provided for in the Act and cannot otherwise be justified at this time.

As suggested by several comments and to assist in the structuring of an industry monitoring system, the cumulative threshold provision (§ 1310.04(f)) has been revised to assess the quantities involved on the basis of a calendar month, rather than on a 30-day period as originally proposed.

One comment proposed that DEA consider having each supplier send in monthly compilations of all chemical shipments in a format similar to the reporting currently required for pharmaceuticals under control of the Controlled Substances Act. DEA cannot levy this as a requirement as it is not authorized by the Act.

DEA has added a sentence to § 1310.05(a)(3) clarifying which regulated person is responsible for reporting an in-transit loss. The supplier is responsible for reporting the loss to DEA. Section 1310.05(a)(4) specifies reporting requirements for domestic transactions only for tableting machines and encapsulating machines. DEA will propose the export reporting requirements at a later date.

Contents of Records and Reports (§ 1310.06)

To avoid confusion, DEA has deleted the reference to "reports" in § 1310.06(a). Also, six comments were received concerning the telephone number requirement, identification of customers, and the reporting burden. DEA has deleted the telephone number as required information on the record, but the telephone number, where obtainable, is required on reports made to DEA and on the declarations for exports of listed chemicals.

Three comments stated that DEA has substantially underestimated the reporting burden on regulated persons. Several modifications referenced above will serve to reduce the reporting burden and DEA deems the estimate to be accurate. As provided, future comments regarding this burden estimate should be directed to OMB, as specified in § 1310.06.

Proof of Identity (§ 1310.07)

Fifteen comments were received regarding the requirement to "identify the other party" involved in a regulated transaction specified in § 1310.07. A distinction has been made between elements of proof of identity for domestic transactions and export transactions. To further clarify when this requirement must occur, the phrase "at the time the order is placed" has been added to § 1310.07(a).

Several comments addressed the need for alternatives to obtaining the signature of a purchaser or the purchaser's agent due to the ever increasing number of orders generated electronically, the blanket purchase orders negotiated at the beginning of each year, and the fact that in most sales the seller does not receive a document signed by the buyer.

This section has been modified to provide flexibility to firms in meeting the requirement based upon normal business practices, but maintaining the need for the clear and provable establishment of the identity of the other party. The rule provides that prior to an initial transaction with a new customer, the parties document the proof of identity and authorized signature. This authorized signature can be maintained on file but must be updated annually. The initial transaction record must reflect a unique identification number and the signature of the authorized agent. If a firm chooses, subsequent transactions need not have the signature of the authorized agent; however, the supplier must ensure that the purchaser/authorization has not changed.

Also, this section has been modified to include acceptable identification for domestic electronic orders, such as computer passwords.

Part 1313—Importation and Exportation of Precursors and Essential Chemicals

Two comments recommended that throughout this Part the word "notification" be used rather than "declaration" in describing DEA Form 486. The DEA Form 486, Precursor and Essential Chemical Import/Export Declaration, is the required method of notification which the Administrator has established for chemical imports and exports.

One comment requested an exemption to filing reports of precursors and essential chemicals for activities between companies and foreign subsidiaries within the same

corporation. Such an exemption would be inconsistent with the requirements of the Act.

Several comments suggested that DEA be consistent in the wording used to describe when to file a DEA Form 486. Therefore, the subsections throughout this Part that contain the words "provided", "furnished", and "filed" have been changed to "received". However, for transactions covered by § 1313.12 and § 1313.21, a DEA Form 486 must still be received at DEA not later than 15 days prior to the date of importation or exportation.

Based on numerous comments regarding the compromising of confidentiality, the difficulty in keeping the form with the shipment, and the form's utility in the foreign country, the five-part DEA–486 has been changed to a three-part form, eliminating foreign distribution for both import and export. The Act provides the Attorney General authority to require such form as he deems appropriate for the purpose of notification, and DEA Form 486 meets this requirement.

Two comments challenged the language of §§ 1313.13(a) and 1313.22(a) that imports (or exports) of chemicals must be for "medical, commercial, scientific, or other legitimate uses". DEA cannot conceive of another purpose for such importation or exportation, other than for illicit purposes. This is the very concept for which this legislation was created, and the wording remains unchanged.

Also, the terms "the regulated, chemical importer" under § 1313.13(c)(1) and "the regulated, chemical exporter" under § 1313.22(c)(1) were considered unclear. The proposed phrases are redundant, and the word "regulated" has been deleted from both subsections.

Several comments discussed possible variances in amounts reported on DEA Form 486 and the actual quantity imported/exported, due to, for example, evaporation or seepage during shipping. Historical knowledge of any losses does not relieve the regulated person from reporting the amount received or shipped. Companies should be able to document normal experiences and the actual quantity exported from the United States or foreign country shall be reported on DEA Form 486.

Two comments requested DEA consider using existing import/export documents required by other federal agencies in lieu of a DEA form. Several federal agencies regulate imports and exports, each with different authority and jurisdiction. However, DEA does not operate within the mandates and regulations of these other agencies. The Act clearly provides DEA the authority to promulgate its own regulations independent of other federal agencies.

Two comments asked that DEA allow the use of telefax equipment to file necessary declarations. Although not an item for inclusion in the regulations, DEA has already established this capability in anticipation of the Act. The DEA telex number for import/export transactions is (202) 307–8570.

Scope (§ 1313.01)

One comment stated that the term "those sections" in § 1313.01 was unclear. This section has been clarified to read "that section", specifically referring to Section 1018 of the Act (21 U.S.C. 971).

Definitions (§ 1313.02)

Two comments urged that the definitions of "regulated person" and "regulated transaction" outlined in Part 1310 either be included or incorporated by reference in Part 1313. DEA agrees that such a modification would clarify that those terms also apply in Part 1313 and therefore the definitions have been restated in § 1313.02.

Four comments suggested that the word "article" in the definitions of "chemical export" and "chemical import" in §§ 1313.02 (a) and (c) be changed to conform with the language in the Act. DEA has substituted the term "listed chemical" wherever the word "article" is mentioned.

Two comments addressed the phrase "that is not in conflict with the laws of the country to which it is intended for import" as part of the definition of "chemical export". A new definition has been added which deletes this phrase. A new section (§ 1313.25) has been added in which DEA will publish a notice of foreign import restrictions on listed chemicals of which the DEA has knowledge.

One comment recommended the "exporter of record" be considered the exporter and that the "importer of record", as defined in the U.S. Customs Consumption Summary, be the chemical importer. These definitions have been modified to ensure specific and clear responsibility is assigned. The importer/exporter of record as defined in the comment may not have all of the facts relevant to the transaction. The revised definition has been modified based on comments and input from the U.S. Customs Service and now specifies the responsibility for submission of the export declaration to meet the requirements of the Act.

Several comments questioned the criteria used in determining "an established business relationship" and suggested that in defining an established business relationship DEA accept previous transactions in non-regulated products as sufficient to establish a business relationship for purposes of the Act. Some of these comments also addressed the phrase "and accepted by" mentioned in the term "regular customer". All comments were reviewed carefully and many changes were made in this area. The term "established business relationship" has been defined separately for imports and exports and incorporated into § 1313.02. Only previous transactions in the specific listed chemical apply in meeting an established business relationship. Also, the phrase "and accepted by" has been deleted from the definition of regular customer.

One comment stated that the definition of "chemical importer" was ambiguous as it relates to the jurisdiction and customs territory of the United States. The appropriate definitions have been modified with input from the U.S. Customs Service.

One comment found the statement "* * * from the jurisdiction of the United States into the customs territory of the United States * * *" as ambiguous. This is a standard definition used in distinguishing tariff laws from all other applicable laws.

Importation of Precursor and Essential Chemicals Requirement of Authorization to Import (§ 1313.12)

§§ 1313.12 (a) and (b) have been rewritten to clarify when the filing of DEA Form 486 must be accomplished. Subsection (c) was created to address the waiver of the 15-day notification requirement as it pertains to filing a DEA Form 486. These modifications were made based on comments DEA addressed previously under Part 1313.

Contents of Import Declaration (§ 1313.13)

One comment recommended that DEA permit the regulated community to use bonded warehouses to store listed precursor and essential chemicals if the appropriate import notice either has not been given in a timely manner or is deemed insufficient. The use of a bonded warehouse has no bearing on the requirement to submit a DEA Form 486 for any importation meeting or exceeding the quantitative thresholds. Any importation meeting or exceeding the quantitative thresholds and found not to contain the appropriate documentation would be in violation of the Act and subject to the penalties outlined in the Act.

Several comments addressed the requirement in § 1313.13(c)(4) to include

the license number for importers on the DEA Form 486 emphasizing the unavailability of this information. This requirement has been deleted from the regulations and the DEA Form 486.

Distribution of Import Declaration (§ 1313.14)

The five-part Precursor and Essential Chemical Import/Export Declaration (DEA Form 486) was changed to a three-part form, as previously mentioned under Part 1313. Previously designated copies 1 and 2 for foreign distribution have been eliminated and copies 3, 4, and 5 have been renumbered, with the new copy 1 being the regulated person's copy, the new copy 2 being DEA's copy, and the new copy 3 being the U.S. Customs Service copy.

One comment suggested that the DEA From 486 was contrary to the U.S. Customs Service's program to require electronic or "paperless transfers" of forms, etc., by 1990. This Act responds to a current specific law enforcement need. Future administrative provisions will be considered as experience dictates.

Waiver of 15-day Advance Notice for Chemical Importers (§ 1313.15)

The question was raised concerning provisions for "emergency shipments" for new customers. DEA cannot foresee any life threatening emergency which could render the 15-day notice established by the Act as impractical. DEA, as has been its practice, will attempt to provide assistance to the regulated industry in truly exigent circumstances.

Several companies proposed different scenarios which they believe would make it difficult, if not impossible, to file the DEA Form 486 15 days prior to importation. The law is very clear on this issue and this requirement is unchanged.

DEA's authority was questioned concerning the statutory notice function which was described as a "premarketing clearance and registration." DEA does not recognize this as a premarket clearance, only as a 15-day notification period in order for this agency to perform the responsibilities formally envisioned in the Act.

One comment objected to the use of the word "grant" in § 1313.15(b) and § 1313.24(b), as it relates to regular supplier and regular customer status, on the ground that its use was not authorized by Congress. These subsections have been rewritten to parallel the language of the Act.

Three comments were received concerning DEA's authority to require information specified in § 1313.15(c)(1–8) and the confidentiality of the information. This subsection has been rewritten keeping in mind the concerns of the industry and the needs of DEA. DEA will take action to ensure confidentiality is maintained within DEA. This agency has handled proprietary information under the Controlled Substances Act for years and has established procedures and experience in this area.

One comment expressed concern about the requirement that chemical importers must supply the identity of each foreign chemical supplier within 30 days from the promulgation of these regulations. This requirement is clearly outlined in the Act.

Five comments questioned the relevancy of the requirements of § 1313.15(g) and § 1313.24(f). DEA agrees that these subsections are covered by Part 1310 and has deleted both from the final regulations.

One comment recognized inconsistencies of § 1313.15(h) with previously stated sections. To correct these inconsistencies, the referenced citation was changed to § 1313.12, and the phrase "for all chemical imports" was eliminated.

One comment stated DEA does not have the authority to rescind regular supplier status. DEA has determined that §§ 1313.15 (i) and (j) were redundant as this information is already specified in § 1313.15 and has been deleted. These changes will make the regular supplier determination more workable.

The subsections within § 1313.15 have been renumbered to reflect the above changes.

Exportation of Precursors and Essential Chemicals Requirement of Authorization to Export (§ 1313.21)

Two comments addressed the phrase "that is not in conflict with the laws of the country to which it is intended for export" as expressed in § 1313.21(b). DEA will publish a notice of countries which have imposed restrictions for listed chemicals. Section 1313.25 has been created for this purpose. It will be the obligation of the regulated industry to review the **Federal Register** for these notices. Where such notices have been published, there is a presumption that the regulated persons have made good faith efforts to familiarize themselves with these restrictions and will abide by them.

Contents of Export Declaration (§ 1313.22)

Two comments requested that the phrase "authorized to export" be deleted since the remaining language is sufficient for DEA's purposes. DEA agrees with these comments and has deleted this phrase from § 1313.22(b).

Five comments were directed to the complex and time-consuming procedures involved in the return of exported chemicals which were refused, rejected or otherwise undeliverable. The procedures have been reevaluated, and new procedures have been established to expedite the return of the listed chemicals. The shipment must be returned to the regulated person as soon as possible. A written notification outlining the circumstances must be forwarded to DEA following the return within a reasonable time.

Distribution of Export Declaration (§ 1313.23)

The modifications to DEA Form 486 are explained under Distribution of Import Declaration. In regard to exports, the new copy 3 must be presented to the U.S. Customs Service along with a copy of the Shippers Export Declaration.

Waiver of 15-day Advance Notice for Chemical Exporters (§ 1313.24)

One comment requested that a mechanism be provided to give the U.S. Customs Service notice that the 15-day notification requirement has been waived. This suggestion has been incorporated into the DEA Form 486.

One comment suggested that filing DEA Form 486 for each shipment to regular customers would be unmanageable and recommended quarterly or yearly regular customer reports. This suggestion is not in accordance with the Act.

One comment recommended that at the time of initial notification an exporter be permitted to apply for "regular customer" status for all listed chemicals, even if within the preceding two-year period the customer has not purchased all of the listed chemicals. DEA will not recognize regular customer status without a business relationship having been established for each specified chemical.

One comment recommended adding the words "if known" to the end of § 1313.24(d)(3). DEA concurs with this requested addition and has moved this section to a new definition contained in § 1313.02(j).

One comment recommended that DEA allow up to 120 days to supply complete customer lists to the Administrator after publication of these regulations. The Act specifically states that the regular customer list shall be received not later than 30 days after the publication of the final regulations.

One comment stated that DEA does not have the authority to disqualify a regular customer. Section 1018(c)(1) of the Act states specifically that the Attorney General "may disqualify any regular customer" as specified in the Act.

Two comments stated DEA had no authority to limit the 15-day advance notice waiver for listed precursor chemicals based on the Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances. Section 1313.24(j) has been deleted from the final regulations.

Transshipment and In-Transit Shipment of Precursors and Essential Chemicals

Advance Notice of Importation for Transshipment or Transfer (§ 1313.31)

Five comments were received addressing this section. Two comments asked for clarification of "regulated person" as it relates to transshipments that originate from foreign countries. The party who caused the transshipment or transfer is responsible for notification.

Two comments discussed the need for waiver requirements. Providing a waiver of the reporting requirements would only encourage diversion into the illicit market. To prevent the United States from having its borders facilitate the transfer of chemicals for illicit operations, the United States needs the time to determine the legitimacy of the customer.

Suspension of Shipments (§ 1313.41)

One comment requested clarification on how this authority will be exercised. The comment also pointed out that the Act states the "legal and factual basis" for suspension must be provided by the Administrator. The Act specifies the requirements for the suspension of a shipment and the wording of the regulation has been changed to parallel the language of the Act.

Request for Hearing (§ 1313.54)

Two subsections have been added to clarify the procedures governing hearings.

Miscellaneous

Two comments requested DEA to include in the regulations the penalties pertaining to noncompliance with the Act. Regulations are not the appropriate forum for listing penalties; they are clearly set forth in the Act.

The Piperidine Report (DEA Form 420), OMB approval 1117–0017, is eliminated.

The Administrator of the Drug Enforcement Administration hereby certifies that this final rule will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291 and section 6053(b) of Pub. L. 100–690, this rule has been reviewed by the Office of Management and Budget. The information collection requirements in the proposed rule were approved by the Office of Management and Budget on February 3, 1989. Modifications of the information collection requirements, set forth in this final rule, were approved on July 19, 1989.

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

List of Subjects

21 CFR Part 1310

Drug enforcement administration, Drug traffic control, Reporting and recordkeeping requirements.

21 CFR Part 1313

Drug enforcement administration, Drug traffic control, Exports, Imports, Reporting requirements.

For reasons set out in the preamble, Chapter II, Title 21, Code of Federal Regulations is amended as follows.

1. Part 1310 is revised to read as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES

Sec.

1310.01 Definitions.
1310.02 Substances covered.
1310.03 Persons required to keep records and file reports.
1310.04 Maintenance of records.
1310.05 Reports.
1310.06 Content of records and reports.
1310.07 Proof of identity.

Authority: 21 U.S.C. 802, 830, 871(b).

§ 1310.01 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "Act" means the Controlled Substances Act, as amended (84 Stat. 1242; 21 U.S.C. 801) and/or the Controlled Substances Import and Export Act, as amended (84 Stat. 1285; 21 U.S.C. 951).

(b) The term "listed chemical" means any listed precursor chemical or listed essential chemical.

(c) The term "listed precursor chemical" means a chemical specifically designated by the Administrator in § 1310.02(a) that, in addition to legitimate uses, is used in manufacturing a controlled substance in violation of this title and is critical to the creation of a controlled substance.

(d) The term "listed essential chemical" means a chemical specifically designated by the Administrator in § 1310.02(b) that, in addition to legitimate uses, is used as a solvent, reagent, or catalyst in manufacturing a controlled substance in violation of this title.

(e) The term "regulated person" means any individual, corporation, partnership, association, or other legal entity who manufactures, distributes, imports, or exports a listed chemical, a tableting machine, or an encapsulating machine.

(f) The term "regulated transaction" means:

(1) A distribution, receipt, sale, importation or exportation of a threshold amount as determined by the Administrator which includes a cumulative threshold amount for multiple transactions of a listed chemical, except that such term does not include:

(i) A domestic lawful distribution in the usual course of business between agents or employees of a single regulated person; in this context, agents or employees means individuals under the direct management and control of the regulated person;

(ii) A delivery of a listed chemical to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier, or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman, except that if the carriage or storage is in connection with the distribution, importation, or exportation of a listed chemical to a third person, this paragraph does not relieve a distributor, importer, or exporter from compliance with this part of Part 1313 of this chapter;

(iii) Any category of transaction specified by regulation of the Administration as excluded from this definition as unnecessary for enforcement of the Act;

(iv) Any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act; or

(v) Any transaction in a chemical mixture.

(2) A distribution, importation, or exportation of a tableting machine or encapsulating machine except that such

term does not include a domestic lawful distribution in the usual course of business between agents and employees of a single regulated person; in this context, agents or employees means individuals under the direct management and control of the regulated person.

(g) The term "chemical mixture" means a combination of two or more chemical substances, at least one of which is not a listed precursor chemical or listed essential chemical, except that such term does not include any combination of a listed precursor chemical or a listed essential chemical with another chemical that is present solely as an impurity or which has been created to evade the requirements of the Act.

(h) The term "retrievable" means that records required by this section are kept by automatic data processing systems or other electronic or mechanized recordkeeping systems in such a manner that they can be readily retrieved and separated out from all other records in a reasonable time and/or records are kept on which the listed chemicals, tableting machines, and encapsulating machines are asterisked, redlined, or in some other manner visually identifiable apart from other items appearing on the records or the maintained separate from all other records.

(i) The term "tableting machine" means any manual, semi-automatic, or fully automatic equipment which may be used for the compaction or molding of powdered or granular solids, or semi-solid material, to produce coherent solid tablets.

(j) The term "encapsulating machine" means any manual, semi-automatic, or fully automatic equipment which may be used to fill shells or capsules with any powdered, granular, semi-solid, or liquid material.

(k) Any term not defined in this section shall have the definition set forth in section 102 and 1001 of the Act (21 U.S.C. 802 and 951) and § 1301.02 of this chapter.

§ 1310.02 Substances covered.

The following chemicals have been specifically designated by the Administrator of the Drug Enforcement Administration as the listed chemicals subject to the provisions of this part and Part 1313 of this chapter.

(a) Listed Precursor Chemicals:
(1) Anthranilic acid and its salts
(2) Benzyl cyanide
(3) Ephedrine, its salts, optical isomers, and salts of optical isomers
(4) Ergonovine and its salts
(5) Ergotamine and its salts
(6) N-Acetylanthranilic acid and its salts
(7) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers
(8) Phenylacetic acid and its salts
(9) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers
(10) Piperidine and its salts
(11) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers
(12) 3,4-Methylenedioxyphenyl-2-propanone

(b) Listed Essential Chemicals:
(1) Acetic anhydride
(2) Acetone
(3) Benzyl chloride
(4) Ethyl ether
(5) Hydriodic acid
(6) Potassium permanganate
(7) 2-Butanone (or Methyl Ethyl Ketone or MEK)
(8) Toluene

(c) The Administrator may add or delete a substance as a listed chemical by publishing a final rule in the **Federal Register** following a proposal which shall be published at least 30 days prior to the final rule.

(d) Any person may petition the Administrator to have any substance added or deleted from paragraphs (a) or (b) of this section.

(e) Any petition under this section shall contain the following information:

(1) The name and address of the petitioner;

(2) The name of the chemical to which the petition pertains;

(3) The name and address of the manufacturer(s) of the chemical (if known);

(4) A complete statement of the facts which the petitioner believes justifies the addition or deletion of the substance from paragraphs (a) or (b) of this section;

(5) The date of the petition.

(f) The Administrator may require the petitioner to submit such documents or written statements of fact relevant to the petition as he deems necessary in making a determination.

(g) Within a reasonable period of time after the receipt of the petition, the Administrator shall notify the petitioner of his decision and the reason therefor. The Administrator need not accept a petition if any of the requirements prescribed in paragraph (e) of this section or requested pursuant to paragraph (f) of this section are lacking or are not clearly set forth as to be readily understood. If the petitioner desires, he may amend and resubmit the petition to meet the requirements of paragraphs (e) and (f) of this section.

(h) If a petition is granted or the Administrator, upon his own motion, proposes to add or delete substances as listed chemicals as set forth in paragraph (c) of this section, he shall issue and publish in the **Federal Register** a proposal to add or delete a substance as a listed chemical. The Administrator shall permit any interested person to file written comments regarding the proposal within 30 days of the date of publication of his order in the **Federal Register**. The Administrator will consider any comments filed by interested persons and publish a final rule in accordance with his decision in the matter.

§ 1310.03 Persons required to keep records and file reports.

Each regulated person who engages in a regulated transaction involving a listed chemical, a tableting machine, or an encapsulating machine shall keep a record of the transaction as specified by § 1310.04 and file reports as specified by § 1310.05.

§ 1310.04 Maintenance of records.

(a) Every record required to be kept subject to § 1310.03 for a listed precursor chemical, a tableting machine, or an encapsulating machine shall be kept by the regulated person for four years after the date of the transaction.

(b) Every record required to be kept subject to § 1310.03 for a listed essential chemical shall be kept by the regulated person for two years after the date of the transaction.

(c) A record under this section shall be kept at the regulated person's place of business where the transaction occurred, except that records may be kept at a single, central location of the regulated person if the regulated person has notified the Administration of the intention to do so. Written notification must be submitted by registered or certified mail, return receipt requested, to the Special Agent in Charge of the DEA Divisional Office for the area in which the records are required to be kept.

(d) The records required to be kept under this section shall be readily retrievable and available for inspection and copying by authorized employees of the Administration under the provisions of 21 U.S.C. 880.

(e) The regulated person with more than one place of business where records are required to be kept shall devise a system to detect any party purchasing from several individual locations of the regulated person thereby seeking to avoid the application of the cumulative threshold or evading the requirements of the Act.

(f) The quantitative threshold or the cumulative amount for multiple

transactions within a calendar month to be utilized in determining whether a receipt, sale, importation or exportation is a regulated transaction is as follows:

(1) Listed Precursor Chemicals:

Chemical	Threshold by base weight
(i) Anthranilic acid and its salts	30 kilograms.
(ii) Benzyl cyanide	1 kilogram.
(iii) Ephedrine, its salts, optical isomers, and salts of optical isomers	1 kilogram.
(iv) Ergonovine and its salts	10 grams.
(v) Ergotamine and its salts	20 grams.
(vi) N-Acetylanthranilic acid and its salts	40 kilograms
(vii) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers	2.5 kilograms.
(viii) Phenylacetic acid and its salts	1 kilogram.
(ix) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers	2.5 kilograms.
(x) Piperidine and its salts	500 grams.
(xi) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers	1 kilogram
(xii) 3,4-Methylenedioxyphenyl-2-propanone	20 kilograms.

(2) Listed Essential Chemicals:

(i) Imports and Exports

Chemical	Threshold by volume	Threshold by weight
(A) Acetic anhydride	250 gallons	1,023 kilograms.
(B) Acetone	500 gallons	1,500 kilograms.
(C) Benzyl chloride	N/A	4 kilograms.
(D) Ethyl ether	500 gallons	1,364 kilograms.
(E) Hydriodic acid	40 liters (57%)	22.8 kilograms.
(F) Potassium permanganate	N/A	500 kilograms.
(G) 2-Butanone (MEK)	500 gallons	1,455 kilograms.
(H) Toluene	500 gallons	1,591 kilograms.

(ii) Domestic Sales

Chemical	Threshold by volume	Threshold by weight
(A) Acetic anhydride	250 gallons	1,023 kilograms.
(B) Acetone	50 gallons	150 kilograms.
(C) Benzyl chloride	N/A	1 kilogram.
(D) Ethyl ether	50 gallons	135.8 kilograms.
(E) Hydriodic acid	10 liters (57%)	5.7 kilograms.
(F) Potassium permanganate	N/A	55 kilograms.
(G) 2-Butanone (MEK)	50 gallons	145 kilograms.
(H) Toluene	50 gallons	159 kilograms.

(iii) The cumulative threshold is not applicable to domestic sales of Acetone, 2-Butanone (MEK), and Toluene.

§ 1310.05 Reports.

(a) Each regulated person shall report to the Special Agent in Charge of the DEA Divisional Office for the area in which the regulated person making the report is located, as follows:

(1) Any regulated transaction involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the regulated person believes may indicate that the listed chemical will be used in violation of this part.

(2) Any proposed regulated transaction with a person whose description or other identifying characteristic the Administration has previously furnished to the regulated person.

(3) Any unusual or excessive loss or disappearance of a listed chemical under the control of the regulated person. The regulated person responsible for reporting a loss in-transit is the supplier.

(4) Any domestic regulated transaction in a tableting machine or an encapsulating machine.

(b) Each report submitted pursuant to paragraph (a) of this section shall, whenever possible, be made orally to the DEA Divisional Office for the area in which the regulated person making the report is located at the earliest practicable opportunity after the regulated person becomes aware of the circumstances involved and as much in advance of the conclusion of the transaction as possible. Written reports of transactions listed in paragraphs (a)(1), (a)(3) and (a)(4) of this section will subsequently be filed as set forth in § 1310.06 within 15 days after the regulated person becomes aware of the circumstances of the event. A transaction may not be completed with a person whose description or identifying characteristic has previously been furnished to the regulated person by the Administration unless the transaction is approved by the Administration.

§ 1310.06 Content of records and reports.

(a) Each record required by § 1310.03 shall include the following:

(1) The name and address of each party to the regulated transaction.

(2) The date of the regulated transaction.

(3) The name, quantity and form of packaging of the listed chemical or a description of the tableting machine or

encapsulating machine (including make, model and serial number).

(4) The method of transfer (company truck, picked up by customer, etc.).

(5) The type of identification used by the purchaser and any unique number on that identification.

(b) For purposes of this section, normal business records shall be considered adequate if they contain the information listed in paragraph (a) of this section and are readily retrievable from other business records of the regulated person.

(c) Each report required by § 1310.05 shall include the information as specified by § 1310.06(a) and, where obtainable, the telephone number of the other party. A report submitted pursuant to § 1310.05(a)(1) or (a)(3) must also include a description of the circumstances leading the regulated person to make the report, such as the reason that the method of payment was uncommon or the loss unusual. If the report is for a loss or disappearance under § 1310.05(a)(3), the circumstances of such loss must be provided (in-transit, theft from premises, etc.).

(d) A suggested format for the reports is provided below:

Supplier:
Name _____
Business Address _____
City _____
State _____
Zip _____
Business Phone _____
Purchaser:
Name _____
Business Address _____
City _____
State _____
Zip _____
Business Phone _____
Identification _____
Shipping Address (if different than purchaser address):
Street _____
City _____
State _____
Zip _____
Date of Shipment _____
Name of Listed Chemical(s) _____
Quantity and Form of Packaging _____
Description of Machine:
Make: _____
Model: _____
Serial # _____
Method of Transfer _____
If Loss or Disappearance:
Date of Loss _____
Type of Loss _____
Description of Circumstances _____

Public reporting burden for this collection of information is estimated to average ten minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Drug Enforcement Administration, Records Management Section, Washington, DC 20537; and to the Office of Management and Budget, Paperwork Reduction Project No. 1117–0024, Washington, DC 20503.

§ 1310.07 Proof of identity.

(a) Each regulated person who engages in a regulated transaction must identify the other party to the transaction. For domestic transactions, this shall be accomplished by having the other party present documents which would verify the identity of the other party to the regulated person at the time the order is placed. For export transactions, this shall be accomplished by good faith inquiry through reasonably available research documents or publicly available information which would indicate the existence of the foreign customer. No proof of identity is required for foreign suppliers.

(b) The regulated person must verify the existence and apparent validity of a business entity ordering a listed chemical, tableting machine or encapsulating machine. For domestic transactions, this may be accomplished by such methods as checking the telephone directory, the local credit bureau, the local Chamber of Commerce or the local Better Business Bureau. For export transactions, a good faith inquiry to verify the existence and apparent validity of a foreign business entity may be accomplished by such methods as verifying the business telephone listing through international telephone information, the firm's listing in international or foreign national chemical directories or other commerce directories or trade publications, confirmation through foreign subsidiaries of the U.S. regulated person, verification through the country of destination's embassy Commercial Attache, or official documents provided by the purchaser which confirm the existence and apparent validity.

(c) When transacting business with a new representative of a firm, the regulated person must verify the claimed agency status of the representative.

(d) For sales to individuals or cash purchasers, the type of documents and other evidence of proof must consist of at least a signature of the purchaser, a driver's license and one other form of identification. Any exports to individuals or exports paid in cash are suspect and should be handled as such. For such exports, the regulated person shall diligently obtain from the purchaser or independently seek to confirm clear documentation which proves the person is properly identified such as through foreign identity documents, driver's license, passport information and photograph, etc. Any regulated person who fails to adequately prove the identity of the other party to the transaction may be subject to the specific penalties provided for violations of law related to regulated transactions in listed chemicals.

(e) For a new customer who is not an individual or cash customer, the regulated person shall establish the identity of the authorized purchasing agent or agents and have on file that person's signature, electronic password, or other identification. Once the authorized purchasing agent has been established, the agent list may be updated annually rather than on each order. The regulated person must ensure that shipments are not made unless the order is placed by an authorized agent of record.

(f) With respect to electronic orders, the identity of the purchaser shall consist of a computer password, identification number or some other means of identification consistent with electronic orders and with § 1310.07(e).

For reasons set out in the preamble, Title 21, Code of Federal Regulations, Part 1313 is added to read as follows.

PART 1313—IMPORTATION AND EXPORTATION OF PRECURSORS AND ESSENTIAL CHEMICALS

Sec.

1313.01 Scope.
1313.02 Definitions.

Importation of Precursors and Essential Chemicals

1313.12 Requirement of authorization to import.
1313.13 Contents of import declaration.
1313.14 Distribution of import declaration.
1313.15 Waiver of 15-day advance notice for chemical importers.

Exportation of Precursors and Essential Chemicals

1313.21 Requirement of authorization to export.
1313.22 Contents of export declaration.
1313.23 Distribution of export declaration.
1313.24 Waiver of 15-day advance notice for chemical exporters.
1313.25 Foreign import restrictions.

Transshipment and In-Transit Shipment of Precursors and Essential Chemicals

1313.31 Advance notice of importation for transshipment or transfer.
1313.41 Suspension of shipments.

Hearings

1313.51 Hearings generally.
1313.52 Purpose of hearing.
1313.53 Waiver of modification of rules.

Sec.
1313.54 Request for hearing.
1313.55 Burden of proof.
1313.56 Time and place of hearing.
1313.57 Final order.

Authority: 21 U.S.C. 802, 830, 871(b), 971.

§ 1313.01 Scope.

Procedures governing the importation, exportation, transshipment and in-transit shipment of precursors and essential chemicals pursuant to section 1018 of the Act (21 U.S.C. 971) are governed generally by that section and specifically by the sections of this part.

§ 1313.02 Definitions.

(a) The term "chemical export" means transferring ownership or control, or the sending or taking of threshold quantities of listed chemicals out of the United States (whether or not such sending or taking out constitutes an exportation within the meaning of the Customs and related laws of the United States).

(b) The term "chemical exporter" is a regulated person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the listed chemical out of the United States.

(c) The term "regulated person" means any individual, corporation, partnership, association, or other legal entity who manufactures, distributes, imports, or exports a listed chemical, a tableting machine, or an encapsulating machine.

(d) The term "regulated transaction" means:

(1) A distribution, receipt, sale, importation or exportation of a threshold amount as determined by the Administrator which includes a cumulative threshold amount for multiple transactions of a listed chemical, except that such term does not include:

(i) A domestic lawful distribution in the usual course of business between agents or employees of a single regulated person; in this context, agents or employees means individuals under the direct management and conttol of the regulated person;

(ii) A delivery of a listed chemical to or by a common or contract carrier for carriage in the lawful and usual course of the business of the common or contract carrier, or to or by a warehouseman for storage in the lawful and usual course of the business of the warehouseman, except that if the carriage or storage is in connection with the distribution, importation, or exportation of a listed chemical to a third person, this paragraph does not relieve a distributor, importer, or exporter from compliance with this part of Part 1310;

(iii) Any category of transaction specified by regulation of the Administration as excluded from this definition as unnecessary for enforcement of the Act;

(iv) Any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act; or

(v) Any transaction in a chemical mixture.

(2) A distribution, importation, or exportation of a tableting machine or encapsulating machine except that such term does not include a domestic lawful distribution in the usual course of business between agents and employees of a single regulated person; in this context, agents or employees means individuals under the direct management and control of the regulated person.

(e) The term "chemical import" means with respect to a listed chemical, any bringing in or introduction of such listed chemical into either the jurisdiction of the United States or into the Customs territory of the United States (whether or not such bringing in or introduction constitutes an importation within the meaning of the tariff laws of the United States).

(f) The term "chemical importer" is a regulated person who, as the principal party in interest in the import transaction, has the power and responsibility for determining and controlling the bringing in or introduction of the listed chemical into the United States.

(g) The term "regular customer" means a person with whom the regulated person has an established business relationship for a specified listed chemical or chemicals that has been reported to the Administration subject to the criteria established in § 1313.02(j).

(h) The term "regular supplier" means a supplier with whom the regulated person has an established business relationship that has been reported to the Administration subject to the criteria established in § 1313.02(i).

(i) The term "established business relationship with a regular supplier" means the regulated person has purchased a listed chemical from a foreign supplier at least once within the past six months, or twice within the past twelve months. The term also means that the regulated person has provided the Administration with the following information in accordance with the Waiver of 15-day advance notice requirements of § 1313.15:

(1) The name, street address, telephone number, telex number and, where available, the facsimile number of the chemical importer and of each regular supplier; and

(2) The frequency and number of transactions occurring during the preceding 12-month period.

(j) The term "established business relationship with a foreign customer" means the regulated person has exported a listed chemical at least once within the past six months, or twice within the past twelve months to a foreign manufacturer, distributor, or end user of the chemical that has an established business in the foreign country with a fixed street address. A person or business which functions as a broker or intermediary is not a customer within the meaning of this section. The term also means that the regulated person has provided the Administration with the following information in accordance with the Waiver of 15-day advance notice requirements of § 1313.24:

(1) The name and street address of the chemical exporter and of each regular customer;

(2) The telephone number, telex number, contact person, and where available, the facsimile number for the chemical exporter and for each regular customer;

(3) The nature of the regular customer's business (i.e., importer, exporter, distributor, manufacturer, etc.), and if known, the use to which the listed chemical or chemicals will be applied;

(4) The duration of the business relationship;

(5) The frequency and number of transactions occurring during the preceding 12-month period;

(6) The amounts and the listed chemical or chemicals involved in regulated transactions between the chemical exporter and the regular customer;

(7) The method of delivery (direct shipment or through a broker or forwarding agent); and

(8) Other information that the chemical exporter considers relevant for determining whether a customer is a regular customer.

(k) The term "Customs territory of the United States" means the several states, the District of Columbia, and Puerto Rico.

(l) The term "jurisdiction of the United States" means the Customs territory of the United States, the Virgin Islands, the Canal Zone, Guam, American Samoa, and Palau.

(m) Any term not defined in this section shall have the definition set

forth in sections 102 and 1001 of the Act (21 U.S.C. 802 and 951), and §1301.02 and § 1310.01 of this chapter.

Importation of Precursors and Essential Chemicals

§ 1313.12 Requirement of authorization to import.

(a) Each regulated person who imports a listed chemical that meets or exceeds the threshold quantities identified in § 1310.04(f) of this chapter shall notify the Administrator of the importation not later than 15 days before the transaction is to take place.

(b) A completed DEA Form 486 must be received at the following address not later than 15 days prior to the importation:

Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038.

A copy of the completed DEA Form 486 may be transmitted directly to the Drug Enforcement Administration, Drug Control Section, through electronic facsimile media not later than 15 days prior to the importation.

(c) The 15-day advance notification requirement for listed chemical imports may be waived for any regulated person who has satisfied the requirements for reporting to the Administration an established business relationship with a foreign supplier. For such imports, the DEA Form 486 must be received by the Drug Enforcement Administration, Drug Control Section on or before the date of importation through use of the mailing address listed in § 1313.12(b) or through use of electronic facsimile media.

§ 1313.13 Contents of import declaration.

(a) Any precursor or essential chemical listed in § 1310.02 of this chapter may be imported if that chemical is necessary for medical, commercial, scientific, or other legitimate uses within the United States. Chemical importations into the United States for immediate transfer/transshipment outside the United States must comply with the procedures set forth in § 1313.31.

(b) Any regulated person who desires to import a threshold or greater quantity of a listed chemical shall notify the Administration through procedures set forth in § 1313.12 and distribute three copies of DEA Form 486 as directed in § 1313.14.

(c) The DEA Form 486 must be executed in triplicate and must include the following information:

(1) The name, address, telephone number, telex number, and, where available, the facsimile number of the chemical importer; the name, address, telephone, telex, and where available, the facsimile number of the broker or forwarding agent (if any); and

(2) The name and description of each listed chemical as it appears on the label or container, the name of each chemical as it is designated in 1310.02 of this chapter, the size or weight of container, the number of containers, the net weight of each listed chemical given in kilograms or parts thereof; and the gross weight of the shipment given in kilograms or parts thereof; and

(3) The proposed import date, the foreign port of exportation and the first U.S. Customs Port of Entry; and

(4) The name, address, telephone number, telex number, and, where available, the facsmile number of the consignor in the foreign country of exportation.

§ 1313.14 Distribution of import declaration.

The required three copies of the precursor and essential chemical import declaration (DEA Form 486) will be distributed as follows:

(a) Copy 1 shall be retained on file by the regulated person as the official record of import. Import declaration forms involving a listed precursor chemical must be retained for four years; declaration forms for listed essential chemicals must be retained for two years.

(b) Copy 2 is the Drug Enforcement Administration copy used to fulfill the notification requirements of Section 6053 of the Chemical Diversion and Trafficking Act of 1988, as specified in § 1313.12.

(c) Copy 3 shall be presented to the U.S. Customs Sevice along with the customs entry. If the import is a regulated transaction for which the 15-day advance notice requirement has been waived, the regulated person shall declare this information to the U.S. Customs Service Official by checking the block on the DEA Form 486 designated for this purpose.

§ 1313.15 Waiver of 15-day advance notice for chemical importers.

(a) Each regulated person shall provide to the Administration the identity of any regular supplier of the regulated person not later than August 31, 1989, along with the information required by § 1313.02(i) for documenting an established business relationship with a regular supplier.

(b) Not later than October 30, 1989, each regular supplier so identified in notifications made under paragraph (a) of this section shall be a regular supplier for purposes of waiving the 15-day advance notice requirement, unless the regulated person is otherwise notified in writing by the Administration.

(c) A supplier identified on an initial DEA Form 486 submitted after October 30, 1989, shall, after the expiration of the 15-day period, qualify as a regular supplier, unless the Administration otherwise notifies the regulated person in writing.

(d) All chemical importers shall be required to file a DEA Precursor and Essential Chemical Import/Export Declaration (DEA Form 486) as required by § 1313.12.

Exportation of Precursors and Essential Chemicals

§ 1313.21 Requirement of authorization to export.

(a) No person shall export of cause to be exported from the United States any chemical listed in § 1310.02 of this chapter, which meets or exceeds the threshold quantities identified in § 1310.04(f) of this chapter until such time as the Administrator has been notified. Notification must be made not later than 15 days before the transaction is to take place. In order to facilitate the export of listed chemicals and implement the purpose of the Act, regulated persons may wish to provide notification to the Administration as far in advance of the 15 days as possible.

(b) A completed DEA Form 486 must be received at the following address not later than 15 days prior to the exportation:

Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038.

A copy of the completed DEA Form 486 may be transmitted directly to the Drug Enforcement Administration, Drug Control Section, through electronic facsimile media not later than 15 days prior to the exportation.

(c) The 15-day advance notification requirement for listed chemical exports may be waived for any regulated person who has satisfied the requirements of § 1313.24 for reporting to the Administration an established business relationship with a foreign customer as defined in § 1313.02(j). A DEA Form 486 export declaration to a foreign customer must be received by the Drug Enforcement Administration, Drug Control Section, on or before the date of exportation through use of the mailing address listed in § 1313.21(b) or transmitted directly through use of electronic facsimile media.

(d) No person shall knowingly or intentionally export or cause to be exported a listed chemical in violation of the law of the country to which the chemical is exported. Likewise, no

person shall export or cause to be exported any listed chemical when that person has reasonable cause to believe the regulated transaction is in violation of the law of the country to which the chemical is exported. The Administration will publish a notice of foreign import restrictions for listed chemicals of which DEA has knowledge as provided in § 1313.25.

§ 1313.22 Contents of export declaration.

(a) Any precursor or essential chemical listed in § 1310.02 of this chapter which meets or exceeds the quantitative threshold criteria established in § 1310.04(f) of this chapter may be exported if that chemical is needed for medical, commercial, scientific, or other legitimate uses.

(b) Any regulated person who desires to export a threshold or greater quantity of a listed chemical shall notify the Administration through procedures outlined in § 1313.21 and distribute three copies of DEA Form 486 as directed in § 1313.23.

(c) The DEA Form 486 must be executed in triplicate and must include all the following information:

(1) The name, address, telephone number, telex number, and, where available, the facsimile number of the chemical exporter; the name, address, telephone number, telex number, and, where available, the facsimile number of the export broker, if any;

(2) The name and description of each listed chemical as it appears on the label or container, the name of each listed chemical as it is designated in § 1310.02 of this chapter, the size or weight of container, the number of containers, the net weight of each listed chemical given in kilograms or parts thereof, and the gross weight of the shipment given in kilograms or parts thereof;

(3) The proposed export date, the U.S. Customs port of exportation, and the foreign port of entry; and

(4) The name, address, telephone, telex, and where available, the facsimile number of the consignee in the country where the chemical shipment is destined; the name(s) and address(es) of any intermediate consignee(s).

(d) Notwithstanding the time limitations included in paragraph (b) of this section, a regulated person may receive a waiver of the 15-day advance notification requirement following the procedures outlined in § 1313.24.

(e) Declared exports of listed chemicals which are refused, rejected, or otherwise deemed undeliverable may be returned to the U.S. chemical exporter of record. A brief written notification (this does not require a DEA Form 486) outlining the circumstances must be sent to the Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038, following the return within a reasonable time. This provision does not apply to shipments that have cleared foreign customs, been delivered, and accepted by the foreign consignee. Returns to third parties in the United States will be regarded as imports.

§ 1313.23 Distribution of export declaration.

The required three copies of the precursor and essential chemical export declaration (DEA Form 486) will be distributed as follows:

(a) Copy 1 shall be retained on file by the chemical exporters as the official record of export. Export declaration forms involving a listed precursor chemical must be retained for four years; declaration forms for listed essential chemicals must be retained for two years.

(b) Copy 2 is the Drug Enforcement Administration copy used to fulfill the notification requirements of Section 6053 of the Chemical Diversion and Trafficking Act of 1988, as specified in § 1313.21

(c) Copy 3 shall be presented to the U.S. Customs Service at the port of exit along with the Shippers Export Declaration for each export of a listed chemical or chemicals.

§ 1313.24 Waiver of 15-day advance notice for chemical exporters.

(a) Each regulated person shall provide to the Administration the identity and information listed in § 1313.02(j) for an established business relationship with a foreign customer not later than August 31, 1989.

(b) Not later than October 31, 1989, each regular customer so identified in notifications made under § 1313.24(a) shall be a regular customer for purposes of waiving the 15-day advance notice requirement, unless the regulated person is otherwise notified in writing by the Administration.

(c) Each foreign customer identified on an initial DEA Form 486 submitted after the effective date of the implementation of Part 1313 shall, after the expiration of the 15-day period, qualify as a regular customer, unless the Administration otherwise notifies the regulated person in writing.

(d) The Administrator may notify any chemical exporter that a regular customer has been disqualified or that a new customer for whom a notification has been submitted is not to be accorded the status of a regular customer. In the event of a disqualification of an established regular customer, the chemical exporter will be notified in writing of the reasons for such action.

Public reporting (one-time) burden for this collection of information is estimated to average four hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing and collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Drug Enforcement Administration, Records Management Section, Washington, DC 20537; and to the Office of Management and Budget, Paperwork Reduction Project No. 1117–0025, Washington, DC 20503.

§ 1313.25 Foreign import restrictions.

Any export from the United States in violation of the law of the country to which the chemical is exported is subject to the penalties of Title 21 United States Code 960(d).

§ 1313.31 Advance notice of importation for transshipment or transfer.

(a) A quantity of a chemical listed in § 1310.02 of this chapter that meets or exceeds the threshold reporting requirements found in § 1310.04(f) of this chapter may be imported into the United States for transshipment, or may be transferred or transshipped within the United States for immediate exportation, provided that advance notice is given to the Administration.

(b) Advance notification must be provided to the Drug Enforcement Administration, P.O. Box 28346, Washington, DC 20038, not later than 15 days prior to the proposed date the listed chemical will transship or transfer through the United States. The written notification (not a DEA Form 486) shall contain the following information:

(1) The date the notice was executed;

(2) The complete name and description of the listed chemical as it appears on the label or container.

(3) The name of the listed chemical as designated by § 1310.02 of this chapter.

(4) The number of containers and the size or weight of the container for each listed item;

(5) The new weight of each listed chemical given in kilograms or parts thereof;

(6) The gross weight of the shipment given in kilograms or parts thereof;

(7) The name, address, telephone number, telex number, business of the

foreign exporter and, where available, the facsimile number;

(8) The foreign port of exportation;

(9) The approximate date of exportation;

(10) The complete identification of the exporting carrier;

(11) The name, address, business, telephone number, telex number, and, where available, the facsimile number of the importer, transferor, or transshipper;

(12) The U.S. port of entry;

(13) The approximate date of entry;

(14) The name, address, telephone number, telex number, business of the consignee and, where available, facsimile number of the consignee at the foreign port of entry;

(15) The shipping route from the U.S. port of exportation to the foreign port of entry at final destination;

(16) The approximate date of receipt by the consignee at the foreign port of entry; and

(17) The signature of the importer, transferor or transshipper, or his agent, accompanied by the agent's title.

(c) Unless notified to the contrary prior to the expected date of delivery, the importation for transshipment or transfer is considered approved.

(d) No waiver of the 15-day advance notice will be given for imports of listed chemicals in quantities meeting or exceeding threshold quantities for transshipment or transfer outside the United States.

§ 1313.41 Suspension of shipments.

(a) The Administrator may suspend any importation or exportation of a chemical listed in § 1310.02 of this chapter based on evidence that the chemical proposed to be imported or exported may be diverted to the clandestine manufacture of a controlled substance. If the Administrator so suspends, he shall provide written notice of such suspension to the regulated person. Such notice shall contain a statement of the legal and factual basis for the order.

(b) Upon service of the order of suspension, the regulated person to whom the order applies under paragraph (a) of this section must, if he desires a hearing, file a written request for a hearing pursuant to §§ 1313.51–1313.57.

Hearings

§ 1313.51 Hearings generally.

In any case where a regulated person requests a hearing regarding the suspension of a shipment of a listed chemical, the procedures for such hearing shall be governed generally by the procedures set forth in the Administrative Procedure Act (5 U.S.C. 551–559) and specifically by section 6053 of the Chemical Diversion and Trafficking Act (Pub. L. 100–690), by 21 CFR 1313.52–1313.57, and by the procedures for administrative hearings under the Controlled Substances Act set forth in §§ 1316.41–1316.67 of this chapter.

§ 1313.52 Purpose of hearing.

If requested by a person entitled to a hearing, the Administrator shall cause a hearing to be held for the purpose of receiving factual evidence regarding the issues involved in the suspension of shipments within 45 days of the date of the request, unless the requesting party requests an extension of time.

§ 1313.53 Waiver of modification of rules.

The Administrator or the presiding officer (with respect to matters pending before him) may modify or waive any rule in this part by notice in advance of the hearing, if he determines that no party in the hearing will be unduly prejudiced and the ends of justice will thereby be served. Such notice of modification or waiver shall be made a part of the record of the hearing.

§ 1313.54 Request for hearing.

(a) Any person entitled to a hearing pursuant to § 1313.52 and desiring a hearing shall, within 30 days after receipt of the notice to suspend the shipment, file with the Administrator a written request for a hearing in the form prescribed in § 1316.47 of this chapter.

(b) If any person entitled to a hearing or to participate in a hearing pursuant to § 1313.41 fails to file a request for a hearing or a notice of appearance, or if he so files and fails to appear at the hearing, he shall be deemed to have waived his opportunity for the hearing or to participate in the hearing, unless he shows good cause for such failure.

(c) If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing, if scheduled, and issue his final order pursuant to § 1313.57.

§ 1313.55 Burden of proof.

At any hearing regarding the suspension of shipments, the Agency shall have the burden of proving that the requirements of this part for such suspension are satisfied.

§ 1313.56 Time and place of hearing.

(a) If any regulated person requests a hearing on the suspension of shipments, a hearing will be scheduled no later than 45 days after the request is made, unless the regulated person requests an extension to this date.

(b) The hearing will commence at the place and time designated in the notice given pursuant to paragraph (a) of this section but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without notice other than announcement thereof by the presiding officer at the hearing.

§ 1313.57 Final order.

As soon as practicable after the presiding officer has certified the record to the Administrator, the Administrator shall issue his order regarding the suspension of shipment. The order shall include the findings of fact and conclusions of law upon which the order is based. The Administrator shall serve one copy of his order upon each party in the hearing.

John C. Lawn,

Administrator, Drug Enforcement Administration.

Date: July 7, 1989.

[FR Doc. 89–17837 Filed 7–31–89; 8:45 am]

BILLING CODE 4410–09–M

---

21 CFR Part 1316

Exemption From Civil Prosecution for Investigative and Law Enforcement Personnel of the Drug Enforcement Administration

AGENCY: Drug Enforcement Administration (DEA).

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to implement a provision of the Chemical Diversion and Trafficking Act of 1988 which exempts certain employees of the DEA from civil prosecution in the event that they make an unauthorized disclosure of information referred to in paragraph (c)(1) of Section 310 of the Controlled Substances Act (21 U.S.C. 830).

EFFECTIVE DATE: August 1, 1989.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, State and Industry Section, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Telephone: (202) 307–7297.

SUPPLEMENTARY INFORMATION: On January 25, 1989, in a notice of proposed rulemaking published in the **Federal Register** (54 FR 3622) the Administrator of the DEA proposed to clarify a provision of the Chemical Diversion and Trafficking Act which specifies that,

although any person who is aggrieved by a disclosure of information in violation of Section 310 of the Controlled Substances Act may bring a civil action against the violator for appropriate relief, a civil action may not be brought against investigative or law enforcement personnel of the DEA who make such a disclosure. The proposed rule provided the opportunity for interested parties to submit comments and objections to the proposed rulemaking. Three chemical suppliers, the Chemical Manufacturers Association (CMA) and the National Association of Chemical Distributors (NACD), expressed concern that the DEA exceeded its Congressional authority by making the definition of "investigative personnel" contained in 21 CFR 1316.21 overly broad. They felt that the proposed definition of "investigative personnel" could be construed as including any employee of DEA. The Administrator of the DEA is convinced that the definition of "investigative personnel" is consistent with the intent of Congress as it pertains only to those managers, Diversion Investigators, attorneys, analysts and support personnel employed by DEA who are involved in the processing, reviewing and analyzing of declarations and other relevant documents or data relative to regulated transactions or who are involved in conducting investigations initiated pursuant to the receipt of such declarations, documents or data. Clearly, this excludes the majority of DEA personnel. Two chemical suppliers, the CMA and the NACD, felt that the definition of "law enforcement personnel" contained in 21 CFR 1316.21 is too broad. In response to these comments, additional language has been added to this definition to restrict the exemption from civil prosecution for unauthorized disclosure of information to those Special Agents of the DEA who, in the course of their official duties, gain knowledge of such confidential information. Due to a conflict in numbering, the new sections of 21 CFR set forth in this final rule which were previously numbered 1316.91 and 1316.92 in the proposed rule of January 25, 1989 have been renumbered 1316.23 and 1316.24.

The Administrator of the DEA hereby certifies that this matter will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601).

This rule is not a major rule for purposes of E.O. 12291 of February 17, 1981. Pursuant to sections 3(c)(3) and 3(e)(2)(c) of E.O. 12291, this final rule has been reviewed by the Office of Management and Budget.

This action has been analyzed with the principles and criteria contained in E.O. 12616, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1316

Administrative practice and procedure, Drug, enforcement administration, Drug traffic control, Research, Seizures and forfeiture.

For reasons set out above, Title 21, Code of Federal Regulations, Part 1316, is amended as follows:

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES AND PROCEDURES

Subpart B—Protection of Researchers, Research Subjects, Investigative Personnel and Law Enforcement Personnel

1. The authority citation for Subpart B is revised to read as follows:

Authority: 21 U.S.C. 830, 871(b).

2. Part 1316 is amended redesignating existing section 1316.21 as 1316.23, redesignating existing section 1316.22 as 1316.24 and by adding Sections 1316.21 and 1316.22 to read as follows:

§ 1316.21 Definitions.

As used in this part, the following terms shall have the meanings specified:

(a) The term "investigative personnel" includes managers, Diversion Investigators, attorneys, analysts and support personnel employed by the Drug Enforcement Administration who are involved in the processing, reviewing and analyzing of declarations and other relevant documents or data relative to regulated transactions or are involved in conducting investigations initiated pursuant to the receipt of such declarations, documents or data.

(b) The term "law enforcement personnel" means Special Agents employed by the Drug Enforcement Administration who, in the course of their official duties, gain knowledge of information which is confidential under such section.

§ 1316.22 Exemption.

(a) Any person who is aggrieved by a disclosure of information in violation of subsection (c)(1) of Section 310 of the Controlled Substances Act (21 U.S.C. 830) may bring a civil action against the violator for appropriate relief.

(b) Notwithstanding the provision of paragraph (a), a civil action may not be brought under such paragraph against investigative or law enforcement personnel of the Drug Enforcement Administration.

Date: July 7, 1989.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 89-17836 Filed 7-31-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[RIN 2506-AA93]

[Docket No. R-89-1444; FR-2669]

Revision of Subpart E To Provide Increased Local Discretion in Applying Limitations on Special Projects Expenditures

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

ACTION: Final rule.

SUMMARY: Recently, Secretary Kemp announced an initiative designed to encourage local governments to combat drug use by establishing positive youth programs providing sports, cultural and other activities as alternatives to the drug environment. The Secretary proposed making available, from the Secretary's Discretionary Fund under section 107(a)(4) of the Housing and Community Development Act of 1974, competitive special projects grants of up to $25,000, with a required 100% cash match from local Community Development Block Grant (CDBG) or other public or private funds.

HUD's regulations set out restrictions which, in some situations, are more limiting as to the amount of a grant which may be used for "public service" activities, as defined in the regulations, than could be permitted under the governing statutory provision.

The purpose of this rule revision is to increase the effectiveness of special projects grants awarded to achieve objectives, as in the case of the recently announced Youth Sports program, which can best be met through public service type activities. The rule therefore provides a choice of alternative calculations under which a local government can determine the maximum statutorily permissible

amount of a special project grant that can be used for public service activities.

EFFECTIVE DATE: October 3, 1989.

FOR FURTHER INFORMATION CONTACT: Roy Gonnella, Director, Secretary's Funds Division, Office of Program Policy Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-6092. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background; Description of This Rule

A new initiative to make grants from the Secretary's Discretionary Fund to aid in establishing or enhancing Youth Sports clubs at public housing sites with identified severe drug problems was proposed recently by the Secretary. Special projects grants of up to $25,000 would be made available on a competitive basis to units of local government planning and undertaking vigorous efforts to rid public housing areas of the drug problem. Applicants would be invited to design a variety of youth sports, cultural or other programs to best address their local situation and most effectively leverage local resources.

To the extent that existing regulatory limitations on the use of grant funds for public service activities can in some cases be more restrictive than the maximum amount allowable under the statutute, local governments could be hampered in their planning for the expenditure of these grants for the intended purpose.

HUD's present Special Projects Program regulations state at § 570.410(c) that eligible special project activities are those eligible under 24 CFR Part 570—Community Development Block Grants—Subpart C—Eligible Activities. Section 570.201(e) of Subpart C sets forth the eligibility requirements for public service activities, including the statutorily derived limitation on the amount of funds that may be used for public services.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) provides that "not more than 15 per centum of the amount of *any assistance* to a unit of general local government *under this title* may be used for [public service] activities." (Emphasis added.) Section 570.201(e)(2) implements this provision by applying the limitation to each grant.

The Department believes that the 1974 Act permits the application of the 15% limitation either to each separate grant amount received by a local government, or to the *aggregate* of grants received under title I of the 1974 Act by the local government in a particular Federal fiscal year.

Accordingly, the Department is amending the Special Projects Program regulations to give the local government the option of calculating the amount of special project grant funds that may be used for public services based upon 15 percent of *either* the special projects grant, *or* the aggregate of the special projects grant plus the community development block grant received by the local government in the same federal fiscal year under the Community Development Block Grant (CDBG) Entitlement or State Program. The second option permits the local government to use special projects funds for public services in an amount equal to 15 percent of the *sum* of the special project grant funds plus grant funds received for the same federal fiscal year under the CDBG Entitlement or State Program—less the amount of the Entitlement or State Program grant funds that will be used for other public service activities.

The regulation also gives a third option to CDBG Entitlement Program grantees that are given a statutory exception to the 15 percent limitation. (The statutory exception is implemented at existing § 570.201(e)(3).) The local government may use special project grant funds in an amount equal to the amount of the Entitlement grant funds received for the same federal fiscal year that may be used for public service activities, less the amount of the Entitlement grant funds that will be used for other public service activities.

Justification for Final Rulemaking

It is the Department's usual practice to publish regulations changes as proposed rule making for public comment before adopting the changes as final. In this instance, the Secretary finds that there is good cause for publishing this rule for effect as promptly as is permissible under section 7(o)(3) of the Department of HUD Act (HUD's legislative review statute). The Youth Sports initiative is considered a particularly meritorious idea for combatting the effects of illegal drugs in public housing, and the program is one based on competitive applications from communities volunteering to undertake locally developed initiatives of this kind. The effect of this rule is to provide a higher degree of discretion in local governments to make determinations concerning the kinds of expenditures they would like to undertake under the Special Projects program. Since the rule decreases the amount of regulatory control placed upon grantees by the Department, while preserving fully the statutory limitation on public services spending on a program-wide basis, the Secretary has determined that delaying the effectiveness of this rule to await public comment would be unnecessary and contrary to the public interest.

Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection during regular business hours (weekdays 7:30 to 5:30 p.m.) in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981 (Executive Order 12291). An analysis of the rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Undersigned hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities, because the rule's subject matter is limited to the introduction of a discretionary means of applying the Community Development program's statutory limitation on grant expenditures for public service activities, and should not introduce additional costs for any grantee, large or small, nor disadvantage small grantees in any way.

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that the policies contained in this rule have no significant impact on family formation, maintenance, or general well-being and, thus, are not subject to review under the Order. The rule would remove a potential regulatory burden on local government grantees associated with the manner in which grant funds may be expended.

While beneficial results are expected from some of the local decisions that the rule would facilitate, there is no direct impact on Family-related issues involved in the rule.

The General Counsel, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that the policies contained in this rule do not have federalism implications and, therefore, are not subject to review under the Order. This rule is consonant with principles of federalism in that it broadens the degree of local discretion provided for in carrying out a Federal statutory directive.

This rule was not listed in the Department's Semiannual Agenda of Regulations published at 54 FR 16708 on April 24, 1989, under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program number is 14.227.

List of Subjects in 24 CFR Part 570

Accordingly, 24 CFR Part 570, Subpart E is amended as follows:

PART 570—[AMENDED]

1. The authority citation for Part 570 is revised to read as follows:

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart E—Secretary's Fund

2. Section 570.410(c) is revised by redesignating the present paragraph as paragraph (c)(1), and by adding a new paragraph (c)(2), to read as follows:

§ 570.410 Special projects program.

* * * * *

(c) *Eligible activities.* * * *

(2) The amount of funds awarded to a unit of general local government under this section that may be used for public service activities is limited. The applicant may use whichever of the following methods of calculation yields the highest amount:

(i) Fifteen percent of the special projects grant;

(ii) An amount equal to 15 percent of the sum of special project grant funds plus grant funds received for the same federal fiscal year under the Entitlement or State program, less the amount of the Entitlement or State program grant funds which will be used for other public service activities; or

(iii) In the case of an applicant that is an Entitlement grantee subject to the exception in § 570.201(e)(3), an amount equal to the amount of the Entitlement grant funds received for the same federal fiscal year that may be used for public service activities, less the amount of the Entitlement grant funds which will be used for other public service activities.

* * * * *

Date: July 25, 1989.

Audrey E. Scott,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 89–17905 Filed 7–31–89; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8258]

RIN 1545–AL26

Allocation of Income Attributable to Certain Notional Principal Contracts Under Section 863(a)

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary Income Tax Regulations which set forth the source of income attributable to certain notional principal contracts (notional principal contract income). This action is necessary to provide guidance to foreign and domestic corporations and individuals. The temporary regulations set forth in this document also serve as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

EFFECTIVE DATE: These regulations are effective for notional principal contract income includible in income on or after December 24, 1986. An election is provided to apply the rules of these regulations to notional principal contract income includible in income before December 24, 1986.

FOR FURTHER INFORMATION CONTACT: Charles T. Plambeck of the Office of Associate Chief Counsel (International) within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. (Attention: CC:CORP:T:R) (202–566–6284, not a toll-free call.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This regulation is being issued without prior notice and public disclosure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in this regulation has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget (OMB) under control number 1545–0132. The estimated annual burden per respondent varies from five minutes to two hours, depending on individual circumstances, with an estimated average of one hour and twenty-five minutes.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

For further information concerning this collection of information, where to submit comments on this collection of information, the accuracy of the estimated burden, and suggestions for reducing this burden, please refer to the preamble of the cross-reference notice of proposed rulemaking published in the Proposed Rules section of this issue of the **Federal Register**.

Background

Notice 87–4, 1987–1 C.B. 416, described anticipated allocation rules for swap income and swap expense attributable to certain interest rate swap agreements. Generally, Notice 87–4 provided that swap income would be sourced by reference to the residence of the recipient of the swap income. The Notice also solicited comments regarding the source of swap income received by a qualified business unit of a taxpayer.

This document contains temporary regulations (contemplated in the foregoing Notice) under section 863(a) of the Internal Revenue Code of 1986 relating to the allocation of income attributable to certain notional principal contracts. Section 863(a) provides that the Secretary may promulgate regulations to allocate items of income, expenses, losses, and deductions, other than those specified in sections 861(a) and 862(a), to sources within or without the United States. Income attributable to a notional principal contract is not income specified in section 861(a) or 862(a).

Comments

Five commentators submitted comments to the Internal Revenue Service on the rules contained in Notice 87–4.

Three commentators requested that swap income received by a qualified business unit of a taxpayer be sourced to the residence of the qualified business unit (generally, where its principal place of business is located) with safeguards to prevent the artificial use by United States taxpayers of this rule to source swap income outside the United States. The temporary regulations generally incorporate these comments.

Another commentator requested that a domestic corporation which is a so-called "80/20 company" be treated as a foreign resident for purposes of sourcing swap income. The temporary regulations do not incorporate this comment because the qualified business unit exception adopted by the temporary regulations adequately allows a domestic corporation to source its notional principal contract income outside the United States in appropriate circumstances.

Finally, two commentators requested that the scope of the rules contemplated by Notice 87-4 be broadened to include any notional principal contract, including those where no party to the agreement is a United States resident or has as its functional currency the United States dollar, or where the contract is not denominated in United States dollars. The temporary regulations generally incorporate these comments. However, the regulations do not apply where the payments required to be made under the notional principal contract are determined by reference to a nonfunctional currency. These transactions are the subject of forthcoming regulations under section 988. It is anticipated that the regulations under section 988 will provide sourcing rules similar to those described in this regulation. The source of income from certain other financial products is determined under section 865.

Explanation of Provisions

This regulation generally determines the source of notional principal contract income. It is anticipated that the Internal Revenue Service in the future will address related issues not addressed in this regulation, including the computation of gain or loss upon the disposition of a notional principal contract and the proper time for inclusion or deduction of notional principal contract income or expense. See generally Notice 89-21, 1989-8 I.R.B. 23.

Section 1.863-7T(a)(1) defines notional principal contract income as income attributable to a notional principal contract and describes, generally, a notional principal contract. A notional principal contract is defined narrowly to exclude transactions which give rise to foreign currency gain or loss. Section 1.863-7T(a)(2) provides that § 1.863-7T is effective for notional principal contract income includible in income on or after December 24, 1986.

Section 1.863-7T(b)(1) provides that the source of notional principal contract income is determined by reference to the residence of the taxpayer. Sections 1.863-7T(b) (2) and (3) provide exceptions to residence based sourcing under § 1.863-7T(b)(1). Section 1.B63-7T(b)(2) provides that the source of notional principal contract income is determined by the residence of a qualified business unit of the taxpayer, rather than the taxpayer, if certain conditions are met. Section 1.863-7T(b)(3) provides that notional principal contract income will be treated as effectively connected United States source income in certain circumstances. The Commissioner is specifically interested in receiving comments regarding the ability of taxpayers to satisfy the conditions of section 1.863-7T(b) (2) or (3) in circumstances which involve global trading. Section 1.863-7T(c)(1) allows a taxpayer to make an election to source notional principal contract income includible in income before December 24, 1986 according to the rules of § 1.863-7T and provides rules relating to the effect of such election. Section 1.863-7T(c) (2) and (3) provides the time and manner for making the election provided in § 1.863-7T(c)(1). Section 1.863-7T(d) provides an example illustrating the principles of § 1.863-7T. Finally, section 1.863-7T(e) provides certain cross references.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553 (b) of the Administrative Procedure Act (5 U.S.C. Chapter 5) and the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal authors of these temporary regulations are Charles Thelen Plambeck, of the Office of Associate Chief Counsel (International) within the Office of Chief Counsel, Internal Revenue Service, and F. Scott Farmer, formerly of that office. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.861-1—1.997-1

Income taxes, Aliens, Exports, DISC, Foreign Investments in U.S., Foreign Tax Credit, FSC, Sources of income, United States investments abroad.

List of Subjects in 26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 602 are amended to read as follows:

Income Tax Regulations

PART 1—[AMENDED]

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

Authority: 26 U.S.C. 7805. * * * Sections 1.863-1T(d) and 1.863-7T are issued under 26 U.S.C. 863(a).

Par. 2. New § 1.863-7T is added immediately after § 1.863-6 to read as follows:

§ 1.863-7T Allocation of income attributable to certain notional principal contracts under section 863(a) (temporary).

(a) *Scope*—(1) *Introduction.* This section provides rules relating to the source and, in certain cases, the character of notional principal contract income. Notional principal contract income is income (other than foreign currency gain within the meaning of section 988(b)) attributable to a notional principal contract. Generally, a notional principal contract is an interest rate swap, cap, floor, collar, or similar financial instrument that provides for the payment of amounts by one party to another at specified intervals calculated by reference to an interest rate index upon a notional principal amount in exchange for specified consideration or a promise to pay similar amounts. For this purpose, an agreement shall not be considered a notional principal contract unless the notional principal amount and each of the payments under the agreement are denominated in terms of and are determined by reference to the taxpayer's functional currency. In addition, an agreement between a taxpayer and a qualified business unit

(as defined in section 989(a)) of the taxpayer shall not be considered a notional principal contract.

(2) *Effective date.* This section applies to notional principal contract income includible in income on or after December 24, 1986. See paragraph (c) of this section for an election to apply the rules of this seotion to notional principal contract income includible in income before December 24, 1986.

(b) *Source of notional principal contract income*—(1) *General rule.* Unless paragraph (b) (2) or (3) of this section applies, the source of notional principal contract income shall be determined by reference to the residence of the taxpayer as determined under section 988(a)(3)(B)(i).

(2) *Qualified business unit exception.* The source of notional principal contract income shall be determined by reference to the residence of a qualified business unit of a taxpayer if—

(i) The taxpayer's residence, determined under section 988(a)(3)(B)(i), is the United States;

(ii) The qualified business unit's residence, determined under section 988(a)(3)(B)(ii), is outside the United States;

(iii) The qualified business unit is engaged in the conduct of a trade or business where it is a resident as determined under section 988(a)(3)(B)(ii); and

(iv) The qualified business unit and any other qualified business unit of the taxpayer described in paragraph (b)(2)(ii) and (iii) of this section are the only active and material participants in negotiating and acquiring the notional principal contract. Participation in connection with the negotiation or acquisition of a notional principal contract may be disregarded if the district director determines that a purpose for such participation was to affect the source of notional principal contract income.

(3) *Effectively connected notional principal contract income.* Notional principal contract income that under principles similar to those set forth in § 1.864–4(c) arises from the conduct of a United States trade or business shall be sourced in the United States and such income shall be treated as effectively connected to the conduct of a United States trade or business for purposes of sections 871(b) and 882(a)(1).

(c) *Election*—(1) *Eligibility and effect.* A taxpayer may make an election to apply the rules of this section to all, but not part, of the taxpayer's notional principal contract income for all taxable years (or portion thereof) beginning before December 24, 1986, for which the period of limitations for filing a claim for refund under section 6511(a) has not expired. If the taxpayer makes this election in the time and manner provided in paragraph (c) (2) and (3) of this section, then, with respect to such taxable years (or portion thereof), no tax shall be deducted or withheld under sections 1441 and 1442 with respect to payments of the taxpayer attributable to a notional principal contract. The election may be revoked only with the consent of the Commissioner.

(2) *Time for making election.* The election specified in paragraph (c)(1) of this section shall be made by November 29, 1989.

(3) *Manner of making election.* The election described in paragraph (c)(1) of this section shall be made by attaching a statement to the tax return or an amended tax return for the applicable taxable year. The statement shall—

(i) Contain the name, address, and taxpayer identifying number of the electing taxpayer;

(ii) Identify the election as a "Notional Principal Contract Election under § 1.863–7T"; and

(iii) Specify each taxable year described in paragraph (c)(1) of this section in which payments were made.

(d) *Example.* The operation of this section is illustrated by the following example:

(1) On January 1, 1990, X, a calendar year domestic corporation, entered into an interest rate swap contract with FZ, an unrelated foreign corporation. X does not have a qualified business unit outside the United States. Under the contract, X is required to pay FZ fixed rate dollar amounts, and FZ is required to pay X floating rate dollar amounts, each determined solely by reference to a notional dollar denominated principal amount specified under the contract. The contract is a notional principal contract under § 1.863–7T(a) because the contract provides for the payment of amounts at specified intervals calculated by reference to an interest rate index upon a notional principal amount in exchange for a promise to pay similar amounts, and the notional principal amount and each of the payments under the agreement are denominated in terms of the same currency, the dollar.

(2) Assume that during 1990 X had net notional principal contract income of $100 in connection with the notional principal contract described in (i) above. Under paragraph (b)(1) of this section, the source of X's income attributable to the swap agreement is domestic.

(e) *Cross References.* See § 1.861–9T(b) for the allocation of expense to certain notional principal contracts. For rules relating to the taxable amount of notional principal contract income allocable under this section to sources inside or outside the United States, see § 1.863–1(c).

PART 602—[AMENDED]

Par. 3. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table § 1.863–7T * * * 1545–0132.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of Treasury.

June 29, 1989.

[FR Doc. 89–17826 Filed 7–31–89; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300198A; FRL-3623-5]

Deinked Paper Fiber; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes that deinked paper fiber be exempted from the requirement of a tolerance when used as an inert ingredient (carrier) in pesticide formulations applied to growing crops only. This regulation was requested by Jellinek, Schwartz, Connolly, and Freshman, Inc., on behalf of Edward Lowe Industries, Inc.

EFFECTIVE DATE: August 1, 1989.

ADDRESS: Written objections, identified by the document control number, [OPP-300198A], may be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry B. Leifer, Registration Support Branch, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Registration Support Branch, Rm. 726, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557–5180.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of May 17, 1989 (54 FR 21236), in which it was announced that Jellinek, Schwartz, Connolly, and Freshman, Inc., on behalf of Edward Lowe Industries, Inc., had requested that

the Administrator propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for deinked paper when used as a carrier in pesticide formulations applied to growing crops only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the rule will protect the public health. Therefore, the rule is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 24, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 121 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredients, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Paper fiber, deinked or recycled, conforming to 21 CFR 109.30(a)(9) and 21 CFR 176.260.	.....	Carrier.
* * * * *		

* * * * *

[FR Doc. 89-17918 Filed 7-31-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3623-1]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is granting a final exclusion from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32 for specified waste generated by Clay Equipment Corporation, Cedar Falls, Iowa. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 268, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists.

EFFECTIVE DATE: August 1, 1989.

ADDRESS: The public docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m. in room M2427, Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-89-CEEF-FFFFF." The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information concerning this notice, contact Robert Kayser, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4536.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22, facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained at 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine (1) that the waste to be excluded is not hazardous based upon the criteria for which is was listed, and (2) that no other hazardous constituents are present in the wastes at levels of regulatory concern.

B. History of this Rulemaking

Clay Equipment Corporation (Clay), located in Cedar Falls, Iowa, petitioned the Agency to exclude from hazardous waste control a specific waste that it generates. After evaluating the petition, EPA proposed, on September 16, 1988, to exclude Clay's waste from the lists of hazardous waste under 40 CFR 261.31 and 261.32. See 53 FR 36070.

This rulemaking addresses public comments received on the proposal and finalizes the proposed exclusion.

II. Disposition of Petition

Clay Equipment Corporation, Cedar Falls, Iowa

1. Proposed Exclusion

Clay petitioned the Agency for an exclusion of its wastewater treatment sludge, presently listed as EPA Hazardous Waste Nos. F006 and F009. Clay based its petition on the claim that the constituents of concern, although present in the waste, were in an essentially immobile form. Furthermore, to support its claim that both the non-listed and listed constituents of concern are not present in the wastewater treatment sludge above levels of regulatory concern, Clay submitted results from total constituent and Oily Waste Extraction Procedure (OWEP) and/or EP toxicity analyses for all the EP toxic metals, nickel and cyanide. These analyses were performed on representative samples of Clay's wastewater treatment sludge.

The Agency evaluated the information and analytical data provided by Clay in support of its petition and determined that the hazardous constituents found in the petitioned waste would not pose a

threat to human health. Specifically, the Agency used its Vertical and Horizontal Spread (VHS) model to predict the potential mobility of the hazardous constituents found in the petitioned waste. Based on this evaluation, the Agency determined that the constituents in Clay's waste would not leach and migrate at concentrations above the health-based levels used in delisting decision-making. See 53 FR 36070, September 16, 1988, for a more detailed explanation of why EPA proposed to grant Clay's petition for its wastewater treatment sludge.

2. Agency Response to Public Comments

The Agency received public comments on the proposed rule from three interested parties. All three commenters opposed the Agency's proposed decision to exclude Clay's wastewater treatment sludge. The comments made by the three interested parties are discussed below.

Petition-Specific Comments. One commenter stated that the wastewater treatment sludge filter cake still exhibits one of the criteria for which it was listed—the presence of significant concentrations of the inorganic constituents of concern (*ie.*, hexavalent chromium and complexed cyanide). The commenter further stated that the waste contained significant concentrations of lead. Two other commenters also stated that the waste contained significant concentrations of cyanide.

The Agency agrees that the presence in F006 and F009 wastes of significant total constituent concentrations of the constituents of concern was one of the reasons for listing these wastes as "T" (toxic) wastes. See 40 CFR 261.11(a)(3)(ii) and "Background Document, Resource Conservation and Recovery Act Subtitle C, Hazardous Waste Management, section 3001, Identification and Listing of Hazardous Waste—Electroplating and Metal Finishing Operations," 1980. The Agency, however, believes that the data presented in the Background Document broadly characterize the physical/chemical nature of untreated electroplating and stripping wastes and that these data are not waste-specific, *i.e.*, representative of the physical/chemical nature of Clay's electroplating and stripping wastes. Specifically, EPA believes it is reasonable to expect that, as the total constituent concentration of an unbound or loosely bound metal present in a waste increases, the potential for the metal to leach from the waste also increases (generally, the higher the total constituent concentration of an unbound or loosely bound metal, the higher the potential EP leachate concentration). Thus, wastes having significant total concentrations of unbound or loosely bound constituents are more likely to impact the underlying ground water than wastes having lower total concentrations of unbound or loosely bound constituents. In this case, however, the metals and cyanide in Clay's waste are tightly bound within the waste matrix. Thus, the Agency believes that the levels of these constituents present in Clay's waste should not pose a threat to either human health or the environment. The Agency's conclusion that the constituents of concern (both listed and unlisted) are tightly bound in the waste matrix and thus are not available for leaching is supported by both the analysis of Clay's manufacturing processes and the results of the OWEP leachate analyses. See below.

As stated in the proposal, Clay manufactures agricultural equipment and implements, of which approximately 99 percent are ferrous and one percent stainless steel. See 53 FR 36071, September 16, 1988. Clay's waste, therefore, is expected to consist primarily of insoluble iron hydroxides, cyanide complexed with iron, smaller amounts of other metals (*e.g.*, chromium) as co-precipitates, and oil and grease. The iron-cyanide complexes contained in Clay's waste (ferricyanides and ferrocyanides) are expected to be extremely stable and insoluble in water. The stability constants for ferricyanide and ferrocyanide are on the order of 10^{52} and 10^{47}, respectively. See Broderius, S.J., 1973. (As the stability constant increases, the tendency of the complex to dissociate and reform as a less stable complex decreases.)

The Agency's conclusion that most of the cyanide in Clay's waste is tightly bound in iron-cyanide complexes is further supported by both the low OWEP concentration of cyanide and low concentration of reactive cyanide (0.11 mg/1 and 14.8 mg/kg, respectively) in Clay's waste. See 53 FR 36073, September 16, 1988. Specifically, if the cyanide present in Clay's waste was not tightly bound, the levels of leachable and free cyanide would have been higher.

EPA evaluated the potential mobility of Clay's waste using the maximum OWEP leachate concentrations and the vertical and horizontal spread (VHS) model. For the small volume of waste generated by Clay (190 cubic yards), the VHS Model predicted a dilution factor of approximately 32.3. The VHS model analysis provides a conservative and reasonable worst-case evaluation of the waste's effect on the underlying aquifer. The predicted compliance-point concentrations resulting from this analysis were below the levels of concern used for delisting purposes. See 53 FR 36075, September 16, 1988, for a description of the modeling analysis of Clay's waste.

Furthermore, in delisting evaluations, EPA considers all the factors for which the waste was listed, as well as factors other than those for which the waste was originally listed, that could cause the waste to be hazardous. See 42 U.S.C. 6921(f). For this specific wastestream, based on the above discussion, EPA does not believe that any other factors, including elevated total constituent concentrations of the constituents of concern, could cause this wastestream to present a hazard to human health and the environment.

Two commenters stated that the Agency only considered the leachable levels of hazardous constituents and did not consider waterborne and airborne dispersal of the waste. One of these commenters further stated that the waste does not need to migrate in order to affect human health and the environment. Specifically, the commenter stated that the environment could come to the waste (presumably at its current location) in the form of children at play, waterfowl, aquatic organisms, and fishermen.

The Agency does not believe it reasonable to expect that children waterfowl, aquatic organisms, or fishermen will ever be directly exposed to Clay's waste. The lagoon in which the waste is stored is relatively small and of such a nature (sludge with 30 percent solids content) that it would be unlikely to support the aquatic organisms necessary to attract either waterfowl or fishermen. In addition, as explained in the proposed decision, the Agency believes that the level of reactive cyanide and reactive sulfide are low enough, that the waste does not pose a threat to human health via inhalation. See 53 FR 36075, September 16, 1988. Furthermore, since Clay's waste has a solids content of approximately 30 percent, the Agency believes that airborne exposure to particulates containing hazardous contaminants from the waste is unlikely.

Lastly, upon promulgation of this exclusion, Clay must either dispose of their waste on-site or ensure that the waste is delivered to an off-site storage, treatment or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. See 53 FR 36076, September 16, 1988. As a

result, Clay will be required either to close the impoundment in accordance with all applicable Subtitle D requirements or transport the waste to a facility which will dispose of the material in a covered landfill. In either case, direct contact with the waste will be prevented in the future. Thus, long-term environmental exposure could only result from contact with surface waters receiving contaminated ground water, or from the consumption of drinking water (*i.e.*, ground water) contaminated with leachate derived from the material.

With regard to waterborne dispersal of the waste, the VHS model analysis described in the proposal shows that leachate from the waste that travels through ground water should not exceed health-based levels.

The Agency acknowledges that it may also be possible for surface water runoff to transport contaminants from the waste to a nearby surface water body. However, the Agency does not believe that analysis of such overland transport of contaminants as a reasonable exposure route for the petitioned waste would compel a different result for this petition. Contamination of surface water might occur through runoff from the petitioned waste. However, EPA believes that the concentrations of any hazardous constituents in that runoff will tend to be lower than the levels in the EP leachate analyses reported in the proposal due to the acidic medium of the EP test. Furthermore, any transported constituents would be further diluted in the surface water body. Finally, the Agency notes that the discharge of surface water runoff would be regulated under the Clean Water Act if the runoff were collected or channeled (see 40 CFR 122.2). As a result, the Agency continues to believe that under reasonable worst-case conditions, the disposal of Clay's waste will not present a threat to either human health or the environment.

One commenter was concerned whether the chromium in Clay's waste is hexavalent chromium or trivalent chromium. The commenter believed that because the Agency did not address the possible presence of hexavalent chromium, the Agency should both require testing to determine the relative and absolute amounts of hexavalent and trivalent chromium in the waste and set a conditional testing requirement for hexavalent chromium.

The Agency disagrees with the commenter. Specifically, EPA's hazard modeling analysis essentially treated the entire portion of the EP leachable concentration of chromium as hexavalent chromium because the health-based standard used for chromium is based on the toxicity of the hexavalent species. See "Docket Report on Health-Based Regulatory Levels and Solubilities Used in the Evaluation of Delisting Petitions," June 8, 1988, located in the RCRA public docket. The analysis did not show a leaching potential for chromium at a level of concern. Thus, the Agency believes that it is unnecessary to require Clay, as a condition of its onetime exclusion, to test its waste for the presence of hexavalent chromium.

One commenter noted that the subheading in Table 1 of the proposed notice (presenting the maximum total constituent concentrations) incorrectly stated that the results were "OWEP constituent analyses." See 53 FR 36073, September 16, 1988. An error was made during the publication of the proposed notice. The subheading should have been: "Total constituent concentrations."

One commenter questioned the relationship between the analytical difficulties in analyzing the tetrahydrofuran (THF)/toluene extract and erroneously high mobile metal concentrations. The commenter also questioned why the data from these analyses were rejected. See 53 FR 36073 for details.

The OWEP method (SW–846 Method No. 1330) has three steps. The first and the third steps (a liquid and solid separation and an aqueous leaching experiment, respectively) are performed as in the regular EP procedure (SW–846 Method No. 1310). The second step, however, is an extraction of the waste (after initial filtration) with two strong organic solvents (THF and toluene). This second step removes the oil and the total amount of metal contained in the oil. The concentration of the metals from each of the three steps are then used to calculate the mobile metal concentration (MMC) for each metal. Therefore, should analytical difficulties arise during the analysis of the THF/toluene extract, the calculation of the MMC will be incorrect. In Clay's case, the independent laboratory reported that the erroneous results obtained from the second step of the OWEP caused the calculated MMC's to be inappropriately high. The laboratory reevaluated the waste using the OWEP and believes that the results of this reevaluation (derived from analyses performed without analytical difficulties) are valid. The Agency accepted the laboratory's explanation for why the data obtained from the first analyses were invalid, and thus, rejected these data. See 53 FR 36073, September 16, 1988.

Lastly, the same commenter inferred that analytical difficulties encountered by the laboratory in performing the OWEP supports the need to review the characterization of the sludge against the Land Disposal Restrictions Program's best demonstrated available technology (BDAT) standards. The Agency disagrees with the commenter's conclusion that the analytical difficulties encountered in the OWEP analyses support the need to review the characterization of the sludge using BDAT standards. EPA believes that the OWEP analyses adequately characterizes the mobility of the EP toxic metals and nickel in wastes exhibiting one percent or more total oil and grease.

One commenter stated its belief that Clay's certified estimate of 190 cubic yards of sludge was low. The commenter suggested that for 190 cubic yards of sludge, the probability-weighted cost of a successful delisting petition does not appear to be markedly different from properly disposing of the waste and, therefore, the delisting of such quantity seemed a marginal investment for Clay to undertake.

The Agency disagrees with the commenter and notes that the commenter did not supply any substantive information to support its conclusion. The Agency reviewed Clay's estimated volume of sludge and based upon the dimensions and depth of the sludge, the Agency accepted Clay's certified estimated waste volume. Clay stated that the dimensions of its oval shaped impoundment were 70 feet x 40 feet. Clay also stated that the depth of the sludge ranged from two to five feet and that the average depth was approximately three feet. The Agency believes that the commenter's analysis of disposal costs for Clay's waste did not consider the volume of associated berm soils and underlying soils which would have to have been removed had Clay's petition been denied. The cost of disposing of the waste, berm soils, underlying soils and other costs associated with liability insurance and unit closure would be greater than just the disposal costs associated with the Subtitle C disposal of 190 cubic yards of hazardous waste. All petitioners, including Clay, are advised by the Agency to consider a variety of factors, including the costs of disposal as a hazardous waste, when deciding to prepare and submit a delisting petition. Even so, the Agency notes that it has received delisting petitions for much smaller quantities of waste.

Lastly, one commenter suggested that EPA incorrectly used an interim guidance level of 250 mg/kg for total releasable cyanide (found in section 7.3.3.2 of SW–846), which is used to

determine whether a waste is too reactive to be placed in a double-lined minimum technology landfill unit, as the basis for determining that Clay's waste was not hazardous. The commenter believed that EPA erroneously cited the absence of the cyanide reactivity characteristic as proof that the toxicity of the cyanide is of such low level as to allow the total removal of the management controls required by RCRA Subtitle C. The commenter also stated that EPA should not delist any waste with detectable levels of releasable cyanides, which are much more mobile than complexed cyanides and cyanide salts for which the waste was originally listed.

The Agency did not obtain the 250 mg/kg level for reactive cyanide from section 7.3.3.2 of SW–846 as the commenter suggested. Rather, as stated in the proposed rule, the 250 mg/kg level for reactive cyanide is based upon an "Interim Agency Thresholds for Toxic Gas Generation." See 53 FR 36075, September 16, 1988 and "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, Internal Agency Memorandum in the RCRA public docket. The Agency agrees that the releasable form of cyanide may be more mobile in the environment than complexed cyanide or cyanide salts. However, the Agency used the results obtained from the EP toxicity analyses performed on Clay's waste for total cyanide to determine that the cyanide in all forms was not mobile and therefore would not pose a threat to human health and the environment. See 53 FR 36075, September 16, 1988.

EPA's Modeling Approach. Two commenters questioned the Agency's proposed use of the VHS model to evaluate Clay's waste. One commenter believed that the Agency was "guesstimating" by using the VHS model to predict hypothetical compliance-point concentrations. The second commenter questioned the Agency's statement that clogging would offset hydraulic head. Both commenters believed that the Agency should consider a reasonable worst-case scenario, one in which clogging does not occur. As a result, both commenters felt that EPA was underestimating the effects of Clay's waste on the underlying ground water and that, in light of the fact that the VHS calculated compliance-point concentration approaches 40% of the level of regulatory concern, EPA could not properly conclude that the waste would not be hazardous when disposed in a surface impoundment.

The Agency agrees that delisting decisions should be based on reasonable worst-case scenarios. The Agency also believes, however, that the use of the VHS model to evaluate waste disposed of in a surface impoundment is appropriate. Furthermore, the Agency believes that the commenter may have misinterpreted the discussion of competing mechanisms. The Agency did not say that the effects of clogging completely offset the potential effects of hydraulic head on leachate generation. See 53 FR 36074, September 16, 1988. However, just as it is reasonable to assume that a filter will become clogged after continual use, the Agency believes that it is reasonable to assume that the interstitial spaces in the soils beneath the impoundment will become "clogged." Thus, the Agency believes that it is reasonable to expect clogging to occur in both the surface impoundment and landfill disposal scenario.

The Agency does not believe that the offsetting mechanisms of sorption, retardation, and clogging completely negate the potential effects of hydraulic head. However, as noted in the proposed rule, the Agency believes that the VHS model is sufficiently conservative to allow the Agency to evaluate wastes disposed of in surface impoundments. Neither commenter offered any specific information or analysis to suggest this conclusion is invalid. Furthermore, EPA believes it would be inherently arbitrary to adjust the compliance-point concentrations predicted by the VHS model upward to account for potential surface impoundment effects absent any such analysis.

One of the commenters also stated that the apparent lack of ground-water contamination at Clay's facility, after approximately twelve years of operation, is insufficient evidence for the Agency to conclude that the waste will not exhibit long-term adverse effects on the underlying aquifer. In addition, the commenter stated that, although Clay could not place additional hazardous wastes in its impoundment, Clay could place nonhazardous liquids in the unlined impoundment, thus creating greater hydraulic head and increasing the chances of future ground-water contamination. The commenter also inferred that the waste, if moved to another site having different geologic and hydrogeologic conditions, could adversely affect the underlying acquifer at the new site.

The Agency believes that the commenter's concern that the waste may exhibit long-term adverse effects on the underlying ground water is unfounded. Specifically, the VHS model does not consider time as a variable. Rather, the VHS model calculates the amount of dilution occurring in the aquifer based on the volume of waste, the waste's leaching potential, and the distance between the disposal site and the nearest hypothetical downgradient drinking-water well. The Agency realizes that the ground-water monitoring data submitted by Clay indicates only that Clay's waste has not yet adversely affected the underlying ground water. The Agency, however, used the VHS model to conclude that Clay's waste also will not adversely affect ground water in the future.

The Agency acknowledges that it is possible that Clay could use its surface impoundment to treat, store, and dispose of nonhazardous wastes once the petitioned waste is excluded from Subtitle C regulation. The Agency also acknowledges that the addition of nonhazardous liquids to Clay's surface impoundment could create a hydraulic head above the solids. However, as discussed above, EPA believes that the VHS model is sufficiently conservative to be used for waste disposed of in a surface impoundment. See also 53 FR 36071, September 16, 1988. The VHS model uses conservative, reasonable worst-case assumptions regarding site characteristics and distance to the hypothetical downgradient drinking-water well. EPA's evaluation of Clay's waste was waste-specific; therefore, the Agency believes that the waste will remain nonhazardous regardless of the site-specific characteristics of the final disposal site. In response to the commenter's specific concerns with the current disposal site (*i.e.*, the impoundment), the Agency also notes that Clay stated in its petition that it plans to close (and not reuse) the impoundment.

Inconsistencies Between Delisting and Closure. One commenter believed that Clay had violated the timing-of-closure provisions of RCRA. See 40 CFR Parts 265.112(d) and 113(a). Specifically, the commenter stated that because Clay last placed hazardous waste into its surface impoundment in April 1984, closure of the surface impoundment should have commenced within 90 days, in accordance with the applicable closure regulations (or by a later date if the Regional Administrator granted Clay an extension). The commenter asserted that the delisting mechanism was not intended to allow facilities that failed to undertake closure in a timely fashion to escape the Subtitle C system, and that the Agency, by granting Clay an exclusion, was rewarding Clay for violating the timing-of-closure

provisions. The commenter also stated that failure to close the impoundment presents an environmental hazard.

EPA agrees that delays in closing Clay's surface impoundment did occur. The agency also agrees that the delisting process was not intended to allow facilities that failed to undertake closure in a timely manner to escape the Subtitle C system. EPA discourages the delay of enforcement actions for facilities that have filed a delisting petition, and has distributed a policy directive to the EPA Regions to this effect. However, EPA believes that whether or not Clay violated the closure regulations should not directly effect the delisting decision. By granting the exclusion, the Agency is not "rewarding" Clay for closure delays; a decision to exclude the petitioned waste does not preclude EPA from taking appropriate enforcement action for any violations of RCRA that occurred prior to the delisting.

The Agency strongly disagrees with the implication that EPA's action regarding the schedule for closure activities in any way undermines the delisting decision. On the contrary, EPA believes it would be imporper to allow Clay's enforcement status to influence directly the Agency's decision on Clay's delisting petition. Furthermore, the Agency does not agree that failure to close the impoundment presents an environmental hazard. Based upon a complete characterization and assessment of Clay's waste and a review of the ground-water monitoring data, EPA determined that Clay's waste does not present a threat to human health or the environment. As discussed previoulsy, EPA believes that the waste will remain nonhazardous regardless of the characteristics of the final disposal site (including an impoundment that has not been closed under RCRA Subtitle C regulations).

Inconsistencies Between the Delisting Program and the Land Disposal Restrictions Program. Three commenters stated that there are inconsistencies between delisting levels proposed for Clay and the Land Disposal Restrictions Program's (LDRP) final best demonstrated available technology (BDAT) treatment levels for F006 wastes. See 53 FR 36070, September 16, 1988, and 53 FR 31153, August 17, 1988, respectively. Specifically, the commenters stated that the EP leachate concentration of cadmium in Clay's wastewater treatment sludge exceeds the BDAT treatment standard for cadmium that EPA has established for F006 waste by nearly two times. Furthermore, one commenter stated that, although EPA has not yet proposed a BDAT treatment standard for cyanide in F006 wastes, establishment of a BDAT treatment standard near 6300 ppm (the amount of cyanide in Clay's waste) is unlikely. The commenters believed that it makes no sense for EPA to allow a waste that could not be legally disposed of at a Subtitle C site—because it exceeds DBAT levels set for cadmium—to be managed as a nonhazardous waste. One commenter stated that the Agency should not grant any delisting petitions until the differences between the Delisting Program and the LDRP are reconciled through public participation/comment solicited using the Federal Register.

As discussed earlier, the Agency believes that the cyanide present in Clay's waste exists mainly as a ferricyanide and/or ferrocyanide complex. EPA believes these immobile iron-cyanide complexes do not present a threat to human health via ingestion of contaminated drinking water. See 53 FR 36075, September 16, 1988. However, the Agency does not believe that it is possible to reduce the level of cyanide present in waste using chemical oxidation technologies, including electrolytic oxidation, alkaline chlorination, wet air oxidation, and ozonation. These technology-based approaches for reducing the level of cyanide, however, were not necessary in this specific case.

The Agency agrees with the commenters that there are differences in approach between some of the decision criteria used in individual delisting decisions and those used in the Land Disposal Restriction Program. However, these differences are appropriate given the separate functions of the two programs and their different regulatory coverage. The Delisting Program and the LDRP are fundamentally different in that the Delisting Program's standards are health-based and the LDRP's BDATs and treatment standards are technology-based. See RCRA section 3001 (42 U.S.C. 6921) and RCRA section 3004 (42 U.S.C. 6924(m)), respectively. The Agency, however, believes that both the health-based and technology-based approaches of the Delisting Program and the LDRP, respectively, the protective of human health and the environment. Therefore, the Agency does not believe that it is appropriate or necessary to delay delisting decisions.

3. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that Clay's wastewater treatment sludge should be excluded from hazardous waste control. The Agency, therefore, is granting a final, one-time exclusion to Clay Equipment Corporation, located in Cedar Falls, Iowa, for its wastewater treatment sludge described in its petition as EPA Hazardous Waste Nos. F006 and F009 disposed of in its on-site surface impoundment. The exclusion only applies to the wastewater treatment sludge contained in Clay's on-site surface impoundment.

Although management of the waste covered by this petition is relieved from Subtitle C jurisdiction, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Limited Effect of Federal Exclusion

The final exclusion being granted today is being issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own, non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally-issued exclusion from taking effect in the State. Since a petitioner's waste may be regulated under a dual system (*i.e.*, both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact their State regulatory authority to determine the current status of their wastes under State law.

IV. Effective Date

This rule is effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of Section 3010, EPA believes that this rule

should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administrative Procedures Act, pursuant to 5 U.S.C. § 533(d).

V. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule to grant an exclusion is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding waste generated at a specific facility from EPA's lists of hazarous wastes, thereby enabling the facility to treat its waste as nonhazardous. There is no additional economic impact, therefore, due to today's rule.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations and is limited to one facility. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. § 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Date: July 25, 1989.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922.)

2. In Table 1 of Appendix IX, add the following wastestreams in alphabetical order:

Appendix IX—Waste Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
•	•	•
Clay Equipment Corporation.	Cedar Falls, Iowa.	Dewatered wastewater treatment sludges (EPA Hazardous Waste No. F006) and spent cyanide bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations and disposed of in an on-site surface impoundment. This is a onetime exclusion. This exclusion was published on August 1, 1989.
•	•	•

[FR Doc. 89–17919 Filed 7–31–89; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 704

[OPTS–82013G; FRL–3623–3]

Comprehensive Assessment Information Rule; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects several typographical errors that appeared in the Comprehensive Assessment Information Rule technical amendment that was published in the **Federal Register** of June 14, 1989.

EFFECTIVE DATE: This document is effective August 1, 1989.

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, Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 14, 1989 (54 FR 25398), EPA amended the Comprehensive Assessment Information Rule (CAIR) by adding chemical substance trade names to the list of substances subject to reporting. This document corrected three typographical errors that appeared in that document. This document also extends the reporting time for processors who were not aware of their reporting requirement because of the typographical error. The reporting dates for those persons will be calculated from the effective date of this document, rather than from the effective date of the technical amendment of June 14, 1989.

Dated: July 25, 1989.

Frank D. Kover,

Chief, Chemical Screening Branch, Office of Toxic Substances.

Therefore, 40 CFR Part 704 is amended as follows:

PART 704—[AMENDED]

1. The authority citation for Part 704 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

§ 704.225 [Corrected]

2. By correcting § 704.225(b) as follows:

a. The code "X/P" is changed to read "X/P,P" wherever it appears under the Who Must Report column in the entire chemical listing.

b. The seventeenth entry under CAS No. 91–08–7/584–84–9 is changed to read "920C134 COROCOOL™ curing agent".

c. Under CAS No. entry 1321–38–6/26471–62–5, the question selection number "8.96" is changed to read "8.06".

[FR Doc. 89–17920 Filed 7–31–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 80 and 83

RIN 3067-AB33

Federal Crime Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: These revisions to the Federal Crime Insurance Program achieve the following: Revise the basic classification and rating structure of the commercial rating plan; exclude coverage on vacant residential property and provide greater clarity to existing policy provisions under both the residential and commercial policies by providing more precise policy terminology.

EFFECTIVE DATE: September 1, 1989. This rule applies to Federal Crime Insurance business written after September 1, 1989 and renewal policies not billed as of September 1, 1989 to existing policyholders.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Project Officer, Federal Emergency Management Agency, Federal Insurance Administration, Donohoe Building, 500 C Street, SW., Room 433, Washington, DC 20472, Telephone number (202) 646-3440.

SUPPLEMENTARY INFORMATION: On June 14, 1989 FEMA published for comment in the **Federal Register** (Vol. 54, Page 25308) a proposed rule containing revisions to the existing Federal Crime Insurance regulations. These amendments to the Federal Crime Insurance Program (FCIP) Regulations are the result of the experience gained over the past eighteen years the Program has been in operation. The Federal Insurance Administration (FIA) desires to improve service to policyholders and to more closely align the Program with the underwriting and rating methods used by the private insurance sector, while reducing the general taxpayers' burden with more equitable sharing of the cost of crime losses between the general taxpayers and the program insureds.

In 1985, the Federal Insurance Administration implemented a new commercial rating plan for the Federal Crime Insurance Program. This new plan had four major objectives: (1) That the plan be simple to apply, (2) that the plan be similar to the Insurance Services Office (ISO) rating plan in order for the results to be easily transferable to the voluntary market, (3) that the plan eliminate as many internal subsidies as possible, and (4) that the plan offer loss prevention incentives to mitigate losses. Four years have elapsed since the plan was implemented. Therefore, it was desirable for the FIA to conduct a classification rate level study in an actuarially sound manner to verify that the model rating plan was correct and permit the commercial crime rates to move to their indicated rate level based on actual experience. The study conducted for the FIA by its servicing carrier, National Con Serv, Inc. and its actuary, Tillinghast, indicates that the Insurance Services Office (ISO) advisory rates have increased five times since 1985 and a substantial rate increase is appropriate for several of the FCIP business classifications. The Administration however proposes to balance the rate increase to no more than 5% for each business class. This action is in keeping with Congressional intent to limit an FCIP rate increase in 1989 to 5%.

Certain terminology in the residential and commercial policy forms could benefit from further definition and these revisions to the Federal Crime Insurance regulations bring greater clarity to the policy provisions by clarifying the policy exclusions relative to loss to business property, burglary loss from a motor vehicle and loss if a property is vacant. The revised regulations also limit recovery under the commercial policy to the amount of an advance or loan extended by an insured as a pledge or collateral and to specifically exclude coverage when an alarm system is found not to have been maintained in working order at the time of loss, for reasons within the control of the insured.

No written comments were received during the comment period.

FEMA has determined that an environmental impact statement is not needed for this final rule. A copy of the finding of no significant impact and an environmental assessment is available at the above address.

FEMA has also determined that this rule will not have a significant economic impact on a substantial number of small entities, and so has not conducted a regulatory flexibility analysis.

This final rule is not a "major rule" as defined in Executive Order 12291, dated February 27, 1981, and hence no regulatory analysis has been prepared. Finally FEMA has determined that this rule does not contain a collection of information requirements as described in section 3504(b) of the Paperwork Reduction Act.

List of Subjects in 44 CFR Parts, 80 and 83

Federal Crime Insurance Program.

Accordingly, 44 CFR Part 80, and 83 are amended as follows:

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

1. The authority citation for Part 80 continues to read as follows:

Authority: 12 U.S.C. 1749bbb et seq.; Reorganization Plan No 3 of 1978; EO 12127.

2. Section 80.1 is amended by adding a new definition under paragraph (a)(24) to read as follows:

§ 80.1 Definitions.

(a) * * *

(24) "Vacant Property" means a property "without contents", that is, a premises from which all personal property has been removed.

* * * * *

3. Section 80.5 paragraph (b)(7) is revised to read as follows:

§ 80.5 Duties of Servicing companies. [Amended]

* * * * *

(b) * * *

(7) Deposit the applicant's premium check in a special bank account. If no policy is issued, refund the amount of the premium to the applicant.

* * * * *

PART 83—COVERAGE, RATES, AND PRESCRIBED POLICY FORMS

1. The authority citation for Part 83 continues to read as follows:

Authority: 12 U.S.C. 1749bbb et seq; Reorganization Plan No. 3 of 1978; EO 12127.

Subpart A—Residential Crime Insurance Coverage

§ 83.5 Required residential policy form.

2. Section 83.5 (a) is amended by revising portions of the Residential Crime Insurance Policy Form in the following respects:

(a) Subparagraph entitled "Exclusions" is amended by revising Exclusion (d) and adding two additional exclusions (f) and (g).

This Policy does not apply:

* * * * *

(d) To loss of property pertaining to a business, trade, profession or occupation of an insured

* * * * *

(f) To any burglary loss from a motor vehicle.

(g) To loss while the property is vacant

Subpart B—Commercial Crime Insurance Coverage

3. Section 83.25 paragraph (e) is revised to read as follows:

§ 83.25 Commercial crime insurance rates.

* * * * *

(e) The following tables shall be used to determine rates for commercial risks.

FEDERAL CRIME INSURANCE PROGRAM, COMMERCIAL CRIME INSURANCE RATES, SEPTEMBER 1989

[Annual Premiums—Class 1]

Amount of insurance	Gross receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	86	118	130	176	130	176	172	234	214	290	342	464
2,000	164	210	246	312	246	312	326	416	406	520	648	834
3,000	240	302	360	452	360	452	478	602	598	752	958	1202
4,000	310	384	468	576	468	576	624	766	780	958	1244	1530
5,000	368	434	554	654	554	654	738	870	920	1086	1472	1734
6,000	388	476	582	714	582	714	778	954	970	1188	1550	1900
7,000	404	508	604	760	604	760	806	1014	1006	1266	1610	2024
8,000	420	538	626	806	626	806	836	1074	1044	1340	1670	2148
9,000	424	548	634	824	634	824	844	1096	1054	1368	1686	2188
10,000	432	570	648	852	648	852	866	1136	1078	1418	1726	2268
11,000	456	620	686	930	686	930	914	1240	1140	1548	1824	2476
12,000	476	662	714	994	714	994	954	1320	1188	1648	1902	2640
13,000	488	680	730	1022	730	1022	972	1362	1214	1702	1942	2722
14,000	492	694	738	1040	738	1040	980	1382	1226	1726	1964	2764
15,000	496	702	746	1054	746	1054	994	1402	1240	1754	1980	2806

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

FEDERAL CRIME INSURANCE PROGRAM, COMMERCIAL CRIME INSURANCE RATES, SEPTEMBER 1989

[Annual Premiums—Class 2]

Amount of insurance	Gross receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	102	148	158	220	158	220	208	294	258	364	412	582
2,000	196	264	294	394	294	394	390	526	488	656	780	1048
3,000	288	380	430	570	430	570	574	758	714	946	1144	1512
4,000	372	484	558	724	558	724	744	966	928	1204	1486	1928
5,000	438	546	660	824	660	824	878	1094	1096	1366	1754	2186
6,000	464	600	698	898	698	898	926	1198	1158	1496	1852	2392
7,000	484	636	722	958	722	958	964	1274	1204	1592	1926	2548
8,000	500	676	752	1016	752	1016	1002	1352	1250	1688	2000	2700
9,000	508	690	760	1034	760	1034	1014	1378	1266	1720	2024	2754
10,000	520	716	782	1074	782	1074	1040	1430	1296	1788	2074	2858
11,000	552	782	828	1172	828	1172	1100	1558	1374	1946	2198	3116
12,000	576	832	864	1248	864	1248	1150	1664	1436	2076	2298	3322
13,000	588	856	882	1288	882	1288	1176	1716	1466	2142	2346	3426
14,000	592	872	890	1306	890	1306	1186	1738	1482	2174	2370	3478
15,000	600	884	898	1326	898	1326	1200	1766	1498	2206	2396	3528

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates, September 1989

[Annual Premiums—Class 3]

Amount of insurance	Gross receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	118	156	176	228	176	228	234	304	290	380	464	606
2,000	218	274	328	412	328	412	436	546	544	680	872	1092
3,000	322	394	484	592	484	592	642	790	800	984	1282	1576
4,000	416	502	626	754	626	754	834	1006	1040	1254	1664	2008
5,000	492	572	738	854	738	854	980	1140	1224	1422	1958	2276
6,000	518	624	780	936	780	936	1038	1246	1294	1556	2070	2488
7,000	540	664	810	998	810	998	1082	1328	1348	1660	2156	2650
8,000	562	706	842	1056	842	1056	1122	1410	1400	1758	2240	2814
9,000	570	718	852	1078	852	1078	1136	1436	1418	1794	2268	2866
10,000	582	746	874	1118	874	1118	1164	1488	1454	1858	2326	2974
11,000	618	810	926	1220	926	1220	1234	1624	1542	2026	2468	3244
12,000	646	868	970	1298	970	1298	1292	1730	1612	2160	2580	3456
13,000	660	892	990	1340	990	1340	1318	1782	1646	2230	2638	3566
14,000	668	908	1002	1360	1002	1360	1334	1812	1666	2262	2662	3620
15,000	674	920	1012	1380	1012	1380	1348	1840	1682	2296	2692	3672

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates, September 1989

[Annual Premiums—Class 4]

Amount of insurance	Gross receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	130	160	196	238	196	238	260	318	324	394	518	630
2,000	246	284	368	428	368	428	490	570	612	708	976	1134
3,000	360	410	540	618	540	618	718	822	894	1022	1434	1638
4,000	468	522	700	786	700	786	932	1046	1162	1304	1860	2086
5,000	548	592	826	888	826	888	1098	1184	1370	1478	2192	2364
6,000	582	648	872	972	872	972	1162	1296	1450	1620	2318	2590
7,000	604	690	908	1038	908	1038	1208	1380	1508	1722	2416	2758
8,000	628	732	942	1098	942	1098	1258	1464	1568	1828	2510	2924
9,000	636	748	956	1120	956	1120	1272	1494	1588	1862	2542	2980
10,000	654	774	978	1162	978	1162	1304	1548	1628	1932	2604	3092
11,000	694	844	1040	1266	1040	1266	1382	1686	1726	2108	2764	3370
12,000	722	898	1086	1352	1086	1352	1446	1800	1806	2248	2890	3596
13,000	740	928	1108	1394	1108	1394	1478	1854	1846	2318	2952	3706
14,000	748	940	1122	1414	1122	1414	1496	1884	1864	2352	2986	3762
15,000	756	958	1134	1436	1134	1436	1510	1912	1886	2386	3016	3820

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

Federal Crime Insurance Program, Commercial Crime Insurance Rates, September 1989

[Annual Premiums—Class 5]

Amount of insurance	Gross Receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	124	140	186	212	186	212	248	282	308	348	492	560
2,000	228	254	346	380	346	380	458	504	572	628	916	1006
3,000	336	364	502	546	502	546	670	728	836	908	1338	1452

FEDERAL CRIME INSURANCE PROGRAM, COMMERCIAL CRIME INSURANCE RATES, SEPTEMBER 1989—Continued

[Annual Premiums—Class 5]

Amount of insurance	Gross Receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
4,000	432	464	652	696	652	696	866	926	1078	1156	1726	1848
5,000	504	526	756	788	756	788	1008	1050	1258	1310	2014	2096
6,000	538	576	806	864	806	864	1076	1148	1342	1434	2150	2294
7,000	564	614	846	918	846	918	1128	1224	1408	1526	2252	2442
8,000	588	648	884	974	884	974	1178	1296	1470	1620	2352	2592
9,000	598	662	896	994	896	994	1194	1324	1494	1648	2388	2640
10,000	616	686	924	1030	924	1030	1230	1372	1536	1714	2458	2738
11,000	658	748	988	1122	988	1122	1314	1496	1640	1866	2628	2988
12,000	694	798	1040	1198	1040	1198	1382	1594	1726	1990	2764	3186
13,000	710	824	1062	1234	1062	1234	1418	1644	1768	2054	2830	3286
14,000	716	836	1076	1252	1076	1252	1434	1670	1792	2084	2864	3334
15,000	724	846	1090	1270	1090	1270	1452	1692	1812	2114	2900	3386

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

FEDERAL CRIME INSURANCE PROGRAM, COMMERCIAL CRIME INSURANCE RATES, SEPTEMBER 1989

[Annual Premiums—Class 6]

Amount of Insurance	Gross Receipts											
	Less than $100,000		$100,000–$199,999		$200,000–$299,999		$300,000–$499,999		$500,000–$999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
1,000	126	126	186	190	186	190	250	252	308	312	496	500
2,000	232	226	346	340	346	340	460	452	574	564	918	900
3,000	336	326	502	490	502	490	670	654	836	812	1338	1302
4,000	432	416	648	624	648	624	864	832	1076	1038	1722	1660
5,000	500	472	752	708	752	708	1002	940	1250	1176	2000	1882
6,000	538	516	804	774	804	774	1074	1030	1340	1286	2144	2058
7,000	564	548	846	826	846	826	1128	1098	1408	1370	2252	2192
8,000	590	582	886	874	886	874	1182	1164	1472	1454	2360	2324
9,000	600	592	898	890	898	890	1200	1186	1498	1480	2394	2368
10,000	618	616	926	924	926	924	1234	1230	1542	1538	2466	2460
11,000	664	670	996	1008	996	1008	1326	1340	1654	1676	2646	2680
12,000	700	716	1048	1074	1048	1074	1396	1430	1744	1788	2788	2858
13,000	716	740	1074	1106	1074	1106	1430	1474	1790	1842	2860	2946
14,000	724	750	1088	1126	1088	1126	1450	1498	1810	1870	2896	2992
15,000	736	760	1102	1140	1102	1140	1468	1518	1834	1896	2934	3036

Option 1: Burglary only.
Option 2: Robbery only.
Option 3: A combination of coverages under options 1 and 2 in uniform or varying amounts. The premium for option 3 is the sum of the rates for amounts of coverage selected under options 1 and 2.
Discounts on these rates are afforded for businesses with alarm systems/safes. A discount of 10% is given for policies with option 3.

§ 83.26 [Amended]

5. Section 83.26(b) is amended by revising portions of the "Commercial Crime Insurance Policy" in the following respects:

(a) Under the heading entitled "Exclusions", paragraph (f) is amended to read as follows:

* * * * *

(f) To any loss if the premises are not equipped with the protective devices required as a condition of eligibility for the purchase of this policy or if the insured has failed to take reasonable action to maintain the protective devices in working order in accordance with the regulations of the Federal Insurance Administration, as published at the time of the inception of the current term of the policy in Subchapter B, Part 80 et seq., Chapter I, Title 44, Code of Federal Regulations.

* * * * *

(b) Under the heading "Conditions" Section 5 entitled "Limits of Liability; settlement options", the second paragraph is amended to read as follows:

* * * * *

The limit of the insurer's liability for loss shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other property of like kind and quality, nor as respects securities the actual cash value thereof at the close of business on the business day next preceding the day on which the loss was discovered, nor as respects other

property to the actual cash value thereof at the time of loss: provided, however, that the actual cash value of such other property held or originally acquired by the insured as a pledge, or as collateral for an advance or a loan, shall be deemed not to exceed the value of the property as determined and recorded by the insured when making the advance or loan, nor, in the absence of such record, the unpaid portion of the advance or loan plus accrued interest thereon at legal rates.

* * * * *

These Admendments issued under 12 U.S.C. 1749bbb–17.

Harold T. Duryee,

Federal Insurance Administrator.

[FR Doc. 89–17680 Filed 7–31–89; 8:45 am]

BILLING CODE 6718–21–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–503; RM–6422]

Radio Broadcasting Services; Bowling Green, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 245A to Bowling Green, Virginia, as that community's first local FM service, at the request of Rappahannock Communications Group. *See* 53 FR 22548, June 16, 1988. The channel allotment can be made in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.8 kilometers (1.1 miles) south of the city. The restricted site coordinates are 38–02–03 and 77–21–12. With this action, this proceeding is terminated.

DATES: Effective September 11, 1989. The window period for filing applications will open on September 12, 1989, and close on October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–503, adopted July 7, 1989, and released July 26, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments, is amended under Virginia, by adding Bowling Green, Channel 245A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89–17835 Filed 7–31–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–258; RM–6347]

Radio Broadcasting Services; Covington, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Robin B. Thomas, allots Channel 268A to Covington, Pennsylvania, as the community's first local FM service. Channel 268A can be allotted to Covington in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 41–44–41 and West Longitude 77–04–39. Canadian concurrence has been received since Covington is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective September 11, 1989. The window period for filing applications will open on September 12, 1989, and close on October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 88–258, adopted July 7, 1989, and released July 26, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended by adding the following entry: Covington, Pennsylvania, Channel 268A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89–17834 Filed 7–31–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–141; RM–6030 & 6407]

Radio Broadcasting Services; Spring Grove and Preston, Minnesota, and Mason City, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 252C2 for Channel 252A at Spring Grove, Minnesota, and modifies the license of Station KQYB to specify the new channel in response to a petition filed by Sun Communications, Inc. To accommodate the upgrade at Spring Grove, we shall substitute Channel 250A for 252A at Mason City, Iowa, and modify the license for Station KCMR to specify the new channel. The coordinates for Channel 252C2 at Spring Grove are 43–40–37 and 91–44–14. The coordinates for Channel 250A at Mason City are 43–07–18 and 93–11–32.

A counterproposal was filed by KFIL, Inc. requesting the substitution of Channel 252C2 for Channel 276A at Preston, Minnesota, and modification of its license for Station KFIL to specify the higher class channel. After comparative evaluation of the communities to determine which could provide a new service to the largest population within the gain areas of the predicted C2 service contours, the Commission concluded that the Spring Grove proposal should prevail. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 11, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-141, adopted June 30, 1989, and released July 26, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. In Section 73.202(b), the Table of FM Allotments is amended under Minnesota by removing Channel 252A and adding Channel 252C2 at Spring Grove.

3. In Section 73.202(b), the Table of FM allotments is amended under Iowa by removing Channel 252A and adding Channel 250A at Mason City.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-17833 Filed 7-31-89; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 89-54; RM-6634]

Radio Broadcasting Services; Derby, Augusta and Herington, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 242C2 for Channel 240A at Derby, Kansas, and modifies the license for Station KRZZ-FM, to specify operation on the higher class channel. This action is taken in response to a petition filed by New West Radio, Inc. The coordinates for Channel 242C2 are 37-37-03 and 97-20-11. To accommodate the upgrade at Derby, it is necessary to make substitutions in two other Kansas communities. Channel 289A can be substituted for Channel 242A at Herington, Kansas. There is one application on file for the channel at Herington at coordinates 38-38-17 and 96-57-46. Channel 283A can be substituted for Channel 242A at Augusta, Kansas. There are three applications pending for the Augusta channel. Channel 283A will work at each of the applicant's specified sites: 37-43-21 and 97-03-55 (880728NI), 37-39-56 and 97-02-12 (880727MO) and 37-42-00 and 97-02-33 (880728MV). The applicants for the Herington and Augusta channels will be permitted to specify the new Class A channel and retain their cut off protection, since the channels are equivalent. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 11, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-54, adopted July 7, 1989, and released July 26, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

PART 73—[AMENDED]

List of Subjects in 47 CFR Part 73

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Kansas, by removing Channel 240A and adding Channel 242C2 at Derby, by removing Channel 242A and adding Channel 283A at Augusta, and by removing Channel 242A and adding Channel 289A at Herington.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-17832 Filed 7-31-89; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 87-605; RM-6037, RM-6217]

Radio Broadcasting Services; Bismarck and Danville, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 235A to Danville, Illinois, (RM-6217) as that community's third service. Channel 235A can be allotted to Danville in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.9 kilometers (7.4 miles) east of Danville. The restricted site coordinates are 40-08-15 and 87-28-55. The proposed allotment of Channel 225A at Bismarck, Illinois, (RM-6037), is denied. With this action, this proceeding is terminated.

DATES: Effective September 11, 1989; The window period for filing applications will open on September 12, 1989, and close on October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 87-605, adopted July 7, 1989, and released July 26, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

PART 73—[AMENDED]

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM

Allotments is amended by adding Channel 235A at Danville, Illinois.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-17831 Filed 7-31-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85-15; Notice 10]

RIN 2127-AC53

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

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

ACTION: Interim final rule and request for comments.

SUMMARY: This interim final rule suspends the effectiveness of the downward torque deflection requirements for external mechanical aiming of replaceable bulb headlamps (paragraph S7.7.5.1(a)) and establishes a new effective date. It is occasioned by a July 12, 1989 petition from General Motors which argued that NHTSA, in setting the original effective date of June 8, 1989 for these and other amendments to Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* had erroneously concluded that the only effect of the amendments was to relieve restrictions. The petitioner informed the agency that the June effective date for the downward torque deflection requirements for replaceable bulb headlamps posed compliance difficulties for a model line beginning production July 27, 1989. In recognition that the amendments did add a new requirement for manufacturers of systems incorporating replaceable bulb headlamps, NHTSA grants the petition, and adopts a new effective date of December 1, 1989 for the downward torque deflection requirements.

This notice is published as an interim final rule without prior notice and the opportunity for comment. However, NHTSA requests comments on this rule. Following the close of the comment period, NHTSA will publish a notice responding to the comments, and, if appropriate, NHTSA will further amend the provisions of this rule.

DATES: The rule is effective August 1, 1989. Comments on this interim rule are due not later than August 31, 1989.

ADDRESS: Written comments should refer to the docket number and notice number, and be submitted to Docket Section, NHTSA, Room 5109, 400 Seventh St., SW., Washington, DC 20590. Docket hours are from 8:00 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, NHTSA (202-366-5280).

SUPPLEMENTARY INFORMATION: Following consideration of comments received regarding a notice of proposed rulemaking published on December 29, 1987 (52 FR 49038), NHTSA published amendments to Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* on May 9, 1989 (54 FR 20066). With the exception of two requirements for equipment marking, the amendments became effective 30 days after their publication in the Federal Register.

With respect to the May 1989 amendments, the Managing Director of NHTSA announced that "Because of the need to relieve design restrictions and encourage innovation", good cause had been shown for an effective date earlier than 180 days after issuance of the rule, and that the effective date would be 30 days after publication. The finding of good cause was made pursuant to section 103(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(e)), which provides that amendments to the Federal safety standards shall become effective not "sooner than one hundred and eighty days from the date" the amendment is issued, "unless the [Administrator] finds, for good cause show, that an earlier or later effective date is in the public interest, and publishes his reason for such finding." Excepted from the effective date of 30 days after publication were two new "mandatory" equipment marking provisions. An effective date of December 1, 1989, was specified for both of those provisions.

General Motors (GM) has submitted a petition noting that paragraph S7.7.5.1(a) does not relieve design restrictions or encourage innovation for replaceable bulb headlamps. Instead, its downward torque deflection test imposes a new requirement for systems of replaceable bulb headlamps (though such a test has been applicable for some time to sealed beam headlamps). GM further argued that imposition of the requirement without sufficient lead time for manufacturers to design, validate, and adopt product changes is not in the public interest. It asked that the effective date of December 1, 1989, be extended to the downward torque deflection requirements of paragraph S7.7.5.1(a) applicable to replaceable bulb headlamps, consistent with the requirements of section 103(e) of the Act.

The December 1987 proposal involved both a reparagraphing of existing requirements of Standard No. 108, and amendments intended to simplify the standard by relieving design restrictions. It also sought regulatory symmetry by extending some requirements applicable to sealed beam headlamps, to those with replaceable bulbs. Proposals of this nature, of course, would impose new requirements on manufacturers of replaceable bulb headlamps. In reviewing comments on the December 1987 notice, however, NHTSA found no indication from any commenter that an effective date other than the proposed one of 30 days after publication of the final rule would be required for compliance with the downward torque deflection requirements. Accordingly, the agency adopted the effective date as proposed, with the two exceptions previously noted.

GM is technically correct that the agency's previous finding of relief of a design restriction was erroneous with respect to the downward torque deflection requirement. NHTSA grants its petition, and is issuing this interim final rule amending paragraph S7.7.5.1(a) immediately to specify that it becomes effective on December 1, 1989 with respect to headlighting systems designed to conform to paragraph S7.5 (replaceable bulb headlamps).

This notice is published as an interim final rule, without prior notice and opportunity to comment. NHTSA believes that there is good cause for its finding that notice and comment is impracticable, unnecessary, and contrary to the public interest in this instance within the meaning of 5 U.S.C. 553(b)(3)(B). This conclusion is based upon the facts that the requirements to which it is directed have been in effect since June 8, 1989, that NHTSA was unaware of GM's compliance difficulties before receipt of the July 12, 1989 petition, that GM cannot achieve compliance with respect to a model line beginning production on July 27, 1989, and that an immediate amendment is therefore required to afford relief from the prematurely imposed requirements. This means that good cause is found for an immediate effective date within the meaning of 5 U.S.C. 553(d)(1), with the relief of a restriction.

As an interim final rule, this regulation is fully in effect upon its

publication in the **Federal Register**. No further regulatory action by NHTSA is essential to the effectiveness of this rule.

However, in order to benefit from comments which interested persons and the public may make, the agency requests that comments be submitted to the docket for this notice. Commenters are asked to address the question of whether the duration of the suspension of the effectiveness of the downward torque deflection requirements should be shorter or longer than December 1, 1989. All comments submitted in response to this notice will be considered by the agency. Following the close of the comment period, NHTSA will publish a notice responding to the comments, and, if appropriate, NHTSA will amend the provisions of this rule.

This notice provides a comment period of 30 days instead of the usual 60 days to facilitate the efforts of the agency to take final action as quickly as possible regarding the length of the suspension.

The publication of this interim final rule affects none of the impacts of the final rule as discussed in the May 9, 1989 notice adopting amendments to Standard No. 108, or the Federalism assessment.

Interested persons are invited to submit comments on this interim final rule. It is requested, but not required, that 10 copies be submitted. All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their preliminary arguments in a concise fashion. All comments received before the close of business on the comment closing date listed above will be considered and will be available in the docket for examination both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Following the close of the comment period, NHTSA will publish a notice responding to comments and, if appropriate, will amend the provisions of this rule. Comments received too late for consideration will be considered as suggestions for future rulemaking action. The agency will continue to file relevant information as it becomes available. It is recommended that interested persons continue to examine the docket for new material. Those persons desiring to be notified upon receipt of their comments by the docket should enclose a stamped self-addressed postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, motor vehicle safety, motor vehicles.

In consideration of the foregoing, 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* 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, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Paragraph S7.7.5.1(a) is revised to read as follows:

* * * * *

(a) Each headlamp system, other than a headlamp system designed to conform to paragraph S7.5, that is designed to use such external aiming devices shall not deviate more than 0.30 degree when a downward torque of 20 lb.-in. (2.25 N-m) is applied to the headlamp in its normal operating position, through the lamp's mechanical axis at the plane of the forwardmost aiming pad. Each headlamp system that is designed to conform to paragraph S7.5 and that is designed to use such external aiming devices, and which is manufactured on or after December 1, 1989, shall comply with this paragraph.

* * * * *

Issued on July 27, 1989.

Jeffrey R. Miller,

Acting Administrtor, National Highway Traffic Safety Administration.

[FR Doc. 89-17909 Filed 7-27-89; 12:24 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 81130-8265]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of fishing restrictions, inseason adjustment to specifications, and request for comments.

SUMMARY: NOAA announces adjustments to restrictions on fishing in the ocean off of Washington, Oregon, and California in 1989 for yellowtail rockfish and Pacific ocean perch, increases the optimum yield (OY) quota for Pacific ocean perch, and seeks public comment on these actions. These actions are authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and modify fishing restrictions imposed on January 1, 1989 for these species. Lower trip limits are necessary to mitigate biological stress to Pacific ocean perch and to avoid biological stress to the yellowtail rockfish stocks that is expected to occur if landings are not further restricted. This action is intended to lower fishing rates and prevent biological stress. The increase in OY would allow unavoidable incidental catches in other fisheries to be landed, and avoid or reduce the probability of a fishery closure before the end of the year.

EFFECTIVE DATE: 0001 hours (Pacific Daylight Time) July 26, 1989, until modified, superseded, or rescinded. Comments will be accepted through August 16, 1989.

ADDRESSES: Submit comments on these actions to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney R. McInnis at 213-514-6199, or the Pacific Fishery Management Council at 503-221-6352.

SUPPLEMENTARY INFORMATION: This action (1) modifies fishing restrictions imposed January 1, 1989 (54 FR 299, January 5, 1989) for yellowtail rockfish, a component of the *Sebastes* complex, and Pacific ocean perch (POP) taken off the coasts of Washington, Oregon, and California, and (2) adjusts the OY quota for POP caught in the Columbia area off the States of Oregon and Washington (announced at 54 FR 32, January 3, 1989). This action is authorized under the regulations at 50 CFR Part 663, which implement the Pacific Coast Groundfish Fishery Management Plan (FMP).

The FMP and its implementing regulations at 50 CFR 663.22(a) allow the Secretary to reduce fishing levels to prevent or reduce biological stress in any species or species complex, consistent with the objectives and priorities of the FMP. When landing rates for any species or species complex have been projected to reach an acceptable biological catch (ABC) estimate or other specified harvest level (an OY quota or harvest guideline) before the end of the year, the Pacific Fishery Management Council (Council)

has recommended reducing the rate of landings while extending the fishery as long as possible throughout the year. In doing so, the Council intended to allow catches taken unavoidably while fishing for other species (incidental catches) to be landed to minimize the waste of fish that otherwise must be discarded if a fishery is closed prematurely. By slowing the fishery and avoiding premature closure, the discarding of incidental catches is minimized and the likelihood of biological stress on the resource is lessened.

The FMP and regulations at 50 CFR 663.22(b) also provide for increasing the OY quota in season if the increase would not cause biological stress and would promote full utilization of the resource, according to the implementing regulations at 50 CFR 663.22(b).

At its November 1988 meeting, the Council endorsed the determination of its Groundfish Management Team (GMT) that biological stress could occur if landings of yellowtail rockfish and POP were unrestricted in 1989. Harvest guidelines (for yellowtail rockfish and the *Sebastes* complex), quotas (for POP), and trip limits intended to keep landings within the harvest guidelines and quotas were imposed on January 1, 1989.

At the July 1989 Council meeting, the GMT projected that both the harvest guideline for yellowtail rockfish, a component of the *Sebastes* complex, and the OY for POP in the Columbia area would be reached before the end of the year, and would be exceeded by unavoidable incidental catches thereafter. The Council's recommendations to reduce fishing levels and to provide for landings of incidental catches of both species are discussed below.

The Sebastes Complex and Yellowtail Rockfish

The *Sebastes* complex of rockfish includes all rockfish species caught under the FMP except widow rockfish, shortbelly rockfish, and POP. Yellowtail rockfish is a dominant and often unavoidable component of the *Sebastes* complex. Landings of the *Sebastes* complex have been restricted since 1983 to protect yellowtail rockfish. Because yellowtail rockfish is found mostly north of Coos Bay, Oregon (43°21'34" N. latitude), the management measures for yellowtail rockfish adjusted by this notice apply only to this area.

The *Sebastes* complex and yellowtail rockfish are managed with harvest guidelines. Thus, landings are not automatically prohibited when they reach a certain level. Instead, management measures are designed to keep landings from greatly exceeding the harvest guideline. The harvest guideline for the *Sebastes* complex north of Coos Bay equals the sum of the estimated ABCs of the species in the complex. Because yellowtail rockfish is the only species in the *Sebastes* complex believed to need protection, and because yellowtail rockfish have been at or above the level needed to produce the maximum sustainable yield (MSY), more severe restrictions or closure of the fishery for these species has not been warranted in the past when the harvest guideline was reached.

The 1989 harvest guideline for the *Sebastes* complex north of Coos Bay is 10,500 mt, including 3,900 mt of yellowtail rockfish. At the July 10–14, 1989 Council meeting, the GMT estimated that coastwide landings of yellowtail rockfish through June 17, 1989 were 2,427 metric tons (mt), an increase of about 4 percent from the same period in 1988. Based on observed and expected landing rates, the GMT projected that the harvest guideline for the *Sebastes* complex would be reached by October 22, 1989 and for yellowtail rockfish on August 22, 1989. Because yellowtail rockfish is the only component of the *Sebastes* complex needing protection, the Council did not recommend further reductions on landings of the complex. However, the Council recommended that landings of yellowtail rockfish should and could be reduced. According to the GMT, landings of yellowtail rockfish would need to be reduced by 57 percent to avoid reaching the harvest guideline before the end of 1989. Therefore, the Council recommended reducing the current weekly trip limit from 7,500 pounds to 3,000 pounds and imposing a maximum percentage limit of 20 percent of the *Sebastes* complex on board, whichever is greater.

Biweekly and twice-weekly landing options would continue to be available. The biweekly option accommodates vessels that are capable of longer and larger trips than allowed under the weekly limit. If this adjusted trip limit does not sufficiently slow the catch, further restrictions may be imposed later in the year.

Secretarial Action: The Secretary concurs with the Council's recommendation and herein modifies paragraphs (3)(a), (b), and (c) for the *Sebastes* complex at 54 FR 299 (January 5, 1989) as follows:

1. In paragraph (3)(a) which announces the weekly trip limits for the *Sebastes* complex caught north of Coos Bay, change only the first sentence to read: "Except for the biweekly and twice-weekly trip limits provided in paragraphs (3)(b) and (3)(c), no more than 25,000 pounds of the *Sebastes* complex (including no more yellowtail rockfish than 3,000 pounds, or 20 percent of the legal *Sebastes* complex on board, whichever is greater) may be taken and retained, possessed, or landed per vessel per fishing trip in a one-week period north of Coos Bay."

2. In paragraph (3)(b) which announces the biweekly trip limits for the *Sebastes* complex caught north of Coos Bay, change only the first sentence to read: "If the fishery management agency of the state where the fish will be landed is notified as required by state law (WAC 220–44–050: OAR 635–04–033: CF&GCA 7652), no more than 50,000 pounds of the *Sebastes* complex (including no more yellowtail rockfish than 6,000 pounds or 20 percent of the legal *Sebastes* complex on board, whichever is greater) may be taken and retained, possessed, or landed per vessel per fishing trip in a two-week period north of Coos Bay."

3. In paragraph (3)(c) which announces the twice-weekly trip limits for the *Sebastes* complex caught north of Coos Bay, change only the first sentence to read: "If the fishery management agency of the state where the fish will be landed is notified as required by state law (WAC 220–44–050: OAR 635–04–033: CF&GCA 7652), no more than 12,500 pounds of the *Sebastes* complex (including no more yellowtail rockfish than 1,500 pounds or 20 percent of the legal *Sebastes* complex on board, whichever is greater) may be taken and retained, possessed, or landed per vessel per fishing trip north of Coos Bay."

The rest of paragraphs (3) (a), (b), and (c) and the other provisions at 54 FR 299 pertaining to yellowtail rockfish, the *Sebastes* complex, and POP remain in effect.

Pacific Ocean Perch (POP)

POP is considered to be under long-term stress and has been managed for nine years under a 20-year rebuilding schedule intended to increase the stock to levels that will produce the MSY. During this time, the POP stock has shown little sign of rebuilding despite extremely restrictive fishing regimes. Although the stock has not been rebuilding, it also is not declining and appears to be relatively stable, below the level that would produce the 2,500 mt MSY, since the FMP was implemented. Rebuilding POP depends on recruitment of large year classes which occurs infrequently. However, Canadian scientists have reported evidence of at least one strong year class off the Canadian coast and it is

possible that this year class has recruited to the U.S. fishery in the Columbia area. The increased catch in 1989 may in fact indicate that rebuilding is occurring. There is no recent independent assessment to confirm the status of the POP stock.

To maximize the potential for rebuilding, the 1989 ABC was set at zero. However, incidental catches of this species in other fisheries are unavoidable. Trip limits and OYs have been implemented each year that were designed to accommodate only these small incidental catches. These incidental catches are not expected to intensify or cause additional biological stress on POP, and will not result in the stock being overfished.

The 1989 OY quota for POP is 500 mt in the Vancouver area and 800 mt in the Columbia area. The current coastwide trip limit is 5,000 pounds or 20 percent of all legal fish on board, whichever is less.

Adjusting the trip limit. At the July 10–13, 1989 Council meeting, the GMT estimated that landings of POP in the Columbia area through June 17, 1989 were 602 mt, an increase of about 47 percent from the same period in 1988. Based on observed and expected landing rates, the GMT projected that the OY for the Columbia area would be reached by July 31, 1989 and that landings must be reduced by 72 percent to avoid reaching the OY before the end of the year. The OY in the Vancouver area is not expected to be reached in 1989.

The Council acknowledged that some targeting may have occurred under the current trip limit, particularly as limits for other species become more severe. Thus, to eliminate any incentive for targeting on POP, the Council recommended further reducing the trip limit from 5,000 pounds or 20 percent of all legal fish on board, whichever is less, to 2,000 pounds or 20 percent of all legal fish on board, whichever is less. As in the past, the percentage limit applies only if more than 1,000 pounds of POP are on board. The trip limit will continue to apply coastwide to discourage anyone who might exceed the limit and allege the fish were caught elsewhere. Because POP are not abundant south of the Columbia area, this trip limit is not expected to restrict fisheries there.

In formulating its recommendations, the Council recognized that small amounts of POP are caught unavoidably in fisheries for other species. A complete prohibition against landing POP, which must occur when the OY is reached, would not reduce any further the fishing mortality of POP caught while fishing for other species. It only would result in discards of POP. Therefore, the Council recommended changing the trip limit for POP to accommodate the unavoidable incidental catch and waste which would result from discarding it after landings were prohibited.

The only other measure which could keep the catch of POP within the 800 mt OY would be to prohibit all fishing for associated species in the Columbia area. POP are caught in small amounts with almost all groundfish species caught with bottom or roller trawl gears between 90 and 180 fathoms. This includes Dover and petrale soles, sablefish, and the *Sebastes* complex of rockfishes, representing about 23,500 mt and 70 percent of the landed groundfish catch from the Columbia area in 1987. Consequently, closing these fisheries until the end of the year in order to avoid further catches of POP would have an unacceptably severe economic impact on the fishing industry. Furthermore, closure of these fisheries would not contribute significantly to the restoration of POP unless closed on a long-term basis. Even when rebuilt to the MSY level, POP would produce only 2,500 mt annually. The Council preferred to continue these more productive and valuable fisheries off Oregon and Washington even though it would not provide for the most rapid rebuilding of the POP resource.

Increasing the OY. The Council recognized that, even with the severe reduction to the trip limit imposed by this notice, the OY in the Columbia area would be reached before the end of the year. It recommended increasing the 1989 OY by 30 percent, from 800 mt to 1,040 mt. This increase, in conjunction with the severe reduction in trip limits, is intended to allow the unavoidable catch to be landed rather than discarded.

The FMP's implementing regulations at 50 CFR 663.22(b) provide for inseason increases to OY that cumulatively do not exceed the OY set at the beginning of the current fishing year by more than 30 percent. They also require consultation with the Council, a determination that the increase would not cause biological stress to that or any other species, that it would promote full utilization of the groundfish resource, and that the following factors be considered.

(i) *Exploitable biomass and spawning biomass relative to MSY levels for the species under consideration.* The exploitable biomass and spawning biomass for POP are well below levels which would produce MSY.

(ii) *Fishing mortality rate relative to MSY levels for the species under consideration.* POP is below the level which will produce MSY. Fishing mortality in 1989 is expected to exceed the level which would produce MSY, even with the severe management measures imposed in this notice.

(iii) *Magnitude of incoming recruitment.* Recruitment to the fishery has been less than desired, and there is some indication that even if no POP were harvested, the 20-year rebuilding schedule would not be met. However, anecdotal information from Canada suggests the presence of at least one strong year class off the Canadian coast. It is not known whether this years' class will recruit to the Columbia area fishery off Oregon and Washington, or whether it explains the high catch of POP in the Columbia area this year. Landings in the U.S. portion of the Vancouver area have not increased in 1989.

(iv) *Protected effort and corresponding catches relative to ABC.* The 1989 ABC is zero according to the rebuilding schedule for POP. However, minimal OYs have been set each year in recognition of unavoidable incidental catches in other fisheries. Fishing effort in 1989 may have been increased in response to severe restrictions in alternative fisheries. Landings through June 17, 1989 are 47 percent higher than in the same time period in 1988. If not further restricted in 1989, the OY in the Columbia area would be reached on July 31, 1989, after which time all landings of POP from the Columbia area would be prohibited. However, fishing mortality due to incidental catches would not be reduced even if all landings of POP were prohibited.

(v) *In the case of species normally taken in mixed catches, the relative contribution of the species to the total catch.* The target fishery for POP is fairly selective, which is why POP has been managed by numerical OY quotas. However, small catches of POP in other groundfish fisheries are unavoidable. If landings were to be prohibited, POP would continue to be caught, and would be discarded and wasted. The recommended trip limit of 2,000 pounds or 20 percent, whichever is less, is intended to enable these incidental catches to be landed.

(vi) *The impact, if any, of the proposed increase in OY on other species.* The increase in OY is not expected to affect any other species of groundfish. The increase will allow unavoidable catches to be landed. It will not increase fishing mortality.

After considering the above factors, the Secretary finds that although POP already is biologically stressed, the 30 percent increase in OY, in conjunction with the trip limits imposed by this notice, will not cause or intensify the

biological stress on POP because fishing mortality will not increase. In addition, full utilization will be accomplished by enabling incidental catches to be landed rather than discarded.

Secretarial Action: The Secretary concurs with the Council's recommendations and takes the following actions:

1. Paragraph (1) at 54 FR 299, January 5, 1989 for POP is modified as follows:

(1) For Pacific ocean perch coastwide (Washington, Oregon, and California), no more than 2,000 pounds or 20 percent (round weights) of all legal fish on board, whichever is less, may be taken and retained, possessed, or landed per vessel per fishing trip. This provision applies only when more than 1,000 pounds (round weight) of Pacific ocean perch are on board.

Note: Twenty percent of all legal fish on board including Pacific ocean perch is equivalent to 25 percent of all legal fish on board other than Pacific ocean perch.

2. Table 2 (published at 54 FR 32, January 3, 1989) is revised for POP as indicated below. Only the portions that pertain to POP are revised and printed here.

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

[In thousands of metric tons]

	Total OY	DAP	JVP	DAH	Reserve	TALFF
Pacific ocean perch	[2] 1.54	[2] 1.54	0.0	[2] 1.54	0.0	0.0

[2] Of this 1,540 metric tons, 500 metric tons is for the Vancouver area and 1,040 metric tons is for the Columbia area.

Inseason Adjustments

At subsequent meetings, the Council will continue to review the best data available and may recommend further modifications to these management measures.

Other Fisheries

U.S. vessels operating under an experimental fishing permit issued under 50 CFR 663.10 also are subject to these restrictions unless otherwise provided in the permit.

Landings of groundfish in the pink shrimp, spot and ridgeback prawn fisheries are governed by regulations at 50 CFR 663.28. If fishing for groundfish and pink shrimp, spot or ridgeback prawns in the same fishing trip, the groundfish regulations in this notice apply.

Classification

The determination to impose these fishing restrictions is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until the end of the comment period.

An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 in accordance with the National Environmental Policy Act (NEPA). The alternatives and environmental impacts of this Notice of Fishing Restrictions are not significantly different than those considered in the EIS for the FMP. Therefore this action is categorically excluded from the NEPA requirements to prepare an Environmental Assessment in accordance with paragraph 5a(3) of the NOAA Directives Manual 02–10, because the alternatives and their impacts have not changed significantly.

These actions are taken under the authority of 50 CFR 663.22 and 663.23, and are in compliance with Executive Order 12291. The actions are not subject to the Regulatory Flexibility Act because there is no notice and comment period preceding the effective date of this notice. The actions do not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

The biweekly and twice-weekly trip limit options are required by state law and do not represent an additional collection of information subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These notifications are voluntary, and benefit the fishermen by minimizing the impact on their normal fishing operations by providing the choice of making smaller, shorter trips or larger, longer trips than under the weekly trip limits. Notifications are submitted to the appropriate state fishery management agency, not to the Federal government. The notification procedures in this **Federal Register** notice for biweekly and twice-weekly trip limit options are the same as those already in effect for landings of the *Sebastes* complex and yellowtail rockfish.

Section 663.23 of the groundfish regulations states that the Secretary will publish a notice of action reducing fishing levels or increasing OYs in proposed form unless he determines that prior notice and public review are impracticable, unnecessary, or contrary to public interest. Section 663.23 also states that any notice issued under this section will not be effective until 30 days after publication in the **Federal Register**, unless the Secretary finds and publishes with the notice good cause for an earlier effective date. The Secretary has determined that, if left unrestricted, further catches in 1989 unquestionably will exceed the 3,900 mt harvest guideline for yellowtail rockfish and the 800 mt Columbia area OY for POP, increasing the likelihood of biological stress on those stocks. Prompt action to limit these fishing rates is necessary to protect yellowtail rockfish and POP and alleviate the necessity for fishery closures before the end of 1989. Delay in implementation of the trip limits most likely would result in an even more accelerated rate of landings by fishermen anticipating more restrictive limits later in the year. If landings are substantially increased, the projections made by the GMT will not be valid and the management measures set forth in this notice will not adequately slow the fishery. As a result, additional, more restrictive measures would need to be imposed. The increase to OY must be implemented before July 31, 1989. The 800 mt OY in the Columbia area is projected to be reached on that date. If the OY is not increased, all landings of POP will be prohibited until the end of the year. Closure of the POP fishery will not reduce fishing mortality or protect the resource. Consequently, further delay of these actions is impracticable and contrary to the public interest.

The public has had opportunity to comment on these management measures. The public participated in the Groundfish Select Group, GMT, Groundfish Advisory Subpanel, and Council meetings in June and July 1989 that generated the management actions endorsed by the Council and the Secretary.

List of Subjects in 50 CFR Part 663

Administrative practice and procedures, Fisheries, Fishing.

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

Dated: July 26, 1989.

Richard H. Schaefer,

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

[FR Doc. 89-17864 Filed 7-26-89; 5:06 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 1989

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-34]

Airworthiness Directives; Pratt & Whitney (PW) JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to amend Airworthiness Directive (AD) 86-09-02 R1, which requires inspections to detect cracks in the combustion chambers. The proposed amendment relaxes the current removal criteria for cracks in the 2-3 combustion chamber liner seam joint. Allowing additional revenue service for combustion chambers with certain 2-3 liner seam joint cracks beyond the limits of AD 86-09-02 R1 will not compromise the level of airworthiness established by AD 86-09-02 R1 which was needed to prevent uncontained combustion chamber outer case failure due to cracking and distress of combustion chambers.

DATES: Comments must be received on or before October 31, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 85-ANE-34, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311, at the above address.

Comments delivered must be marked: Docket No. 85-ANE-34.

Comments may be inspected at the New England Region, Office of the Assistant Chief Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable alert service bulletin (ASB) may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457, or may be examined in the Regional Rules Docket.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-141, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7121.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 85-ANE-34. The postcard will be date/time stamped and returned to the commenter.

This document proposes to amend AD 86-09-02 R1, Amendment 39-5277, as amended by Amendment 39-5372 (51 FR 28807; August 12, 1986), by allowing additional revenue service for combustion chambers with certain 2-3 liner seam joint cracks in excess of 8 inches. AD 86-09-02 R1 requires immediate removal from revenue service of any chamber with greater than 8 inches cumulative circumferential cracking in any one liner. PW ASB 5639, Revision 4, dated November 29, 1988, allows for limited revenue service for combustion chambers with 2-3 liner seam joint cracks in excess of 8 inches.

Since issuing AD 86-09-02 R1, several operators have experienced scheduling difficulties caused by immediate engine removal due to circumferential cracking in the 2-3 liner seam joint. Service experience and engine test data indicate that 2-3 liner seam joint cracks do not progress appreciable when subjected to a limited amount of engine operation. Furthermore, additional support is provided by the cross over tubes and air scoop. Also, the combustion chamber 2-3 seam area is in a non-oxidized zone and, therefore, is not exposed to the high level of thermal fatigue and distress as other liners in the chamber. Consequently, allowing a limited amount of revenue service with some combustion chambers having 2-3 liner seam joint cracks in excess of 8 inches does not compromise the existing level of airworthiness established by AD 86-09-02 R1.

The FAA has determined that AD 86-09-02 R1 can be amended to allow a limited amount of revenue service for combustion chambers with certain 2-3 liner seam joint cracks in excess of 8 inches. Since this condition is likely to exist or develop in other engines of the same type design, the proposed AD would amend AD 86-09-02 R1, Amendment 39-5372 (51 FR 28807; August 12, 1986), and allow certain PW JT8D engines to operate for a maximum of 10 cycles or 12 hours engine operation, whichever occurs first, with certain combustion chamber 2-3 liner seam joint cracks in excess of 8 inches.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves approximately 7,120 engines (domestic fleet) with no cost increase. It has also

been determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the proposed rule affects only operators using aircraft in which JT8D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979; and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Incorporation by reference.

The Proposed Amendment

Acordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39-5372 (51 FR 28807; August 12, 1986), Airworthiness Directive (AD) 86-09-02 R1.

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR turbofan engines.

Revise AD 86-09-02 R1 as follows:

(a) Replace all references to "Pratt & Whitney (PW) Alert Service Bulletin (ASB) 5639, Revision 1, dated March 21, 1986", with "PW ASB 5639, Revision 4, dated November 29, 1988".

(b) Add the following sentence at the end of paragraphs (a)(6), (b)(6), (c)(1)(v), and (c)(2)(iv): "If cracking to the second to third liner seam joint is in excess of 8 inches, additional revenue service may be permitted as stated in paragraph (f) below".

(c) Add the following paragraph (f) immediately following paragraph (e):

(f) Combustion chambers which exhibit circumferential cracking in the second to third liner seam joint in excess of 8 inches may continue revenue service beyond the limitations of paragraph (a), (b), and (c) above as follows:

(1) Remove from service within 10 cycles or 12 hours time in service (TIS) since last inspection, whichever occurs first, any chamber exhibiting 2-3 liner seam joint cracking in excess of 8 inches but less than 12 inches in length.

(2) Remove from service within 10 cycles or 12 hours TIS since last inspection, whichever occurs first, any chamber exhibiting 2-3 liner seam joint cracking 12 inches or more but less than 14 inches in length, which has less than 0.150 inches axial misalignment of adjacent cross-over tubes, and which shows no air scoop cracks.

(3) Remove from service, prior to further flight, chambers exhibiting 2-3 liner seam joint cracking 12 inches or more, and either of the following conditions:

(i) Air scoop cracks or

(ii) Axial misalignment of adjacent crossover tubes greater than 0.150 inches.

(4) Remove from service, prior to further flight, chambers exhibiting 2-3 liner seam joint cracking 14 inches or more.

Issued in Burlington, Massachusetts, on April 21, 1989.

Jack A. Sain, Manager,

Engine and Propeller Directorate Aircraft Certification Service.

[FR Doc. 89-17868 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-ANE-37]

Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt an airworthiness directive (AD) that would require initial and repetitive inspections, and removal from service of certain high pressure compressor (HPC) turbine driveshafts installed in PW JT9D-7R4 series turbofan engines. The AD would also establish a reduced low cycle fatigue life limit for certain HPC turbine driveshafts. The proposed AD is needed to prevent the occurrence of cracked HPC turbine driveshafts which could result in loss of engine power, and/or inflight engine shutdown.

DATES: Comments must be received on or before October 31, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 88-ANE-37, 12 New England Executive Park, Burlington, Massachusetts 01803 or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: Docket No. 88-ANE-37.

Comments may be inspected at the New England Region, Office of the Assistant Chief Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The applicable service bulletins (SB) and alert service bulletins (ASB) may be obtained from Pratt & Whitney, Publications Department, P.O. Box 611, Middletown, Connecticut 06457, or may be examined in the Regional Rules Docket.

FOR FURTHER INFORMATION CONTACT: Diane Cook, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7082.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the agency before any final action is taken on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 88-ANE-37. The postcard will be

date/time stamped and returned to the commenter.

There have been twenty-one HPC turbine driveshafts found with circumferential cracks in the threads which mate with the Number 3 bearing retaining nut. These cracks originate at the root of the forward thread and propagate in low cycle fatigue (LCF) through the shaft to the inside diameter surface. Nineteen turbine driveshafts were found cracked as a result of thread inspection conducted during shop visits, and two were found as a result of engine removal due to high vibration. Analysis indicates that the cracking problem is the result of high stress in the current thread geometry.

The FAA has determined that these cracked HPC turbine driveshafts may result in loss of engine power, and/or inflight shutdown. Since this condition is likely to exist or develop on other engines of the same type design, the proposed AD would require initial and repetitive inspections of HPC turbine driveshafts, Part Numbers (P/N) 5001195–01, 796245, 799570, and 803128, in accordance with PW ASB 72–375, Revision 1, dated January 25, 1989, on JT9D–7R4 series turbofan engines. This proposed AD also would require that those HPC turbine driveshafts with no service time entering into service after December 31, 1989, be removed from service at a reduced LCF life limit. After December 31, 1994, HPC turbine driveshafts installed in PW JT9D–7R4 series turbofan engines, except for the JT9D–7R4G2 model, must be removed from service at reduced LCF life limit. Those HPC turbine driveshafts installed in PW JT9D–7R4G2 model engines must also be removed from service at a reduced LCF life limit after December 31, 1998. Service experience has shown that the JT9D–7R4G2 model engine accumulates cycles at a much slower rate than other JT9D–7R4 series engines.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation only involves approximately 375 engines at an approximate total cost of 865,000 dollars. It has also been determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected, since the proposed rule affects only operators using aircraft in which JT9D–7R4 series engines are installed, none of which are believed to be small entities. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Incorporation by reference.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT9D–7R4 series turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent failure of high pressure compressor (HPC) turbine driveshafts, Part Numbers (P/N) 5001195–01, 796245, 799570, and 803128, which could result in loss of eingine power, and/or inflight engine shutdown, accomplish the following:

(a) Eddy current inspect rear threads of the HPC turbine driveshafts, in accordance with PW Alert Service Bulletin (ASB) 72–375, Revision 1, dated January 25, 1989, and remove from service and replace HPC turbine driveshafts found cracked with a serviceable part as follows:

(1) For those HPC turbine driveshafts which have not been inspected prior to the effective date of this AD, in accordance with Service Bulletin (SB) 72–365, dated June 23, 1988; SB 72–365, Revision 1, dated July 12, 1988; ASB 72–375, dated October 28, 1988; or ASB 72–375, Revision 1, dated January 25, 1989; inspect in accordance with the following schedule:

(i) Inspect at the next shop visit or prior to accumulating 8,000 cycles in service (CIS), whichever occurs first, those HPC turbine driveshafts with 7,500 CIS or less on the effective date of this AD.

(ii) Inspect at the next shop visit or prior to accumulating 500 CIS, whichever occurs first, those HPC turbine driveshafts with greater than 7,500 CIS on the effective date of this AD.

(2) For those HPC turbine driveshafts which have been previously inspected prior to the effective date of this AD, in accordance with SB 72–365, dated June 23, 1988; SB 72–365, Revision 1, dated July 12, 1988; ASB 72–375, dated October 28, 1988; or ASB 72–375, Revision 1, dated January 25, 1989, inspect in accordance with the following schedule:

(i) Inspect at the next shop visit or prior to accumulating 8,000 CIS, whichever occurs first; or not to exceed 2,500 cycles since last inspection (SLI), whichever occurs later, those HPC turbine driveshafts with 7,500 CIS or less on the effective date of this AD.

(ii) Inspect at the next shop visit or prior to accumulating 500 CIS whichever occurs first; or not to exceed 2,500 cycles SLI, whichever occurs later, those HPC turbine driveshafts with greater than 7,500 CIS on the effective date of this AD.

Note: Shop visit definition for the purpose of this AD is anytime the low pressure turbine module is removed.

(b) Eddy current reinspect HPC turbine driveshafts, in accordance with PW ASB 72–375, Revision 1, dated January 25, 1989, at the next shop visit, or prior to accumulating 2,500 CLI, whichever occurs first. Remove from service and replace HPC turbine driveshafts found cracked with a serviceable part.

(c) Inspections in accordance with paragraphs (a) and (b) of this AD are no longer required for HPC turbine driveshafts P/N 5001195–01, 796245, and 799570 once their low cycle fatigue (LCF) limits are reduced from 30,000 cycles to 2,000 cycles, or for P/N 803128 once their LCF limits are reduced from 30,000 cyles to 8,700 cycles.

(d) Reduce the LCF limit of the HPC turbine driveshaft as specified in paragraph (c) and remove the HPC turbine driveshaft from service in accordance with the following:

(1) Remove from service prior to accumulating the reduced LCF life limit for those HPC turbine driveshafts incorporated into service after December 31, 1989, with no previous service time.

(2) Remove from service prior to accumulating the reduced LCF life limit, after December 31, 1994, for those HPC turbine driveshafts installed in any PW JT9D–7R4 series engines, except for the PW JT9D–7R4G2 model engines.

(3) Remove from service prior to accumulating the reduced LCF life limit, after December 31, 1998, for those HPC turbine driveshafts installed in PW JT9D–7R4G2 model engines.

(e) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(f) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternative method of compliance with the requirements of this proposed AD or adjustments to the compliance times specified in this proposed

AD, may be approved by the Manager, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on April 21, 1989.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 89-17869 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AEA-07]

Proposed Alteration of Control Zone, Elmira, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed action is to reduce the airspace requirements for the control zone established at the Elmira/Corning Regional Airport (formerly known as the Chemung County Airport), Elmira, New York. The Elmira, New York Air Traffic Control Tower (ATCT) has requested that the control zone be revised to reflect the actual airspace needed to contain instrument operations. In addition, Runway 01-19 has been closed, and the associated Instrument Approach Procedures have been cancelled as a result of a previous airspace study. This airspace revision would involve a reduction in the size of the control zone established for the airport. In addition, the control zone description would be updated to reflect the current airport name.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles B. Shuler, Manager, Systems Management Branch, AEA-530, Docket No. 89-AEA-07, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J. F. K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-AEA-07." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the control zone established at the Elmira/Corning Regional Airport, Elmira, New York by reducing the amount of airspace required to contain instrument operations.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (4 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones

Adoption of the Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Elmira, NY [Amended]

Change "Chemung County Airport" to read "Elmira/Corning Regional Airport";

Delete section which reads as follows: "within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles".

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89-17870 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 88-AEA-15]

Proposed Alteration of Transition Area, Great Bend, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The development of a new NDB Runway 15 Standard Instrument Approach Procedure (SIAP) to the Wheeler Sack Army Air Field (AAF), Fort Drum, New York dictates the revision of the 700 foot transition area established at Great Bend, New York.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA-530, Docket No. 88-AEA-15, Eastern Region, Federal Bulding # 111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-AEA-15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Great Bend, New York transition area. A new Standard Instrument Approach Procedure has been developed to the Wheeler Sack AAF. Due to the development of this new procedure, the FAA proposes to amend the 700 foot transition area in order to provide airspace protection for aircraft executing this procedure. This proposal would also delete that part of the current transition area description which describes the 1,200 foot transition area already contained in the State of New York 1,200 foot transition area description. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

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

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

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

§ 71.181 [Revised]

2. Section 71.181 is amended as follows:

Great Bend, NY [Revised]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 44°03'00"N., long. 75°44'00"W., of Wheeler Sack A.A.F., NY; within an 8-mile radius of the center of the airport, extending clockwise from a 052°(T)065°(M) bearing to a 122°(T) 135°(M) bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 122°(T) 135°(M) bearing to a 152°(T) 165°(M) bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 152°(T) 165°(M) bearing to a 182°(T) 195°(M) bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 182°(T) 195°(M) bearing to a 229°(T) 242°(M) bearing from the airport within 4.5 miles each side of the Watertown, NY VORTAC (lat. 43°57'07"N., long. 76°03'54"W.) 053°(T) 066°(M) radial, extending from the 7-mile radius area and the 10.5 mile radius area

to the VORTAC, and within 5 miles each side of the Watertown, NY, VORTAC 056°(T) 069°(M) radial, extending from the 7-mile radius area and the 10.5-mile radius area to the VORTAC.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division

[FR Doc. 89-17875 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 88-AEA-12]

Proposed Alteration of Control Zone; Newburgh, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to amend the description of the Newburgh, NY, Control Zone to reflect a change in the hours of operation from part time to full time.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA-530, Docket No. 88-AEA-12, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-AEA-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Newburgh, New York Control Zone. This amendment would involve changing the hours of operation of the control zone to reflect the 24-hour operation of the control tower (non-Federal), as well as continuous weather reporting capability. The control zone meets the requirements for 24-hour establishment. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Newburgh, NY [Amended]

Delete last sentence which reads as follows:

This control zone is effective from 0000-2359 hours, local time, Tuesday through Friday; 0000-2300 hours, local time, Saturday; 0700-2300 hours, local time, Sunday; 0700-2400 hours, local time, Monday.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89-17876 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AEA-13]

Proposed Alteration of Control Zone; Trenton, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Morrisville, Pennsylvania Airport has been closed. As a result the Federal Aviation Administration finds it necessary to modify the description of the Trenton, NJ control zone. The intent of this proposed action is based upon the fact that the closed airport no longer requires that an exclusionary zone (cutout) be provided.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA–530, Docket No. 89–AEA–13, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917–0587.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–AEA–13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Trenton, New Jersey control zone due to the closure of the Morrisville, Pennsylvania airport. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones

The Proposed Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Trenton, NJ [Amended]

Delete portion of description which reads as follows: "excluding the portion within a 1-mile radius of the Morrisville, PA, Airport (lat. 40°12'00" N., long. 74°48'55" W.)"

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89–17878 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 89–AEA–10]

Proposed Alteration of Control Zone; Morristown, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: As the result of the cancellation of numerous Standard Instrument Approach Procedures (SIAPs) into the Morristown Municipal Airport, Morristown, New Jersey, the FAA no longer finds it necessary to retain those portions of the control zone which were required to contain those instrument operations. The intent of this action would be to reduce the amount of controlled airspace necessary to contain arriving and departing flights from the surface to 1,000 feet above ground level.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA–530, Docket No. 89–AEA–10, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-AEA-10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Section 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the description of the Morristown, New Jersey, Control Zone due to the cancellation of numerous SIAPs. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Morristown, NJ [Revised]

That airspace within a 5-mile radius of the center, lat. 40°47'57"N., long. 74°24'55"W., of Morristown Municipal Airport, Morristown, NJ. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be published continuously in the Airport/Facility Directory.

Issued in Jamaica, New York, on July 18, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89-17879 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 88-AEA-16]

Establish Control Zone, Wheeler Sack, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the U.S. Army has requested a control zone at the Wheeler Sack Army Field (AAF) in order to accommodate expanding operations at this field. The airport meets the criteria in FAA Handbook 7400.2C for the establishment of a control zone. In addition, this control zone would accommodate existing and planned Instrument Approach Procedures into this airport.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to:

Charles S. Shuler, Manager, Systems Management Branch, AEA-530, Docket No. 88-AEA-16, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald

Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917–0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–AEA–16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a control zone at the Wheeler Sack, New York Army AAF to accommodate expanding operations at the field. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

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

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

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

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

§ 71.171 [New]

2. Section 71.171 is amended as follows:

Wheeler Sack, NY [New]

Within a 5 mile radius of the center (lat. 44°03'11" N., long. 75°43'17" W.) of the Wheeler Sack Army Airfield, Fort Drum, NY; within 2.5 miles each side of the 309° (T) 322° (M) bearing from the Fort Drum RBN (lat. 44°04'07" N. long. 75°44'11" W.), extending from the 5 mile radius zone to 6 miles northwest of the Fort Drum RBN and within 2 miles each side of the Watertown VORTAC (lat. 43° 57'00" N. long. 76°04'00" W.) 065° (T) 078° (M) radial extending from the 5 mile radius zone to 12 (nautical) miles northeast of the Watertown VORTAC.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89–17871 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 89–AEA–15]

Proposed Establishment of Transition Area; Farmington, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration finds it necessary to establish a 700-foot Transition Area at Farmington, PA to support the establishment of a Runway 23 Standard Instrument Approach Procedure (SIAP) which has been developed for the Nemacolin Airport, Farmington, PA. The intended effect of this proposed action would be to separate aircraft executing the SIAP under instrument meteorological conditions on an instrument flight plan from aircraft operating under visual flight rules (VFR).

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to:

Charles S. Shuler, Manager, Systems Management Branch, AEA–530, Docket No. 89–AEA–15, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917–0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–AEA–15." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for Instrument Flight Rules (IFR) procedures at the Nemacolin Airport, Farmington, PA. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Farmington, PA [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nemacolin Airport, Farmington, PA (lat. 39°48'20"N., long. 79°32'57"W.) and within 4.5 miles each side of the Indian Head VORTAC 221° radial extending from the 7-mile radius area to the VORTAC.

Issued in Jamaica, New York, on July 18, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89–17872 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 89–AEA–01]

Proposed Revocation of Transition Area, Quarryville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The cancellation of the Standard Instrument Approach Procedure (SIAP) for the Quarryville/Tanglewood Airport dictates the revocation of the 700 foot transition area established for this procedure. The associated SIAP for this airport was cancelled as the result of a previous study.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA–530, Docket No. 89–AEA–01, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917–0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the

FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–AEA–01." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA–7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition area at Quarryville, Pennsylvania, which the cancellation of the VOR/DME–A Standard Instrument Approach Procedure dictates. On April 13, 1988, the FAA circularized a notice (Airspace Study No. 88–AEA–005–NR), advising the public of the cancellation. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Quarryville, PA [Removed]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (lat. 39°51'00"N. long. 76°12'55"W. of Tanglewood Airport, Quarryville, PA, and within 4.5 miles each side of the Lancaster, PA, VORTAC 168° radial extending from the 6.5-mile radius area to the VORTAC.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89–17873 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 71

[Airspace Docket No. 89–AEA–03]

Establishment of Transition Area, Danville, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this proposed action is to establish a 700 feet transition area to accommodate a new Milton, PA, VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) Copter VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) 336 Standard Instrument Approach Procedure to the Geisinger Medical Center, Danville, Pennsylvania. The intended effect of this action would be to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA–530, Docket No. 89–AEA–03, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA–530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917–0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address lsited above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–AEA–03." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered

before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area for the Geisinger Medical Center, Danville, Pennsylvania to accommodate an established Instrument Approach Procedure to the Medical Center. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

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

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

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

§ 71.181 [New]

2. Section 71.181 is amended as follows:

Danville, PA [New]

That airspace extending upward from 700' above the surface within a 5-mile radius of the Geisinger Hospital Helipad (lat. 40°58'05"N., long. 76°36'25" W.); and within 4-miles each side of the 321°(T) 330°(M) bearing from the Geisinger Hospital Helipad to the 5-mile radius.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89-17877 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AEA-05]

Proposed Revocation of Transition Area, Rehoboth Beach, DE

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The closure of the Rehoboth Aircrafters Airport, Rehoboth Beach, Delaware, dictates the revocation of the 700 foot transition area established for this airport. The associated Standard Instrument Approach Procedures (SIAP) for this airport were cancelled as the result of a previous study.

DATES: Comments must be received on or before September 5, 1989.

ADDRESSES: Send comments on the rule in triplicate to: Charles S. Shuler, Manager, Systems Management Branch, AEA-530, Docket No. 89-AEA-05, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Curtis Brewington, Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917-0857).

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-AEA-05." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future

NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The Federal Aviation Administration is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition area at Rehoboth Beach, Delaware. On March 21, 1989, the FAA circularized a notice (Airspace Study No. 89–AEA–013–NR), advising the public of the cancellation of the SIAP for this airport. In addition, this airport is currently closed and is no longer used as a charted reference. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas

The Proposed Amendment

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

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Rehoboth Beach, Delaware [Removed]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (lat. 38°43'10"N. long. 75°07'35"W.) of Rehoboth Aircrafters Airport, Rehoboth Beach, DE, and within 2 miles each side of the Waterloo, DE, VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

Issued in Jamaica, New York, on July 7, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89–17874 Filed 7–31–89; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 75

[Airspace Docket No. 89–ASW–6]

Proposed Alteration of Jet Route J–138

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J–138 by extending it from Lake Charles, LA, direct to Semmes, MS. The extension of J–138 would improve the flow of Houston departure traffic proceeding to the Florida area. This action would also improve traffic flow in the Houston, TX, terminal area, and reduce controller workload.

DATES: Comments must be received on or before September 18, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW–500, Docket No. 89–ASW–6, Federal Aviation Administration, Fort Worth, TX 76193–0530.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89–ASW–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the description of Jet Route J–138 located in the vicinity of Lake Charles, LA. The FAA proposes to extend J–138 from the Lake Charles VOR direct to the

Semmes VOR. This action would improve traffic flow in the Houston terminal area and expedite departures proceeding eastbound to Florida and to northeast areas. This action would also reduce controller workload. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

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

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes

The Proposed Amendment

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

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

§ 75.100 [Amended]

2. § 75.100 is amended as follows:

J-138 [Amended]

By removing the words "to Lake Charles, LA." and substituting the words "Lake Charles, LA; to Semmes, MS."

Issued in Washington, DC, on July 20, 1989.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-17880 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM89-15-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

July 25, 1989.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is instituting a sixth annual proceeding concerning generic determination of the rate of return on common equity for public utilities. The Commission has established a discounted cash flow (DCF) formula to determine the average cost of common equity for the jurisdictional operations of public utilities and a quarterly indexing procedure to calculate benchmark rates of return. In this proceeding, the Commission proposes to determine the growth rate and flotation cost adjustment factors to be used in the quarterly indexing procedure during the year beginning February 1, 1990. The Commission proposes that these benchmark rates of return remain advisory, as were those resulting from the previous five annual proceedings.

DATE: An original and 14 copies of the written comments on this proposed rule must be filed with the Commission by September 8, 1989.

ADDRESS: All filings should refer to Docket No. RM89-15-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Julia Lake White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 1000 at the Commission's Headquarters, 825 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice of proposed rulemaking will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

I. Introduction

The Federal Energy Regulatory Commission (Commission) institutes a sixth annual proceeding concerning generic determination of the rate of return on common equity for public utilities.[1] The Commission has established a discounted cash flow (DCF) formula to determine the average cost of common equity for the jurisdictional operations of public utilities and a quarterly indexing procedure to calculate benchmark rates of return.[2] In this proceeding, the Commission proposes to determine the growth rate[3] and flotation cost adjustment[4] factors to be used in the quarterly indexing procedure during the 12 months beginning February 1, 1990. The Commission proposes that these benchmark rates of return remain advisory, as were those resulting from the previous five annual proceedings.[5]

[1] The annual proceedings were established by Order No. 389, Generic Determination of Rate of Return on Common Equity for Electric Utilities, 49 FR 29946 (July 25, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶30,582 (July 18, 1984), *reh'g denied*, Order No. 389-A, 49 FR 46351 (Nov. 26, 1984).

[2] *See* Order No. 510, Generic Determination of Rate of Return on Common Equity for Public Utilities, 53 FR 51752 (Dec. 23, 1988), III FERC Stats. & Regs. ¶30,843 (Dec. 19, 1988). This was the fifth annual proceeding and in it the Commission readopted the DCF formula it had used in the first four annual proceedings.

[3] The growth rate is the expected annual rate of growth of dividends on common stock. The growth rate for the electric utility industry is a factor in the constant growth rate DCF model that the Commission adopted in Order No. 420 to determine the average cost of common equity and to calculate the quarterly benchmark rate of return for public utilities.

[4] Flotation costs include underwriters' compensation and legal and printing fees incurred by utilities when they sell new shares of their common stock. An adjustment for flotation costs is another factor in the formula for calculating the benchmark rate of return.

[5] The first annual proceeding resulted in Order No. 420, 50 FR 21802 (May 29, 1985), FERC Stats. &

Continued

II. Background

Section 205(a) of the Federal Power Act (FPA) requires that all electric rates subject to the jurisdiction of the Commission be "just and reasonable."[6] In the exercise of this statutory responsibility, the Commission seeks to set rates of return on common equity that are fair to both utility ratepayers and utility stockholders. The allowed rate of return is now determined individually for each utility on a case-by-case basis. In July 1984, the Commission adopted procedures for the generic determination of a benchmark rate of return on common equity and for its application in individual cases.[7] The Commission has conducted five prior annual proceedings to determine the average cost of common equity for the jurisdictional operations of public utilities and has made those rates advisory. In that advisory status, benchmark rates are intended to provide guidance to parties in rate proceedings and to serve as a reference point for the Commission in setting allowed rates of return.

III. Discussion

The Commission has established a discounted cash flow methodology for estimating the rate of return on common equity. Specifically, that formula is:

$k = (1 + .5g)\, y + g$

where:

k = market required rate of return
y = current dividend yield (current annual dividend rate divided by current market price)
g = expected annual dividend growth rate
(1 + .5g) = dividend adjustment factor for quarterly dividend payments

The dividend yield used in this DCF formula is the median of the dividend yields of those companies that remain in a sample of utilities after application of certain screening criteria. The Commission begins with a group of approximately 100 publicly traded electric utilities or combination companies that meet the following standards:

(1) The utility is predominantly electric;

(2) The stock of the utility is traded on either the New York or American Stock Exchange;

(3) The utility is included in the Utility Compustat II data base; and

(4) The utility is not excluded by the Commission based on a case-by-case determination that its data is unavailable or inappropriate.

The Commission excludes companies from the sample if:

(1) The company's common stock is no longer publicly traded due to merger or other action;

(2) The company has decreased or omitted a common dividend payment in the current or prior three quarters; or

(3) The Commission determines on a case-by-case basis that some other occurrence has caused the dividend yield for that company to be substantially misleading and to bias the resulting quarterly average.

The quarterly dividend yield for each company is computed by dividing the dividend rate by the price. The dividend rate is the "indicated dividend rate," which is the last declared quarterly dividend multiplied by four. The price used in calculating the quarterly dividend yield is the simple average of the three monthly high and low prices for the quarter. The dividend yield used in the quarterly indexing procedure is the average of the two most recent quarterly median yields.

As required by § 37.4 of the Commission's regulations, the Commission is proposing to establish the growth rate and flotation cost adjustment to be used in the quarterly indexing procedure for the 12 months beginning February 1, 1990.

A. Growth Rate

To estimate the expected annual dividend growth rate, the Commission proposes to rely primarily on a fundamental analysis approach and a two-stage growth model, as it did in the most recent annual proceeding.[8] In the fundamental analysis approach, the two underlying components of expected annual dividend growth, growth from retention of earnings and growth from sales of new common stock, are evaluated. Growth from retention of earnings, or internal growth, is a function of expected return on common equity (r) and the expected retention ratio (b). Growth from sales of new common stock, or external growth, is a function of the amount of stock expected to be sold (s) and the expected price of those sales relative to book value (v). The formula for estimating the growth rate based on this fundamental analysis is $g = br + sv$. The two-stage growth analysis involves separate evaluation of near-term and long-term growth expectations.

The Commission also proposes to consider other data and methods for estimating the expected growth rate, but primarily as a check on the reasonableness of its growth rate determination based on the fundamental and two-stage growth analyses.

B. Flotation Cost Adjustment

Flotation costs are incurred by utilities when they sell new shares of their common stock and include issuance costs, such as underwriters' compensation and legal and printing fees. Although relatively small, flotation costs are not accounted for elsewhere in a company's cost of service and are therefore included in the calculation of the cost of common equity.

The Commission proposes to continue its existing policy on flotation costs by calculating an industry average adjustment to the required rate of return to compensate utilities for issuance costs only.[9] The Commission proposes to estimate the adjustment to the required rate of return for flotation costs using the following formula:

$$k^* = \frac{fs}{(1 + s)}$$

where:

k^* = flotation cost adjustment to required rate of return
f = industry average flotation cost as a precentage of offering price
s = proportion of new common equity expected to be issued annually to total common equity

This formula determines an increment to the cost of common equity which reflects the average annualized amount

---

Regs., [Regulations Preambles 1982–1985] ¶30,644 (May 20, 1985), *reh'g denied*, Order No. 420–A, 50 FR 34086 (Aug. 23, 1985). The second annual proceeding resulted in Order No. 442, 51 FR 343 (Jan. 6, 1986), III FERC Stats. & Regs. ¶30,677 (Dec. 26, 1985), *reh'g*, Order No. 442–A, 51 FR 22505 (June 20, 1986), III FERC Stats. & Regs. ¶30,702 (June 11, 1986). The third annual proceeding resulted in Order No. 461, 52 FR 11 (Jan. 2, 1987), III FERC Stats. & Regs. ¶30,722 (Dec. 24, 1986), *reh'g denied*, Order No. 461–A, 52 FR 5757 (Feb. 26, 1987). The fourth annual proceeding resulted in Order No. 489, 53 FR 3342 (Feb. 5, 1988), III FERC Stats. & Regs. ¶30,795 (Jan. 29, 1988), *reh'g*, Order No. 489–A, 53 FR 11991 (Apr. 12, 1988). The fifth annual proceeding resulted in Order No. 510, 53 FR 51752 (Dec. 23, 1988), III FERC Stats. & Regs. ¶30,843 (Dec. 19, 1988). In Order No. 510, the Commission encouraged wider use of the generic rate of return in individual cases, citing several recent cases. *See, e.g.*, Connecticut Light and Power, *et al.*, 43 FERC ¶61,508 at 62,264 and 62,267 (June 22, 1988), *reh'g* 45 FERC ¶61,370 (Dec. 6, 1988); Yankee Atomic Electric Co., *et al.*, 40 FERC ¶61,372 at 62,210 (Sept. 30, 1987), *reh'g*, 43 FERC ¶61,232 (May 6, 1988); Ocean State Power, 44 FERC ¶61,261 (Aug. 19, 1988); and Allegheny Generating Co., 44 FERC ¶61,436 at 62,380 (Sept. 30, 1988).

[6] 16 U.S.C. 824d (1982).

[7] *See* note 1.

[8] *See* Order No. 510, 53 FR 51752 (Dec. 23, 1988).

[9] The Commission adopted this flotation cost policy in Order No. 420 and reaffirmed it in Order Nos. 442, 461, 489, and 510.

of flotation costs incurred by the utility industry.

IV. Written Comment Procedure

The Commission invites all interested persons to submit written data, views, and other information concerning the proposals in this Notice. All comments in response to this Notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 and should refer to the Docket No. RM89–15–000. An original and fourteen copies should be filed with the Commission on or before September 8, 1989.

Written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room, Room 1000, 825 North Capitol Street, NE., Washington, DC, during regular business hours.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act [10] requires the Commission to describe the impact that a proposed rule would have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. Nearly all of the jurisdictional utilities which would be affected by the proposed rule are too large to be considered "small entities" within the meaning of the Act.[11] Accordingly, the Commission certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

VI. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for a Commission action that may have a significant effect on the human environment.[12] The Commission has found that matters affecting rates for the purchase or sale of electricity are not major federal actions that have a significant environmental impact.[14] The generic rate of return is a factor to be considered in the determination of electric rates. Thus, no environmental assessment or environmental impact statement is necessary for the requirements of this Notice of Proposed Rulemaking.

VII. Paperwork Reduction Act

The Paperwork Reduction Act [15] and the Office of Management and Budget's (OMB) regulations [16] require that the OMB approve certain information collection requirements imposed by agency rule. The proposed rule in this proceeding does not impose any information collection requirements. Therefore, the Commission is not submitting this rule to the OMB for review or approval.

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 89–17855 Filed 7–31–89; 8:45 am]

BILLING CODE 6717–01–M

[10] 5 U.S.C. 601–612 (1982).

[11] The Act defines a "small entity" as a small business, a small not-for-profit enterprise or a small governmental jurisdiction. 5 U.S.C. 601(b) (1982). A "small business" is defined by referece to Section 3 of the Small Business Act, as an enterprise which is "independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 6.32(a) (1982).

[12] Order No. 486, Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (Dec. 10, 1987), codified at 18 CFR Part 380.

[13] *Id.*, condified at § 380.40.

[14] *Id.*, codified at § 380.4(a)(15).

[15] 44 U.S.C. 3301–3520 (1982.)

[16] 5 CFR 1320.13 (1987).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL–773–87]

RIN 1545–AL25

Allocation of Income Attributable to Certain Notional Principal Contracts Under Section 863(a)

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: In the Rules and Regulations portion of this issue of the Federal Register, the Internal Revenue Service is issuing temporary Income Tax Regulations under section 863(a) which prescribe the source of income attributable to certain notional principal contracts (notional principal contract income). The text of the temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by October 2, 1989. The regulations are proposed to be effective for notional principal contract income includable in income on or after [DATE WHICH IS THIRTY DAYS AFTER PUBLICATION OF A FINAL REGULATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments and requests for a public hearing to: Commisioner of Internal Revenue, Attention: CC:CORP:T:R (INTL–773–87), Room 4429, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Charles T. Plambeck of the Office of the Associate Chief Counsel (International) within the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:CORP:T:R (INTL–773–87) ((202) 566–6284, not toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer TR:FP, Washington, DC 20224.

The collection of information in this regulation is in section 1.863–7T(c). This information is required by the Internal Revenue Service to provide taxpayers an option to elect to apply the rules retroactively to open taxable years. This information will be used to determine which taxpayers have elected retroactive use of the regulation. The likely respondents will be businesses or other for-profit institutions.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

The estimated annual burden per respondent varies from five minutes to two hours, depending on individual circumstances, with an estimated

average of one hour and twenty-five minutes. The estimated number of respondents is 54,824. The estimated annual frequency of responses is once. The estimated total annual reporting burden is 77,606 hours.

Background

The temporary regulations published in the Rules and Regulations portion of this issue of the **Federal Register** add new § 1.863–7T to Part 1 of Title 26 of the Code of Federal Regulations. Final regulations are by this document proposed on the basis of these temporary regulations. For the text of the temporary regulations, see T.D. 8258. The preamble to the temporary regulations explains this addition to the Income Tax Regulations.

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553 (b) of the Administrative Procedure Act (5 U.S.C. Chapter 5) and the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal authors of these proposed regulations are Charles T. Plambeck of the Office of the Associate Chief Counsel (International) within the Office of the Chief Counsel, Internal Revenue Service, and F. Scott Farmer, formerly of that office. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulations on matters of both substance and style.

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

List of Subjects in 26 CFR 1.861—1.997–1

Income taxes, Aliens, Exports, DISC, Foreign Investments in U.S., Foreign Tax Credit, FSC, Sources of Income, United States Investments Abroad.

Proposal of Regulations

The temporary regulations, [T.D. 8258] published in the Rules and Regulations portion of this issue of the **Federal Register** are hereby also proposed as final regulations under section 863(a) of the Internal Revenue Code of 1986.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 89–17827 Filed 7–31–89; 8:45 am]

BILLING CODE 4830–01–M

Notices

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 89-134]

National Boll Weevil Cooperative Control Program Environmental Impact Statement

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental impact statement for the National Boll Weevil Cooperative Control Program. This document also requests comments and gives notice that public meetings will be held to promote Federal, State, and local agency, as well as the public, involvement in the development of the final environmental impact statement. The impacts on the environment of the eradication of boll weevil will be evaluated in the environmental impact statement. A copy of the draft environmental impact statement was sent to the Environmental Protection Agency on July 21, 1989, pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), by the Animal and Plant Health Inspection Service.

DATES: We will consider written comments if they are received on or before October 2, 1989. Public meetings will be held in Phoenix, Arizona, on August 14, 1989; in Lubbock, Texas, on August 16, 1989; and in Montgomery, Alabama, on August 18, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Michael T. Werner, Deputy Director, Environmental Documentation, BBEP, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket 89-134. Comments we receive may be inspected at USDA, 14th and Independence Avenue, SW., Room 1141, South Building, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

The public meetings will be held at the following locations: (1) Cooperative Agricultural Extension Service, 4341 East Broadway, Phoenix, Arizona 85040 on August 14, 1989; (2) City of Lubbock Civic Center, 1501 6th Street, Lubbock, Texas 79401 on August 16, 1989; (3) Richard Beard Building 1445 Congressman W. L. Dickerson Drive, Montgomery, Alabama 36193 on August 18, 1989.

Copies of the draft environmental impact statement (DEIS) are available for review at the following locations: Southeastern Boll Weevil Eradication Program, USDA-APHIS-PPQ, 2119 East South Boulevard, Medical Plaza Building, Suite 204, Montgomery, Alabama 36116, (205) 288-0237; USDA-APHIS-PPQ, 611 East 6th Street, Room 202, Austin, Texas 78701, (512) 482-5241; Southwest Boll Weevil Eradication Program, USDA-APHIS-PPQ, 4320 East Broadway, Phoenix, Arizona 85040, (602) 261-3670; and the APHIS Reading Room, USDA, Room 1141 South Building, 14th & Independence Avenue, SW., Washington, DC 20250.

Interested persons may obtain a copy of the DEIS by writing to Michael T. Werner, Deputy Director, Environmental Documentation, BBEP, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Michael T. Werner, Deputy Director, Environmental Documentation, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8565.

SUPPLEMENTARY INFORMATION: This document requests comments and gives notice of meetings by the Animal and Plant Health Inspection Service (APHIS) to allow public involvement in the development of the final environmental impact statement (FEIS) for the National Boll Weevil Cooperative Control Program. Accordingly, comments at the meetings and written comments by mail are invited from the public, from Federal, State and local agencies that have an interest in APHIS or related programs, and from Federal and State agencies that have either jurisdiction by law or special expertise regarding any national program issue or environmental impact that should be discussed in the draft environmental impact statement (DEIS).

Public Meeting Procedures

Public meetings are a continuing part of the environmental impact statement process. An APHIS representative will preside at the meetings, where comments will be heard concerning any issue that would be relevant for the final EIS. Interested persons may appear and be heard in person, by attorney, or other representative. Each meeting will begin at 9:00 a.m. and end at 4:00 p.m. local time; however, a meeting may end earlier if all registered persons have been heard. Persons who wish to speak should register at the desk located at the meeting entrance. Pre-meeting registration will be conducted at each meeting location from 8:00 a.m. to 9:00 a.m. on the meeting date. Registered persons will be heard in the order of registration; unregistered persons who wish to speak will be afforded the opportunity after the registered persons have been heard. Since the time for each speaker may be limited, speakers are encouraged to submit written comments and to summarize these comments at the public meetings.

Background

The boll weevil was introduced to the United States in 1892 near Brownsville, Texas. From that point of introduction the weevil spread quickly, and by 1922 it had completely infested a 15-State region known since as the Boll Weevil Belt. This area involves nearly 11 million acres of cotton.

As the boll weevil spread eastward and westward from its point of origin, it caused more damage than any other cotton pest. It is currently the most important agricultural pest in the United States, responsible for more than $300 million in annual losses and control costs for cotton. The damage caused by the boll weevil and other pests has been estimated to be 7 to 20 percent of the U.S. cotton crop.

In infested areas, economic losses are traditionally prevented only by intensive use of chemicals by cotton growers. Frequently, these chemicals

must be applied repeatedly during the growing season to control weevils and any resulting secondary pests. Within the proposed program area, the boll weevil may be the indirect cause of much of the damage caused by the bollworm, the tobacco budworm, and spider mites, because insecticides used to control the boll weevil destroy many of the natural enemies of these species. This, in turn, often results in higher crop losses and even more intensive use of insecticides to protect the crop from these pests. This boll weevil cycle results in very few options for growers using pest management control strategies against other pests.

APHIS initiated a Boll Weevil Eradication Trial in North Carolina and Virginia during 1978 through 1982. That trial demonstrated that the boll weevil can be eradicated, and further, that the eradication of the boll weevil can also increase the value of land not previously planted for cotton production. Using county acreage figures, a regression model, and adjusting for other factors, cotton acreage increased from 50 to 60 percent due to the Boll Weevil Eradication Trial.

The success of this trial program on nearly 40,000 acres resulted in program expansion to other cotton producing areas. A significant benefit of the program is the decline in cotton insecticide application for the eradication zone following the program. The decline in pesticide usage was estimated to be 55 percent. In the buffer zone, private insect control expenditures also declined by about 14 percent.

APHIS has cooperated in three major boll weevil control programs: Southeast, Texas High Plains, and Southwest. In the majority of these programs, APHIS has provided technical advice, and has participated only in the collection and distribution of survey and monitoring information. In the Southeast program, however, APHIS has been responsible for managing and supervising the entire program in four States: Alabama, Florida, Georgia, and South Carolina. Because of the success of the trial program and of the three cooperative programs, and the desire to instill greater uniformity in national efforts to control the boll weevil, APHIS has examined ways to implement a coordinated national program that coverts the entire Boll Weevil Belt. The scope of this program, and the multi-year nature of the endeavor, result in the need to prepare a comprehensive EIS for this program.

Alternatives

The following program alternatives were identified for the National Boll Weevil Control Program and discussed in the DEIS: (1) No action, (2) beltwide eradication of the boll weevil (preferred alternative), and (3) beltwide suppression of the boll weevil.

Control method alternatives identified and discussed in the DEIS include: (1) Cultural control, (2) mechanical control, (3) sterile insect technique, (4) chemical control, and (5) biological control.

Major Issues

Following are some of the major issues discussed in the DEIS:

(1) Impacts of the alternatives on the biological environment, including target and nontarget species;

(2) Impacts of the alternatives on the physical environment, including soil, water quality, and air quality; and

(3) Impacts of the alternatives on other aspects of the human environment, such as wilderness areas, domestic animals, recreation, public health and safety, the cultural environment, public attitudes, energy, and the economy.

Preparation of Final EIS

APHIS will consider all comments in the development of the final EIS for the National Boll Weevil Cooperative Control Program. Following the 60-day comment period, a final EIS will be prepared. A "Notice of Availability" of the final EIS will be published in a subsequent **Federal Register** notice.

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

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-17932 Filed 7-31-89; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 89-129]

Advisory Committee on Foreign Animal and Poultry Diseases; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.

SUMMARY: We are giving notice of a meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.

Place, Dates, and Time of Meeting: The meeting will be held in the Ballroom of the Colony Inn Hotel, 1157 Chapel Street, New Haven, Connecticut, on August 16–17, 1989, from 8 a.m. to 5 p.m. each day.

FOR FURTHER INFORMATION CONTACT: Dr. David E. Herrick, Chief Staff Veterinarian, Import-Export Animals Staff, Veterinary Services, APHIS, USDA, Room 765, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8590.

SUPPLEMENTARY INFORMATION: The purpose of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases (Committee) is to advise the Secretary of Agriculture of means to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry disease, in the event these diseases should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

The meeting will be open to the public. Written statements concerning meeting topics may be filed with the Committee before or after the meeting by sending them to the above address, or may be filed at the meeting. The committee is also offering interested persons an opportunity to make oral presentations at the meeting on two topics, importation of llamas and alpacas and importation of ostriches and other flightless birds.

A session concerning the regulation of llama and alpaca importations and disease problems associated with imported llamas and alpacas will be held between 1:00 p.m. and 3:00 p.m. on August 16. A session concerning the regulation of ostrich importations and disease problems associated with imported ostriches, particularly heartwater and East Coast Fever spread by African Bont ticks, will be held between 9:00 a.m. and 12:00 noon on August 17.

A representative of the Animal and Plant Health Inspection Service (APHIS) will preside at these sessions, and APHIS representatives will provide background and technical information on each topic. We request that all persons attending either of these sessions register with the presiding officer immediately prior to the start of the session. Each session will be conducted in the form of an informal workshop to discuss problems and suggestions pertaining to the topic of the session. We ask that anyone who reads a statement provide two copies to the presiding officer at the session. If the number of participants at a session warrants it, the presiding officer may limit the time for each speaker so that everyone wishing to speak has the opportunity.

Done in Washington, DC, this 28th day of July 1989.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-18007 Filed 7-31-89; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Designation Renewal of the Fremont (NE) and Titus (IN) Agencies

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Fremont Grain Inspection Department, Inc. (Fremont) and Titus Grain Inspection, Inc. (Titus) as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: September 1, 1989.

ADDRESSES: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Fremont's and Titus' designations terminate on August 31, 1989, and requested applications for official agency designation to provide official services within specified geographic areas in the March 1, 1989, **Federal Register** (54 FR 8578). Applications were to be postmarked by March 31, 1989. Fremont and Titus were the only applicants for designation in their area and each applied for designation renewal in the entire area currently assigned to that agency. The Service announced the applicant names in the May 1, 1989, **Federal Register** (54 FR 18550) and requested comments on the applicants for designation. Comments were to be postmarked by June 15, 1989. No comments were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with section 7(f)(1)(B), determined that Fremont and Titus are able to provide official services in the geographic areas for which the Service is renewing their designations. Effective September 1, 1989, and terminating August 31, 1992, Fremont and Titus are designated to provide official inspection functions in their specified geographic area, as previously described in the March 1 **Federal Register**.

Interested persons may obtain official services by contacting the agencies at the following telephone numbers: Fremont at (402) 721-1270 and Titus at (317) 497-2202.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Date: July 20, 1989.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 89-17796 Filed 7-31-89; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Amarillo (TX) Agency and the State of Wisconsin

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to Amarillo Grain Exchange, Inc. (Amarillo) and the Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin).

DATE: Comments must be postmarked on or before September 15, 1989.

ADDRESSES: Comments must be submitted in writing to Lewis Lebakken, Jr., RM, FGIS, USDA, Room 0628, South Building, P.O. Box 96454, Washington, DC 20090-6454.

Telemail users may respond to [LLEBAKKEN/FGIS/USDA] telemail.

Telex users may respond as follows:

TO: Lewis Lebakken
TLX: 7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue SW., during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 475-3428.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the June 1, 1989, **Federal Register** (54 FR 23498). Applications were to be postmarked by July 3, 1989. Amarillo and Wisconsin were the only applicants for designation in those areas and each applied for the entire area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the applicants for designation. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: July 20, 1989.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 89-17797 Filed 7-31-89; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants To Provide Official Services in the Geographic Area Currently Assigned to the Farwell (TX) Agency

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of an agency will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agency. The official agency is William D. Prince dba Farwell Grain Inspection Company (Farwell).

DATES: Applications must be postmarked on or before August 31, 1989.

ADDRESSES: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

All applications received will be made available for public inspection at this address located at 1400 Independence Avenue SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Farwell, located at 120 3rd Street, Farwell, TX, was designated under the Act as official agency on February 1, 1987, to provide official inspection functions.

The official agency's designation terminates on January 31, 1990. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Farwell, in the States of New Mexico and Texas, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

In New Mexico: Bernalillo, Chaves, Curry, DeBaca, Eddy, Guadalupe, Lea, Quay, Roosevelt, San Miguel, Santa Fe, Torrance, and Union Counties.

In Texas: Bailey, Deaf Smith (west of State Route 214), Lamb (south of U.S. Route 70 and west of FM 303), and Parmer Counties.

Interested parties, including Farwell, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning February 1, 1990, and ending January 31, 1992. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: July 20, 1989.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 89–17798 Filed 7–31–89; 8:45 am]

BILLING CODE 3410-EN-M

No Official Agency To Be Designated in Phoenix, AZ, Geographic Area (AZ)

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces that there will be no official agency designated to provide official inspection services under the U.S. Grain Standards Act, as Amended (Act), in the Phoenix, Arizona, geographic area.

EFFECTIVE DATE: September 1, 1989.

ADDRESSES: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Agricultural Seed Laboratories, Inc. (Agri Seed) requested cancellation of its designation. The Service granted this request effective April 15, 1989, and requested comments from interested parties on the need for locally-provided service in the geographic area formerly assigned to Agri Seed, in the April 14, 1989, **Federal Register** (54 FR 14980). Comments were to be postmarked by May 30, 1989; none were received.

As a result, based upon available information including information concerning the need for service in the geographic area, the Service has determined in accordance with the provisions of the Act that official services provided by an official agency or a regular basis are not needed. Accordingly, the Service has determined that no official agency will be designated within La Paz, Maricopa, Pinal, and Yuma Counties, Arizona. Any requests for official inspection service from persons or firms located within this area should be directed to the FGIS Plainview Field Office at (806) 293–4482, which will arrange for service.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: July 25, 1989.

Neil E. Porter,

Acting Director Compliance Division.

[FR Doc. 89–17799 Filed 7–31–89; 8:45 am]

BILLING CODE 3410-EN-M

No Official Agency To Be Designated in the State of Florida (FL)

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces that there will be no official agency designated to provide official inspection services under the U.S. Grain Standards Act, as Amended (Act), in the State of Florida. The Service will continue to provide such services.

EFFECTIVE DATE: September 1, 1989.

ADDRESSES: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service has been providing all official inspection services within the State of Florida. In the May 19, 1989, **Federal Register** (54 FR 21645), the Service requested applications for designation as an official agency for the conduct of all or specified functions involved in official grain inspection in the State of Florida. Applications were to be postmarked by June 19, 1989; none were received.

As a result, the Service has determined in accordance with the provisions of the Act that no official agency will be designated within the State of Florida. The Service has determined that there is a need for such

official services within the State of Florida. In addition, no official agency within a reasonable proximity can provide such services on an interim basis. As a result, any requests for official inspection service from persons or firms located within this area should continue to be directed to the FGIS Mobile Field Office at (205) 690–2114.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: July 25, 1989.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 89–17800 Filed 7–31–89; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Scientific Advisory Board, Mount St. Helens National Volcanic Mounument, Gifford Pinchot National Forest, Clark County, Vancouver, WA; Meeting

The Mount St. Helens Scientific Advisory Board will meet at 8:30 a.m., September 7, 1989, at the Mount St. Helens National Volcanic Monument Visitor Center, 3029 Spirit Lake Highway, Castle Rock, Washington 98611, to receive information on and discuss the following:

1. Coldwater Lake—Johnston Ridge update.
2. Castle Lake containment plans.
3. 1990 Research initiative update.
4. Annual report on the protection of the NVM.
5. Open discussion of topics of interest to the Advisory Board and public comments.

The meeting will be open to the public. Persons who wish to make a statement to the Board should notify Dr. Jack K. Winjum, Chairperson, c/o Gifford Pinchot National Forest, 6926 E. Fourth Plain Blvd., Vancouver, Washington 98668, 206–696–7570. Written statements may be filed with the Board before or after the meeting.

Date: July 20, 1989.

Richard A. Ferraro,

Acting Regional Forester.

[FR Doc. 89–17897 Filed 7–31–89; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Delaware Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware Advisory Committee to the Commission will convene at 1:30 p.m. and adjourn at 4:00 p.m., on Monday, August 21, 1989, in Conference Room 3207 of Boggs Federal Building, 844 King Street, Wilmington, Delaware. The purpose of the meeting is to release two reports, one regarding legal assistance available to minority prisoners, and the second regarding nutrition services for the minority elderly, census data on the Hispanic elderly, and the State's Grant-in-Aid program, and also to plan activities for Fiscal Year 1990.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairman Henry A. Heiman (302/658–1800) or John I. Binkley, Director of the Eastern Regional Division at (202/523–5264; TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division 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 24, 1989.

Melvin L. Jenkins,

Acting Staff Director.

[FR Doc. 89–17901 Filed 7–31–89; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–401–401]

Certain Carbon Steel Products From Sweden; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On September 15, 1988, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain carbon steel products from Sweden. We have now completed that review and determine the net subsidy for the period March 20, 1985 through December 31, 1985 to be 4.58 perecent *ad valorem*.

EFFECTIVE DATE: August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 35883) the preliminary results of its administrative review of the countervailing duty order on certain carbon steel products from Sweden (50 FR 41547; October 11, 1985). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments from Sweden of cold-rolled carbon steel flat-rolled products, whether or not corrugated or crimped; whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal and not clad; over 12 inches in width and of any thickness; whether or not in coils. During the review period, such merchandise was classifiable under item numbers 607.8320, 607.8350, 607.8355 and 607.8360 of the Tariff Schedules of the United States Annotated. These products are currently classifiable under HTS item numbers 7209.11.00, 7209.12.00, 7209.13.00, 7209.21.00, 7209.22.00, 7209.23.00, 7209.24.50, 7209.31.00, 7209.32.00, 7209.33.00, 7209.34.00, 7209.41.00, 7209.43.00, 7209.44.00, 7209.90.00, 7211.30.50, 7211.41.70 and 7211.49.50.

The review covers the period March 20, 1985 through December 31, 1985 and 10 programs: (1) Regional development incentives; (2) reconstruction loans; (3) structural loans; (4) government equity infusions; (5) government equity guarantees; (6) government acquisitions of assets for SSAB; (7) research and development grants; (8) employment promotion grants; (9) government export

credits; and (10) municipal and county subsidies.

Sventsk Stall SB ("SSAB") was the only Swedish exporter of the subject merchandise to the United States during the period or review.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of the respondent, SSAB, we held a public hearing on January 12, 1989.

Comment 1: SSAB contends that the Department should not evaluate SSAB's equityworthiness based on the past financial results of the investing companies. SSAB was formed through an asset acquisition, not a merger, and there were no appropriate financial statements for evaluating SSAB's equityworthiness at the time of its formation in 1978. Instead, the Department should evaluate the Government of Sweden's equity infusion on the basis of the soundness of the investment. The fact that two private companies, Granges and Stora Kopparbergs (Stora), invested in SSAB indicates that SSAB was a prudent investment for the Government of Sweden as well. The major precondition for the government's financing of SSAB was that an extensive restructuring should be carried out in the Swedish carbon steel industry aimed at improving productivity and profitability.

SSAB further contends that the Department's focus on considerations that would motivate a hypothetical U.S. investor to determine whether SSAB was unequityworthy is incorrect. The equityworthiness of SSAB must be approached from the point of view of a Swedish investor. Unlike a U.S. investor, a Swedish investor would have placed more emphasis on asset values than on earnings potential. The Department also failed to take into consideration that the steel industry is capital-intensive and, as such, not likely to yield quick profits.

Department's Position: SSAB was formed in 1978 as a joint-venture between Granges AB and Stora (both privately-owned), Statsfore-tag/Norbottens Jarnverk AB (NJA) (government-owned) and the Government of Sweden. Under the terms of the formation agreement, Granges, Stora and NJA each transferred to SSAB steel assets valued at 700 million Swedish kronor (MSEK) in exchange for 25 percent shares of SSAB stock. The government also contributed 700 MSEK in cash in exchange for a 25 percent share of SSAB stock.

We have consistently held that government provision of equity *per se* does not confer a subsidy. Government equity infusions are countervailable only when they occur on terms inconsistent with commercial considerations. Where there is no market-determined price for the shares, it is necessary to assess the prospects of the company at the time of the investment. Although the steel industry is capital-intensive, any private investor motivated by commercial considerations would invest in a company if the investment is expected to yield a reasonable rate of return within a reasonable period of time.

Because Granges and Stora invested in SSAB does not necessarily make SSAB a reasonable commercial investment. During the 1970's, the overall demand for steel in Sweden was virtually stagnant while at the same time imports increased annually at an average rate of five percent. As a result, Swedish steel-producing companies faced excessive inventory build-up, reduced sales and low profitability or losses. In an effort to become competitive, Granges and Stora entered into a joint venture with NJA by combining their commercial-grade carbon steel-producing assets while the Government of Sweden provided capital. The companies invested in SSAB to concentrate operations, increase efficiency and competitiveness and remain going concerns. They were not disinterested investors objectively evaluating the potential return on their investment.

In analyzing the formation of SSAB and the government's initial investment, we examined the report of an official commission that studied the Swedish carbon steel industry, entitled "The Commercial Steel Industry in the Decade of the 1980's." We also analyzed a five-year forecast for SSAB for the period 1978 through 1982 that was based, in part, on the commission's report. The forecast projected that SSAB would not begin making a profit until 1982.

The financial data and the economic condition of the steel industry at the time of the equity investment indicated the following: (1) That SSAB was projected to become profitable at the end of its fifth year, with no projections beyond 1982, (2) that the anticipated rate of return on equity, based on the projected profit, would be too low to provide a reasonable rate of return on investment, and (3) that the demand for Swedish steel in the home and export market remained uncertain. Based on this information, we determined that the Government of Sweden's 1978 equity investment in SSAB was not made in accordance with commercial considerations.

Comments 2: SSAB contends that the provision of a promissory note to SSAB by the Government of Sweden for the purchase of a railroad from Granges did not benefit SSAB. Two independent studies prepared in 1977 assessed the value of the assets transferred from Granges, Stora and NJA, to be relatively equal. The three investing companies negotiated a figure of 700 MSEK as the value for the assets each transferred, and the 700 MSEK of assets transferred from Granges to SSAB included the railroad. The transfer of Granges' steel, mining and railroad assets would have resulted in an unsustainable book loss for Granges. Therefore, the Swedish government decided to offset this book loss by making the railroad transfer a separate transaction. Granges required 480 MSEK to cover the difference between the book value and the transfer value of its steel assets to SSAB. The note was never carried on SSAB's financial statement because payments were made directly to Granges by the government. Accordingly, it was Granges, not SSAB, that benefited from the transfer. SSAB, by signing over the note to Granges, was simply a conduit between the government and Granges.

Department's Position: We disagree. The SSAB formation agreement states that Granges would transfer its railroad to SSAB in exchange for 480 MSEK. Payment of the 480 MSEK to Granges consisted of SSAB's assumption of Granges railroad pension liabilities, and the National Debt Office's issuance of a 12-year promissory note for 343.3 MSEK bearing interest of 8.25 percent per annum. The government made a special authorization of funds with which to pay off the promissory note and, because SSAB signed over the note issued on its behalf to Granges, the government makes payments directly to Granges. Since the Government of Sweden is paying off the promissory note and SSAB is relieved of a debt obligation that it otherwise would have assumed, we determined that the 343.3 MSEK promissory note confers a benefit on SSAB.

Comment 3: SSAB contends that the government's payment of 530 MSEK to NJA did not confer a benefit on SSAB. NJA incurred a book loss because (1) the book value of its steel assets transferred to SSAB exceeded the negotiated price of 700 MSEK, (2) it had an operating loss for 1977, and (3) it abandoned its "steel works 80" employment project. The write-off of steel assets on NJA's balance sheet was offset by the government's payment of 530 MSEK to NJA. If the government had not made the payment to NJA, the company would

have had to liquidate. The government payment was needed only to keep NJA a viable corporation.

Department's Position: NJA, a government-owned company, transferred steel assets to SSAB. In return, NJA received stock from SSAB valued at 700 MSEK and cash of 530 MSEK from the government. Since the transfer of NJA's steel assets to SSAB was conditioned on NJA's receiving 530 MSEK from the government (to cover the loss in book value of the assets transferred to SSAB), we consider the 530 MSEK to be an assumption of cost by the government on behalf of SSAB. Therefore, we determine that the 530 MSEK contributed by the government to effect this transfer confers a countervailable benefit on SSAB.

Comment 4: SSAB contends that the Department incorrectly found SSAB to be unequityworthy in 1981 when additional equity was provided by the investing companies and the Government of Sweden. Financial projections at the time of SSAB's creation forecast that SSAB would need additional funds in 1981 to cover losses. In 1981, the additional capital was required partly to cover the projected losses and also to restore SSAB's debt/equity ratio, which had been affected by SSAB's acquisition of the TIBNOR group of companies. The Department's conclusion that Stora relinquished its shares in SSAB rather than investing additional capital in 1981 is incorrect. Stora chose to forego new investment in SSAB because of other financial commitments, and its decision to relinquish its shares in SSAB at this time does not indicate that SSAB was unequityworthy.

Department's Position: We disagree. At the time of the government's 1981 equity infusion, SSAB was not operating profitably. However, SSAB's successive losses from 1978 through 1980 did not reduce the company's equity base because the Government of Sweden allowed SSAB to cover these losses and maintain its equity by converting funds from its reconstruction loans in an amount equal to each year's losses to the equity account. SSAB's actual losses for 1978 through 1980 exceeded the projected losses. As a result, the government approved an additional reconstruction loan to cover the losses for 1981. Because SSAB's return on equity continued to be negative and the prospects of the world steel industry remained precarious, we determine that the Government of Sweden's 1981 equity investment in SSAB was not made in accordance with commercial considerations.

Comment 5: SSAB claims that the agreement between the Government of Sweden and Granges to purchase Granges shares in 1991 has not been correctly characterized or countervailed by the Department. As part of the 1981 transactions to provide SSAB with needed capital, the government agreed to redeem Granges' shares in SSAB in 1991 for the sum of 875 MSEK, provided that SSAB had not declared bankruptcy or gone into liquidation. The 875 MSEK figure represented a new investment of 375 MSEK, with interest compounded at approximately 10 percent per annum for nine years. However, the long-term rate of interest on Swedish government obligations in 1981 was 13.5 percent. Therefore, the government's conditional promise to pay Granges 875 MSEK in 1991 was worth considerably less than 375 MSEK in 1981.

Department's Position: We did not compare Granges' guaranteed rate of return to a long-term interest rate on Swedish obligations because we are treating the additional 375 MSEK investment by Granges in SSAB as equity, not as a loan. In our final determination (50 FR 33375; August 19, 1985), we treated the funds provided by Granges to SSAB as a loan. We have reconsidered this approach and have concluded that the transaction is not equivalent to a loan because SSAB is not obligated to repay the funds. We treated the 375 MSEK as an equity infusion that the government provided indirectly (through Granges) to SSAB. Because we have determined that SSAB was unequityworthy in 1981, this equity infusion bestows a countervailable benefit on SSAB.

Comment 6: SSAB requests that the Department test the conditional reconstruction loans as grants to make sure that they have not been excessively countervailed.

Department's Position: We have determined that the amount of countervailing duties calculated for the conditional reconstruction loans is significantly lower than if we had treated these loans as grants.

Comment 7: SSAB argues that the employment promotion grants are not countervailable. In the final determination of *Certain Stainless Steel Hollow Products from Sweden* (52 FR 5794; February 26, 1987), the Department found the same program not countervailable.

Department's Position: In *Certain Stainless Steel Hollow Products from Sweden*, we found that the companies in question were not relieved of any obligations they otherwise would have incurred absent the employment promotion grants. In this case, we were not provided with such information and cannot ascertain what SSAB's costs and obligations would have been absent grants under this program. Therefore, as best information available, we conclude that the Government of Sweden is assuming costs that SSAB otherwise would have had to pay and that this program confers a countervailable domestic subsidy.

Final Results of Review

After considering all of the comments received, we determine the net subsidy during the period March 20, 1985 to December 31, 1985 to be 4.58 percent *ad valorem*.

The Department will instruct the Customs Service to assess countervailing duties of 4.58 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after March 20, 1985, and exported on or before December 31, 1985.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 4.58 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the **Federal Register** on December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.22).

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

Date: July 24, 1989.

[FR Doc. 89-17812 Filed 7-31-89; 8:45 am]

BILLING CODE 3510-DS-M

Argonne National Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC.

Docket Number: 88–124. *Applicant:* Argonne National Laboratory, Argonne, ILL 60439. *Instrument:* X-ray (Wavelength) Spectrometer and Accessories, Model FCS–40. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* See notice at 53 FR 15103. April 27, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The accessory is pertinent to the intended uses.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17813 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

Associated Universities, Inc.

Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materals Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89–039. *Applicant:* Associated Universities, Inc., Upton, NY 11973. *Instrument:* Cytogenetic Scanning Analyzer System, Model Cytoscan. *Manufacturer:* Image Recognition Systems, United Kingdom. *Intended Use:* See notice at 54 FR 4876, January 31, 1989.

Comments: None Received.

Decision: Approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (November 11, 1988).

Reasons: The foreign instrument automatically locates metaphase chromosomes and provides a 1024 element CCD imaging array. The National Institutes of Health advises in its memorandum dated April 19, 1989 that: (1) This capability is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which was being manufactured in the United States at the time it was ordered.

Frank. W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17814 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

California State University et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88–255R. *Applicant:* California State University, Long Beach, CA 90840. *Intended Use:* See notice at 54 FR 18669, May 2, 1989.

Docket Number: 89–076. *Applicant:* Veterans Administration Medical Center, Kansas City, MO 64128. *Intended Use:* See notice at 54 FR 11993, March 2, 1989.

Instrument: Stopped Flow Spectrofluorimeter, Model SF–51. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Reasons for This Decision:* The foreign instrument provides: (1) A dead time of 0.65 ms, (2) a rate constant less than $2000s^{-1}$, (3) temperature control to ± 0.02 degrees C and (4) a totally inert flow circuit. *Advice Submitted By:* National Institutes of Health, May 16, 1989.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health and National Institute of Standards and Technology advise that: (1) The capabilities of the foreign instrument described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17815 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

California State University et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88–288. *Applicant:* California State University, Fullerton, CA 92634. *Instrument:* Electron Microscope, Model H–7000–3. *Manufacturer:* Hitachi Ltd., Japan. *Intended Use:* See notice at 53 FR 43463, October 27, 1988. *Instrument Ordered:* July 27, 1988.

Docket Number: 89–105. *Applicant:* Oregon State University, Corvallis, OR 97331–2082. *Instrument:* Electron Microscope, Model CM12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 54 FR 13727, April 5, 1989. *Instrument Ordered:* January 20, 1989.

Docket Number: 89–116. *Applicant:* Lovelace Biomedical and Environmental Research Institute, Albuquerque, NM 87115. *Instrument:* Electron Microscope, Model H–7000. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* See notice at 54 FR 18689, May 2, 1989. *Instrument Ordered:* January 5, 1989.

Docket Number: 89–121. *Applicant:* Georgia Department of Human Resources, Atlanta, GA 30394. *Instrument:* Electron Microscope, Model CM10. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 54 FR 18690, May 2, 1989. *Instrument Ordered:* January 6, 1989.

Docket Number: 89–122. *Applicant:* Carnegie Mellon University, Pittsburgh, PA 15213–3890. *Instrument:* Electron Microscope, Model JEM–400EX. *Manufacturer:* JEOL, Japan. *Intended Use:* See notice at 54 FR 18690, May 2, 1989. *Instrument Ordered:* November 24, 1987.

Docket Number: 89–123. *Applicant:* Kingsbrook Jewish Medical Center, Brooklyn, NY 11203. *Instrument:*

Electron Microscope, Model H–600–3. *Manufacturer:* Hitachi Scientific Instruments, Japan. *Intended Use:* See notice at 54 FR 18690, May 2, 1989. *Instrument Ordered:* January 27, 1989.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17816 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

University of Utah et al.; Consolidation Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88–120R. *Applicant:* University of Utah, Salt Lake City, UT 84112. *Instrument:* Scanning Electron Microscope, Model Camscan Series 2. *Manufacturer:* Cambridge Scanning Co., Ltd., United Kingdom. *Intended Use:* See notice at 54 FR 3635, January 25, 1989. *Reasons for This Decision:* The foreign instrument provides a retractable light optical microscope in the specimen chamber that is coaxial with the electron optical axis with magnification better than 200x for targeting the electron beam. *Advice Submitted by:* National Institute of Standards and Technology, April 27, 1989.

Docket Number: 88–028. *Applicant:* Oklahoma State University, Stillwater, OK 74078–0447. *Instrument:* Mass Spectrometer, Model TS–250. *Manufacturer:* VG Instruments, United Kingdom. *Intended Use:* FY See notice at 54 FR 4874, January 31, 1989. *Reasons for This Decision:* The foreign instrument provides: (1) Resolution to 125,000, (2) scan rates to 0.1 second per dacade and (3) MS/MS and FAB capabilities. *Advice Submitted by:* National Institutes of Health, April 19, 1989.

Docket Number: 89–035. *Applicant:* University of Tennessee, Knoxville, TN 37996–0810. *Instrument:* Scanning Electron Microscope, Model S–800. *Manufacturer:* Hitachi, Japan. *Intended Use:* FY The foreign instrument provides a field emission electron source, a resolution (lattice) of 2.0. nm and a beam current density to 100 amperes per square centimeter. *Advice Submitted by:* National Institutes of Health, April 19, 1989.

Docket Number: 89–0042. *Applicant:* USDA/ARS, Children's Nutrition Center, Houston, TX 77030. *Instrument:* Gas-Isotope-Ratio Mass Spectrometer, Model PRISM. *Manufacturer:* VG Instruments, Inc., United Kingdom. *Intended Use:* FY See notice at 54 FR 4877, January 31, 1989. *Reasons for This Decision:* The foreign instrument provides: (1) A guaranteed internal precision of 0.006°/00 for 75 bar μl samples (ST)) or CO_2, (2) an externally adjustable triple Faraday collector, and (3) an automatic cold-finger microvolume inlet. *Advice Submitted by:* National Institutes of Health, May 2, 1989.

Docket Number: 89–043. *Applicant:* Duke University, Durham, NC 27706. *Instrument:* Mass Spectrometer, Model SIRA Series II. *Manufacturer:* VG Isogas, United Kingdom. *Intended Use:* See notice at 54 FR 4877, January 31, 1989. *Reasons for This Decision:* The foreign instrument provides an external precision of 0.04°/00. for CO^2 with cyrogenic traps and elemental analyzer and 0.40°/00 with a continuous flow inlet. *Advice Submitted by:* National Institutes of Health, May 2, 1989

Docket Number: 89–044. The Connecticut Agricultural Experience Station, New Haven, CT 06504. *Instrument:* Mass Spectrometer, Model Concept IS. *Manufacturer:* Kratos Analytical, United Kingdom. *Intended Use:* See Notice at 54 FR 4877, January 31, 1989. *Reasons for This Decision:* The foreign instrument provides: (1) Resolution to 80,000, (2) scan speed to 0.1 second per decade and (3) continuous flow FAB. *Advice Submitted by:* National Institutes of Health, May 2, 1989.

Docket Number: 89–050. *Applicant:* University of North Carolina at Chapel Hill, Chapel Hill, NC 27599–7020. *Instrument:* Piezomanipulator for Microelectrodes, Model PM20N. *Manufacturer:* Biomedizinische Instrumente, West Germany. *Intended Use:* See notice at 54 FR 7461, February 21, 1989. *Reasons for This Decision:* The foreign instrument provides forward advances with a velocity of 25 μm/ms and variable step size to 0.5 μm. *Advice Submitted by:* National Institutes of Health, May 16, 1989.

Docket Number: 89–052. *Applicant:* North Carolina State University, Raleigh, NC 27695–7609. *Instrument:* Chlorophyll Fluorescence Measuring System. *Manufacturer:* Heinz Walz Mess-under Regeltechnik, West Germany. *Intended Use:* See notice at 54 FR 7462, February 21, 1989. *Reasons for this Decision:* The foreign instrument provides in situ measurements of chlorophyll fluorescence that is independent of ambient light intensity. *Advice Submitted by:* National Institutes of Health, May 16, 1989.

Docket Number: 89–109. *Applicant:* University of Cincinnati, Cincinnati, OH 45221–0172. *Instrument:* Vibrating-Tube Densimeter, Model 03–D. *Manufacturer:* SODEV, Inc., Canada. *Intended Use:* See notice at 54 FR 15536, April 18, 1989. *Reasons for This Decision:* The foreign instrument provides an operating temperature range of –5 to 105°C, accuracy of ±0.02°C. reproducibility of 0.005°C and a stability of 0.001°C. *Advice Submitted by:* National Institute of Standards and Technology, May 16, 1989.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health and National Institute of Standards and Technology advise that: (1) The capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17823 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

University of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651,

80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87–182R2. *Applicant:* University of Wisconsin-Madison, Madison, WI 53706. *Instrument:* NMR Spectrometer, Model AM 500 and NMR Spectrometer Data Station. *Manufacturer:* Bruker Instruments, Switzerland. *Intended Use:* See notice at 52 FR 19904, May 28, 1987.

Comments: None received.

Decision: Approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the purchase was contracted (July 3, 1985).

Reasons: The foreign instrument provides phase shifts of transmitter, decoupler and receiver to less than one degree with 12-bit accuracy. The National Institutes of Health advises in its memorandum dated April 19, 1989 that: (1) This capability is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which was being manufactured in the United States at the time it was ordered.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17824 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

Texas A&M University et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89–120. *Applicant:* Texas A&M University, College Station, TX 77843.

Docket Number: 89–126. *Applicant:* University of Puerto Rico, Mayaguez, PR 00708.

Instrument: Electron Microprobe, Model SX50. *Manufacturer:* Cameca Instruments Inc., France. *Intended Use:* See notice at 54 FR 18689–18690, May 2, 1989. *Reasons for this Decision:* The foreign instrument is capable of quantitative analysis of EDS/WDX signals and permits real time display of spectral acquisition.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The capability of the foreign instrument described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to the foreign instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17820 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

University of MD at Baltimore et al; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89–059. *Applicant:* University of Maryland at Baltimore, Dental School, Baltimore, MD 21201. *Instrument:* Electron Microscope, Model JEM–1200EX/SEG. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 54 FR 7971, February 24, 1989. *Instrument Ordered:* August 9, 1988.

Docket Number: 89–065. *Applicant:* NYS Institute for Basic Research in Developmental Disabilities, Staten Island, NY 10314. *Instrument:* Electron Microscope, Model H–7000. *Manufacturer:* Hitachi, Japan. *Intended Use:* See notice at 54 FR 7972, February 24, 1989. *Instrument Ordered:* July 15, 1988.

Docket Number: 89–066. *Applicant:* Ames Laboratory—U.S. Department of Energy, Ames, IA 50011–3020. *Instrument:* Electron Microscope, Model CM30T. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 54 FR 11992, March 23, 1989. *Application Received by Commissioner of Customs:* January 23, 1989.

Docket Number: 89–071. *Applicant:* Arkansas Children's Hospital, Little Rock, AR 72202. *Instrument:* Electron Microscope, Model EM 902PC. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 54 FR 11991, March 23, 1989. *Instrument Ordered:* October 24, 1988.

Docket Number: 89–078. *Applicant:* Boston University, Boston, MA 02215. *Instrument:* Electron Microscope, Model CM12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 54 FR 11993, March 23, 1989. *Instrument Ordered:* September 30, 1988.

Docket Number: 89–079. *Applicant:* Veterans Administration Medical Center, Durham, NC 27705. *Instrument:* Electron Microscope, Model JEM–1200EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 54 FR 11993, March 23, 1989. *Instrument Ordered:* December 29, 1988.

Docket Number: 89–081. *Applicant:* Univeristy of Mississippi Medical Center, Jackson, MS 39216. *Instrument:* Electron Microscope, Model EM 109T. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 54 FR 11993, March 23, 1989. *Instrument Ordered:* November 23, 1988.

Docket Number: 89–082. *Applicant:* Nassau County Medical Center, East Meadow, NY 11554. *Instrument:* Electron Microscope, Model EM109. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 54 FR 13407, April 3, 1989. *Instrument Ordered:* August 2, 1989.

Docket Number: 89–084. *Applicant:* St. Joseph's Hospital and Medical Center, Phoenix, AZ 85013. *Instrument:* Electron Microscope, Model CM12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 54 FR 13407, April 3, 1989. *Instrument Ordered:* December 21, 1988.

Docket Number: 89–095. *Applicant:* Bellevue Hospital, New York, NY 10016. *Instrument:* Electron Microscope, Model EM 10C. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 54 FR 134726, April 5, 1989. *Instrument Ordered:* November 8, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientiic value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to

these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89-17821 Filed 7-31-89; 8:45 am]

BILLING CODE 3510-DS-M

University of Nebraska Medical Center et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89-055. *Applicant:* University of Nebraska Medical Center, Omaha, NE 68131. *Instrument:* Computerized Videographic Movement Analysis System, Model WATSMART. *Manufacturer:* Northern Digital, Canada. *Intended Use:* See notice at 54 FR 9076, March 3, 1989. *Reasons For This Decision:* The foreign instrument provides digitized motion analysis derived from multiple position markers with simultaneous acquisition of force platform and EMG signals. *Advice Submitted by:* National Institutes of Health, May 16, 1989.

Docket Number: 89-058. *Applicant:* U.S. Environmental Protection Agency, Athens, GA 30613-7799. *Instrument:* Mass Spectrometer, Model VG 70VSEQ. *Manufacturer:* VG Analytical Ltd., United Kingdom. *Intended Use:* See notice at 54 FR 7971, February 24, 1989. *Reasons For This Decision:* The foreign instrument provides: (1) Resolution to 50 000, (2) scan speed to 0.5 second per decade and (3) MS/MS, FAB and thermospray capabilities. *Advice Submitted by:* National Institutes of Health, May 16, 1989.

Docket Number: 89-113. *Applicant:* University of Hawaii at Manoa, Honolulu, HI 96822. *Instrument:* 250 Ton 6mm Cubic-Anvil Type High Pressure Press Apparatus, Model TRY-250. *Manufacturer:* Riken Kiki Co., Ltd, Japan. *Intended Use:* See notice at 54 FR 18689, May 2, 1989. *Reasons For This Decision:* The foreign apparatus provides simultaneous pressure-temperature condition to 100 000 atmosphere.s and 2000°C. *Advice Submitted by:* National Institute of Standards and Technology, May 26, 1989.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The National Institutes of Health and National Institute of Standards and Technology advise that: (1) The capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89-17822 Filed 7-31-89; 8:45 am]

BILLING CODE 3510-DS-M

Department of Energy et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89-056. *Applicant:* U.S. Department of Energy, Argonne National Laboratory, Argonne, IL 60439-4812. *Instrument:* Mass Spectrometer, Model Series 800. *Manufacturer:* Kratos, United Kingdom. *Intended Use:* See notice at 54 FR 9076, March 3, 1989. *Reasons for This Decision:* The foreign instrument can resolve peaks in the mass region 237 to 241 amu when the ^{238}U peak is 100-1000 times more intense and is sensitive to concentrations of these elements below 0.01 wt. %.

Docket Number: 89-062. *Applicant:* Trustees of the University of Pennsylvania, Philadelphia, PA 19104. *Instrument:* Surface Forces Apparatus, Mark 2 PI. *Manufacturer:* Anutech Pty. Ltd., Australia. *Intended Use:* See notice at 54 FR 11992, March 23, 1989. *Reasons for this decision:* The foreign instrument can measure forces between surfaces with a sensitivity of 10.0 nanonewtons and a distance resolution of about 0.1 nanometer.

Docket Number: 89-068. *Applicant:* University of California, Berkeley, CA 94720. *Instrument:* Sonic Anemometer System. *Manufacturer:* Dobbie Instruments, Ltd., Australia. *Intended Use:* See notice at 54 FR 11990, March 23, 1989. *Reasons for this decision:* The foreign article provides a 0.005 m/s velocity resolution, measures 3 directional components at turbulent intensity >50% and provides a linearity of 1%.

Docket Number: 89-086. *Applicant:* Case Western Reserve University, Cleveland, OH 44106. *Instrument:* Electromagnetic Ground Conductivity Meter, Model EM31-DL. *Manufacturer:* Geonics Ltd., Canada. *Intended Use:* See notice at 54 FR 13725, April 5, 1989. *Reasons for this decision:* The foreign instrument provides in situ measurement of ground conductivity in milli-ohms per meter.

Docket Number: 89-099. *Applicant:* University of Oregon, Eugene, OR 94703. *Instrument:* Electron Microprobe, Model CAMEBAX SX50. *Manufacturer:* Cameca Instruments, France. *Intended Use:* See notice at 54 FR 13726, April 5, 1989. *Reasons for this decision:* The foreign instrument is capable of image analysis combining x-ray, electron and cathodoluminescence signals.

Docket Number: 89-104. *Applicant:* University of Maryland, College Park, MD 20742. *Instrument:* (FTIR) Spectrometer and Data System, Model DA3. *Manufacturer:* Bomem Inc., Canada. *Intended Use:* See notice at 54 FR 13727, April 5, 1989. *Reasons for this decision:* The foreign article provides an unapodized resolution of 0.026 cm^{-1}.

Docket Number: 89-100. *Applicant:* University of Houston, Houston, TX 77204-2770. *Instrument:* Dual Beam Low-Energy Ion Implanter. *Manufacturer:* VSW Scientific Instruments Ltd., United Kingdom. *Intended Use:* See notice at 54 FR 13726, April 5, 1989. *Reasons for this decision:* The foreign article provides low energy (10 keV to 10 eV) ion beams at fluxes up to 100 uA/cm^2.

Docket Number: 89-111. *Applicant:* South Dakota School of Mines and Technology, Rapid City, SD 57701. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad 2. *Manufacturer:* VG Isotopes Ltd., United Kingdom. *Intended Use:* See notice at 54 FR 15536, April 18, 1989. *Reasons for this decision:* The foreign instruemnt is capable of detecting elements, isotopes or impurities down to concentrations of ten parts per trillion.

Docket Number: 89-112 *Applicant:* University of Hawaii, Honolulu, HI

96822. *Instrument:* Rotating Anode X-ray Generator. *Manufacturer:* Rigaku, Japan. *Intended Use:* See notice at 54 FR 15536, April 18, 1989. *Reasons for this decision:* The foreign article provides 12 kW of brilliance with a power density of $12kW/mm^2$ using a 0.1x1mm focal spot size.

Docket Number: 89–124. *Applicant:* Stanford University, Stanford, CA 94305. *Instrument:* Dilution Refrigerator System, Model 1000. *Manufacturer:* Oxford Instruments North America Inc., United Kingdom. *Intended Use:* See notice at 54 FR 18690, May 2, 1989. *Reasons for this decision:* The foreign apparatus provides a cooling power to $4x10^2$ Kelvin.

Docket Number: 89–125. *Applicant:* Rutgers, The State University, Piscataway, NJ 08855. *Instrument:* Ion Gun. *Manufacturer:* Kratos Analytical, United Kingdom. *Intended Use:* See notice at 54 FR 18690, May 2, 1989. *Reasons for this decision:* The foreign article is an accessory for an existing system. It provides a variable beam diameter, ionization current of 5 to 25 milliamps and beam energy of 50 to 5000 eV.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17817 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89–174. *Applicant:* Princeton University, Department of Physics, Jadwin Hall, P.O. Box 708, Princeton, NJ 08554. *Instrument:* Dilution Refrigerator, Model 400 TLE. *Manufacturer:* Oxford Instruments, United Kingdom. *Intended Use:* The instrument will be used for the study of the nuclear decay of short-lived radioactive isotopes, embedded in samples or detectors, that are cooled into the milli-Kelvin temperature region with ^3He–^4He refrigerator. *Application Received by Commissioner of Customs:* July 3, 1989.

Docket Number: 89–175. *Applicant:* Cornell University, Department of Geological Sciences, 4122 Snee Hall, Ithaca, NY 14853. *Instrument:* Inductively Coupled Plasma Mass Spectrometer, PlasmaQuad PQ+. *Manufacturer:* VG Elemental, United Kingdom. *Intended Use:* The instrument will be used for trace element analysis of geological materials and analysis of major elements, i.e., those elements present at concentrations above 0.1%. The materials to be studied include sedimentary, metamorphic and igneous rocks and various aqueous fluids such as seawater, riverwater, pore waters, etc. The primary educational purpose for the instrument will be graduate student training. *Application Received by Commissioner of Customs:* July 3, 1989.

Docket Number: 89–176. *Applicant:* Columbia University, Bilogical Sciences, 500 Fairchild Bldg., New York, NY 10027. *Instrument:* Two micromanipulators, Models WR–88–L and WR–88–R. *Manufacturer:* Narishige Scientific Instruments, Japan. *Intended Use:* The instrument will be used to handle microelectrodes on the microscope stage in order to make electrical recordings from single living cells obtained from frog nervous system. *Application Received by Commissioner of Customs:* July 3, 1989.

Docket Number: 89–177. *Applicant:* William Paterson College of New Jersey, 300 Pompton Road, Wayne, NJ 07470. *Instrument:* Mass Spectrometer, Model JMS–DX303HF. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* Studies of the chemical structure of coal and coal derived products, the chemical structure of molecules composing biological structure or biologically-active molecules and molecules toxic in nature. The experiments to be conducted will include analysis of chemicals using electron, chemical and fast atom bombardment ionization in order to clearly interpret the spectra. In addition, the instrument will be used to obtain knowledge on its function for extracting structural details of organic compounds in the courses Analytical Instrumentation 401, Biochemistry I & II (327, 328) and Biotechnology IV Proteins. *Application Received by Commissioner of Customs:* July 3, 1989.

Docket Number: 89–178. *Applicant:* University of Rochester, Department of Geological Sciences, 201 Hutchinson Hall, Rochester, NY 14627. *Instrument:* Rare Gas Mass Spectrometer, Model VG 5400. *Manufacturer:* VG Isotopes, United Kingdom. *Intended Use:* The instrument will be used to measure the concentration and isotopic composition of the rare gases, helium, neon and argon in samples of rocks, water, natural gases and air. The rare gas isotopic composition of various earth materials serves as an excellent tracer to study reaction pathways and processes in natural systems. *Application Received by Commissioner of Customs:* July 3, 1989.

Docket Number: 89–179. *Applicant:* U.S. Geological Survey, Geologic Division, Building 20, MS 973, Denver Federal Center, Denver, CO 80225. *Instrument:* Laser Ablation Inductively Coupled Plasma Mass Spectrometer. *Manufacturer:* VG Instruments, Inc., United Kingdom. *Intended Use:* The instrument will be used for studies of rock forming and ore minerals, specific zones and areas within mineral grains and fluid and gases contained in inclusions within rocks and minerals. Research will be conducted for the development of analytical methods in order to study trace element geochemistry and isotopic abundances of several geological systems for the improved understanding of the genesis of economic deposits of strategic minerals. *Application Received by Commissioner of Customs:* July 5, 1989.

Docket Number: 89–180. *Applicant:* University of Cincinnati, 498 Rhodes Hall, Cincinnati, OH 45221–0012. *Instrument:* Electron Microscope, Model CM20T. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* The instrument will be used for examining high temperature intermetallic alloys, directionally solidified alloys, diffusion-bonded steels, high-strength low-alloy steels, and polymeric-matrix composites. The investigations will be centered around understanding the microstructures of the material in order to determine fundamental mechanisms governing the properties/performance and their improvement through manipulation of both material composition and relevant processing parameters. In addition, the instrument

will be used for educational purposes in several materials science and engineering courses. *Application Received by Commissioner of Customs:* July 5, 1989.

Docket Number: 89–182. *Applicant:* Rutgers University, Department of Physics and Astronomy, P.O. Box 849, Piscataway, NJ 08854. *Instrument:* Kelvin Probe. *Manufacturer:* Delta Phi Elektronik, West Germany. *Intended Use:* The instrument will be used for the measurement of the work function of clean and adsorbate covered surface, performed in ultra high vacuum. This is an important parameter in the study a wide variety of surface related phenomena. Graduate students, postdoctoral candidates and undergraduates will use the instrument for their training and thesis research. *Application Received by Commissioner of Customs:* July 7, 1989.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17818 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

Rensselaer Polytechnic Institute; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88–258. Applicant: Rensselaer Polytechnic Institute, Troy, NY 12180–3590. *Instrument:* Molecular Beam Epitaxy System, Model V90S and V90H. *Manufacturer:* VG Semicon, Ltd., United Kingdom. *Intended use:* See notice at 53 FR 37017, September 23, 1988.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a capability of processing 4" diameter Si substrates. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign article was purchased.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–17819 Filed 7–31–89; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Marine Mammals; Permits; Notice of Hearing

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

ACTION: Notice of hearing.

SUMMARY: The National Marine Fisheries Service (NOAA Fisheries) will hold a hearing on the application of the Golden Nugget-Strip Corporation, operating as The Mirage, for a permit to take captive born or rehabilitated (beached or stranded) bottlenose dolphins (Tursiops truncatus) for the purpose of public display. A notice was published June 12, 1989, (54 FR 23934), that the Golden Nugget-Strip Corporation had applied in due form for a permit for public display purposes under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361–1407) (MMPA), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216). NOAA Fisheries received comments on the application and a request for a hearing. In an effort to ensure a complete record on which to base a decision, and in consideration of the interest expressed and issues raised concerning the application, NOAA Fisheries is granting the request to hold a hearing. Issues relevant to this particular application may be raised at the hearing. The hearing is open to any interested members of the public. The hearing record will remain open for ten working days after the date of hearing.

DATES: Persons wishing to testify at this hearing must notify the Information Contact listed below by August 8, 1989. The hearing will be held on Tuesday, August 15, 1989, at 10:00 a.m.

ADDRESS: 1335 East-West Highway, Silver Spring, Maryland.

FOR FURTHER INFORMATION CONTACT: Ann Terbush, Chief, Permit Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East–West Highway, Silver Spring, MD 20910 (301–427–2289).

SUPPLEMENTARY INFORMATION: NOAA Fisheries may issue permits to take or import marine mammals for purposes of scientific research, public display, or enhancing the survival or recovery of a species or stock.

In publishing the notice of application (54 FR 24934, June 12, 1989), NOAA Fisheries provided a 30 day period for submission of written data or views, or requests for a hearing. During this comment period, which ended July 12, 1989, NOAA Fisheries received approximately 550 letters. In addition, the Animal Protection Institute of America, on behalf of itself and six other animal welfare and environmental organizations, requested a hearing.

In accordance with section 104(d) of the MMPA, NOAA Fisheries must decide whether to issue or deny the application by the Golden Nugget-Strip Corporation for a public display permit within 30 days of the close of the hearing record. A number of letters recommended that NOAA Fisheries delay a decision on whether to issue a permit pending development of a comprehensive definition of, and policy concerning, the term "public display" through its permit program review process. The NOAA Fisheries permit program review is being conducted to review its programs and policies for issuing permits to take marine mammals for purposes of scientific research and public display pursuant to the MMPA, and for scientific research pursuant to the Endangered Species Act (see 54 FR 13099, March 30, 1989, and 54 FR 27663, June 30, 1989). Although one of the objectives of the permit program review is the development of a definition of "public display" consistent with the purposes of the MMPA, the results of the review will not be available at the time a decision on the permit is required by the Act. Consequently, a decision on this permit must be made on the basis of available information, present regulations, and existing policy; and before the completion of a comprehensive review of potentially applicable "public display" issues during the permit program review. In addition, there are many issues and concerns regarding whether certain activities or types of facilities constitute a "public display purpose." Many of these are not relevant to consideration of this particular application (e.g., dolphin feeding activities, whale watching activities, swim-with-dolphin programs, etc.). The "public display" issue raised in comment letters and relevant to this particular application, and concerning which NOAA Fisheries is soliciting additional comment through a hearing, is whether the maintenance of bottlenose dolphins by the Golden Nugget-Strip Corporation, operating as

The Mirage, as described in the application is a "public display purpose" for which permits may be issued under the MMPA and implementing regulations.

Date: July 27, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-17984 Filed 7-31-89; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Office of the Secretary of Defense Performance Review Board

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Office of the Secretary of Defense, DoD Field Activities, the Joint Staff, the U.S. Court of Military Appeals, the Strategic Defense Initiative Organization, U.S. Mission to NATO, Defense Advanced Research Projects Agency, Defense Investigative Service, and the Defense Security Assistance Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Seniro Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Secretary of Defense.

EFFECTIVE DATE: August 1, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Bobb, Assistant Director for Executive Personnel and Classification, Directorate for Personnel and Security, WHS, Office of the Secretary of Defense, Department of Defense, the Pentagon, (202) 697-8304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the OSD PRB; specific PRB panel assignments will be made from this group. Executive listed will serve a one-year renewable term, effective August 1, 1989.

Office of the Secretary of Defense

Chairman

Robert L. Gilliat

Moderators

John V. Bolino
Geoffrey A. Cratch
Jeanne B. Fites
Henry H. Gaffney, Jr.
Richard G. Howe
Gregory D. Hulcher
Jordan E. Rizer

Members

Alan J. Andreoni
Walter B. Bergmann, II
James W. Brooks, Jr.
William F. Coakley
Richard E. Donnelly
Nelson W. Eaton
Anthony R. Grieco
Sally K. Horn
David R. Israel
Belkis W. Leong-Hong
Ray W. Pollari
Ronnie H. Register
William J. Sharkey, Jr.
Nicholas A. Toomer

Alternates

Albert V. Conte
Thomas F. Granahan
Thomas E. Huggard
Fredric L. Menz
William M. McDonald
Robert R. Soule

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 26, 1989.

[FR Doc. 89-17863 Filed 7-31-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Board of Visitors to the United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet 11 September 1989, at the U.S. Naval Academy, Annapolis, Maryland. The session, which is open to the public, will commence at 8:30 a.m. and terminate at 12:00 p.m., 11 September 1989, in Room 301, Rickover Hall.

The purpose of the meeting is to make inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Captain John W. Renard, U.S. Navy, Retired, Secretary to the Board of Visitors, Dean of Admissions, United States Naval Academy, Annapolis, Maryland 21402-5017.

Date: July 27, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-17890 Filed 7-31-89; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-017]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Furnace Test Procedures to the Trane Company

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-017) granting The Trane Company, Inc., a waiver for its TUC(—) series and TDC(—) series condensing furnaces from existing DOE test procedures.

FOR FURTHER INFORMATION CONTACT:

Carl E. Adams, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station, CE-132, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station, GC-12, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-9507

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, The Trane Company has been granted a waiver for its TUC(—) series and TDC(—) series condensing furnaces permitting the company to use an alternate test method.

Issued in Washington, DC, July 26, 1989.

John R Berg,

Assistant Secretary, Conservation and Renewable Energy.

In the Matter of: The Trane Company (Case No. F-017)

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Pub.

L. 100–12, and the National Appliance Energy Conservation Amendment of 1988 (NAECA 1988), Pub. L. 100–357. The Act requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedure regulations, by adding § 430.27, to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inadequate comparative data. 45 FR 64108 (September 26, 1980).

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted and any limiting conditions of each waiver.

The Trane Company (Trane) filed a "Petition for Waiver" in accordance with § 430.27 of 10 CFR Part 430. DOE published in the **Federal Register** the Trane petition and solicited comments, data, and information respecting the petition. 54 FR 19226 (May 4, 1989). One comment was received from the Goodman Manufacturing Corporation which supported the waiver. DOE consulted with the Federal Trade Commission on May 25, 1989, concerning The Trane petition.

Assertions and Determinations

Trane's petition seeks a waiver from the DOE test provisions that require a 1.5 minute time delay between the ignition of the burner and the starting of the circulating air blower. Instead, Trane requests the allowance to test using a 30 second blower time delay when testing its TUC(−) series and TDC(−) series gas furnaces. Trane states that since the 30 second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 1.8 percent, the waiver should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5 minute delay. Trane indicates that it is unable to take advantage of any of these exceptions for the TUC(−) series and TDC(−) series.

Since the blower controls incorporated on the Trane furnace are designed to impose a 30 second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30 second blower time delay when testing the Trane series furnace. Accordingly, with regard to testing the TUC(−) series and TDC(−) series furnaces only, today's Decision and Order exempts Trane from the existing provisions regarding blower controls and allows testing with the 30 second delay.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by The Trane Company, (F–017) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Not withstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, The Trane Company shall be permitted to test its TUC(−) series and TDC(−) series gas furnaces on the basis of the test procedure specified in 10 CFR Part 430, with the modifications set forth below:

(i) Section 9.3.1 of ANSI/ASHRAE Standard 103–1982 is deleted and replaced with the following paragraph:

"Gas- and Oil-Fueled Central Furnaces. After Equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) come on. After the burner start-up, delay the blower start-up by 1.5 minutes (t−), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t−), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 in. of water gauge of the manufacturer's recommended on-period draft."

(ii) With the exception of the modification set forth in subparagraphs (i) above, The Trane Company shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this Order until the Department of Energy prescribes final test procedures appropriate to the TUC(−) series and TDC(−) series condensing furnace manufactured by The Trane Company.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, DC, July 26, 1989.

John R. Berg,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 89–17934 Filed 7–31–89; 8:45am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Dockets Nos. CP89–1719–000 et al.]

Valley Gas Transmission, Inc., et al.; Natural Gas Certificate Filings

July 24, 1989.

Take notice that the following filings have been made with the Commission:

1. Valley Gas Transmission, Inc.

[Docket No. CP89–1719–000]

Take notice that on June 29, 1989, Valley Gas Transmission, Inc. (Valley), 1301 McKinney, Suite 700, Houston, Texas 77010, filed in Docket No. CP89–1719–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Gulf Energy Marketing Company (Gulf), under the blanket certificate issued in Docket No. CP86–171–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Valley states that pursuant to a transportation agreement dated May 1, 1989, under its Rate Schedule T–2, it proposes to transport up to 18,000 Mcf per day of natural gas for Gulf. Valley

states that it would transport the gas from various receipt points in Texas and Louisiana, as shown in Exhibit "A" of the transportation agreement, and would deliver the gas to the delivery points shown in Exhibit "B" of the agreement.

Valley advises that service under § 284.223(a) commenced June 1, 1989, as reported in Docket No. ST89-4029-000. Valley further advises that it would transport 7,000 Mcf on an average day and 2,400,000 Mcf annually.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Northern Natural Gas Company, Division of Enron Corporation

[Docket No. CP89-1754-000]

Take notice that on July 10, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-1754-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain existing offshore facilities in the Matagorda Offshore Pipeline System (MOPS) and a certain pipeline lateral connected to MOPS from Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to acquire Southern's 50 percent interest in the Matagorda Island Block 686 (MAT 686) compression platform, two 3,300 horsepower compression units, liquids separation facilities and related equipment located on the platform and approximately 2,300 feet of 16-inch pipeline used to divert liquids from the inlet to the discharge side of the compression facilities. Also, Northern proposes to acquire Southern's 31.8182 percent interest in approximately 16.7 miles of the 24-inch pipeline lateral located in Mustang Island Block 758 (MUS 758) and Southern's 45 percent interest in a receiving station and appurtenant facilities located on a production platform at MUS 758. Northern states that the purchase of the MUS 758 facilities would provide Northern with an increase in capacity from approximately 127 MMcf per day to approximately 291 MMcf per day from MUS 758 to MAT 686. Further, Northern states both the MOPS facilities and the MUS 758 facilities would be acquired at Southern's net book value estimated to be $10,986,000, from internally generated funds.

Northern states that upon acquisition of these facilities Northern would also acquire Southern's capacity entitlements for these facilities. Northern indicates that these capacity entitlements would not be subject to any transportation contracts or request and would be fully available for allocation toward firm and/or interruptible requests for transportation services made upon Northern under its blanket certificate authority and/or Order 509 in accordance with its FERC gas tariff.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of this notice.

3. Columbia Gas Transmission Corporation and Texas Gas Transmission Corporation

[Docket No. CP89-1680-000]

Take notice that on June 22, 1989, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314 and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, jointly referred to as Applicants, filed a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act, as amended, granting Columbia permission and approval to abandon certain natural gas facilities and services. Under section 7(c), Applicants seek a certificate of public convenience and necessity authorizing Texas Gas to initiate natural gas sales service to Dayton Power and Light Company (Dayton), and further authorizing Applicants to construct, operate, and lease facilities subject to the jurisdiction of the Commission, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants' requested authorizations are as follows:

Columbia Request

Pursuant to Section 7(b)

(1) The abandonment of 119,000 Dt/d of contract demand to Dayton effective December 1, 1989.

Columbia's partial abandonment of service to Dayton will result in a reduction of Dayton's firm certificated sales entitlement under Columbia's CDS Rate Schedule from 244,000 Dt/d to 125,000 Dt/d.

(2) The abandonment by sale to Dayton of certain natural gas facilities.

Columbia will abandon by sale approximately 339 miles of natural gas pipeline with existing points of delivery and appurtenances for a negotiated price of $12 million. The abandonment will not result in the loss of service to any customer.

(3) The abandonment of certain points of delivery to Columbia Gas of Ohio, Inc. (COH) with related service being transferred to Dayton.

COH currently provides service to a number of mainline tap customers, 16 of which are right-of-way customers served off facilities owned by Panhandle Eastern Pipeline Company. The remaining customers are on the facilities being sold to Dayton. COH and Dayton have agreed to transfer this service to Dayton at the time of the sale.

Pursuant to Section 7(c)

(4) The construction, operation, and lease of facilities required to establish eight (8) new points of delivery to Dayton in Clinton, Madison, Montgomery, Greene, Champaign, and Clark Counties, Ohio.

The eight new points of delivery will consist of appurtenant measuring and regulating facilities required, as a result of the proposed sale, at an estimated cost of approximately $2 million. Dayton will pay Columbia the cost of the facilities plus interest at the FERC-approved rate. At such time as Dayton has paid the total cost of the facilities, Columbia will transfer title and ownership of such facilities to Dayton. Columbia will in turn lease certain measuring facilities.

Texas Gas Requests

Pursuant to Section 7(c)

(5) The initiation of firm sales service to Dayton under Texas Gas' Rate Schedule G-4 effective December 1, 1989.

Such service will be provided at a daily contract demand level of 102,856 MMBtu under Rate Schedule G-4.[1] Texas Gas also intends to render firm transportation in the amount of 10,000 MMBtu per day on a self-implementing basis under § 311 of the Natural Gas Policy Act.

(6) Establish two new points of delivery to Dayton at Lebanon, Ohio, and one in Butler County, Ohio.

The last point of delivery to Dayton is proposed at an existing interconnection between Texas Gas and Cincinnati Gas & Electric Company (Cincinnati) in Butler County, Ohio, which Dayton will utilize as a part of an existing

[1] Texas Gas has filed in its current rate settlement in Docket No. RP88-115-000 to offer sales service pursuant to either Texas Gas' exisiting G Rate Schedule or a new GN Rate Schedule if the Stipulation and Agreement in Docket No. RP88-115-000, filed on February 10, 1989, is approved by the Commission.

transportation arrangement between Cincinnati and Dayton. Texas Gas seeks authority to relocate and modify its existing four-run meter station which serves Columbia near Lebanon, Ohio, dedicating two of the runs to Dayton and the remaining two to Columbia.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of the notice.

4. Colorado Interstate Gas Company

[Docket No. CP89–1717–000]

Take notice that on June 29, 1989, Colorado Interstate Gas Company (CIG), P.O. Box 1987, Colorado Springs, Colorado 80944, filed in Docket No. CP89–1717–000 a request pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the expansion of the peak day and seasonal capability of CIG's Fort Morgan Storage Field and in conjunction therewith expansion of the peak day and seasonal services provided by CIG pursuant to its FERC Gas Rate Schedule PS–1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, CIG states that it proposes the following:

- Increase the peak day deliverability of Fort Morgan from the previously authorized volume of 295 MMcf per day to 350 MMcf per day, an increase of 55 MMcf per day;
- Increase the seasonal deliverability of Fort Morgan from the present design volume of 7,100 MMcf to 7,400 MMcf, an increase of 300 MMcf seasonally;[1]
- Revise the winter withdrawal period available under Rate Schedule PS–1 to include the months of October and April;
- Increase the peaking service daily entitlements available pursuant to Rate Schedule PS–1 from the currently authorized level of 286,305 Mcf per day to 350,000 Mcf per day, an increase of 163,395 Mcf;
- Increase the peaking service capacity volume available pursuant to Rate Schedule PS–1 from the presently authorized level of 6,753,000 Mcf seasonally (November through March) to 7,549,395 Mcf seasonally (October through April);
- Revise the daily delivery obligation as a percent of the peaking service daily entitlement volume to conform to the extended winter withdrawal period.

CIG states that to carry out the increase in the peak day and seasonal deliverability, it proposes to reconnect two injection/withdrawal wells from the Fort Morgan low-pressure system to the Fort Morgan high-pressure system and to upgrade the station piping at the Fort Morgan Compressor Station from a maximum allowable operating pressure (MAOP) of 1,945 p.s.i.g. to an MAOP of 2,000 p.s.i.g. CIG indicates that the total estimated cost of the proposed facilities to increase the Fort Morgan deliverability is $181,300. CIG states that this cost will be financed from funds on hand and internally generated cash from operations.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of this notice.

5. Williams Natural Gas Company

[Docket No. CP89–1828–000]

Take notice that on July 17, 1989, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89–1828–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Chevron, USA, Inc., (Chevron), a producer of natural gas, under its blanket certificate issued in Docket No. CP86–631–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams states that it proposes to transport natural gas for Chevron from various points of receipt in Kansas, Oklahoma and Texas to various points of delivery on Williams' system in Kansas, Texas and Wyoming.

Williams further states that the maximum daily, average daily and annual quantities that it would transport for Chevron would be 20,000 MMBtu equivalent, 15,000 MMBtu equivalent and 5,475,000 MMBtu equivalent of natural gas, respectively.

Williams states that transportation service for Chevron began on June 1, 1989 under the 120-day automatic authorization provisions of Section 284.223(a) as reported in Docket No. ST89–4037–000 filed with the Commission.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Northwest Pipeline Corporation

[Docket No. CP89–1747–000]

Take notice that on July 7, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP89–1747–000 an application pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval for the abandonment, effective October 31, 1989, of its LNG storage service for Greeley Gas Company (Greeley) under Rate Schedule LS–1 of Northwest's FERC Gas Tariff, Volume No. 1, all as more fully set forth in the application on file with the Commission and open to public inspection.

Northwest states that by Commission Order issued April 1, 1982, in Docket No. CP82–140 Northwest was authorized to provide an LNG storage service for Greeley pursuant to a service agreement dated January 1, 1982, under Rate Schedule LS–1 of Northwest's FERC Gas Tariff, Volume No. 1. The service agreement covers the liquefaction, storage, vaporization and delivery of a storage capacity to 220,000 therms, with a daily storage demand of 25,000 therms, for a term expiring October 31, 1989.

It is further stated that Greeley notified Northwest, by letter dated April 24, 1989, that it elected not to extend its LS–1 service agreement past the October 31, 1989 expiration date and that the service was no longer needed. Accordingly, Northwest requests permission and approval to abandon its presently authorized LNG storage gas service for Greeley under Rate Schedule LS–1, it is stated. Northwest requests that the abandonment be made effective October 31, 1989, to coincide with the termination date of the service agreement. Northwest states that it does not propose to abandon any of its pipeline facilities in conjunction with this abandonment of service.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of the notice.

7. Texas Gas Transmission Corporation

[Docket No. CP89–1761–000]

Take notice that on July 10, 1989, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP89–1761–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to an abandon skid-mounted 2-inch measurement station known as the Kilroy-Iberia Lagoon 2-inch Meter Station in Iberia Parish, Louisiana, all as more fully set forth in the application on

[1] CIG states that the proposed increase of peak day deliverability and design seasonal deliverability would result in an increase of the design seasonal quantity from 7,061 MMcf to 7,360 MMcf (an increase of 299 MMcf) and a decrease of the base gas inventory from 7,079 MMcf to 6,962 MMcf (a decrease of 117 MMcf). CIG indicates that these changes would increase the total inventory (the design seasonal quantity added to the base gas inventory) from 14,140 MMcf to 14,332 MMcf, a net increase of 182 MMcf).

file with the Commission and open to public inspection.

Texas Gas originally installed the measurement facility to transport gas pursuant to the authority of Section 311 of the Natural Gas Policy Act. Such "point of receipt" was later used to transport gas on a jurisdictional basis for an end-user pursuant to Order 234–B and was reported by Texas Gas to the Commission under the automatic provisions of § 157.208(e) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP82–407–000. The production associated with such facilities has since been abandoned by the producer and all wells plugged.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of the notice.

8. Southern Natural Gas Company

[Docket No. CP89–1752–000]

Take notice that on July 10, 1989, Southern Natural Gas Company (Southern), P. O. Box 2563, Birmingham, Alabama 35202–2563 filed in Docket No. CP89–1752–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Northern Natural Gas Company, Division of Enron Corp. (Northern) its interest in certain pipeline, compression and measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that it proposes to abandon, by sale to Northern, its interest in a compression platform, two 3,300 horsepower compressor units, and approximately 2,300 feet of 16-inch pipeline located in Matagorda Island Block 686, offshore Texas (Block 686) at an interconnection with the Matagorda Offshore Pipeline System (MOPS), which extends from Block 686 to interconnections onshore with Houston Gas Pipe Line Company and Florida Gas Transmission Company (Florida) in Refugio County, Texas. Southern further states that Northern and Southern are joint owners of these compression facilities which were authorized by Commission order dated June 18, 1984, in Docket No. CP83–186, and that Northern has agreed to purchase Southern's interest in the compression facilities pursuant to a Purchase and Sale Agreement dated June 30, 1989, (Agreement). Upon completion of the sale to Northern, Northern would own 100 per cent of the facilities and obtain the incremental capacity in MOPS associated with the compression facilities, it is indicated.

In addition, Southern states that the Agreement also provides for the transfer to Northern by sale approximately 16.7 miles of 24-inch pipeline extending from Mustang Island Block 758, offshore Texas, (Block 758) to an interconnection with MOPS in Block 686. Southern states that it currently owns a 31.8182 per cent interest in the pipeline which is also owned by Northern, Florida, Natural Gas Pipeline Company of America (Natural) and Transcontinental Gas Pipe Line Corporation. Southern also proposes to abandon by sale to Northern its 45 per cent interest in the receiving station located on the production platform in Block 758 which is now owned by Southern, Natural and Florida.

Southern states that Northern would pay to Southern the depreciated value of Southern's interest in the facilities estimated to be $10,986,000. Southern states that it only requires the use of its share in the effective capacity in MOPS for it to take delivery of its system supply gas in the area and therefore, Northern can more efficiently use the incremental capacity in MOPS associated with the compression facilities and the capacity in the Block 758 pipeline.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of the notice.

9. Northwest Pipeline Corporation

[Docket No. CP89–1815–000]

Take notice that on July 14, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–1815–000, a prior notice request, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for GasMark, Inc. (GasMark), a marketer of natural gas, under the blanket certificate issued Northwest in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that pursuant to a Transportation Agreement dated February 10, 1988, as amended May 26, 1988, December 5, 1988, and April 27, 1989, under Rate Schedule TI–1, it proposes to transport up to 11,000 MMBtu of natural gas per day for GasMark from various existing receipt points on Northwest's system in Utah, Colorado, Wyoming, Oregon and Washington and redeliver the gas to various delivery points on Northwest's system in Colorado, Idaho, New Mexico, Oklahoma, Oregon, Utah, Washington and Wyoming.

Northwest states that no construction of facilities would be required to provide the transportation service.

Northwest further states that the maximum day, average day, and annual transportation volumes would be approximately 11,000 MMBtu, 100 MMBtu and 36,500 MMBtu, respectively.

Northwest advises that service under § 284.223(a) commenced June 10, 1989, as reported in Docket No. ST89–4095–000.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. United Gas Pipe Line Company

[Docket No. CP89–1805–000]

Take notice that on July 13, 1989, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–1805–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing United to provide the transportation and delivery of natural gas for direct sale to American Cyanamid Company (American Cyanamid), a direct industrial customer, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Specifically, United requests authorization to implement an interruptible gas sales contract with American Cyanamid at its acrylic fiber plant located near the city of Pensacola, in Santa Rosa County, Florida. United states that the volume of natural gas to be delivered pursuant to the interruptible gas sales contract dated April 1, 1989, shall not exceed 13,500 MMBtu on any one day. It is further stated that the contract is effective for a term ending April 1, 1990, and shall continue month-to-month thereafter unless terminated by either party upon at least thirty days written notice, provided that any such notice shall not be effective prior to the expiration of the initial term of the contract. United states that the proposed direct sales of natural gas will be provided through the use of existing facilities. United states that it believes that implementation of the interruptible service requested is in the public interest because this action will provide an opportunity for American Cyanamid to continue to obtain supplies of natural gas at a competitive price.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of the notice.

11. Tennessee Gas Pipeline Company

[Docket No. CP89–1765–000]

Take notice that on July 11, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–1765–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities necessary to enable Tennessee to deliver gas to an intrastate pipeline located in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it has previously installed miscellanous piping, metering facilities and cooling equipment at its existing interconnection with Channel Industries Gas Company (Channel) near Agua Dulce, Texas, pursuant to § 284.3 of the Commission's Regulations. Tennessee explains that these facilities enable Tennessee to deliver gas to Channel, thus providing suppliers access to additional markets and customers on downstream pipeline systems access to additional supplies. It is further explained that it provides Tennessee and shippers a means to avoid certain capacity constraints on Tennessee's facilities originating out of south Texas.

It is stated that, currently, the utilization of the facilities are limited to gas transported under Section 311 of the Natural Gas Policy Act of 1978 (NGPA). Tennessee requests authorization to utilize these facilities for gas not being transported under Section 311 of the NGPA, such as for gas being transported under Tennessee's blanket certificate under Part 284 Subpart G of the Commission's Regulations. Tennessee states that since it has already been reimbursed for the cost of the facilities requested by a section 311 shipper, granting the requested authorization will not involve additional costs to Tennessee.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of this notice.

12. Tennessee Gas Pipeline Company

[Docket No. CP89–1782–000]

Take notice that on July 12, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–1782–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval for the abandonment of a compressor unit, located in Lake Raccourci Field, in Lafourche Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Tennessee states that the 1,000 horsepower solar compressor was placed in service in October 1974 pursuant to a request for authorization filed by Tennessee in Docket No. CP74–22. Tennessee further states that at this time, the compressor no longer satisfies the current compression needs of the field and should be replaced with a smaller compressor unit. Thus, Amoco Production Company has requested Tennessee to remove the 1,000 horsepower solar compressor and replace it with a new one. Tennessee states that it intends to use its blanket authority to install a smaller compressor upon receipt of abandonment authorization in the instant proposal.

Tennessee indicated that the cost of the proposed abandonment would be approximately $23,000 with an estimated salvage value of $313,000.

Comment date: August 14, 1989, in accordance with Standard Paragraph F at the end of this notice.

13. Tennessee Gas Pipeline Company

[Docket No. CP89–1832–000]

Take notice that on July 18, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–1832–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Elf Aquitaine, Inc. (Elf Aquitaine), under Tennessee's blanket certificate issued in Docket No. CP87–115–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee requests authorization to transport, on an interruptible basis, up to a maximum of 50,000 dekatherms of natural gas per day for Elf Aquitaine from receipt points located in Offshore Louisiana and Mississippi to delivery points located in Louisiana, Alabama, Mississippi and West Virginia. Tennessee anticipates transporting an annual volume of 18,250,000 dekatherms.

Tennessee states that the transportation of natural gas for Elf Aquitaine commenced June 15, 1989, as reported in Docket No. ST89–4130–000, for a 120-day period pursuant to Section 284.223(a) of the Commission's Regulations and the blanket certificate issued to Tennessee in Docket No. CP87–115–000.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. Midwestern Gas Transmission Company

[Docket No. CP87–106–006]

Take notice that on June 28, 1989, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87–106–006 pursuant to Section 7(c) of the Natural Gas Act, a petition to amend its certificate of public convenience and necessity issued in Docket No. CP87–106, so as to authorize an extension of the interruptible transportation service provided thereunder to Minnegasco, Inc. for a term to coincide with the authorization for the existing firm service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Midwestern states the extension of the transportation service is in the public interest as the transportation service is necessary to provide access to sources of supply already committed under existing gas purchase arrangements.

Comment date: August 14, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

15. Texas Gas Transmission Corporation

[Docket No. CP89–1831–000]

Take notice that on July 18, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–1831–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Phibro Distributors Corporation (Phibro), under its blanket authorization issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas would perform the proposed interruptible transportation service for Phibro, pursuant to an interruptible transportation service agreement dated May 10, 1989. The transportation agreement is effective through May 1989, and month to month thereafter until terminated by either party on thirty days written notice. Texas Gas proposes to transport 50,000 MMBtu on a peak and average day; and on an annual basis approximately 18,250,000 MMBtu of natural gas for Phibro. Texas Gas proposes to transport the subject gas from receipt points located in various blocks located

Offshore Texas. Texas Gas proposes to deliver the gas to Phibro at the existing interconnection with ANR Pipeline Company located in Block 167, West Cameron Area, Offshore Louisiana. Texas Gas states that Phibro has identified the recipient of the gas as Orange & Rockland Utilities.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Texas Gas commenced such self-implementing service on June 4, 1989, as reported in Docket No. ST89-4057-000.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

16. Southern Natural Gas Company

[Docket No. CP89-1807-000]

Take notice that on July 13, 1989, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563 filed in Docket No. CP89-1807-000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on an interruptible basis for American Central Gas Companies, Inc. (American) under the blanket certificate issued in Docket No. CP88-316-000 under Section 7 of the Natural Gas Act, all as more fully set forth with the Commission and open to public inspection.

Southern states that pursuant to a Transportation Agreement dated May 10, 1989, it proposes to transport 100,000 MMBtu per day of natural gas for America under Southern's Rate Schedule IT, for a primary term of one month thereafter unless cancelled by either party.

Southern also states that the maximum day, average day and annual transportation would be 100,000 MMbtu, 20,000 MMbtu, and 7,300,000, respectively. Southern proposes to receive the gas at various receipt points in offshore Texas, offshore Louisiana, Mississippi and Alabama for delivery to various points in Georgia and Tennessee.

Southern further states it commenced their service May 16, 1989, or reported in Docket No. ST89-3704-000.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

17. Williams Natural Gas Company

[Docket No. CP89-1827-000]

Take notice that on July 17, 1989, Williams Natural Gas Company (WNG) filed in Docket No. CP89-1827-000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP86-631-000 for PSI, Inc. (PSI), all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG requests authorization to transport, on a firm basis, up to a maximum of 20,000 MMBtu of natural gas for PSI from various receipt points in Colorado, Kansas, Missouri, Oklahoma, Texas and Wyoming to various delivery points on WNG's system located in Kansas, Missouri, Nebraska, Oklahoma, Texas and Wyoming. WNG also anticipates transporting 20,000 MMBtu on an average day and 7,300,000 MMBtu on an anual basis.

WNG indicates that service commenced June 1, 1989, as reported in Docket No. ST89-4039-000.

Comment date: September 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-17856 Filed 7-3-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of May 26 Through June 2, 1989

During the Week of May 26 through June 2, 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 section 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 19, 1989.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 26 through June 2, 1989]

Date	Name and location of applicant	Case No.	Type of submission
05/30/89	William Albert Hewgley, Kingston, Tennessee.	KFA-0292	Appeal of an Information Request Denial. If Granted: The March 21, 1989 Freedom of Information Request Up Denial issued by the Office of Federal Investigations would be rescinded and William Albert Hewgley would receive access the a complete special security clearance re-investigation records requested.
06/30/89	Frank L. Bordell, Ballston Lake, New York.	KFA-0293	Appeal of an Information Request Denial. If Granted: The non-classified withheld portions of the requested document would be released to the appellant, as applied in Frank L. Bordell, Case No. KFA-0278.
05/30/89	Schenectady Gazette, Schenectady, New York.	KFA-0295	Appeal of an Information Request Denial. If Granted: The non-classified, withheld portions of the requested document would be released to the appellant, as applied in Schenectady Gazette, Case No. KFA-0218.
Do	Government Accountability Project, Washington, D.C..	KFA-0297	Appeal of an Information Request Denial. If Granted: The non-classified, withheld portions of the requested document would be released to the appellant, as applied in Government Accountability Project; Case No. KFA-0281.
Do	Robert G. Stater, Scotia, New York.	KFA-0298	Appeal of an Information Request Denial. If Granted: The non-classified, withheld portions of the requested documents would be released to the appellant, as applied in Robert G. Stater, Case No. KFA-0215.
05/31/89	Glen Milner, Seattle, Washington.	KFA-0294	Appeal of an Information Request Denial. If Granted: The May 9, 1989 Freedom of Information Request Denial issued by the Office of Albuquerque Operations would be rescinded, and Glen Milner would receive access to pages II-2 and II-3 of AL Chapter 56XA, Revision 1.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
05/26/89 thru 06/02/89	Crude Oil Refund, Applications Received.	RF272-75494 thru RF272-75498
Do	Atlantic Richfield Refund, Applications Received.	RF304-9314 thru RF304-9405
Do	Shell Refund, Applications Received.	RF315-5982 thru RF315-6066
05/30/89	Peoples Crown Service Station.	RF313-159
Do	Gar-Mar, Ltd	RF313-160
Do	Jauno & Tony Service Station.	RF307-9962
Do	Schafer Brothers & Company.	RF300-10821
06/01/89	Queen City Fuel Oil Co.	RF313-162
Do	Spectrum Stores, Inc	RF313-163
Do	Russell Petroleum Corporation.	RF313-164
Do	Astro, Inc	RF313-165
Do	McKeens Exxon	RF307-9963
Do	Yopp's Service Station.	RF307-9964
Do	O'Brien Oil Company, Inc.	RF307-9965
Do	Mabuhay Service Station.	RF300-10823
Do	Allied Stations	RF300-10824
06/02/89	Independent Oil & Coal Company.	RF314-30
Do	Mocar Oil Company	RF314-31
Do	Independent Oil & Coal Company.	RF314-30
06/05/89	Lee & Ed's Service Station.	RF309-1358

[FR Doc. 89-17935 Filed 7-31-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3622-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or beore August 31, 1989.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: New Source Performance Standards for Iron and Steel Plants. (Subpart N). (EPA ICR #1069.03; OMB #2060-0029). This is a reinstatement of a previously approved collection.

Abstract: Sources must notify EPA of construction, modifications, start-ups, shutdowns, malfunctions, date and results of performance tests. Owners/Operators will maintain an instrument to record daily the time/duration of each steel production cycle and exhaust gas diversion from the main stack. Facilities using venturi scrubbers must install, calibrate and maintain devices to continuously measure pressure loss through the venturi constriction, and make semiannual reports of low pressure.

Burden Statement: The estimated average public burden for this collection of information is 514 hours for reporting and 1095 hours for recordkeeping. This estimate includes all aspects of the information collection including time for reviewing instructions, and gathering and maintaining the data needed.

Respondents: Owners/Operators of iron and steel plants

Estimated No. of Respondents: 12

Estimated Total Annual Burden on Respondents: 1,609 hours

Frequency of Collection: Semiannually and quarterly

Send comments regarding the burden estimate, or any other aspect of these information collections, including suggestions for reducing the burden to both of the following addresses:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street, SW., Washington, DC 20460

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503, (Telephone (202) 395-3084)

Date: July 17, 1989.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 89-17841 Filed 7-31-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3623-2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202 382–2740).

DATE: Comments must be submitted on or before August 31, 1989.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Mobile Sources Emission Factors Survey (EPA ICR No. 0619; OMB No. 2060–0078). (This is a renewal of a previously approved collection).

Abstract: The Emission Factors Survey tests a random sample of privately owned motor vehicles stratified by class, mileage and geographical areas. The purpose is to characterize levels of exhaust pollutants for each combination in the sample. The data generated by this survey are used to model air pollution produced by mobile sources, and to determine the impact of regulations and the benefits of control programs.

Burden Statement: The public reporting burden for this collection of information is estimated to average .444 hour per response including the time for reviewing instructions.

Respondents: Owners of in-use motor vehicles.

Estimated No. of Respondents: 6500.

Estimated Total Annual Burden on Respondents: 2886 hours.

Send comments regarding the burden estimate, or any other aspect of these information collections, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M Street, SW., Washington, DC 20460

and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW, Washington, DC 20530.

Date: July 11, 1989

David Schwarz,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 89–17917 Filed 7–31–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

July 25, 1989.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501–3520).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–3785. Copies of these comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, (202) 632–7513.

OMB Number: 3060–0024.

Title: Section 76.29, Special temporary authority rules in the cable television service.

Action: Extension.

Respondents: Businesses (including small businesses).

Frequency of Response: On occasion.

Estimated Annual Burden: 1 response; 3 hours; 3 hours each.

Needs and Uses: Section 76.29 permits additional flexibility and procedural specificity when applying for special deviations from rules in situations requiring temporary and immediate action not otherwise possible under the more extended pleading requirement of general rules. Data used by FCC staff to assure that grant of special temporary authority will not cause interference to other stations.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 89–17892 Filed 7–31–89; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

Clover Federal Savings and Loan Association; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Clover Federal Savings and Loan Association, Beverly Hills, California on July 19, 1989.

Dated: July 26, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–17861 Filed 7–31–89; 8:45 am]

BILLING CODE 6720–01–M

[No. 89–2026]

Authority Delegation; Federal Savings and Loan Insurance Corp., Conservator for Insolvent Insured Institutions; etc.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

In the matter of amended delegation of authority to appoint the Federal Savings and Loan Insurance Corporation as conservator for insolvent FSLIC-Insured institutions and amended delegation of authority to appoint the Federal Savings and Loan Insurance Corporation as receiver and replace the Federal Savings and Loan Insurance Corporation as conservator with the Federal Savings and Loan Insurance Corporation as receiver.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending Paragraph 2 of Resolution No. 89–538 and Paragraph 3 of Resolution No. 1471 by deleting the word "two" and inserting the word "three" in lieu of thereof in the first sentence of each such paragraph, which sentence shall read, as amended: "Each Executive Director may further designate no more than three subordinate officers, each of whom may exercise the authority conferred upon such Executive Director by this resolution.

DATE: July 21, 1989.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Hayes, Deputy General Counsel for FSLIC, (202) 906–6851 or Debra A. Buie, Attorney, Office of General Counsel, (202) 906–6851, Federal Home Loan Bank Board, 1700 G. Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 89–538, dated March 7, 1989, the Federal Home Loan Bank Board ("Board") authorized the Executive Director of Federal Savings and Loan Insurance Corporation ("FSLIC"), the Executive Director of the Office of Regulatory Activities ("ORA") and the General Counsel (each an "Executive Director") to designate no more than two subordinate officers to exercise the authority conferred by that Resolution.

By Resolution No. 89–1471, dated May 15, 1989, the Board authorized the Executive Directors of FSLIC and ORA and the General Counsel (each an "Executive Director") to designate no more than two subordinate officers to exercise the authority conferred by that Resolution.

The Board has adopted the following resolution:

Resolved, That, Paragraph 2 of Resolution No. 89–538, dated March 7, 1989, and Paragraph 3 of Resolution No. 89–1471, dated May 15, 1989, be amended by deleting the word "two"and inserting the word "three" in lieu thereof in the first sentence of each such paragraph; and each such sentence shall read, as amended: "Each Executive Director may further designate no more than three subordinate officers, each of whom may exercise the authority conferred upon such Executive Director by this resolution".

The Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–17862 Filed 7–31–89; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200269

Title: Port of Galveston Terminal Agreement

Parties:

The Board of Trustees of the Galveston Wharves (The Wharves)

Pillsbury Company, Inc. (Pillsbury)

Synopsis: The Agreement provides that Pillsbury will participate with The Wharves in an incentive program to increase the movement of flour through the Port of Galveston. The term of this Agreement is for nine months.

Agreement No.: 224–200164–001

Title: Port of Oakland Terminal Agreement

Parties:

Port of Oakland (Port)

CMB N.V. (Compagnie Maritime Belge)

Naviera Pacifico, C.A.

Synopsis: The Agreement amends the basic agreement for the nonexclusive use of the Port's Charles P. Howard Terminal to add Naviera Pacifico, C.A. as an additional party to the agreement.

Agreement No.: 224–010774–005

Title: Georgia Ports Authority Terminal Agreement

Parties:

Georgia Ports Authority (GPA)

Evergreen Marine Corp. (Taiwan), Ltd.

Costa Container Line

Italia di Navigazione

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224–010774 to provide for: consolidated rates for containers loaded and unloaded from vessels at GPA's terminal; a dockage charge of $4.55 per loaded TEU billed to the vessel operator; and, charges for services not included in the consolidated rate to be performed at 80 percent of current tariff rates.

Agreement No.: 224–200270

Title: Port of Oakland Terminal Agreement

Parties:

Port of Oakland (Port)

Mitsui O.S.K. Lines, Limited

Nippon Liner System (North America), Inc.

Synopsis: The Agreement provides for a license of a 3.701 acre parcel of land and Port Building No. C–516 to be used for establishing and maintaining a truck and rail terminal for distributing goods to and from trucks, rail cars and containers. The monthly rental of $12,358.30 is subject to increase based on the annual average monthly twenty foot equivalent use activity on the premises. The Agreement terminates on June 30, 1990.

By order of the Federal Maritime Commission.

Dated: July 26, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–17829 Filed 7–31–89; 8:45 am]

BILLING CODE 6730–01–M

Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice that on July 21, 1989, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and is considered effective from that date to the extent it constitutes an assessment agreement as described in paragraph (d) of section 5, of the Shipping Act of 1984:

Agreement No.: 224–200271

Title: International Longshoremen's Association Assessment Agreement

Parties: International Longshoremen's Association AFL–CIO and the Carriers Container Council, Inc.

Synopsis: The Agreement establishes a Carrier-ILA Container Freight Station Trust Fund for the purpose of receiving assessments from the parties for supplemental income and other fringe benefits, other than pension, and provides for disbursement of assessments.

By Order of the Federal Maritime Commission.

Dated: July 26, 1989

Joseph C. Polking,

Secretary.

[FR Doc. 89–17889 Filed 7–31–89; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–0200262–001.

Title: Georgia Ports Authority Agreement.

Parties: Georgia Ports Authority, Hapag-Lloyd A.G. (HL), Gulf Container Line, Compagnie Generale Maritime.

Synopsis: The Agreement amends the basic agreement (Agreement No. 224-200262) to provide a rate schedule for rail loading and unloading. It also provides a rate schedule, applicable only to HL, for stack utilization and computer service for customs releases.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: July 27, 1989.

[FR Doc. 17936 Filed 7-31-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 560.7 and/or 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-003813-012.

Title: Hawaii Terminal Agreement.

Parties: Department of Transportation of the State of Hawaii (Port), Matson Terminals, Inc. (MTI)

Filing Party: Edward Y. Hirata, Director of Transportation, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813

Synopsis: The Agreement amends the basic agreement providing for the Port's lease to MTI of certain terminal facilities at Honolulu, Hawaii. The purpose of the amendment is to (1) enlarge the area under lease by the addition of Easement K and L; (2) increase the annual ground rental proportionately; (3) substitute revised exhibits; and (4) restate § 3.3(1)(i) to add the purpose, area and ground rental of various parcels and easements.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: July 27, 1989.

[FR Doc. 89-17937 Filed 7-31-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

[Docket No. 8818]

The Firestone Tire and Rubber Company, Inc.

AGENCY: Federal Trade Commission.

ACTION: Notice of period for public comment on petition to reopen and modify the order.

SUMMARY: The Firestone Tire and Rubber Company, Inc., a corporate respondent in the order in Docket No. 8818, has petitioned the Federal Trade Commission to vacate or modify certain parts of a 1972 order against Firestone concerning the misrepresentation of automobile tires. This document announces the public comment period on the petition.

DATE: Deadline for filing comments in this matter is August 20, 1989.

ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Requests for copies of the request should be sent to the Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: Terrence J. Boyle, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-3016.

SUPPLEMENTARY INFORMATION: The order against Firestone in Docket No. 8818 was published at 37 FR 22,977 on October 27, 1972. The petitioner, Firestone, is a tire manufacturer. The order prohibits Firestone from representing that any tire is safe under all conditions of use or free from defects, requiring Firestone to make certain disclosures when it makes any representations concerning tire safety, and requires Firestone to substantiate fully and completely all safety or performance of superior quality claims. The petition to modify was placed on the public record on July 21, 1989.

Donald S. Clark,

Secretary.

[FR Doc. 89-17902 Filed 7-31-89; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Activities Under OMB Review

The GSA hereby gives notice under the Paperwork Reduction Act of 1980 that it is requesting the Office of Management and Budget (OMB) to approve a new information collection, titled Procurement Integrity. This requires offerors for a contract, modification or extension, in excess of $100,000 to certify that neither the firm, nor its officers, employees, agents or consultants, during the conduct of a Federal agency procurement offered future employment opportunities or a gratuity to a Government Procurement official, or solicited proprietary or source selection information from any official of that agency.

AGENCY: Office of GSA Acquisition Policy and Regulations (V), GAS.

ADDRESSES: Send comments to Bruce McConnell, GSA Desk Officer, Room 3235, NEOB, Washington, DC, 20503, and to Mary L. Cunningham, GSA Clearance Officer, General Services Administration (CAIR), F Street at 18th, NW, Washington, DC 20405.

Annual Reporting Burden: Firms responding, 800; responses, 1 per year; average hours per response, .0834; burden hours, 66.7.

For Further Information Contract: Edward McAndrew, 202-566-1224.

Copy of Proposal: A copy of the proposal may be obtained from the Information Collection Management Branch (CAIR), Room 3014, GS Bldg., Washington, DC 20405, or by telephoning 202-535-7691.

Dated: July 21, 1989.

Emily C. Karam,

Director, Information Management Division (CAI).

[FR Doc. 89-17849 Filed 7-31-89; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Scientific and Commercial Development of Taxol as an Anticancer Agent

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) seeks a pharmaceutical company which can effectively pursue the clinical development of taxol for the treatment of cancer. The National Cancer Institute has established that this agent may be effective in treating several types of cancers including those of ovarian origin. The selected sponsor will be awarded a CRADA for the co-development of this agent.

ADDRESS: Questions about this opportunity may be addressed to Dale Shoemaker, Ph.D., Executive Secretary, Taxol Selection Committee, Division of Cancer Treatment, NCI, EPN, Room 718, Bethesda, Maryland 20892 (301) 496–7912, from whom further information including a summary copy of the preclinical and clinical data may be obtained.

DATE: In view of the important priority of developing new drugs for the treatment of cancer, this notice is active until September 15, 1989.

SUPPLEMENTARY INFORMATION: The Government is seeking a pharmaceutical company which, in accordance with the requirements of the regulations governing the transfer of Government-developed agents (37 CFR 404.8), can develop taxol to a marketable status to meet the needs of the public and with the best terms for the Government. Taxol is a novel chemically defined compound which has shown promising antitumor activity in several clinical trials. The drug has never been patented and classifies as an orphan agent. Isolation of the material is a long (2 years) process. The Division of Cancer Treatment (DCT), NCI, currently owns all of the harvested raw material and hence, all the taxol which will be in clinical trials for the next 2 years. The Cooperative Research and Development Agreement (CRADA) will allow a pharmaceutical company to provide resources in collaboration with the DCT, NCI, for the continuing preclinical and clinical development work in return for the exclusive rights to the source data from the pivotal Phase III clinical trials.

Specifically, taxol is a novel compound which is isolated from the bark of *Taxus brevifolia*, the Pacific or Western Yew, which is a very slow growing tree found only in the Pacific Northwest. Bark has only been collected from trees growing in the wild, and the stripping of bark results in the death of these trees. An alternative source has not been developed; a method of synthesis has not been established. Although it may be possible to obtain taxol from commercial propagation, this has not yet been attempted.

Demand for the drug has been increasing based on the promising antitumor activity that has been observed to date. During the Phase I evaluation of this agent, responses were seen in patients with non-small cell lung cancer, melanoma, head and neck carcinoma, gastric carcinoma, and ovarian carcinoma. Approximately a 30% objective response rate was observed in a recently completed Phase II trial in patients with relapsed or refractory ovarian cancer, a disease generally considered resistant to chemotherapy. Based on the increasing level of clinical interest, there is an urgent need to obtain greater quantities of taxol and to begin to develop this agent for potential commercial distribution. The Division of Cancer Treatment, NCI, is interested in establishing a CRADA with a pharmaceutical company to assist in the continuing development of Taxol. The government will provide all available expertise and information to date and will jointly pursue new trials as required giving the pharmaceutical company exclusive rights to the New Drug Application-directed clinical data from Phase III trials. The successful pharmaceutical company will provide the necessary financial and organizational support to complete further development of taxol to establish clinical efficacy and possible commercial status.

Sufficient bark (approximately 60,000 pounds) has been collected to provide taxol for a broad Phase II evaluation (which would permit definition of the tumor types in which this compound is active) and a randomized Phase III comparison against standard therapy in ovarian cancer. The extraction, isolation and purification of taxol from this collection is in various stages of completion. We have also initiated a procurement of an additional 60,000 pounds of the bark which may require approximately two years to obtain the pharmaceutical grade taxol for clinical use. Some financial support of these processes will be a condition of the CRADA.

The role of the Division of Cancer Treatment, NCI, includes the following:

1. The government has initiated a contract request for the collection of 60,000 pounds of *Taxus* bark. The successful pharmaceutical company will be allowed access to this resource.

2. The government will provide remaining crude extracts of the *Taxus* bark (approximately 25,000 pounds) for isolation and purification of taxol.

3. The government will provide information concerning the previous procedures employed to extract and isolate taxol.

4. The government will provide information concerning pharmaceutical manufacturing and controls and including dosage form development data.

5. The government will allow the pharmaceutical company to review and cross-file the Division's IND; it is likely that the company would wish to undertake trials independently.

6. The government will make the Division's IND proprietary under such circumstances.

7. The government will continue the clinical development of this compound under its extramural clinical trials network, thus insuring the clinical evaluation of the compound at no additional cost to the pharmaceutical company.

The role of the successful pharmaceutical company under the CRADA will include the following:

1. Provide the necessary funds and resources to complete the collection of the 60,000 pounds of *Taxus* bark.

2. Provide the necessary funds or resources for the isolation of taxol from the available bark.

3. Provide plans to independently secure future continuing supplies of taxol to assure continued clinical development.

4. Provide funds for formulation of the clinical product and offer necessary supplies to the DCT, NCI, for continued clinical development of this compound. The present dosage form of taxol contains a cremophor vehicle system which may be undersirable for very large trials and commercial use. Therefore, it is suggested that some consideration for new product development is needed.

5. Provide plan and support for clinical development leading to FDA approval for marketing.

Criteria for choosing the pharmaceutical company include the following:

1. Experience in the development of natural products for clinical use.

2. Experience in preclinical and clinical drug development.

3. Experience and ability to produce, package, market and distribute pharmaceutical products in the United States and to provide the product at a reasonable price.

4. Experience in the monitoring, evaluation and interpretation of the data from investigational agent clinical studies under an IND.

5. A willingness to cooperate with the Public Health Service in the collection, evaluation, publication and maintaining

of data from clinical trials of investigational agents.

6. A willingness to cost share in the development of taxol as outlined above. This includes acquisition of raw material and isolation or synthesis of taxol in adequate amounts as needed for future clinical trials and marketing.

7. An agreement to be bound by the DHHS rules involving human and animal subjects.

8. The aggressiveness of the development plan, including the appropriateness of milestones and deadlines for preclinical and clinical development.

9. Provisions for equitable distribution of patent rights to any inventions. Generally the rights of ownership are retained by the organization which is the employer of the inventor, with (1) an irrevocable, nonexclusive, royalty-free license to the Government (when a company employee is the sole inventor) or (2) an exclusive or nonexclusive license to the company on terms that are appropriate (when the Government employee is the sole inventor).

Dated: July 24, 1989.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 89-17911 Filed 7-31-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

National Environmental Policy Act; Proposed Implementing Procedures (516 DM 6, Appendix 8)

AGENCY: Department of the Interior.

ACTION: Notice of proposed additions to the Department of the Interior's Categorical Exclusions for the Office of Surface Mining Reclamation and Enforcement.

SUMMARY: This notice announces proposed additions to the categorical exclusions included in the Departmental Manual 516 DM 6, Appendix 8, that lists actions excluded from the National Environmental Policy Act (NEPA) procedures for the Office of Surface Mining Reclamation and Enforcement (OSMRE). The proposed categorical exclusions pertain to activities conducted under the Surface Mining Control and Reclamation Act (SMCRA).

DATE: Comments due August 31, 1989.

ADDRESS: Comments to John Farrell, Acting Director of Environmental Project Review, MS 4239, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John Farrell, address above, telephone (202) 343-2116. For OSMRE, Catherine Roy, (202) 343-5143.

SUPPLEMENTARY INFORMATION: The proposed categorical exclusions would be added to the list of categorical exclusions in the Department of the Interior's Manual (516 DM 6, Appendix 8). They would exclude certain activities conducted under Title IV of SMCRA from further review for compliance with NEPA. Title IV sets out provisions for the reclamation of abandoned mines and authorizes the Secretary to provide grants to States for this purpose. The proposed exclusions are similar to Departmental categorical exclusion 1.3, which excludes actions such as routine financial transactions and transfers of funds.

The Department has previously reviewed the activities authorized under Title IV and excluded certain decisions relative to the approval of grants under the abandoned mine land (AML) program. The Department has now reviewed additional activities relating to the AML grants program and proposes to add three new categorical exclusions as subparagraphs 8.4.B(30), (31), and (32) to Appendix 8. The excluded activities would be limited to: (1) Administrative grants for the development or review of project proposals rather than to the actual operation or conduct of AML reclamation projects, (2) the transfer of AML funds to States and Tribes to be used in a special trust for future AML projects, and (3) the transfer of AML funds to be used as seed money for State-administered insurance for subsidence damage. These additional activities are categories of actions which do not individually or cumulatively have a significant effect on the human environment. If any of the exceptions to categorical exclusions listed in Appendix 2 to 516 DM 2 apply to individual actions within these proposed exclusions, however, an environmental document must be prepared.

Appendix 8 must be taken in conjunction with the Department's procedures (516 DM 1-6) and the Council on Environmental Quality regulations implementing the procedural provisions of NEPA (40 CFR 1500-1508). The Department's procedures were published in the **Federal Register** on April 29, 1980 (45 FR 27541) and revised on May 21, 1984 (49 FR 21437). Appendix 8 for OSMRE was published on January 23, 1981 (46 FR 7487).

Proposed Categorical Exclusion 30: Administrative Grants for the Development of Project Proposals for AML Grants. The Secretary may award grants to States or Indian Tribes for activities to reclaim and restore land and water resources damaged by past coal mining, including abandoned surface mine areas, abandonded coal processing areas, sealing and filling abandonded deep mine entries and voids, planting of lands adversely affected by past coal mining to prevent erosion and control of water pollution created by coal mine drainage (section 401(c)(1) of SMCRA). The grants are awarded in two separate, independent stages.

First, OSMRE awards administrative grants to States or Indian tribes for the development of a construction grant application, or project proposal. Approval these grants in no way commits OSMRE to award a grant for the construction project. The primary work resulting from these "first-stage" grants is administrative in nature, as it involves the development of an AML grant proposal and has no effect on the human environment.

In the second stage, OSMRE awards grants for the actual construction project. The decision on which construction grants to award is based in part on the results of the analysis in a NEPA document prepared on the proposed project. This document examines the specific environment of the proposed reclamation project and identifies both short-term and long-term effects on the environment expected from the project. Impacts from activities such as closing and sealing a specific portal are examined for their potential effects on wildlife in the area, particularly threatened and endangered bats or rodent species, and mitigation plans are identified.

The proposed categorical exclusion includes only the decision to award grants for the purpose of developing a construction grant application. The decision to award a construction grant would be subject to the NEPA process.

Proposed Categorical Exclusion 31: Use of AML funds to allow States or Tribes to set aside State share funds in a special trust fund for future AML projects. The Secretary may allow States or Tribes with approved AML plans to retain up to 10 percent of their annual State-share allocation in a special interest bearing trust fund to be used after August 3, 1992, for AML activities. This action would not have any effect on the human environment because it merely transfers monies to a State fund and no projects are identified for use of the funds. In the event that the authority to collect AML fees is not extended past the 1992 date, the future

use of the funds to continue reclamation activities after all collected funds have been appropriated to OSMRE to grant or expend would be a State action not subject to NEPA.

Proposed Categorical Exclusion 32: Use of AML funds in an insurance pool for the purposes of compensation for damage caused by mining prior to the date of the Act. In States with approved reclamation plans but no private insurance coverage available, the Secretary may grant funds to be used as "seed money" for a State-administered insurance pool for damage caused by subsidence resulting from underground mining. OSMRE does not consider the transfer of AML funds to establish a subsidence insurance program to cause any effects on the quality of the human environment.

Any comments on these proposed additions to the list of categorical exclusions in the Departmental Manual must be received by August 31, 1989 at the location in "ADDRESS" above to be considered. Comments received after that date will be considered only to the extent practicable.

Outline: Chapter 6 (516 DM 6) Managing the NEPA Process Appendix 8—Office of Surface Mining Reclamation and Enforcement 8.4 Categorical Exclusions

Dated: July 21, 1989.

John Farrell,

Acting Director, Environmental Project Review.

516 DM 6, Appendix 8

Office of Surface Mining Reclamation and Enforcement

8.4 *Categorical Exclusions*

* * * * *

B. * * *

(30) Development of project proposals for AML grants, including field work only to the extent necessary for the preparation and design of the proposal.

(31) Use of AML funds to allow States or Tribes to set aside State share funds in a special trust for future AML projects.

(32) Use of AML funds in an insurance pool for the purposes of compensation for damage caused by mining prior to the date of the Act.

[FR Doc. 89-17850 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-10-M

Advisory Council on Historic Preservation; SES Performance Review Board

July 20, 1989.

AGENCY: Department of the Interior.

ACTION: Notice of SES performance review board appointments.

SUMMARY: This notice provides the names of those individuals who have been appointed by the Chairman of the Advisory Council on Historic Preservation to serve as members of the Advisory Council's SES Performance Review Board. Pursuant to the Memorandum of Understanding between the Advisory Council and the Department of the Interior, the SES performance appraisal plan for the Department has been adopted for use by the Advisory Council. The Performance Review Board will review the appraisal, award, and bonus recommendations for the SES members of the Advisory Council staff, and recommend final action to the Chairman. This notice is processed on behalf of the Advisory Council, as required by 5 U.S.C. 4314(c)(4).

DATE: These appointments are effective August 14, 1989.

FOR FURTHER INFORMATION CONTACT: J. Lynn Smith, Personnel Officer, Office of the Secretary (PMSP), Department of the Interior, Washington, DC 20240, Telephone number: 343-6702.

The names of the SES Performance Review Board members are:

Mr. Joseph Canny (Career), Director, Office of Transportation and Regulatory Affairs, Department of Transportation.

Mr. Peter J. Basso (Career), Deputy Chairman for Management, National Endowment for the Arts.

Mr. Jerry L. Rogers (Career), Associate Director for Cultural Resources, Department of the Interior.

Dated: July 20, 1989.

Charles E. Kay,

Assistant Secretary, Policy, Budget and Administration.

[FR Doc. 89-17851 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[ID-943-09-4212-13; I-23536]

Notice of Issuance of Land Exchange Conveyance Document; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of public and private lands.

SUMMARY: The United States has issued an exchange conveyance document to Faulkner Land and Livestock Co. of Gooding, Idaho 83330, for the following-described lands under section 206 of the Federal Land Policy and Management Act of 1976:

Boise Meridian, Idaho

T. 6 S., R. 15 E.
Sec. 20, SW¼;
Sec. 29, NW¼.
Comprising 320.00 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian

T. 6. S., R. 16 E.
Sec. 16, N½
Comprising 320.00 acres of private land.

The purpose of the exchange was to acquire the non-federal land that will allow blocking up into better management units. The public interest was well served through completion of the exchange.

The values of the federal public land and the non-federal land in the exchange were both appraised at $18,000 and $16,000 respectively. Faulkner Land and Livestock Co. paid the $2,000 difference in values.

Dated: July 21, 1989.

John Davis,

Deputy State Director for Operations.

[FR Doc. 89-17896 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-09-4214-11; I-010821]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a 99.50-acre withdrawal for the Clayton Ranger Station, continue for an additional 30 years. The land is now being used as an administrative site and the name changed to the Yankee Fork Ranger Station. The land would remain closed to surface entry and mining, but has been and would remain open to mineral leasing.

EFFECTIVE DATE: Comments should be received on or before October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1735. The U.S. Forest Service proposes that the existing land withdrawal made by Public Land Order No. 2304, be continued for a period of 30 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751;

43 U.S.C. 1714. The land is described as follows:

Boise Meridian

T. 11 N., R. 17 E.

Sec. 29, Lots 4, 7, and 8.

The area described contains 99.50 acres in Custer County.

The withdrawal is essential for protection of substantial capital improvements on the administrative site. The withdrawal closed the land to surface entry and mining but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

William E. Ireland,

Realty Operations Section.

Dated: July 24, 1989.

[FR Doc. 89-17895 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-GG-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information reproduced below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestion on the requirements should be made directly to the bureau clearance officer listed below and to the Office of Management and Budget, Paperwork Reduction Project (1029-0043), Washington, DC 20503, telephone 202-395-7340.

Title: Bond and Insurance Requirements for Surface Coal Mining Operations Under Regulatory Programs, 30 CFR Part 800.

OMB Approval Number: 1029-0043.

Abstract: Respondents identify information and data on bonds to cover the cost of reclamation performed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This information allows regulatory authorities to determine if such bonds are sufficient to comply with the SMCRA.

Bureau form number: None.

Frequency: On occasion.

Description of respondents: Mine operators seeking permits or seeking release of bond amounts.

Estimated completion time: 12 hours.

Annual responses: 1,730 hours.

Annual burden hours: 20,022.

Bureau clearance officer: Andrew DeVito, 202-343-5954.

Date: June 28, 1989.

Annetta L. Cheek,

Acting Chief, Division of Regulatory Development.

[FR Doc. 89-17894 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-05-M

Minerals Management Service

Outer Continental Shelf; Notification Regarding Datum Reference

This document is notification that the Department of the Interior, Minerals Management Service (MMS) currently references its offshore coordinate values to North American Datum (NAD) 27.

It is also notification that the MMS is investigating conversion from NAD 27 to the new NAD 83 datum. To prevent the mixing of NAD 27 with NAD 83 data, the appropriate datum will be noted on future documents including Official Protraction Diagrams, Leasing Maps, and Supplemental Official Outer Continental Shelf Block Diagrams (Split Blocks).

The official notification of the establishment of a new datum was published in the **Federal Register** by the Department of Commerce on Friday, June 29, 1979 (Vol. 44, no. 127, p. 37969).

FOR FURTHER INFORMATION CONTACT: Leland F. Thornahlen, Chief Minerals Management Service Outer Continental Shelf Survey Group, Denver, Colorado (303) 236-7050.

Dated: July 25, 1989.

Approved.

William D. Bettenberg,

Associate Director for Offshore Minerals Management.

[FR Doc. 89-17846 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Park Service Proposes To Negotiate a Concession Permit With Grand Portage—Isle Royale Transportation Lines, Inc.

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession permit with Grand Portage—Isle Royale Transportation Lines, Inc. authorizing it to continue to provide boat transportation facilities and services for the public at Isle Royale National Park, Michigan for a period of five (5) years from January 1, 1990, through December 31, 1994.

EFFECTIVE DATE: October 2, 1989.

ADDRESS: Interested parties should contact the Regional Director, Midwest Region, 1709 Jackson St., Omaha, NE 68102, for information as to the requirements of the proposed permit.

SUPPLEMENTARY INFORMATION: This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed it's obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1988, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Date: July 13, 1989.

Don H. Castleberry,

Regional Director, Midwest Region.

[FR Doc. 89-17828 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31500]

CSX Transportation, Inc.—Operation Exemption—Line of Southern Electric Generating Co.

CSX Transportation, Inc. (CSXT), has filed a notice of exemption to operate approximately 7.5 miles of new rail line to be constructed by Southern Electric Generating Company (Segco) in Shelby County, AL.[1] The line will extend from CSXT's main line near Westover, AL to the Ernest C. Gaston Electric Generating Plant near Wilsonville, AL. The agreement pursuant to which CSXT will operate over Segco's newly constructed line is expected to be consummated prior to January 1, 1991.

Any comments must be filed with the Commission and served on: A. Jeff Milligan, Southern Company Services, Inc., P.O. Box 2625, Birmingham, AL 35202 and John R. Molm, 127 Peachtree Street, NE, Atlanta, GA 30043.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 26, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-17930 Filed 7-31-89; 8:45 am]

BILLING CODE 7035-01-M

[1] Segco is a subsidiary of Alabama Power Company and Georgia Power Company which, in turn, are wholly owned subsidiaries of the Southern Company, a public utility holding company. Segco has filed, concurrently with this notice, the following pleadings: (1) A petition for exemption from 49 U.S.C. 10901, for the construction of the rail line, in Finance Docket No. 31498, *Southern Electric Generating Company—Petition for Exemption—Construction of a Rail Line in Shelby County, AL*; (2) a petition for exemption from 49 U.S.C. 10746, the commodities clause, in Finance Docket No. 31499, *Southern Electric Generating Company—Petition for Exemption from Regulation Under 49 U.S.C. 10746*; and (3) a notice of exemption pursuant to 49 CFR 1185.1 and 1185.4, providing notice of an exemption for Mr. Edward L. Addison from the requirements of 49 U.S.C. 11322(a), interlocking directorates, in Finance Docket No. 31501, *Southern Electric Generating Company and Edward L. Addison—Exemption from 49 U.S.C. 11322, Interlocking Directorates.*

[Finance Docket No. 31494]

Intermountain Western Railroad Co.—Purchase—Union Pacific Railroad Co., Boise Group Branch Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision accepting application for consideration.

SUMMARY: The Commission accepts for consideration the application filed June 27, 1989, by Intermountain Western Railroad Company (IW) to purchase from Union Pacific Railroad Company (UP) 318.48 miles of rail lines in Idaho and Oregon and to acquire trackage rights over 61.56 miles of UP main line. The Commission finds this a minor transaction under 49 CFR Part 1180.

DATES: Written comments must be filed with the Interstate Commerce Commission no later than August 31, 1989. Comments from the Secretary of Transporation and Attorney General of the United States must be filed by September 15, 1989. Applicants' reply is due October 5, 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 after September 15, 1989.

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. 31494, Room 1324, 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.

Karl Morell (IW), 1025 Thomas Jefferson St., NW., Suite 700, East Lobby, Washington, DC 20007.

Joseph D. Anthofer (UP), 1416 Dodge Street, Omaha, NE 68179.

SUPPLEMENTARY INFORMATION: Intermountain Western Railroad Company (IW) and Union Pacific Railroad Company (UP), collectively "applicants," seek Commission approval under 49 U.S.C. 11343, *et seq.*, for IW to purchase for $10.8 million certain properties of the UP. Applicants contend that this is a minor transaction under 49 CFR 1180.2(c), and they submitted a conforming application in accordance with the railroad consolidation procedures in 49 CFR Part 1180.

The properties subject to statutory prior approval requirements consist of: (1) Seven branch lines, known as the Boise Group, totalling 318.48 miles of track; and (2) 61.56 miles of trackage rights over UP main line.[1] The trackage rights extend from milepost 454.17 near Nampa, ID, to milepost 515.73 near Weiser, ID, and connect the end points of the Boise Group lines by way of Ada, Payette, Canyon, and Washington Counties, ID, and Malheur County, OR. The Boise Group consists of the following lines:

(1) The Boise Cut-Off line extends from milepost B423.79 near Orchard, ID, to milepost B467.72 near Nampa, a distance of 43.93 miles;

(2) The Homedale line extends from milepost 0.18 near Nyssa, OR, to milepost 33.5 near Marsing, ID, a distance of 33.32 miles;

(3) The Idaho Northern line extends from milepost 0.09 near Nampa, to milepost 99.73 near Cascade, ID, a distance of 99.64 miles;

(4) The Stoddard line extends from milepost 0.0 near Nampa, to milepost 17.65 near Stoddard, ID, a distance of 17.65 miles;

(5) The New Meadows line extends from milepost 0.32 near Weiser, to milepost 84.55 near Rubicon, ID, a distance of 84.23 miles;

(6) The Payette line extends from milepost 0.5 near Payette, ID, to milepost 29.07 near Emmett, ID, a distance of 28.57 miles; and

(7) The Wilder line extends from milepost 0.25 near Caldwell, ID, to milepost 11.39 near Wilder, ID, a distance of 11.14 miles.

IW is a Class III rail carrier jointly owned by noncarriers ITS, Inc. (ITS),[2] and Big Sky Industries, Inc. (Big Sky).[3] It

[1] Rolling stock, yard track, and other properties are included in the purchase price.

[2] ITS is a wholly owned subsidiary of Intermountain Gas Industries, Inc. Both are Idaho corporations.

[3] Big Sky is a Nevada corporation. The common control of IW and other Class III carriers by Big Sky's individual owners was exempted from regulation in Finance Docket No. 31140 (Sub-No. 1), *David L. Durbano, et al.—Common Contr. Exemp.* (not printed), served May 17, 1989, and Finance Docket No. 31430 (Sub-No. 1), *David L. Durbano, et al.—Contin. in Contr. Exemp.* (not printed), served April 26, 1989.

now leases and operates a 4-mile line between Burns and Seneca, OR. This line does not connect with the Boise Group lines.

UP is a Class I rail carrier. It serves 66 shippers on its Boise Group lines. These shippers originated or terminated 30,697 revenue carloads in 1987. Traffic consists primarily of agricultural and lumber or wood products. The Boise Cutoff also carries industrial products and is used by Amtrak.

Applicants contend that the proposed transaction 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 the lines' traffic, the transaction will merely substitute one rail carrier for another on an existing line. The area presently benefits from substantial intermodal competition as it is served by motor carriers over a network of State, U.S., and Interstate highways. Applicants state that, if anything, the transaction should enhance intermodal competition by allowing more effective rail competition. Because the lines connect only with UP, applicants do not believe the transaction will significantly affect other rail carriers.

Applicants submit that IW's locally based operations will result in better service, tailored to the needs of existing and potential patrons. This more efficient and economical service allegedly should allow them to capture motor carrier traffic, and thereby enhance further their financial viability. IW also expects to achieve economies by sharing overhead and operating costs with the new lines.

IW intends to operate the lines with approximately 32 of its own employees under its own work rules, rates of pay, and benefits. Maintenance of way, communications, and signalling will be by outside contractors. As a result, UP's workforce will be reduced by approximately 100 positions. UP has not negotiated employee protective arrangements. It anticipates offering a limited number of voluntary separation allowances in certain crafts to diminish the transaction's adverse effects.

Any authority granted herein will be subject to the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), and in *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). *See* 49 U.S.C. 11347.

Under our consolidation regulations, we must determine initially whether a proposed transaction is major, significant, or minor. The proposed transaction, involving a Class I and a Class III railroad, 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 to be a minor transaction under 49 CFR 1180.2(c). Because the application substantially complies with the applicable regulations governing minor transactions, we are accepting it for consideration. We further find, however, that additional evidence on intermodal competition in the area affected by the proposed transaction will facilitate our consideration of the application. *See* 49 CFR 1180.6(a)(2)(i). Accordingly, applicants are hereby requested to provide additional evidence describing the motor carrier service available to shippers on the affected lines and its suitability for their traffic.

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 government 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 person's comments so request. In this event, no petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(1)(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 upon the proposal;

(e) If desired, a request for an oral hearing with reasons supporting this 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 this proposal is 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 the conservation of energy resources.

It is ordered:

1. This application is accepted for consideration as a minor transaction under 49 CFR 1180.2(c).

2. The parties shall comply with all provisions stated above.

3. This decision is effective on the date of service.

Decided: July 25, 1989

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89-17928 Filed 7-31-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31502]

The Garden City Northern Railway, Inc.—Acquisition and Operation Exemption—The Atchison, Topeka and Santa Fe Railway Co. and the Garden City, Gulf and Northern Railroad Co.

The Garden City Northern Railway, Inc. (GCN), a non-carrier, has filed a notice of exemption to acquire and operate approximately 30.59 miles of rail line located in Finney and Scott Counties, KS. The line, which extends between milepost 156.48 at or near Garden City and milepost 125.89 at or near Shallow Water, is presently owned by The Garden City, Gulf and Northern Railway Company and The Atchison, Topeka and Santa Fe Railway Company.

This transaction is related to a petition for exemption filed concurrently by Garden City Co-op, Inc. (Co-op), in Finance Docket No. 31203, *The Garden City Co-op, Inc.—Exemption from 49 U.S.C. 10746 and 11343.* That petition seeks an exemption from the requirements of 49 U.S.C. 11343 for Co-op to continue in control of GCN and from the provisions in 49 U.S.C. 10746, the "commodities clause". GCN expects to consummate this transaction upon Co-op receiving its exemption in Finance Docket No. 31203.

Any comments must be filed with the Commission and served on: Thomas F. McFarland, Jr., Belnap, Spencer, McFarland, Emrich & Herman, 20 North Wacker Drive, Suite 3710, Chicago, IL 60606; and (2) Dennis W. Wilson, The Atchison, Topeka and Santa Fe Railway

Company, 80 East Jackson Boulevard, Chicago, IL 60604–2401.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 26, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89–17929 Filed 7–31–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

July 26, 1989.

The Office of Management and Budget (OMB) has been sent the following proposals for the collection of information for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act. Entries are grouped into submission categories. Each entry contains the following information:

(1) The title of the form or collection;

(2) The agency form number, if any and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of estimated time it takes each respondent to respond;

(6) An estimate of the total public burden hours associated with the collection; and,

(7) An indication as to whether section 3504(h) of Pub. L. 96–511 applies.

Comments and/or questions regarding the item(s) contained in this notice, especially regarding the estimated response time, should be directed to the OMB reviewer, Mr. Edward Clarke, on (202) 395–7340 and to the Department of Justice's Clearance Officer. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should so notify the OMB reviewer and the Department of Justice's Clearance Officer of your intent as soon as possible. The Department of Justice's Clearance Officer is Mr. Larry E. Miesse who can be reached on (202) 633–4312.

Entries in this notice are for new collections (1) and extension of the expiration date(s) of a currently approved collection without any change in the substance or in the method of collection (3).

New

(1) Egyptian Claims Program.

(2) No form number. Foreign Claims Settlement Commission.

(3) One-time.

(4) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Information will be used as a basis for determining entitlement to awards payable by the Department of the Treasury out of the Egyptian Indemnification Fund for property taken by the Egyptian Government; affected public consists of U.S. citizens and entities whose property was taken by that Government.

(5) 200 annual respondents at one hour each.

(6) 200 estimated annual burden hours.

(7) Not applicable under 3504(h).

Extensions

(1) Medical Examination of Aliens Seeking Adjustment of Status.

(2) I–693, Immigration and Naturalization Service.

(3) One-time.

(4) Individuals or households. Applicants for permanent resident status must establish that they are admissible to the United States. To be admissible, they must be free of defect, disease or disability as determined by a designated physician. This form is given by the applicant to the designated physician to allow the doctor to record the results of the examination. The form is then included in the alien's application file.

(5) 350,000 annual respondents at one and one-half hours each.

(6) 525,000 estimated annual burden hours.

(7) Not applicable under 3504(h).

(1) DEA/USMS/USSS Drugs of Abuse Chain of Custody Form.

(2) No form number. Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households. Information is needed to document and control the chain of custody for drug testing an individual selected for a job vacancy prior to actual employment under E.O. 12564, in order to maintain a drug-free workplace.

(5) 1,200 estimated annual respondents at .083 hours each.

(6) 100 estimated annual burden hours.

(7) Not applicable under 3504(h).

(1) Applicants for Individual Manufacturing Quota for a Basic Class of Controlled Substance.

(2) DEA–189. Drug Enforcement Administration.

(3) On occasion.

(4) Businesses or other for-profit. Applicants who desire to manufacture Schedule I and II controlled substances are required to apply on DEA–189. The information is used by DEA to calculate the individual manufacturing quotas for U.S. companies in the manufacture of controlled substances.

(5) 85 estimated annual respondents at .5 hours each.

(6) 43 estimated annual burden hours.

(7) Not applicable under 3504(h).

Larry E. Miesse,

Departmental Clearance Officer, Department of Justice.

[FR Doc. 89–17931 Filed 7–31–89; 8:45 am]

BILLING CODE 4410–10–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department policy, 28 CFR 50.7, and Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), notice is hereby given that on July 24, 1989, a proposed consent decree in *United States* v. *Printed Circuits, Inc., et al.*, Civil Action No. 86–7005 was lodged with the United States District Court for the Eastern District of Pennsylvania.

The proposed consent decree requires the defendants to reimburse the Hazardous Substance Superfund $275,000 in response costs incurred by the Environmental Protection Agency (EPA) to address the release or threat of release of hazardous substances at the Printed Circuit Site in Levittown, Pennsylvania. The parties to the consent decree are the United States, Printed Circuits, Inc., Millard A. and Judith B. Hendrickson, Scan Data Sales Corp., Leeds and Northrup Co. and Cirflex Systems, Inc.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Printed Circuits, Inc.*, DJ Ref. 90–11–3–150.

Copies of the proposed consent decree may be examined at the Office of the

United States Attorney, Eastern District of Pennsylvania, 3310 U.S. Court House, 601 Market Street, Philadelphia, Pennsylvania 19106 and at the Region III office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1647, Ninth Street and Pennsylvania Avenue, NW., Washington DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy please enclose a check in the amount of $1.90 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89–17900 Filed 7–31–89; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Proposed Termination of Final Judgment United States v. Continental Graphics Corporation

Notice is hereby given that Continental Graphics Corporation has filed with the United States District Court for the Central District of California a motion to terminate the Final Judgment in *United States* v. *Continental Graphics Corporation*, Civil Action No. 1542–61–EC; and the Department of Justice ("Department"), in a stipulation filed with the court, has consented to termination of the judgment, but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed on December 6, 1961) alleged that a proposed merger between Continental's predecessor, Republic Corporation, and America Corporation violated section 7 of the Clayton Act by lessening competition in professional film processing in the United States. Besides blocking the proposed merger, the Final Judgment (entered on October 28, 1963) enjoined Republic from: (1) Acquiring any interest in any business involved in professional film processing except in certain designated geographical areas; (2) permitting any of its officers, directors, agents or employees from serving in such a capacity with any other professional film processor than Republic's own subsidiaries; and (3) allocating any business with, or engaging in any referrals to or from, America Corporation.

The Department has filed with the court a memorandum stating that termination of the judgment would serve the public interest because Continental no longer poses the competitive threat it once did. While the professional film processing industry is still concentrated today, Continental currently has only a minor share of the market. Thus, the judgment's injunctive provisions are no longer necessary to supplement the antitrust laws, to which Continental remains subject.

Copies of the Complaint and Final Judgment, defendant's motion papers, the stipulation containing the Government's consent, the Department's memorandum, and all further papers filed with the court in connection with this motion will be available for inspection at Room 3233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone: 202–633–2481), and at the Office of the Clerk of the United States District Court for the Central District of California, 312 North Spring Street, Los Angeles, California 90012. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty-day period established by court order, and will be filed with the court. Comments should be addressed to Gary R. Spratling, Chief, San Francisco Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, CA 94102 (telephone: 415–556–6300).

John W. Clark,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 89–17899 Filed 7–31–89; 8:45 am]

BILLING CODE 4410–01–M

Office of Justice Programs

Office for Victims of Crime; Children's Justice Act Discretionary Grant Program for Native Americans

AGENCY: Department of Justice, Office of Justice Programs, Office for Victims of Crime, Jane Nady Burnley, Director.

ACTION: Notice of Availability of Funds.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to announce a $531,000 discretionary grant program for Native American Indian tribes designed to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child while improving the investigation and prosecution of these cases.

EFFECTIVE DATE: Applications are due by October 2, 1989.

ADDRESS: Address applications to the Office for Victims of Crime, 633 Indiana Avenue NW., Room 1352, Washington, DC 20531. Attention: Sue Shriner.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be directed to Sue Shriner or Toni Thomas, Program Specialists, Office for Victims of Crime, 633 Indiana Avenue NW., Room 1352, Washington, DC 20531.

SUPPLEMENTARY INFORMATION:

Background

The funds for this program will come from the Victims of Crime Act of 1984 (VOCA), as amended, 42 U.S.C. 10601 *et seq.* The Act established a Crime Victims Fund in the Department of the Treasury made up of monies received from certain Federal criminal fines; special penalty assessments; forfeited appearance bonds, bail bonds and collateral security; and literary profits due certain convicted Federal defendants. Under the provisions of 42 U.S.C. 10601 (d)(2)(A)(iv), of the first $100,000,000 deposited in the Fund in a particular year, 4.5% shall be available for grants as provided in 42 U.S.C. 10603(a). Under 42 U.S.C. 10601(g)(1) the Attorney General, acting through the Director of OVC, is authorized to use 15% of the funds available under 42 U.S.C. (d)(2)(A)(iv) to make grants for the purposes of assistiang Native American Indian tribes in developing, establishing, and operating programs designed to improve the handling, investigaiton and prosecution of child abuse cases, especially child sexual abuse cases. The Office for Victims of Crime has labeled this program the *Children's Justice Act Discretionary Grant Program for Native Americans.*

This is the first year of funding for the Children's Justice Act Discretionary Grant Program for Native Americans. The Children's Justice Act of which this program is a part was signed into law by President Reagan on August 27, 1986. The Act was passed in response to a recognition of the seriousness, complexity and escalating number of children who were reported as victims

of child abuse, especially child sexual abuse.

Reports of suspected child sexual abuse and neglect throughout the nation increased by 225% in the decade between 1976 and 1987. In 1987, over 2 million children were reported to authorities as suspected abuse or neglect victims. Approximately 40% of these reports were eventually substantiated. While much of this dramatic increase of reporting is probably due to an increased awareness of the nature of abuse and better reporting procedures, many professionals believe that not all cases of child abuse are reported.

The authors of the Children's Justice Act recognized that because of the peculiar nature of child sexual abuse, reports of such abuse require special investigation and prosecution and the victims require special handling to avoid being further traumatized. However, as a result of the publicity around a number of cases, many of the authors of the Children's Justice Act felt that child victims were being unnecessarily traumatized by the justice system.

The Children's Justice Act was designed to address the shortcomings of the criminal justice system in investigating and prosecuting child sexual abuse cases. Before a state could be eligible to receive funds from the Children's Justice Act, it was required to establish or designate a multi-disciplinary task force dealing with children's justice. Each task force was directed to:

- Review and evaluate State investigative, administrative and judicial handling of cases of child abuse, especially child sexual abuse.
- Make recommendations in the categories of: investigative, administrative and judicial handling of cases of child abuse; experimental, model and demonstration programs for testing innovative approaches; and techniques to improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases.
- Make recommendations regarding the reform of state laws, ordinances, regulations and procedures to provide comprehensive protection for children from abuse.

States that met these criteria were eligible to receive a proportionate share of Children's Justice Act funds. In FY 87, 25 states shared in $2.8 million and in FY 88, 27 states shared in $3.5 million.

In 1987, the revelations of sexual abuse of Native American children on reservations and the problems tribes faced in trying to deal with the abuse became evident. Dealing with child sexual abuse in Indian country was found to be different and more difficult than dealing with abuse discovered off the reservations. The difficulties manifested themselves in such issues as: lack of trained practitioners to investigate, prosecute and treat child sexual abuse cases; geographic isolation; cultural diversity; and a lack of clear understanding of the roles and responsibilities of the various government entities that had authority to act upon allegations and findings of child sexual abuse on the reservations.

In order to respond more effectively to this situation, the Justice Department proposed that Children's Justice Act funds be made available to Indian tribes to improve the handling of child sexual abuse cases. In November 1988, President Reagan signed the Anti-Drug Abuse Act of 1988. This legislation amended the Victims of Crime Act by authorizing that 15% of the funds available for the Children's Justice Act be utilized to assist native American Indian tribes in developing, establishing and operating programs designed to improve the handling of child abuse cases, especially child sexual abuse. Under this program funds will be made directly to Native American tribal organizations as defined in 25 U.S.C. 450 b (1) to initiate or expand service in Indian country.

Purpose

The Office for Victims of Crime is making $531,000 available through a competitive process to Native American Indian tribes or other appropriate entities to develop, establish and operate programs, and modify procedures and practices which would improve the investigation and prosecution of serious child abuse cases, especially child sexual abuse cases, and improve the handling of child abuse cases in a manner which avoids additional trauma to the child. The Office for Victims of Crime is seeking to bring about systemic improvement in the way child sexual abuse cases are responded to on the Native American Reservations and other locations where Native Americans reside. The agency seeks program models that will foster greater cooperation between all agencies, i.e., law enforcement, prosecutors, health, mental health, social services and victim services that have responsiblity for investigating, prosecuting and treating the child victims of these cases while at the same time reducing the trauma inherent in processing these types of cases. Awards will be made to selected eligible applicants.

OVC recognizes that each tribe functions differently. It does not intend to place a considerable number of restrictions on how the tribes may go about achieving these goals. It is expected, however, that all tribes be actively involved in improving the manner in which these cases are processed at the tribal level. It is also expected that tribes be actively involved in the manner in which referrals are coordinated with appropriate state and Federal authorities for prosecution.

Eligible Applicants

Applications will be accepted from the recognized leader or chief executive of the tribe. In those cases where the Tribal Council serves as the governing body, the application must be signed by the Chairman or other recognized leader of that group. Grants will be limited to Native American Indian tribal organizations as defined in 25 U.S.C. 450 b (1). For this purpose, "tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities.

There will be two categories of applicants. Applicants will compete only against those in their respective category. The first category will consist of all tribes that have an established multi-disciplinary Child Protection Team (CPT) that meets on a regularly scheduled basis. The second category will consist of those tribes that either have not yet formed a CPT or have an inactive CPT.

Selected applicants will not have to contribute any matching funds. However, indirect costs which are often imposed by Indian tribes on Federal grants are not permissible in VOCA funded victim assistance grant programs. Also, applicants will be required to become part of a consortium consisting of all other grantees who receive assistance under this initiative. the consortium members will meet twice during the life of the grant to discuss matters related to the implementation and operaton of the overall program as well as their specific grant.

Program Description

Approximately, eight to ten model projects will be funded. Each project must be designed to improve the investigation and prosecution of serious

child abuse cases, especially child sexual abuse cases, and improve the handling of these cases in a manner which reduces trauma to the child. Emphasis will be placed upon projects which either develop or expand the use of multi-disciplinary teams (known in many areas as Child Protection Teams) including specialized prosecutorial units for the investigation, referral, and prosecution of child abuse cases.

The multi-disciplinary teams which are developed or expanded must include representatives of the tribe and state and Federal agencies that provide services to the tribe. These multi-disciplinary teams should assist in clarifying roles and responsibilities of all authorition involved in these cases, including social services, law enforcement, and Federal prosecutors, so that a coordinated system is established to receive and respond to reports. The teams should be comprised of entities that have a role in the identification, initial investigation, treatment and prosecution of child abuse cases, including but not limited to: child protection workers, mental health personnel, police, Federal investigators, prosecutors and medical personnel. Program funds shall not be used to replace or serve as a substitute for funds already used for existing multi-disciplinary teams.

All multi-disciplinary teams will be required to develop and adhere to written policies regarding the roles and responsibilities of each of the agencies and professionals who participate in cases. The teams will also be required to develop procedures for handling all serious child abuse cases including all child sexual abuse cases. The primary emphasis should be placed upon child sexual abuse cases. The policies and procedures developed must employ practices which protect the child victim from further trauma while improving the probability of a successful investigation and prosecution.

Tribes are also encouraged to develop special legal units to advise the multi-disciplinary teams and to prosecute these cases in the tribal courts. The tribal prosecutor should also review the Tribal Codes to ensure they adequately address the issue of child abuse at the tribal level and that they protect the rights of child victims.

All special legal funded units that are involved in the prosecution of child sexual abuse cases will be required to use techniques that limit trauma to child victims.

Examples of activities that could be funded under this program are:

- The establishment or expansion of a multi-disciplinary team for the investigation and referral of child abuse cases. If this activity is chosen the applicant must indicate why the tribe has not yet developed such a unit.
- The establishment or expansion of a special unit/person to provide legal advice to the multi-disciplinary unit and/or prosecute child abuse cases at the tribal level.
- Training of multi-disciplinary teams and/or special legal counsel in commonly accepted innovative procedures for investigating and prosecuting child sexual abuse cases.
- Development of formal protocols among all parties involved in the investigation, referral, prosecution and treatment of child abuse cases. This includes funding for bringing representatives from the Federal, state and local agencies together to discuss and formulate formal policies and procedures for handling these cases.
- Development of treatment plans for victims of child abuse, to include payment for services not normally available to the tribe.
- Recommendations and plans for revision of tribal laws, rules and procedures to recognize the serious nature of child abuse, especially child sexual abuse.

Selection Criteria

All applicants will be placed in one of two established categories: (1) Those with active CPTs or (2) those who either do not have a CPT or have one that is inactive. The selection criteria for both groups will be identical; however, applicants will be required only to compete against other applicants in the same category. In determining which applications to fund, OVC will consider the following:

1. The need for such a program. Please indicate the following: the number of reported cases of child abuse and child sexual abuse over a period of time (information should be provided for the latest year complete information is available), the number of cases investigated, the number of children found to have been abused, the number of persons referred for prosecution and the number actually prosecuted. (20 points)

2. Cost effectiveness of the project. Cost effectiveness will be based upon review of a budget which accurately reflects how grant funds will be used to promote the effective handling, investigation and prosecution of cases. (20 points)

3. The appropriateness and soundness of program design. Appropriateness and soundness will be based upon such factors as: evidence of cooperation between tribal, local, state and Federal agencies and officials, including, where appropriate, the U.S. Attorney who has responsibility for prosecuting Federal crimes; where available written guidelines should be presented as evidence of previous cooperative efforts; description of the process to be used to coordinate activities among all agencies/individuals that have responsibility for dealing with child abuse cases and the relevance of program activities to the identified need. (30 points)

4. Evidence of a need and willingness to change current procedures, practices, laws and/or tribal codes in order to improve the investigation and prosecution of child abuse cases and reduce the trauma inherent in such prosecution. (20 points)

5. Description of how the efforts contemplated under this program will be continued when program funds expire. (10 points)

Each application will be scored based upon the above named criteria. Applications receiving the highest score in each group will be funded. OVC anticipates awarding approximately four to five grants in each group, for a total of eight to ten projects.

Applications

Applicants should submit three (3) copies of their completed proposal by the deadline established above. All submissions must include:

A. A completed and signed Standard Form 424, (Rev. 4–88), *Application for Federal Assistance*. Copies of the required forms, and any other information or clarification regarding them, may be obtained by writing or calling the Office for Victims of Crime, National Victims Initiative Division, 633 Indiana Avenue, NW., Washington D.C., 20531 (202) 272–6500.

B. A summary of the full proposal, not to exceed one page.

c. A program narrative of not more than 20-double spaced typed pages. The narrative should include the following information:

- A clear, concise statement of the problems experienced by the tribe in handling, investigating and prosecuting cases of serious child abuse.
- A description of how child abuse and child sexual abuse cases are currently handled, by tribal law enforcement, social services and the CPT, if it is operational. This description should include the role of all Federal and state agencies in investigating, referring, treating and prosecuting serious child abuse cases.

• A clear statement of the project objectives, including a listing of the major events, activities, products and a timetable for completion.

• Letters of support from agencies at the Federal, state and local levels that are also involved in handling, investigating and/or prosecuting serious child abuse cases.

• Copies of protocols involving the handling, investigation and prosecution of child abuse.

• The proposed management and staffing plan. These plans should include, at a minimum, a listing of the staff to be included as part of the project and the organization and affiliation of each of the staff. All persons paid for by this grant, as well as those who are involved in grant activities but are not paid, should be included in the management and staffing plan. For example, even if grant funds are to be used to support only a portion of a CPT, the composition of the entire CPT must be listed.

• A brief history of all grants the tribe received over the past two years related to: child abuse, spouse abuse, family violence, law enforcement and/or victimization.

D. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and travel to two consortium meetings. The funds the tribes receive from this grant could be used to pay for the travel to the consortium meetings. For planning purposes, travel should be figured to Denver, Colorado. As stated earlier, tribes are not permitted to impose indirect costs that are not directly related to the operation of this project.

E. Copies of vitae for the professional staff which summarize education and professional experience.

Application Deadline

Applications are due by (sixty days from publication in the **Federal Register**). Applications which are hand delivered must be received at the Office for Victims of Crime by the close of business (5:00 pm EST).

Grant Period and Award Amounts

The Office for Victims of Crime anticipates making approximately eight to ten grants. Grants will range from $40,000 to $100,000 and will be dependent upon demonstrated need of the tribe. A total of $531,000 is available for this grant program. The grants will be fore twelve (12) months and will cover 100% of the project costs (no matching funds are required).

Additional Information

The Office for Victims of Crime is also announcing in this **Federal Register** a Training and Technical Assistance Program for Native American Grantees and Subgrantees. The purpose of the Training and Technical Assistance Program is to provide a wide range of training and technical assistance to Native American Indian tribes that have received either a subgrant from a state that received an OVC Assistance to Victims of Federal Crime in Indian Country discretionary grant or a tribe that receives a Children's Justice Act discretionary grant under this announcement.

Approved.

Jane Nady Burnley,

Director, Office for Victims of Crime.

[FR Doc. 89-17853 Filed 7-31-89; 8:45 am]

BILLING CODE 4410-18-M

Office for Victims of Crime; Training and Technical Assistance for Native American Grantees and Subgrantees

AGENCY: Department of Justice, Office of Justice Programs, Office for Victims of Crime, Jane Nady Burnley, Director.

ACTION: Notice of Availability of Funds.

SUMMARY: The Office for Victims of Crime (OVC) is publishing this notice to announce a $300,000 discretionary grant program designed to provide a range of training and technical assistance to Native American Indian tribes and organizations that have received either a grant from *The Children's Justice Act Discretionary Grant Program for Native Americans* or a subgrant from either one of the two *Assistance to Victims of Federal Crime in Indian Country* discretionary grant programs.

EFFECTIVE DATE: Applications are due by October 2, 1989.

ADDRESS: Address applications to the Office for Victims of Crime, 633 Indiana Avenue, NW., Washington, DC 20531. Attention: Sue Shriner.

FOR FURTHER INFORMATION: Questions concerrning this notice should be directed to Sue Shriner or Toni Thomas, Program Specialists, Office for Victims of Crime, 633 Indiana Avenue NW., Washington, DC 20531, (202) 272-6500.

SUPPLEMENTARY INFORMATION:

Background

The funds for this program will come from the Victims of Crime Act of 1984 (VOCA), as amended, 42 U.S.C. 10601 *et seq.*, and the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3711, *et seq.* The Victims of Crime Act established a Crime Victims Fund in the Department of the Treasury made up of monies received from certain Federal criminal fines, special penalty assessments, forfeited appearance bonds, bail bonds and collateral security, and literary profits due certain convicted Federal defendants. Under the provisions of 42 U.S.C. 10601(d)(2)(A)(4)(iii), of the first $100,000,000 deposited in the fund in a particular year, 1% shall be available for grants as provided in 42 U.S.C. 10603(c) for training and technical assistance services to eligible crime victim service programs and for the financial support of services to victims of Federal crime by eligible crime victim assistance programs. OVC has made support for victim assistance to Native Americans in Indian country the highest priority for use of this 1% of the Crime Victims Fund. OVC will contribute $100,000 of its funds for this effort.

Under the provisions of 42 U.S.C. 3751, the Bureau of Justice Assistance is authorized to make additional Federal financial assistance available to public and private agencies and private nonprofit organizations for the purposes of undertaking educational and training programs for criminal justice personnel and providing technical assistance to States and local units of government. The Director of the Bureau of Justice Assistance has transferred $200,000 of discretionary grant funds authorized under Section 508 (b) of the Omnibus Crime Control and Safe Streets Act, as amended, to the Office for Victims of crime to address the purposes mentioned below.

In November 1988, the Office for Victims of Crime awarded grants to nine states to provide assistance to Native Americans who are victims of crime. Eligibility was limited to those states where the United States Government, through such agencies as the Bureau of Indian Affairs, the Federal Bureau of Investigation, or the U.S. Attorney's office, has the authority to investigate or prosecute crime in Indian country. The nine states—Arizona, Michigan, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming—received a total of $1,004,500. The grants ranged from $35,500 to $250,500. The state-designated victim assistance agencies are in the process of awarding subgrants to tribes and Native American organizations on reservations located in their states. These grants will enable tribes to address the pressing needs of Native American victims of crime who have very limited access to victim assistance services. It is anticipated that the states

will eventually award a total of approximately 30 subgrants. The Indian tribes will use the funds for a variety of victim related programs including: shelters for abused women; crisis response to sexual assault victims; grief support groups; child abuse treatment; training for law enforcement officers for more effective responses to the needs of victims; and general victim service programs. Most of these projects will operate until April 30, 1990.

The response to the Office for Victims of Crime's first grant program to assist victims of Federal crime in Indian Country was so great that the Office announced a second grant program. On March 17, 1989, a total of $700,000 of discretionary grant funds was made available for the same purpose in the **Federal Register (Federal Register** Vol. 54, No. 51, p. 11304). The Office anticipates awarding $700,000 to states that have not received an award under the previous announcement. The Office for Victims of Crime will make 6–8 grant awards to the states. These awards will range from $30,000 to $200,000.

In another part of this Federal Register notice, the Office for Victims of Crime is also making funds available to Native American Indian tribal organizations to assist them in developing or expanding programs that improve the handling of child abuse cases, especially child sexual abuse cases.

Purpose

The Office for Victims of Crime is making $300,000 available to a public or private nonprofit agency, or consortium of agencies, to provide technical assistance and training to those Indian tribes and Native American organizations that have received a subgrant from either of the two *Assistance to Victims of Federal Crime in Indian Country* discretionary grant programs or received a discretionary grant made as part of the *Children's Justice Act Discretionary Grant Program for Native Americans.* The Office is seeking to ensure that all Native American tribes that have received support under any one of these initiatives are provided the training and technical assistance necessary to start and successfully operate their programs.

The Office recognizes the difficulties inherent in the development of new victim service programs and the need for technical support and training so that programs can achieve their stated goals and objectives. Several different approaches to providing technical assistance and training are needed because there are a variety of different types of programs being funded and the tribes that are implementing the programs have varying features, including: size, location, availability of resources and services, culture, legal structure and law enforcement jurisdiction.

Program Description

One project will be funded under this initiative. The project must be capable of providing a wide range of training and technical assistance services to all Indian tribes and organizations that have received a grant from the Office for Victims of Crime under either the Assistance to Victims of Federal Crime in Indian Country or the Children's Justice Act Discretionary Grant Program for Native Americans.

Within 45 days of the grant award,, the grantee will be expected to survey all eligible Indian grantees to assess their training and technical assistance needs.

Within 60 days of the grant award, the grantee will be expected to categorize and establish priorities for the training and technical assistance requested.

Within 60 days of the grant award, the grantee will be expected to submit to the Office for Victims of Crime a comprehensive 12-month plan for the development and delivery of technical assistance and training. The plan should be based upon information collected during the survey phase of the project and should include such information as: the types of technical assistance to be provided; the steps necessary to adapt suitable resources, the location for providing the assistance; anticipated attendance at training; the reason such training/technical assistance was selected; the cost of such training; the method of be used to assess the effectiveness of such training; and the period during which the training/technical assistance is to be provided. Within 60 days of the grant award, the grantee will also be expected to submit a plan for the assessment and delivery of ad hoc training and technical assistance requests.

The plan is subject to review and approval by OVC. If the initial plan is rejected, the grantee will have 15 days from the receipt of OVC's notice of rejection and comments to submit a revised plan which will also be subject to OVC's review and approval. Within 15 days of OVC's final approval of the plan the grantee should begin to provide on-site training and technical assistance.

The Office for Victims of Crime recognizes that the requests for training and technical assistance may exceed the availability of resources. Therefore, it is very important that the grantee develop a delivery plan which maximizes available resources. This could be done, in part, by: providing training and technical assistance on a regional basis; using other on-going training and technical assistance efforts to support this program's needs; using training and technical assistance material; brochures and guides that are already developed; establishing clear priorities for the provision of training and technical assistance; and utilizing trainers and technical assistance providers who are knowledgeable about Native American culture, custom and law.

While this project will operate for eighteen (18) months the Office for Victims of Crime anticipates that a majority of the training and technical assistance efforts will take place during the first twelve (12) months of the grant. The Office's priority is to ensure that all projects have the training and technical assistance necessary to begin operating effectively.

Selection Criteria

In determining which applications to fund, the Office for Victims of Crime will consider the following:

1. Experience of staff and proposed subcontractors in developing and delivering victims related technical assistance and training programs. (20 points).

2. Knowledge of the problems and issues inherent in developing and implementing victims related programs in Indian country. (10 points).

3. Comprehensiveness, cost effectiveness, timeliness and overall utility of the technical assistance and training delivery plan submitted in response to the program description section of this announcement. (30 points).

4. Personnel staffing plan that reflects expertise in multidisciplinary response to child sexual abuse, the range of victim service needs, working knowledge of Native American cultural differences and presence of Native American staff expertise. (20 points).

5. Evidence of understanding of jurisdictional issues in law enforcement and criminal prosecution on Indian reservations. Also, mental health, health and social service systems on reservations. (20 points).

Eligible Applicants

Public agencies, private agencies, organizations or consortia thereof, are eligible to apply. They must have knowledge of the subject matter and have expertise and experience in providing technical assistance and training on victim assistance. In the selection process, preference will be

given to Native American organizations, applicants that have a significant number of Native American staff members who have expertise in victim, child sexual abuse and related issues, or agencies that subcontract with a Native American organization for the provision of training and technical assistance services.

Time Period and Award Amount

One grant, not to exceed $300,000, will be made by the Office for Victims of Crime. The grant will be for an eighteen-month period. The applicant will not be required to providing matching funds for this program.

Application Deadline

Applications must be received by (SIXTY DAYS FROM PUB DATE). Mailed applications must be postmarked by this date. However, applications that are hand-delivered must be received by the close of business (5:00 P.M. EDT) on the deadline date at the Office for Victims of Crime, 633 Indiana Avenue NW., Washington, DC 20531.

Applications

Applicants should submit three (3) copies of their completed proposal by the deadline established above, each signed in the original.

Applications must include:

1. A completed and signed Federal Assistance application on the current Standard Form 424. Copies of the required forms, and any information or clarification regarding them, may be obtained by writing or calling the Office for Victims of Crime, National Victims Initiative Division, 633 Indiana Avenue, NW., Washington, DC 20531, (202) 272–6500.

2. An abstract of the full proposal, not to exceed one page.

3. A program narrative of not more than twenty (20) double-spaced typed pages which should include:

a. A clear statement which describes the approach and strategy to be utilized to complete the tasks identified in the program description;

b. The proposed organization and management plan to be used including, at a minimum, the staff of the project, and the time commitments of key staff to individual project tasks. A project director must be identified, with a clear indication of the amount of time to be devoted to the project;

c. Description of how the project will be evaluated.

4. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted item cost. Any anticipated subcontracts must include a separate budget.

5. Copies of vitae for the professional staff which summarize education, clinical, research and training experience, and bibliographic information related to the proposed work.

All three copies of the application must be sent or hand delivered to: Office for Victims of Crime, 633 Indiana Avenue, NW., Washington, DC 20531, by the deadline established above.

Additional Information

This program will support those grantees and subgrantees that have received support from any one of three discretionary grant programs for Native Americans that the Office for Victims of Crime has made. A summary of those programs follows:

• Assistance to Victims of Federal Crime In Indian Country: Phase I.

This program was originally announced in the **Federal Register** on July 21, 1988 (**Federal Register**, Vol. 53, No. 140, pp. 27577–78). In November 1988, the Office for Victims of Crime awarded $1,004,500 to nine states. The state victim assistance agencies are in the process of subgranting the funds they received under this grant program. As of April 1, 1989, the following states have made the following progress in subgranting their funds:

Arizona	$250,500	5 subgrants
Michigan	$90,500	2 subgrants
North Dakota	$100,500	5 subgrants
Oregon	$35,500	1 subgrant
South Dakota	$195,500	8 subgrants
Utah	$50,500	2 subgrants
Washington	$170,500	0 subgrants
Wisconsin	$35,500	1 subgrant
Wyoming	$75,500	1 subgrant

• Assistance to Victims of Federal Crime in Indian Country: Phase II.

This program was announced in the **Federal Register** on March 17, 1989 (see **Federal Register**, Vol. 54, No. 51, pp. 11304–11306).

While no grant awards have yet been made by the Office for Victims of Crime, the Office does anticipate making up to eight awards to eligible state agencies by October 1989. The grants are to range from $30,000 to $200,000 and will be subgranted or contracted to Indian Tribes and other Native American organizations that are willing to establish or improve victim assistance programs in Indian country. States that received a grant in the initial program are not eligible to apply for these funds. At this time, the Office for Victims of Crime is uncertain of the number of subgrants the states will award once they receive their grants.

• The Children's Justice Act Discretionary Grant Program for Native Americans.

This program is also being announced in this **Federal Register**. The Office anticipates making approximately eight to ten grants directly to Indian tribes. The grants would be used by the tribes to improve the handling of child abuse cases, especially child sexual abuse cases, in a manner which limits additional trauma to the child and improves the investigation and prosecution of these cases. Grants are expected to be made in the Fall of 1989.

Approved.

Jane Nady Burnley,

Director, Office for Victims of Crime.

[FR Doc. 89–17854 Filed 7–31–89; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Bureau of International Labor Affairs

Export Processing Zones Study; Request for Information

SUMMARY: The Depart of Labor's Bureau of International Labor Affairs is conducting a study of internationally recognized worker rights in Export Processing Zones. This study is designed to ascertain the extent to which these worker rights differ in law or practice from worker rights in the rest of a country. Submission of information and material from the public is invited on this subject, with particular reference to the specific questions outlined below.

DATE: Information and material must be received by September 1, 1989.

ADDRESSES: Material may be mailed to Harold L. Davey, Foreign Service Coordinator, Bureau of International Labor Affairs, Room S–5006 Frances Perkins Bldg., 200 Constitution Ave., NW., Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

Background

The principal purpose of this study is to provide detailed information to be used in preparing a Department of Labor report to Congress on worker rights required under section 6306(b) of the Omnibus Trade and Competitiveness Act of 1988. The legislative history (House Report No. 100–40) states that "It is the committee's intent that this study and report identify so-called free trade or export processing zones where they exist and describe the status of

internationally recognized worker rights within them."

Internationally Recognized Worker Rights

The internationally recognized worker rights are those described in the Generalized System of Preferences Renewal Act of 1984: right of association, right to organize and bargain collectively, prohibition on the use of any form of forced or compulsory labor, a minimum age for the exployment of children and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Scope

The International Labor Organization defines export processing zone as "a clearly delineated industrial estate which constitutes a free trade enclave in the customs and trade regime of a country, and where foreign manufacturing firms producing mainly for export benefit from a number of fiscal and financial incentives." As used in this study, the term export processing zone (EPZ) will generally include export processing zones and other offshore manufacturing facilities producing for export and receiving these benefits whether or not they are located in an industrial estate.

Aspects on Which Information is Being Sought

1. General Discussion of EPZs

General description of use, basic data such as number of zones and firms, geographical concentration, employment, importance in trade of countries, industrial/sectoral composition, projected growth, relation to U.S. trade preference programs, such as GSP, CBI or special tariff provisions such as TSUS 806.30 and 807.00 (now item 9802 under the new Harmonized System nomenclature).

2. General Discussion of Worker Rights

Discussion of the status of the five specified rights in EPZs as compared with the non-EPZ parts of the countries.

3. Individual Country Reports

On-site visits were made to 11 representative countries which will be the subject of country reports: Dominican Republic, Haiti, India, Jamaica, Korea, Malaysia, Mexico, Philippines, Sri Lanka, Thailand, and Tunisia. The following information is sought on these countries.

a. Economic role of EPZs in the country, including the number of firms, country of ownership, employment and compensation, types of goods produced, value of output/value added, destination of final products, importance to trade and economy of the country, labor force (age/sex/skill).

b. Status of worker rights in EPZs, including laws, practice, recent developments with regard to each worker right.

c. Differences, if any, between provision of worker rights within EPZs as compared to rest of the country.

Signed at Washington, DC, this 25th day of July 1989.

Shellyn McCaffrey,

Deputy Under Secretary for International Affairs.

[FR Doc. 89-17925 Filed 7-31-89; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

A-1 Rit & Tool Co. Service Center et al.; 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 August 11, 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 ?

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 17th 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
A-1 Rit & Tool Co. Serv. Center (Workers)	Lafayette, LA	7/17/89	6/26/89	23,131	Oil and gas.
Alert Shoe Corp. (ACTWU)	New York, NY	7/17/89	6/27/89	23,132	Shoes.
BTK Industries, Inc. (Workers)	El Paso, TX	7/17/89	6/28/89	23,133	Boyswear.
Bacock & Wilcox Co. (Workers)	Bryan, TX	7/17/89	6/22/89	23,134	Oil and gas.
Burlington Industries, Inc. (Workers)	Rocky Mont, NC	7/17/89	7/3/89	23,135	Draperies.
Clarion Sintered Metals (IAM&AW)	Ridgway, PA	7/17/89	6/28/89	23,136	Powder metal parts.
Columbus Auto Parts (UAW)	Columbus, OH	7/17/89	7/3/89	23,137	Steering linkage.
DeBari Fashions Finishing Corp. (Workers)	Middle Village, NY	7/17/89	6/29/89	23,138	Ladies' knit sweaters.
Delta Apparel, Inc. (ACTWU)	Knoxville, TN	7/17/89	6/29/89	23,139	Ladies', mens' and kids shirts.
Designers Workshop (Workers)	Phoenix, AZ	7/17/89	6/27/89	23,140	Fabric linens.
El Paso Natural Gas Co./Midkill Plant, S. Reg. (Workers).	Midland, TX	7/17/89	6/30/89	23,141	Oil and gas.
Garan, Inc. (ACTWU)	Adamsville, TN	7/17/89	6/27/89	23,142	Men's knit shirts.
General Electric (IUE)	St. Holland, MI	7/17/89	6/28/89	23,143	Hermetic motors.
Globe Motors-Div. of LCS (Workers)	Dayton, HO	7/17/89	6/23/89	23,144	Small motors.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Hagen Tractor Sales, Inc. (Workers)	Paw Paw, MI	7/17/89	6/27/89	23,145	Tractors.
Hoke, Inc. (Company)	Cresskill, NJ	7/17/89	6/26/89	23,146	Valves.
Houston Processors, Inc. (Company)	Houston, TX	7/17/89	6/23/89	23,147	Seismic cross-section plots.
Kline Hydraulics (IAM)	Westerville, OH	7/17/89	6/30/89	23,148	Hydraulics pumps.
Levolor Corp. (Company)	Kent, WA	7/17/89	6/27/89	23,149	Window blinds.
Montgomery Drilling (Workers)	Bakersfield, CA	7/17/89	5/26/89	23,150	Oil and gas.
Nelson Oil & Gas, Inc. (Company)	Shreveport, LA	7/17/89	6/23/89	23,151	Oil and gas.
Paris Mfg., Corp. (Workers)	South Paris, ME	7/17/89	6/22/89	23,152	Cribs, sleds, high chairs, and swings.
Petrolite Corp.-Tretdite Div. (Workers)	St. Louis, MO	7/17/89	6/7/89	23,153	Oil and gas.
Philips Medical Systems N.A	Shelton, CT	7/17/89	6/30/89	23,154	X-ray equipment.
Philips Park-Norelco Div. of North American Philips (Company).	Essex, CT	7/17/89	6/21/89	23,155	Coffee makers.
Phoenix Geoscience, Inc. (Company)	Denver, Co	7/17/89	6/26/89	23,156	Oil and gas.
Schaevitz Engineering (Company)	Pennsauken, NJ	7/17/89	6/21/89	23,157	Transducers.
Schlumberger Well Serv. Corporate Headquarters (Company).	Dallas, TX	7/17/89	6/26/89	23,158	Oil and gas.
Teleflex, Inc., Marine Div. (UAW)	Limerick, PA	7/17/89	6/26/89	23,159	Conduits and controls for boats.
Terra Tek Core Serv. (Company)	Midland, TX	7/17/89	6/26/89	23,160	Oil and gas.
Trico Products Corp. (UAW)	Buffulo, NY	7/17/89	6/29/89	23,161	Windshield wipers and parts.
Western Wellchems (Company)	Denver, CO	7/17/89	6/22/89	23,162	Oil and gas.
Westinghouse Elec. Corp. (Company)	El Paso, TX	7/17/89	6/26/89	23,163	Electric motor coils.
Schlumberger Well Serv. Mid-America Div. (Company).	Oklahoma City, OK	7/17/89	6/26/89	23,164	Oil and gas.
Schlumberger Well Serv. Northeast Div. (Company).	Columbus, OH	7/17/89	6/26/89	23,165	Do.
Schlumberger Well Serv. Pacific Coast Div. (Company).	Ventura, CA	7/17/89	6/26/89	23,166	Do.
Schlumberger Well Serv. Rocky Mountain Div. (Company).	Aurora, CO	7/17/89	6/26/89	23,167	Do.
Schlumberger Well Serv. Southeast Div. (Company).	Shreveport, LA	7/17/89	6/26/89	23,168	Do.
Schlumberger Well Serv. West Texas Div. (Company).	Midland, TX	7/17/89	6/26/89	23,169	Do.
Schlumberger Well Serv. Coastal West Div. (Company).	Corpus Christi, TX	7/17/89	6/26/89	23,170	Do.

[FR Doc. 89-17924 Filed 7-31-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,773]

GLI-United Plastics; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Gli-United Plastics, Madison Heights, Michigan. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-22,773: Gli-United Plastics, Madison Heights, Michigan (July 12, 1989)

Signed at Washington, DC, this 19th day of July 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-17923 Filed 7-31-89; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-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 Inter-Arts Advisory Panel (Presenting Organizations Section) to the National Council on the Arts will be held on August 21, 1989, from 9:30 a.m.—6:00 p.m., August 22-25 from 9:00 a.m.—6-00 p.m., and August 26 from 9:00 a.m.—5:00 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 26, 1989, from 9:00 a.m.-2:00 p.m. The topic for discussion will be policy issues.

The remaining portion of this meeting on August 21, 1989, from 9:30 a.m.—6:00 p.m., August 22-25 from 9:00 a.m.—6:00 p.m., and August 26 from 2:00—5:00 p.m. is 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. 89-17852 Filed 7-31-89; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-36, ASLBP No. 89-593-01-MLA]

Combustion Engineering, Inc.; Designation of Presiding Officer

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, a single member of the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing, and, if necessary, to serve as the presiding officer to conduct the hearing in the event that an informal adjudicatory hearing is ordered in the following materials licensing proceeding.

Combustion Engineering, Inc.

Hematite Fuel Fabrication Facility, Special Nuclear Materials License No. SNM-33

This board is being established pursuant to a notice published by the Commission on May 24, 1989, in the **Federal Register** (54 FR 22,510) entitled, "Finding of no Significant Impact and Opportunity for a Hearing; Amendment of Special Nuclear Materials License; Combustion Engineering, Inc., Hematite, MO." The proposed amendment would authorize the Licensee to operate new pellet production lines at its plant in Hematite, Missouri.

The presiding officer in this proceeding is Administrative Judge Charles Bechhoefer.

Following consultation with the Panel Chairman, pursuant to the provisions of 10 CFR 2.722, the Presiding Officer has appointed Administrative Judge Jerry R. Kline to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Bechhoefer and Judge Kline in accordance with 10 CFR 2.701. Their addresses are:

Administrative Judge Charles Bechhoefer, Presiding Officer, Atomic Safety and Licensing Board Panel, U.S. Nculear Regulatory Commission, Washington, DC 20555

Administrative Judge Jerry R. Kline, Special Assistant, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Bethesda, Maryland this 24th day of July 1989.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 89-17825 Filed 7-31-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison; Wolverine Power Supply Cooperative, Incorporated; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company and Wolverine Power Supply Cooperative, Inc. (the licensees), for operation of Fermi-2 located in Monroe County, Michigan.

In accordance with the licensees' application for amendment dated May 10, 1989, the amendment would revise the Technical Specifications (TS) to reflect design changes for the Reactor Protection System (RPS) which will eliminate the backup manual scram function and add further redundancy to the RPS capability to manually initiate a scram.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By Aug 31, 1989, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "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 that 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.

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 Lawrence A Yandell: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of the **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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for Detroit Edison Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated May 10, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 27th day of July 1989.

For the Nuclear Regulatory Commission.

William O. Long,

Acting Director, Project Directorate III–I, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–17913 Filed 7–31–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–341]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Incorporated; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–43, issued to the Detroit Edison Company and Wolverine Power Supply Cooperative, Inc. (the licensees), for operation of Fermi–2 located in Monroe County, Michigan.

In accordance with the licensees' application for amendment dated March 10, 1989 the amendment would revise the Technical Specifications (TS) by removing the Traversing Incore Probe (TIP) Purge System Isolation Valve listed in TS Table 3.6.3–1, from the TS. The subject penetration will be sealed closed during the first refueling outage scheduled for September 1989.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 31, 1989, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "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 data, 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 pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set 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 opportunty to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

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 Lawrence A. Yandell: (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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for Detroit Edison Company.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the

presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 10, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 27th day of July 1989.

For the Nuclear Regulatory Commission.

William O. Long,

Acting Director, Project Directorate III–1, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–17914 Filed 7–31–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 88 to Facility Operating License No. DPR–42 and Amendment No. 81 to Facility Operating License No. DPR–60, issued to Northern States Power Company (the licensee), which revised the License for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2, located in Goodhue County, Minnesota.

The amendments are effective as of the date of issuance.

The amendments modified the license to add the provision for transferring by-product materials to the Prairie Island facility from other Northern States Power job sites.

The application for amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on March 7, 1989 (54 FR 9584). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendments dated October 24, 1988, (2) Amendment No. 88 to License No. DPR–42 and Amendment No. 81 to DPR–60 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2), and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Project III, IV, V & Special Projects.

Dated at Rockville, Maryland this 25th day of July 1989.

For the Nuclear Regulatory Commission.

Dominic C. DiIanni,

Project Manager, Project Directorate III–1, Division of Reactor Project–III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–17915 Filed 7–31–89; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Docket No. A89–11 Order No. 834]

Montpelier, Mississippi 39754 (Nancy Cliett, Petitioner); Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued July 26, 1989

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; W.H. "Trey" LeBlanc III; Patti Birge Tyson

Docket Number: A89–11

Name of Affected Post Office:

Montpelier, Mississippi

Name(s) of Petitioner(s): Nancy Cliett

Type of Determination: Consolidation

Date of Filing of Appeal Papers: July 24, 1989

Categories of Issues Apparently Raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before August 8, 1989.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Cyril J. Pittack,

Acting Secretary.

Appendix

July 24, 1989	Filing of Petition.
July 26, 1989	Notice and Order of Filing of Appeal.
August 18, 1989	Last day of filing of petitions to intervene [*see* CFR 3001.111(b)].
August 28, 1989	Petitioners' Participants Statement or Initial Brief [*see* 39 CFR 3001.115(a) and (b)].
September 18, 1989.	Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].
October 3, 1989	Petitioners' Reply Brief should Petitioners choose to file one [*see* 39 CFR 3001.115(d)].
October 10, 1989	Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116].
November 20, 1989.	Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 89–17910 Filed 7–31–89; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[34-27056; DTC-89-09]

Self-Regulatory Organizations; the Depository Trust Company; Order Approving a Proposed Rule Change To Establish an Interface With the National Securities Clearing Corporation's Mutual Fund Settlement, Entry and Registration Verification Service

July 24, 1989.

On April 25, 1989 the Depository Trust Company ("DTC") filed a proposed rule change (File No. SR–DTC–89–09) pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule would provide DTC members access to the National Securities Clearing Corporation's ("NSCC") Mutual Fund Settlement, Entry and Registration Verification Service ("Fund/SERV"). Notice of the proposed rule change appeared in the **Federal Register** of June 9, 1989. [2] No comments were received. On June 20, 1989, DTC amended its proposal. [3] As discussed below, the Commission is approving the proposed rule change.

I. Description of the Proposal

The proposal amends DTC's rules and procedures to allow DTC participants, who are not already Fund/SERV members, access to NSCC's Fund/SERV system. [4] DTC participants acting in their capacity as mutual fund agents will not be eligible to participate in DTC's Fund/SERV program; instead, mutual fund agents must participate in Fund/SERV directly through NSCC.

The proposal will allow DTC participants to communicate mutual fund purchase and redemption orders to DTC before 4:00 p.m. (New York time ["NYT"]) for transmission to NSCC and subsequent re-transmission to mutual fund processors (NSCC's Fund/SERV members who receive purchase and redemption orders on behalf of eligible mutual funds) on any business day ("trade date" or "T"). DTC participants will be able to transmit these orders to DTC through DTC's Participant Terminal System ("PTS") network.[5] DTC will transmit those orders to NSCC, in one batch, by 7:00 p.m. NYT that day. Once received, NSCC will assign a system control number to each order and review them to ensure that the data is submitted in acceptable format. [6] NSCC will return any orders that do not meet the format criteria to DTC. At 8:00 p.m. NYT of trade date, NSCC will forward those orders that are in compliance with NSCC's criteria to the appropriate mutual fund processors. NSCC also will re-transmit all orders (rejected as well as accepted) to DTC for internal tracking and auditing purposes.

Within two business days following trade date (*i.e.*, T + 1 or T + 2), the mutual fund processors will transmit to NSCC confirmations, rejections and orders that are not yet either confirmed or rejected. NSCC will convey this information to DTC, who will make the information accessible to its participants through the PTS network. DTC participants may submit corrections concerning the money values and the number of shares involving confirmed trades before 7:00 p.m. NYT of T + 2. Mutual fund processors, however, must reconfirm these corrections so that corrected orders can supersede the original orders. NSCC will delete any unconfirmed orders by 12 noon NYT of T + 2, and will inform both DTC and the mutual fund processors of any such deletions. [7]

On the fourth business day after trade date (T + 4), NSCC will create a file of all the confirmed orders that have been released for settlement by mutual fund processors on the next business day (T + 5 or "settlement date").[8] On the morning of settlement date, DTC will make this file available to its participants through the PTS network, and will transmit tickets to participants for all items due to settle on that date. DTC will net participant Fund/SERV payment obligations with other participant NDFS system payment obligations. At 5:00 p.m. NYT of T + 5, DTC participants will pay thier money settlement obligations to DTC in next-day funds in accordance with DTC's "Money Payment" Rule.[9] DTC, in turn, will settle directly with NSCC at approximately 5:00 p.m. NYT of the same day.[10]

DTC, like NSCC, does not guarantee Fund/SERV transactions. DTC must notify NSCC before 10:00 a.m. NYT of T + 5 that it has ceased to act for a participant in order to limit its liability. If DTC gives NSCC timely notice regarding its decision to cease to act for a participant who has defaulted on its Fund/SERV payment obligations, DTC's liability to NSCC for any debit amount relating to said participant would be limited to an amount equal to that of the participant's required Fund/SERV contribution. If DTC notifies NSCC later than 10:00 a.m. NYT of T + 5 that it has ceased to act for a participant, and NSCC cannot reverse or recover the credits made to mutual fund processors with respect to said DTC participant, DTC will pay NSCC all amounts due,

---

[1] 15 U.S.C. 78s(b)(1) (1981).

[2] Securities Exchange Act Release No. 26886 (June 2, 1989), 54 FR 24778 (June 9, 1989).

[3] Letter from Karen G. Lind, Associate Counsel DTC, to Ester Saverson, Jr., Branch Chief Division of Market Regulation, Securities and Exchange Commission (June 20, 1989).

[4] Fund/SERV is a centralized, automated processing system for mutual fund purchases and redemptions. On November 20, 1987, the Commission approved NSCC's proposal to amend its rules and procedures in order to offer Fund/SERV as a permanent service to its participants. *See* Securities Exchange Act Release No. 25146 (November 20, 1987) 52 FR 45418 (November 27, 1987). *See also* Securities Exchange Act Release No. 22928 (February 20, 1986), 51 FR 6954 (February 27, 1986), (approving Fund/SERV as a pilot program); Securities Exchange Act Release No. 24088 (February 10, 1987), 52 FR 5228 (February 19, 1987) (continuing Fund/SERV as a pilot program).

[5] DTC's PTS network is an electronic system that permits direct communication between DTC and its participants, enabling participants to effect book-entry movements and other account related activity via remote terminal. On December 30, 1983, the Commission approved DTC's use of the PTS network. *See* Securities Exchange Act Release No. 20519 (December 30, 1983), 49 FR 966 (January 6, 1984).

[6] NSCC, however, will not check the accuracy of the data submitted by Fund/SERV participants.

[7] DTC's Fund/SERV interface service allows participants to transmit through the PTS network information pertaining to purchase and redemption orders as of a specific date, including trades not submitted on trade date or trades previously rejected from the system. These orders are denominated "as-of" orders and a participant may submit these orders at any time within six months after trade date. There are two differences between processing as-of and regular orders:

(1) Mutual fund processors have up to three business days to either reject or confirm an as-of order. This may result in settlement up to seven business days (instead of the normal five) after the trade has been submitted.

(2) While participants do not have the capability of correcting an as-of order, a participant has up to the first day after confirmation by the mutual fund processor to delete an as-of order if it disagrees with the confirmation issued by a mutual fund processor.

[8] Confirmed redemptions of book shares registered in street name settle automatically, normally on T + 5. Between T + 4 and T + 14, mutual fund processors must submit separate releases to settlement for confirmed redemptions of book shares registered in the customer's name of for physical shares so that these transactions can be settled through Fund/SERV. At 12 noon NYT of every business day between T + 4 and T + 13, NSCC will issue daily reminders to mutual fund processors and DTC about confirmed redemptions for which releases to settlement have not been received. At 11:00 a.m. NYT of T + 14 NSCC will delete redemption orders that have not been released to settlement by mutual fund processors. NSCC will convey this information to DTC and the mutual fund processors by 12 noon NYT of this same date.

[9] *See* The Depository Trust Company Rules, R. 9.

[10] A mutual fund processor will settle with NSCC at 1:00 p.m. NYT of T + 5 if it is in a net debit position. Fund/SERV settlements between NSCC and its participants and between mutual fund processors and NSCC, if the former are in a net credit position, will occur at 5:00 p.m. NYT of T + 5 in next day funds.

resulting from the participant's use of Fund/SERV.[11]

DTC will require each Fund/SERV Participant to make additional deposits (Fund/SERV contributions) to DTC's Next-Day Funds Settlement ("NDFS") Fund. A participant must deposit the required amounts in the manner prescribed by DTC's Rules.[12] The amount of the Fund/SERV contribution will be based on the daily settlement debits that a participant may have with any one eligible mutual fund family.[13] If a participant has daily Fund/SERV settlement debits of no more than $100,000 with respect to any fund family, the participant must contribute $5,000. If a participant has daily Fund/SERV settlement debits greater than $100,000, but not more than $500,000, with respect to any one fund family, the participant must contribute $10,000. If the participant has daily Fund/SERV settlement debits of more than $500,000 with any one fund family the contribution amount will be $20,000. DTC will calculate on a monthly basis each particpant's contribution to determine whether the participant's daily debits for any one fund family exceed the point at which a higher Fund/SERV Fund contribution is required.[14] DTC will collect any additional required deposits monthly. On a quarterly basis, DTC will return any money resulting from a decrease in a participant's level of required contributions.

DTC will allocate any Fund/SERV related losses pursuant to the allocation plan set forth in its Rules.[15] If a Fund/SERV interface participant defaults on a payment obligation, DTC will use that participant's Fund/SERV contributions and, if necessary, the defaulting participant's deposits to the NDFS Fund.[16] Upon demand, the defaulting participant must deposit all amounts necessary to cover the resulting Fund/SERV contribution and NDFS Fund deposit deficiencies.[17] The defaulting participant will remain liable for the full amount of the obligation arising from its default even if it ceases to be a member.[18]

If DTC is unable to recover its loss by assessing either the defaulting participant's Fund/SERV contributions or its deposits to the NDFS Fund, DTC will recover the remaining loss by assessing the contributions of all Fund/SERV interface participants (other than the participant[s] responsible for the loss) *pro rata*, based on each Fund/SERV interface participant's contribution level at the time DTC discovered the loss.[19] DTC's loss allocation plan requires a participant to satisfy the deficiency in the amount of its required contribution level, resulting from the *pro rata* assessment, as soon as required by DTC.[20] DTC can make additional *pro rata* charges to a Fund/SERV participant (other than the participant[s] responsible for the loss) for the same loss or liability.[21]

In order to limit its liability for future losses or additional assessments, a participant may give notice of its intention to terminate its dealings with DTC within ten business days after receiving notice of a *pro rata* charge. While this participant will remain fully liable for the *pro rata* charge, its maximum liability for additional *pro rata* assessments attributable to the same loss will be the greater of either the participant's required Fund/SERV and NDFS contributions, as fixed at the time of the first *pro rata* charge, plus 100%, or the amount of all prior *pro rata* charges attributable to the same loss or liability for which the participant has not limited its liability within the ten day time frame.[22]

II. DTC's Rationale for the Proposed Rule Change

DTC believes the proposal is consistent with section 17A of the Act[23] because it promotes the prompt settlement of mutual fund transactions by providing its members an automated method to purchase, redeem, and register mutual fund securities with a mutual fund, through DTC. DTC believes that this automated processing system will reduce the dependency on less efficient methods, such as telephone calls and written correspondence, which are currently used by DTC participants to settle mutual fund purchases. DTC also believes that it has established appropriate risk management procedures, such as requiring additional clearing fund contributions and setting a loss allocation scheme, in order to protect itself and its members from unreasonable risks associated with Fund/SERV activity.

III. Discussion

The Commission believes that DTC's proposal is consistent with section 17A of the Act because it encourages the use of new data processing and communications techniques to promote a linkage between two clearance and settlement facilities, which will result in more efficient, effective and safe procedures for the clearance and settlement of mutual fund transactions. As the Commission has stated before, Fund/SERV achieves this goal by offering one centralized processing location where mutual fund purchase and redemption orders are submitted in one standardized format.[24]

DTC's proposal will foster cooperation with NSCC, allowing DTC participants to eliminate multiple communications and settlement arrangements between themselves and mutual fund processors. This simplification will in turn reduce the risks of failed deliveries, inadequate transaction records, operational errors and, ultimately, financial insolvency.[25] Thus, the Commission believes that the proposed interface will encourage the use of more efficient means of communication between broker-dealers and mutual fund processors, which will in turn result in a more effective clearance and settlement system for mutual fund transactions.

In its release setting forth the standards used to evaluate clearing agency registration applications, the Division of Market Regulation noted that it is proper for a "clearing agency to establish by rule an appropriate level of clearing fund contribution based, among other things, on its assessment of the risks to which it is subject."[26] DTC

[11] *See* DTC-NSCC Fund/SERV Linkage Agreement, § 3 (June 29, 1989).

[12] *See* The Depository Trust Company Rules, R. 4, section 1, para. 4.

[13] A fund family is the conglomerate of mutual funds controlled by the same mutual fund processor.

[14] Pursuant to its Rules, DTC may require a participant to deposit additional amounts to the Fund/SERV Fund. The Depository Trust Company Rules, R. 4, section 1, para. 3.

[15] *See* Letter from Karen G. Lind, Associate Counsel DTC, to Julius Leiman-Carbia, Staff Attorney Division of Market Regulation, Securities and Exchange Commission (July 18, 1989).

[16] The Depository Trust Company Rules, R. 4, section 3.

[17] *Id.*

[18] *Id.*

[19] DTC's Board of Directors may elect instead to apply the existing retained earnings or undivided profits or portions thereof. If these amounts are not enough to cover the loss, DTC may apply the Fund/SERV contributions on the same *pro rata* basis as if it had chosen not to use the existing retained earnings or undivided profits. *Id.* R. 4, section 4.

[20] *Id.* R. 4, section 5.

[21] *Id.* R. 4, section 8.

[22] *Id.* R. 4, section 8.

[23] 15 U.S.C. section 78q-1 (1981).

[24] *See generally* Securities Exchange Act Release No. 24088, *supra* note 4, at 5230-1; Securities Exchange Act Release No. 26506 (January 31, 1989) 54 FR 6051, 6052 (February 7, 1989).

[25] *See* Securities Exchange Act Release No. 24088 *supra* note 4, at 5230.

[26] Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920, 41929 (June 23, 1980) (footnote omitted).

proposes to require from its Fund/SERV participants additional fund contributions, in order to protect itself and its membership from risks that could arise in connection with the Fund/SERV interface. This additional contribution requirement will be based upon a participant's level of Fund/SERV activity. The Commission believes that the proposed contribution requirement reflects the level of risk associated with Fund/SERV.[27]

Fund/SERV contributions will be separate from a DTC member's NDFS deposit requirements and will not be subject to the ceiling for DTC's NDFS Fund deposits. Moreover, DTC proposes to restrict the use of Fund/SERV contributions (other than contributions by a participant responsible for a loss incurred by DTC) to satisfy losses caused by Fund/SERV participants' defaults. While this would limit DTC's ability to mutualize default risks, the Commission has previously stated that " 'clearing fund protection can be organized responsibly in different ways at different clearing agencies.' " [28]

The Commission believes the proposal is likewise consistent with DTC's statutory obligation to safeguard funds and securities in DTC's possession or control.[29] While DTC will not guarantee Fund/SERV settlement payments, the proposal includes safeguards against losses due to member defaults. If, for example, DTC ceases to act for a participant, it can limit its liability to NSCC by notifying NSCC before 10:00 a.m. NYT of T + 5, seven hours before NSCC pays its Fund/SERV participants in next day funds at 5:00 p.m. of that same day. This action will enable NSCC to withhold payment and reverse any transactions made with respect to the defaulting DTC participant. Moreover, if DTC notifies NSCC after 10:00 a.m. NYT of T + 5, but before 8:00 a.m. NYT of the next business day, NSCC can stop payment on any funds paid to a mutual fund processor as a result of transactions by a DTC defaulting participant.[30]

In the event DTC and NSCC can neither cancel payment instructions nor recover the resulting payments, DTC will first attempt to cover any losses associated with Fund/SERV by using the responsible participant's Fund/SERV contributions. DTC will use the contributions of all other Fund/SERV participants if the defaulting participant's Fund/SERV contributions and deposits to the NDFS Fund are insufficient to cover the loss. The defaulting member, however, will remain liable for the amount of the default and, unlike other Fund/SERV participants, will not be able to limit its liability by ceasing to do business with DTC. By placing the burden of covering Fund/SERV related exposures, first, on the defaulting party and, then, on the other participants, DTC not only distributes liability equally among those benefiting from Fund/SERV, but also provides for a maximum assessment, thus allowing participants to ascertain, at any given time, their maximum potential liability.[31]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed filing (SR–DTC–89–09) be, and is hereby, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17858 Filed 7–31–89; 8:45 am]

BILLING CODE 8010–01–M

[27] The Commission has approved similar contribution requirements for this service at other clearing agencies. *See* Securities Exchange Act Release No. 26377 (December 20, 1988), 53 FR 52546 (December 28, 1988) (Approving, *inter alia*, contribution requirements for NSCC's new category of Fund/SERV members); *see also* Securities Exchange Act Release No. 26506, *supra* note 24 (Approving, *inter alia*, contribution requirements for the Midwest Clearing Corporation's proposed interface with NSCC's Fund/SERV service).

[28] *See* Securities Exchange Act Release No. 26377, *supra* note 27, at 52548 (quoting Securities Exchange Act Release No. 19230 [November 10, 1982] 47 FR 51969).

[29] 15 U.S.C. 78q–1(b)(1)(F) (1981).

[30] In the Order approving the Midwest Clearing Corporation's proposed interface with NSCC's Fund/SERV, the Commission discussed a similar plan designed to avoid risks associated with Fund/SERV. *See* Securities Exchange Act Release No. 26506, *supra* note 24, at 6053.

[31] *See* Securities Exchange Act Release No. 16900, *supra* note 26 (Discussing the importance of a participant's ability to ascertain its maximum potential liability).

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–27051; File No. SR–Phlx–89–33]

Self-Regulatory Organization; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Responsibility To Make Ten-Up Markets

On May 30, 1989, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Phlx Options Floor Procedure Advice A–11 ("Advice") relating to the requirement of specialists and Registered Options Traders ("ROTs") (collectively referred to as "floor traders") to make ten-up markets in all options series traded on the Exchange.

The proposed rule change was noticed in Securities Exchange Act Release No. 26943 (June 19, 1989), 54 FR 26876 (June 26, 1989). No comments were received on the proposed rule change.

Currently, the Advice requires that Exchange floor traders ensure that public customer orders are filled to a minimum depth of ten contracts. This requirement applies whether the floor trader is quoting the best bid or offer for his or her own account or if the best bid or offer is made for an account other than a floor trader. If the best bid or offer is made by someone other than a floor trader for less than ten contracts, however, participation for the additional contracts needed to satisfy the minimum ten contract requirement shall be by the floor trader at the next best bid or offer.[3]

The proposed amendment to the Advice clarifies the obligation of floor traders to make ten-up markets by providing that if the best bid or offer is made by someone other than a floor trader for less than ten contracts, participation for the additional contracts needed to satisfy the minimum ten contract requirement shall be supplied at that same price by the floor trader quoting the previous best bid or offer. In all other respects, including the fine schedule and exemption from Phlx Rule 1033 for good cause shown, the Advice is substantively unchanged.

The Phlx states that the proposed rule change is designed to implement certain technical and clarifying language to the Advice to eliminate confusion as to whether the Advice requires floor traders to participate at the best bid or offer in the market, or merely at their stated bid or offer. The Phlx suggests that the proposed rule change will protect investors and promote the public interest by assuring a minimum ten contract execution of public customer orders.

The Commission finds that the proposed rule change is consistent with

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1988).

[3] If the ten-up requirement must be satisfied by several floor traders, either because several traders are quoting the best bid or offer or the next best bid or offer, it shall be done as agreed upon by them or otherwise be divided proportionately.

the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 [4] and the rules and regulations thereunder. Specifically, the proposed rule change will help eliminate Phlx member confusion regarding a floor trader's obligation to make ten-up markets by providing that if the best bid or offer for an option is made by someone other than a floor trader for less than ten contracts, then the floor trader(s) quoting the next best bid or offer must ensure the balance of the ten contract minimum at the best bid or offer in the market, rather than at the price quoted by such floor trader(s). Clarifying a floor trader's obligations under the ten-up market requirement should help promote the benefits associated with ten-up markets, such as enhanced competition in the Phlx's options markets and the facilitation of options transactions. Thus, the proposed rule change should contribute to a more free, open, and liquid market. In addition, the proposed rule change is consistent with section 11A of the Act [5] because it will promote fair competition among brokers and dealers and the practicability of brokers executing investors' orders in the best market.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

Dated: July 21, 1989.

[FR Doc. 89-17859 Filed 7-31-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27054; File No. SR-Phlx-89-18]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Authorization of Foreign Currency Options Participants To Be Elected to the Exchange's Board of Governors

On March 31, 1989, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to amend the Exchange's By-Laws to permit foreign currency options participants to be nominated for election and, if elected, to serve as members of the Phlx Board of Governors.

The proposed rule change was noticed in Securities Exchange Act Release No. 26861 (May 22, 1989), 54 FR 23006, (May 30, 1989). No comments were received on the proposal.

In its filing, the Exchange stated that the authorization for foreign currency options participants to serve as members of the Phlx Board of Governors recognizes the contribution of the foreign currency options program to the Exchange. The Exchange noted that fourteen of twenty-one elected broker-governors are associated with participant organizations and the Chairman and both Vice-Chairmen of the Board of Governors also are affiliated with participant organizations. The Phlx stated that the proposed By-Law amendments will provide an opportunity for representation on the Phlx Board of Governors of a person associated solely with a foreign currency options participant organization.

Currently, Section 4-1 of the By-Laws requires that at least 9 of the 26 Governors shall be members who are primarily engaged in business on the Exchange Floor or general partners, executive officers or members associated with member organizations primarily engaged in business on the Exchange Floor. The Exchange proposes to amend this section to include participants who are primarily engaged in business on the Exchange Floor or participants associated with participant organizations primarily engaged in business on the Exchange Floor. Similarly, the Exchange proposes to amend the provision of this Section that requires that at least 9 of the 26 Governors shall be general partners, executive officers or members associated with member organizations which conduct a non-member public customer business to include participant organizations which conduct such public customer business. In addition, the Exchange proposes amendments to Section 3-6(c), (e), (f) and Section 3-7(a) of the By-Laws which would apply the terms set forth therein to foreign currency options participants.[3] Finally, the Phlx proposes to amend Section 3-6(a) of the By-Laws to provide that foreign currently options participants, in addition to members, general partners or officers of member organizations, may make recommendations to the Committee as to candidates for positions on the Board.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular the requirements of section 6(b)(3) of the Act which, among other things, requires that "[t]he rules of the exchange asssure a fair representation of its members in the selection of its directors and administration of its affairs * * *". Transactions in foreign currency options represent a substantial portion of the Phlx's options volume and revenue. By permitting a foreign currency options participant to be nominated for election and, if elected, to serve as a member of the Phlx Board of Governors, the Exchange's proposal will provide an opportunity for a more balanced representation of all constituencies of the Exchange's diverse membership and participants.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[4] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Dated: July 24, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-17860 Filed 7-31-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-17081/812-7253]

Dreyfus Life and Annuity Index Fund, Inc., et al.

July 25, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for exemption under the Investment Company Act of 1940 ("Act").

Applicants: Dreyfus Life and Annuity Index Fund, Inc. (the "Fund") and certain Life Insurance Companies and Variable Life Insurance Separate Accounts (collectively "Applicants").

---

[4] 15 U.S.C. 78f (1982).

[5] 15 U.S.C. 78k-1 (1982).

[6] 15 U.S.C. 78s(b)(2) 1982).

[7] 17 CFR 200.30-3(a)(12) (1982).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1988).

[3] *See* Securities Exchange Act Release No. 26861, notes 2 and 3. These provisions relate to certain limitations on the nomination of a person for a position on the Board, or the continuation of such person in serving on the Board.

[4] 15 U.S.C. 78s(b)(2) (1982).

[5] 17 CFR 200.30-3(a)(12) (1988).

Relevant 1940 Act Sections: Exemption requested pursuant to section 6(c) of the Investment Company Act of 1940 from sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

Summary of Application: Applicants seek an order to the extent necessary to permit shares of the Fund to be sold to and held by variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated life insurance companies.

Filing Date: The application was filed February 24, 1989 and amended on May 12, 1989 and July 18, 1989.

Hearing or Notification of Hearing: If no hearing is ordered the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on August 21, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Dreyfus Life and Annuity Index Fund, Inc., 666 Old Country Road, Garden City, New York 11530.

FOR FURTHER INFORMATION CONTACT: Cindy J. Rose, Financial Analyst, at (202) 272-2048 or Clifford E. Kirsch, Acting Assistant Director, at (202) 272-3032 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

Applicants' Representatives and Statements

1. The Fund is a Maryland Corporation registered under the Act as an open-end, non-diversified management investment company. The Fund intends to offer its shares to separate accounts of any interested insurance company in order to fund variable annuity contracts and variable life insurance contracts (collectively referred to herein as "variable contracts"). Insurance companies whose separate accounts own shares of the Fund are referred to herein as "participating insurance companies." It is anticipated that participating insurance companies will rely on Rules 6e-2, or 6e-3(T) under the Act, although some may rely on individual exemptive order as well, in connection with variable life insurance contracts. The use of a common management company as the underlying investment medium for both variable annuity and variable life insurance separate accounts is commonly referred to, and is referred to herein, as "mixed funding." The use of a common management company as the underlying investment medium for separate accounts of unaffiliated insurance companies is referred to herein as "shared funding." Applicants request an exemption for certain life insurance companies and variable life insurance separate accounts (and, to the extent necessary, the investment adviser and any principal underwriter and depositor of such accounts) from sections 9(a), 139(a), 159(a) and 15(b) of the act and rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder, to the extent necessary to permit mixed and shared funding.

2. Section 9(a) of the Act provides that it is unlawful for any company to serve as investment adviser or principal underwriter of any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in sections 99(a)(1) or (2). Rules 6e-2(b)(15) (i) and (ii), and 6e-3(T)(b)(15) (i) and (ii), provide exemptions from section 9(a) under certain circumstances, subject to limitations on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the underlying management company.

3. The application states that the partial relief granted in Rules 6e-2(b)(15) and 6e-3(T)(b)(15) from the requirements of section 9 in effect limits the amount of monitoring necessary to ensure compliance with section 9 to that which is appropriate in light of the those Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the Act to apply the provisions of section 9(a) to the many individuals in a large insurance company complex, most of whom will have no involvement in matters pertaining to investment companies in that organization. Applicants state that it is unnecessary to apply section 9(a) to the many individuals in various unaffiliated insurance companies (or affiliated companies of participating insurance companies) that may utilize the Fund as the funding medium for variable contracts. Applicants argue that applying the requirements of section 9(a) because of investment by other insurer's separate accounts would be unjustified and would not serve any regulatory purpose. The application states that, on the other hand, the increased monitoring costs would reduce the net rates of return realized by contract owners.

4. The language of Rules 6e-2(b)(15(iii) and 6e-3(T)(b)(15)(iii) assume the existence of a pass-through voting requirement with respect to management investment company shares held by a separate account. The application states that pass-through voting privileges will be provided with respect to all variable contract owners so long as the Commission interprets the Act to require pass-through voting privileges for variable contract owners.

5. Rules 6e-2(b)(15)(iii) and 6e-3(T)(b)(15)(iii) provide exemptions from the pass-through voting requirement with respect to several significant matters, assuming the limitations on mixed and shared funding are observed.

6. Applicants also represent that the right under Rules 6e-2(b)(15) and 6e-3(T)(b)(15) of the insurance company to disregard contract owner's voting instructions does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts and that affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter or investment adviser initiated by contract owners. The application points out that the potential for disagreement is limited by the requirements in Rules 6e-2 and 6e-3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations.

7. Use of the Fund as a common investment medium for variable contracts would, according to Applicants, encourage more insurance companies to offer variable contracts. The application states that this would result in increased competition with respect to both variable contract design and pricing, and that this can be expected to result in more product variation and lower charges. Applicants also believe that mixed and shared funding should benefit variable contract owners by eliminating a significant portion of the costs of establishing and administering separate funds and that granting the requested relief should

result in an increased amount of assets available for investment by the Fund which may benefit variable contract owners by promoting economies of scale.

8. Applicants see no significant legal impediment to permitting mixed and shared funding. Applicants note that separate accounts organized as unit investment trusts have historically been employed to accumulate shares of mutual funds which have not been affiliated with the depositor or sponsor of the separate account. Applicants believe that mixed and shared funding will have no adverse federal income tax consequences.

Applicants' Conditions

If the requested order is granted, Applicants consent to the following conditions:

1. A majority of the Board of Directors of the Fund shall consist of persons who are not "interested persons" of the Fund, as defined by section 2(a)(19) of the Act and the Rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification, or bona fide resignation of any Director or Directors, then the operation of this condition shall be suspended (a) for a period of 45 days if the vacancy or vacancies may be filled by the Board of Directors; (b) for a period of 60 days if a vote of shareholders is permitted to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. The Board will monitor the Fund for the existence of any material irreconcilable conflict between the interests of the contract owners of all separate accounts investing in the Fund. An irreconcilable material conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative letter, or any similar action by insurance, tax, or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Fund are being managed; (e) a difference in voting instructions given by variable annuity contract owners and variable life insurance contract owners; or (f) a decision by an insurer to disregard the voting instructions of contract owners.

3. Participating insurance companies and the Fund's investment adviser, Wells Fargo Investment Advisor ("WFIA") will report any potential or existing conflicts to the Board of Directors of the Fund. Participating insurance companies and WFIA will be responsible for assisting the Board in carrying out its responsibilities under these conditions, by providing the Board with all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each participating insurance company to inform the Board whenever contract owner voting instructions are disregarded. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all insurers investing in the Fund under their agreements governing participation in the Fund and such responsibilities will be carried out with a view only to the interests of the contract owners.

4. If it is determined by a majority of the Board of Directors of the Fund, or a majority of its disinterested Directors, that a material irreconcilable conflict exists, the relevant insurance companies shall, at their expense and to the extent reasonably paracticable (as determined by a majority of the disinterested Directors), take whatever steps are necesary to remedy or eliminate the irreconcilable material conflict, up to an including: (1) Withdrawing the assets allocable to some or all of the separate accounts from the Fund and reinvesting such assests in a different investment medium, or submitting the question whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (i.e., annuity contract owners, life insurance contract owners, or variable contract owners of one or more participating insurance companies) that votes in favor of such segregation, or offering to the affected contract owners the option of making such a change; and (2) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of an insurer's decision to disregard contract owner voting instructions and that decision represents a minority position or would preclude a majority vote, the insurer may be required, at the Fund's election, to withdraw its separate account's investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of an irreconcilable material conflict and to bear the cost of such remedial action shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Fund, and these responsibilities will be carried out with a view only to the interest of contract owners. For purposes of this condition (4), a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any irreconcilable material conflict, but in no event will the Fund, WFIA or the Dreyfus Corporation be required to establish a new funding medium for any variable contract. No participating insurance company shall be required by this condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of contract owners materially adversely affected by the irreconcilable material conflict.

5. The Board's determination of the existence of an irreconcilable material conflict and its implications shall be made known promptly to all participating insurance companies.

6. Participating insurance companies will provide pass-through voting privileges to all variable contract owners so long as the Commission continues to interpret the Act as requiring pass-through voting privileges for variable contract owners. Accordingly, participating insurance companies will vote shares of the Fund held in their separate accounts in a manner consistent with timely voting instructions received from contract owners. Each Participating insurance company will vote shares of the Fund held in its separate accounts for which no timely voting instructions from contract holders are received, as well as shares it owns, in the same proportion as those shares for which voting instructions are received. Participating insurance companies shall be responsible for assuring that each of their separate accounts participating in the Fund calculates voting privileges in a manner consistent with other participating insurance companies. The obligation to calculate voting privileges in a manner consistent with all other separate accounts investing in the Fund shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Fund.

7. The Fund will comply with all provisions of the Act requiring voting by shareholders, and in particular the Fund will either provide for annual meetings (except insofar as the Commission may interpret section 16 not to require such meetings), or comply with section 16(c) of the Act (although the Fund is not one of the trusts described in section 16(c) of

the Act) as well as with section 16(a) and, if and when applicable, 16(b). Further, the Fund will act in accordance with the Commission's interpretation of the requirements of section 16(a) with respect to periodic elections of directors and with whatever rules the Commission may promulgate with respect thereto.

8. The Fund shall disclose in its prospectus that: (1) The Fund is intended to be a funding vehicle for all types of variable annuity and variable life insurance contracts offered by various insurance companies, (2) material irreconcilable conflicts may possibly arise, and (3) the Fund's Board of Directors will monitor events in order to identify the existence of any material irreconcilable conflicts and determine what action, if any, should be taken in response to such conflicts. The Fund will notify all participating insurance companies that separate account prospectus disclosure regarding potential risks of mixed and shared funding may be appropriate.

9. If and to the extent that Rule 6e–2 and Rule 6e–3(T) are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the Act or the rules promulgated thereunder with respect to mixed or shared funding or terms and conditions materially different from any exemptions granted in the order requested in this application, then the Fund and/or the participating insurance companies, as appropriate, shall take such steps as may be necessary to comply with Rules 6e–2 and 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such rules are applicable.

10. The participating insurance companies and/or WFIA shall at least annually submit to the Fund's Board of Directors such reports, materials or data as the Directors may reasonably request so that the Directors of the Fund may fully carry out the obligations imposed upon them by the conditions contained in this application and said reports, materials and data shall be submitted more frequently if deemed appropriate by the board of Directors. The obligations of the participating insurance companies to provide these reports, materials and data to the Fund's Board of Directors when it so reasonably requests, shall be a contractual obligation of all participating insurance companies under their agreements governing participation in the Fund.

11. All reports received by the Board of Directors of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying participating insurance companies of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17926 Filed 7–31–89; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–17080; File No. 812–7347]

Home Life Insurance Co., et al.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

Applicants: Home Life Insurance Company ("Home Life"), Home Life Separate Account V ("Variable Account"), W.S. Griffith & Co., Inc., ("Griffith") and Wood Logan Associates Inc. ("Wood Logan").

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

Summary of Application: Applicants seek an order to the extent necessary to permit the deduction of a 1.25% mortality and expense risk charge from the assets of the Variable Account with respect to certain variable annuity contracts.

Filing Date: The application was filed on June 30, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on August 21, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Stanley M. Lenkowicz, Home Life Insurance Company, 75 Wall Street, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Staff Attorney, at (202) 272–3046 or Clifford E. Kirsch, Acting Assistant Director, at (202) 272–2061 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: Following is a summary of the application: the complete application is available for a fee from either the Public Reference Branch in person or the Commission's commercial copier which may be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicants' Representations

1. Home Life is a mutual life insurance company organized under the laws of the State of New York on May 1, 1860. Home Life is the depositor of the Variable Account. The Variable Account is registered under the Act as a unit investment trust and was established to offer certain variable annuity contracts, including the variable portion of the contracts described in the application (the "Contracts"). The Variable Account is divided into subaccounts which invest in corresponding portfolios of NASL Series Trust (the "Trust").

2. Griffith is the principal underwriter of the Contracts. It is a broker-dealer registered under the Securities Exchange Act of 1934 ("1934 Act") and a member of the National Association of Securities Dealers, Inc.

3. Wood Logan, a Connecticut corporation registered as a broker-dealer under the 1934 Act, serves as the exclusive promotional agent for the Contracts.

4. The Contracts are flexible purchase payment individual deferred combination fixed and variable annuity contracts. The application pertains only to the variable portion of the Contract. Home Life is relying on certain exemptive provisions from the registration requirements under the Securities Act of 1933 and the Act to offer the fixed portion of the Contracts.

5. As reimbursement for providing administrative services under the Contracts, Home Life charges contract owners an annual administration fee of $30 and deducts from the subaccounts each valuation period an administration charge equal to .15% of the subaccount assets on an annualized basis. Applicants represent that the fees are based upon Home Life's current estimates of the administrative costs attributable to the Contracts over their lifetime, are guaranteed never to be increased, and are not designed or expected to generate a profit. Applicants

rely on Rule 26a–1 under the Act to assess such fees.

6. No sales charge will be deducted from purchase payments as they are made. Instead, prior to the maturity date, a withdrawal charge (contingent deferred sales charge) will be assessed in circumstances where complete or partial withdrawals are attributed to purchase payments made within six years of the date of the withdrawal. The withdrawal charge declines 6–6–5–4–3–2% over the first six years that a purchase payment has been in the Contract. Applicants represent that the withdrawal charge is intended to reimburse Home Life for compensation paid to cover selling concessions to broker-dealers, preparation of sales literature and other expenses relating to sales activity. Applicants rely on Rule 6c–8 under the Act to impose the withdrawal charge.

7. To compensate it for assuming mortality and expense risks under the Contracts, Home Life deducts from each subaccount to a charge each valuation period at an effective annual rate of 1.25%, consisting of .80% for the mortality risks and .45% for the expense risks. The rate of the mortality and expense risk charge cannot be increased.

8. The mortality risk assumed by Home Life under the Contracts is the risk that annuitants may live for a longer period of time than estimated. Home Life assumes this mortality risk by virtue of annuity rates incorporated into the Contract which cannot be changed. This assures each annuitant that his longevity will not have an adverse effect on the amount of annuity payments. Also, Home Life guarantees that if the annuitant dies before the maturity date, it will pay a minimum death benefit. The expense risk assumed by Home Life is the risk that the administration fees, which fees cannot be increased, may be insufficient to cover actual expenses.

9. Applicants represent that the 1.25% mortality and expense risk charge is within the range of industry practice for comparable annuity products. Applicants state that this representation is based upon an analysis of publicly available information about selected similar industry products, taking into consideration such factors as the method used in charging sales loads, any contractual right to increase charges above current levels and the existence of charges against separate account assets for other than mortality and expense risks. Home Life will maintain at its principal office, available for the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, the comparative survey made.

10. Applicants acknowledge that the withdrawal charge will be insufficient to cover all costs relating to the distribution of the Contracts and that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be offset by distribution expenses not reimbursed by the withdrawal charge. Home Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements made with respect to the Contracts will benefit the Variable Account and the contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by Home Life at its principal office and will be available to the Commission. Moreover, Home Life represents that the Variable Account will invest only in an underlying mutual fund which undertakes, in the event it should adopt any plan under Rule 12b–1 to finance distribution expenses, to have such plan formulated and approved by a board of directors, a majority of the members of which are not "interested persons" of such fund within the meaning the section 2(a)(19) of the Act.

11. Applicants conclude that for the reasons and upon the facts set forth in the application, the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–17927 Filed 7–31–89; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice, Charlotte/Douglas International Airport, Charlotte, NC

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City of Charlotte, North Carolina, for Charlotte/Douglas International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is July 11, 1989.

FOR FURTHER INFORMATION CONTACT: Thomas M. Roberts, Program Manager, Atlanta Airports District Office, Suite 101, 1680 Phoenix Parkway, Atlanta, Georgia, 30349. Telephone: FTS 257–9306, Comm (404) 994–5306.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Charlotte/Douglas International Airport are in compliance with applicable requirements of Part 150, effective July 11, 1989.

Under section 103 of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City of Charlotte. The specific maps under consideration are Noise Exposure Map 1989 and Noise Exposure Map 1994 in the submission. The FAA has determines that these maps for Charlotte/ Douglas International Airport are in compliance with applicable requirements. This determination is effective on July 11, 1989. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's

data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These fuctions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agenices with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations.

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Atlanta Airports District Office, 1680 Phoenix Parkway, Suite 101, Atlanta, GA 30349

Mr. Jerry Orr, Aviation Director, Charlotte/Douglas International Airport, Charlotte, North Carolina.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in FAA, Southern Region, Atlanta, Georgia, July 11, 1989.

Samuel F. Austin,

Manager, Atlanta Airports District Office.

[FR Doc. 89-17865 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program, Drake Field Airport, Fayetteville, AR

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the city of Fayetteville, AR, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On December 8, 1987, the FAA determined that the noise exposure maps submitted by the city of Fayetteville, AR, under Part 150 were in compliance with applicable requirements. On June 29, 1989, the Administrator approved the noise compatability program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Drake Field Airport noise compatibility program is June 29, 1989.

FOR FURTHER INFORMATION CONTACT: Donald C. Harris, Department of Transportation, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, 76193-0612, (817) 624-5609. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Drake Field Airport, effective June 29, 1989.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5 Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports Division Office in Fort Worth, Texas.

The city of Fayetteville, AR, submitted to the FAA on February 13, 1987, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study

conducted from October 5, 1983, through August 29, 1986. The Drake Field Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 27, 1989. Notice of this determination was published in the Federal Register on April 4, 1989.

The Drake Field FAR Part 150 Noise Exposure and Land Use Compatibility study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to (or beyond) the year 1993. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on January 29, 1989, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 10 proposed actions for noise mitigation (or and/or off) the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective June 29, 1989.

Outright approval was granted for 9 of 10 specific program elements. The measure which recommended adoption of airport height hazard zoning was disapproved because it does not contribute to noise mitigation. Five land use control recommendations and four administrative strategy recommendations were approved. These included land acquisition, zoning, and comprehensive planning.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on June 29, 1989. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available at the FAA office listed above and at the administrative offices of the Drake Field Airport, Fayetteville, AR.

Issued in Fort Worth, Texas, July 19, 1989.

Wm. Jack Sasser,

Manager, Airports Division.

[FR Doc. 89-17866 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program Rickenbacker Airport, Columbus, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Rickenbacker Port Authority under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 13, 1989, the FAA determined that the noise exposure maps submitted by the Rickenbacker Port Authority under Part 150 were in compliance with applicable requirements. On July 6, 1989, the Associate Administrator for Airports approved the Rickenbacker Airport noise compatibility program, as supplemented and revised by a document titled, "Revisions in Final Land Use Recommendations, May 1989". Nineteen of twenty-three proposed action elements of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Rickenbacker Airport noise compatibility program is July 6, 1989.

FOR FURTHER INFORMATION CONTACT: Prescott C. Snyder, Federal Aviation Administration, Great Lakes Region, Airports Division, AGL-611.1, 2300 East Devon Avenue, Des Plaines, Illinois 60018, (312) 694-7538. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Rickenbacker Airport, effective July 6, 1989.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Detroit Airports District Office in Belleville, Michigan.

The Rickenbacker Port Authority submitted to the FAA on April 4, 1988

the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November 1986 through April 1988. The Rickenbacker Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 13, 1989. Notice of this determination was published in the Federal Register on March 23, 1989.

The Rickenbacker Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2007. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on January 13, 1989 and was required by a provision of the Act to approve or disapprove the program 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program, supplemented and revised by a document titled, "Revisions in Final Land Use Recommendations, May 1989", contained twenty-three proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports effective July 6, 1989.

Outright approval was granted for nineteen of the twenty-three specific program measures. Four measures were withdrawn by the authority (see May 9, 1989 letter). Three of the twenty-three measures submitted were "Noise Abatement Measures". These included formalizing existing civilian and military noise abatement procedures, and instituting new department procedures for specific runways. The next sixteen of the twenty-three measures submitted were "Land Use Management Measures", of which four measures (namely 3, 11b, 12b and 13) were withdrawn by the Authority. Land Use Management Measure 3 was withdrawn because it didn't have any direct impact on land use compatibility for noise. Land Use Management Measures 11b, 12b and 13 were withdrawn until further evaluation can be undertaken. The rest of the Land Use Management Measures included planning, zoning and subdivision recommendations/policies; acquiring land, easements and development rights; and soundproofing of schools. The last four measures of the twenty-three submitted, identified as "Other Implementation Measures", included administrative-type measures such as establishing a Noise Abatement Committee, responding to noise complaints, monitoring noise, updating noise contour maps and conducting an on-going review of the noise program.

These determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on July 6, 1989. The record of Approval, as well as other evaluation materials and documents which comprised the submittal to FAA are available for review at the following locations:

Federal Aviation Administration, 800 Independence Avenue SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, Room 261, Des Plaines, Illinois 60018.

Federal Aviation Administration, Detroit Airports District Office, East Willow Run Airport, 8820 Beck Road, Belleville, Michigan 48111.

Rickenbacker Port Authority, Rickenbacker Airport, Building 109, A Avenue, Columbus, Ohio 43217.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Des Plaines, Illinois, July 18, 1989.

Larry H. Ladendorf,

Acting Manager, Airports Division Great Lakes Region.

[FR Doc. 89-17867 Filed 7-31-89; 8:45am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Applicable Rate of Interest on Nonqualified Withdrawals From a Capital Construction Fund

Under the authority in section 607(h)(4)(B) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(h)(4)(B)), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any nonqualified withdrawals from a Capital Construction Fund established under section 607 of the Act shall be 9.18 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1989.

The determination of the applicable rate of interest with respect to nonqualified withdrawals was computed, according to the joint regulations issued under the Act (46 CFR 391.7(e)(2)(ii), by multiplying eight percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year bears to (b) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one-hundredth of one percent.

William A. Creelman,

Maritime Administrator.

William E. Evans,

Administrator, National Oceanic and Atmospheric Administration.

Kenneth W. Gideon,

Assistant Secretary for Tax Policy.

So Ordered by:

Maritime Administrator, Maritime Administration.

Administrator, National Oceanic and Atmospheric Administration.

Assistant Secretary for Tax Policy, Department of the Treasury.

[FR Doc. 89-17801 Filed 7-31-89; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 26, 1989.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, P.L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0045.

Form Number: IRS Form 976.

Type of Review: Resubmission.

Title: Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

Description: Form 976 is used by shareholders of certain corporations and trusts to claim a reduction for dividends paid to shareholds. The IRS uses the form to determine if the shareholders have actually included the amount of the dividend in their gross income.

Respondents: Individuals or households, Businesses or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 500.

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping, 5 hours, 59 minutes.
Learning about the law or the form, 47 minutes.
Preparing the Copying, assembling, and sending the form to IRS, 56 minutes.

Frequency of Response: On occasion.

Estimated Total Recordkeeping/ Reporting Burden: 3,730 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89–17906 Filed 7–31–89; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 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 4:33 p.m. on Wednesday, July 26, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the application of The Co-operative Bank of Concord, Concord, Massachusetts, an insured state stock co-operative bank, for the Corporation's consent to purchase certain assets of and assume the liability to pay deposits made in Randolph Co-operative Bank, Randolph, Massachusetts, an insured state mutual co-operative bank, and for consent to establish the sole office of Randolph Co-operative Bank as a branch of The Co-operative Bank of Concord.

The Board also considered: (1) Matters relating to the possible failure of an insured bank; (2) matters relating to assistance agreements pursuant to section 13(c) of the Federal Deposit Insurance Act; and (3) matters concerning the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded 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)(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)(ii), and (c)(9)(B)).

Dated: July 27, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-18037 Filed 7-28-89; 11:54 am]

BILLING CODE 6714-01-M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-89-27]

TIME AND DATE: Tuesday, August 8, 1989 at 3:00 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and Complaints: Certain Self-Inflating Mattresses (Docket No. 1514).
5. Inv. No. 731-TA-238 (F) (12-Volt Motorcycle Batteries from Taiwan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

July 27, 1989.

[FR Doc. 89-18039 Filed 7-28-89; 2:00 pm]

BILLING CODE 7020-02-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of July 31, August 7, 14, and 21, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of July 31

Tuesday, August 1

10:00 a.m.
Briefing on Status of EPRI Design Requirements Document for Advanced Light Water Reactors (Public Meeting)

Wednesday, August 2

10:00 a.m.
Briefing on Status of Nine Mile Point-1 (Public Meeting)

Thursday, August 3

2:30 p.m.
Briefing on NRC Thermal-Hydraulic Research Program (Public Meeting)
4:00 p.m. Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of August 7—Tentative

Thursday, August 10

2:00 p.m.
Periodic Briefing by Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, August 11

10:00 a.m.
Discussion of Full Power Operating License for Limerick-2 (Public Meeting)

Week of August 14—Tentative

Tuesday, August 15

10:00 a.m.
Periodic Briefing on EEO Program (Public Meeting)

Wednesday, August 16

10:00 a.m.
Briefing on Status of Calvert Cliffs (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of August 21—Tentative

There are no meetings scheuled for the Week of August 21.

ADDITIONAL INFORMATION: By a vote of 4-0 on July 26, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's rule that Commission business required that "Affirmation of Order Requesing Information from the Parties for Immediate Effectiveness Review of Full Power Authorization for Limerick Unit 2" (Public Meeting) scheduled for July 26, be held on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meetings call (Recording)—(301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

William M. Hill, Jr.

Office of the Secretary.

July 27, 1989.

[FR Doc. 89-18062 Filed 7-28-89; 2:01 am]

BILLING CODE 7590-01-M

Corrections

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 610 and 640

[Docket No. 88N-0433]

Blood and Blood Products: Proposed Amendment to Allow for Alternative Procedures; Removal of a Labeling Requirement

Correction

In proposed rule document 89-16755 beginning on page 30093 in the issue of Tuesday, July 18, 1989, make the following correction:

On page 30094, in the first column, under **FOR FURTHER INFORMATION CONTACT:**, in the last line, the phone number should read "301-295-8188".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket Nos. H-225, 225A, 225B, 225C]

RIN 1218-0145

Occupational Exposure to Formaldehyde

Correction

In rule document 89-16439 beginning on page 29545 in the issue of Thursday, July 13, 1989, make the following correction:

On page 29546, in Table 1, in the first column, in the heading, in the second line, "of" should read "or".

BILLING CODE 1505-01-D

federal register

Tuesday
August 1, 1989

Part II

Department of the Interior

Minerals Management Service

30 CFR Part 250

Oil, Gas, and Sulphur Operations in the Outer Continental Shelf; Well-Completion and Workover Operations; Minimum Training Requirements; Proposed Rulemaking

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AB21

Oil, Gas, and Sulphur Operations in the Outer Continental Shelf: Well-Completion and Workover Operations; Minimum Training Requirements

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule revises the final rule which was published on April 1, 1988. That rule consolidated into one document rules governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS). When MMS developed the final rule published on April 1, 1988, the training requirements under consideration were so different from the requirements which had been were published as a proposed rulemaking on March 18, 1986, that they could not be published as a final rule. Accordingly, MMS published the April 1, 1988 document without substantially revising requirements governing training of personnel engaged in oil and gas and sulphur operations in the OCS. It is now proposing this rule which would revise the minimum training requirements for personnel engaged in drilling and production operations on the OCS and establish new minimum training requirements for personnel engaged in well-completion and workover operations on the OCS.

DATES: Comments must be received or postmarked no later than October 2, 1989.

ADDRESSES: Written comments must be mailed or hand delivered to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 646; Herndon, Virginia 22070; Attention: Gerald D. Rhodes.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, telephone (703) 648-7816 or (FTS) 959-7816.

SUPPLEMENTARY INFORMATION: On March 18, 1986, Minerals Management Service (MMS) published a proposed rule in the **Federal Register** (51 FR 9316) to consolidate rules governing oil, gas, and sulphur operations in the OCS into a single document. The preamble to that proposed rule included a series of questions concerning training requirements for lessee and contractor personnel. The proposed rule included training requirements in the subparts that dealt specifically with drilling, well-workover, well-completion, and production operations. The comments received in response to the proposed rule included responses to the published questions as well as comments concerning specific training requirements. On April 1, 1988, MMS published a final rule in the **Federal Register** (53 FR 10596) based on the March 18, 1986, proposed rule. The final rule issued on April 1, 1988, included a Subpart O; it addressed training. That Subpart O, which is now in effect, contained many of the provisions previously in effect with only limited revisions. More extensive changes to the training requirements were under consideration; however, MMS believes that the more extensive changes should be published in this proposed rule for comment prior to development of a final rule. Accordingly, MMS is now issuing this notice of proposed rulemaking which addresses the comments received in response to the questions asked in the preamble to the March 18, 1986, notice of proposed rulemaking and proposes revised, restructured, and updated training requirements which are consolidated into a proposed new Subpart O, Training.

The following discussions pertain to the general questions on training requirements and programs.

Question 1—How can MMS best assure that personnel engaged in oil and gas operations in the OCS are adequately trained?

Comment—Several commenters suggested that MMS simply require that employers furnish personnel to work in the OCS who are qualified through training and experience to perform their assigned job. Job performance would be verified through performance records such as safety, testing, drills, training, and accident investigation. Another commenter urged that MMS well-control training requirements be modified to reference existing industry recommended practices for training.

Response—The suggestion that MMS verify training through examination of performance records such as safety and accident records was not adopted in the proposed rule. The discovery of deficiencies in training after a pollution incident or accident that injures or kills would not meet the objective of the OCS Lands Act. The MMS training program has been structured to assure that personnel working in the OCS receive the minimum level of training necessary to avoid or prevent, to the degree practicable, pollution incidents and accidents. Appropriate portions of the recommended practices that have been developed by the offshore oil and gas industry have been incorporated into the proposed regulations. Experience with offshore operations has demonstrated that well-control training can be most effectively regulated under a structured program with a standardized curriculum.

Comment—Several commenters agreed that the present training system was adequate, although improvements in clarity of the regulations, as well as the administration of the well-control training program, would be welcomed. One of these commenters further added that MMS should avoid any movement toward centralizing the administration of testing and should not become involved in any new areas of training. One commenter urged more strict surveillance of blowout preventer (BOP) schools and textbooks and the utilization of undercover Government inspectors to attend certified schools. Another commenter made specific suggestions including: The MMS should make sure schools last long enough for students to get past the confusion stage and into the learning stage; consider the possibility of standardized tests; and ensure that instructors are qualified and personnel records are kept current.

Response—Changes in the present regulations are being proposed to clarify requirements and simplify administration of the well-control training program. There are no plans at this time to centralize the administration of testing or to develop standardized tests. Testing procedures and sample questions will continue to be considered during the review of a school's request for certification. Field audits of schools provide further assurance that testing methods are implemented in accordance with the approved plan. Instructor qualifications will continue to be reviewed during the school certification process. Changes in instructors will continue to require MMS approval of the new instructors' qualifications. Oversight of testing procedures and competition among training organizations provide some assurance that the required material is properly taught. The proposed rule would expand current training requirements to include well-control training for lessee/contractor personnel working on well completions and workovers, as well as those personnel who work with production safety systems.

Question 2—To what extent, if any, should the training be provided by the Federal Government, OCS lessees, State educational and training institutions, or private training schools?

Comment—Commenters on this question agreed that the Federal Government should not play a major role as a provider of training. One commenter did suggest that the

Government play a small part in training by teaching regulations and developing standardized tests for training institutions to use. Most commenters felt that training should be provided by OCS lessees and other major OCS employers with State and private training institutions being utilized as necessary to meet the needs of OCS employees.

Response—There are no plans for the Federal Government to become a provider of well-control training. Experience in this area indicates that training is best provided by OCS lessees in conjunction with State and private educational and training institutions. As previously noted, there are no plans to develop standardized tests for use by training institutions. There were several reasons why MMS did not adopt the recommendations that the Government develop standardized tests. The MMS does not believe that development of testing materials and procedures would be an effective alternative to certification of schools. There are certain areas of operations for which training produces results which are difficult to evaluate. In such cases, MMS must rely on the fact that if the trainee attends a course that properly instructs the trainee in those areas, then the trainee will learn from the training. For this reason, MMS has chosen to concentrate on regulating the quality of the training and regulating but not controlling the testing of the trainee. The majority of the commenters agreed with this approach. In addition, the experience to date with MMSS–OCS–T 1, Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations, has shown ths current program to be effective for drilling well-control training. For these reasons, MMS is proposing rules which will attempt to streamline and improve the current process rather than abandoning a successful program in favor of a completely new approach. The MMS believes that the process proposed will be sufficient to assure the quality of training for OCS personnel, and that additional Government involvement in the testing of trainees is unnecessary.

Comment—A commenter suggested that MMS personnel who are involved in the evaluation of training schools receive specialized training to assure that they have the qualifications needed to certify the training schools. This commenter also suggested that the number of school inspections be increased and that State universities be utilized to certify, train, and test instructors. The commenter further stated that operators should be required to hold meetings to help rig crews become aware of any problems which might be encountered while working on a given well.

Response—The comments regarding the training and qualifications of MMS personnel are well taken; however, the scope of the question and the proposed rule are specifically directed to the training of offshore lessee and contractor personnel. All MMS personnel who evaluate schools for certification, or are utilized in field audits, are thoroughly familiar with requirements which must be met. As noted in the response to Question 1, the qualifications of a school's instructors are reviewed with the initial submittal and whenever there is a change in instructors.

Question 3—How should MMS assure itself that the training provided is adequate?

Comment—Several commenters advocated changes or more emphasis on certain aspects of the present system. These included suggestions that tests be standardized, that MMS train its inspectors and then more fully investigate schools, and periodic Government testing of students.

Response—As noted in the response to Question 1, there are no plans to produce standardized tests or for the Federal Government to test trainees at the completion of each course. Testing procedures and sample questions are reviewed during the evaluation and approval of a school's well-control training program. The MMS personnel are trained in both well-control and audit procedures. The frequency and thoroughness of MMS field audits of training activities are determined by scheduling available MMS resources to achieve the best means of assuring the quality of the training.

Comment—Several commenters felt that MMS could verify training by requiring that employers furnish personnel to work in the OCS who are qualified to perform the assigned job. These commenters further stated that the evaluation of the adequacy of training could best be accomplished by a review and evaluation of industry safety statistics and on-the-job performance. The indicators to be evaluated include performance records, testing drills, training, and accident investigations.

Response—These commenters made a similar comment with respect to Question 1. There are insufficient statistical indicators available to permit implementation of this suggestion. Safety records and accident reports provided the evidence of deficiencies in training which resulted in the establishment of the MMSS–OCS–T 1. It is expected that safety records and the contents of accident reports will continue to be considered when changes in MMS's established training requirements are under review.

Question 4—Should performance standards for job categories be established by MMS, industry, or others?

Comment—Several commenters felt that the development of performance standards for job categories should be left to industry. Many of these same commenters also felt that performance standards varied so much from employee to employee and from company to company that they could not be standardized industrywide. One commenter felt MMS should set performance standards to ensure that everyone followed the same rules because they felt that industry would be unable to agree on uniform guidelines. Another commenter felt that the current requirement of testing well-control students to different levels of expertise amounted to performance standards.

Response—It is recognized that the *manner* in which performance standards and job classifications are established *varies* widely from lessee to lessee. There is no intent to alter that situation.

However, those variations do not preclude the establishment of needed minimum-training requirements, specified by broad job category, as has been done in MMSS–OCS–T 1.

Question 5—Should MMS prescribe training criteria?

Comment—Several commenters thought that MMS should establish training criteria; however, a larger number of commenters were opposed to MMS prescribing criteria for training of lessee/contractor personnel. Several of those who opposed MMS prescribing training criteria felt that industry should be allowed to set the criteria through guideline standards such as American Petroleum Institute (API) Recommended Practice (RP) T–3, Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations. Another commenter who opposed MMS prescribing training criteria felt that MMS should prescribe results for performance of trained personnel.

Response—The importance of industry established training criteria such as those found in API RP T–3 is readily recognized. In its efforts to balance the use of industry standards and regulatory requirements, MMS has utilized industry guideline standards, where appropriate, in developing

regulatory requirements (i.e., for critical areas such as drilling well control).

Question 6—To what extent, if any, should on-the-job training be a part of MMS's training requirements?

Comment—Most commenters supported the concept of on-the-job training. However, many of those same commenters who favored on-the-job training were opposed to MMS establishing the training requirements. They felt that the extent of training provided should be left to the operators. These same commenters felt that the entire mix of training delivery modes should be left to lessees and operators. One commenter felt that on-the-job training should comprise about 80 percent of the training program. Another commenter suggested that a performance-based test be developed to qualify persons who are excellent field hands but are poor performers on written examinations.

Response—It is recognized that on-the-job training is an important method of instruction which plays a large part in any training, especially the training for many of the jobs offshore. On-the-job training in the form of hands-on drills is an integral part of the training requirements contained in governing regulations. Specific details of requirements for the training of individual employees on the job will continue to be the responsibility of individual employers. Lessees are required to utilize personnel who are trained and competent, and an operator-initiated program of on-the-job training can be a major part of the program. The commenter who suggested a performance-based test for those who are poor performers on written examinations should note that the requirements of proposed Subpart O provide for schools to state the methods to be used to instruct and test individuals who are believed to be qualified but nonresponsive to conventional education and testing techniques.

Question 7—Should MMS training requirements call for periodic retraining or refresher training?

Comment—The general consensus among commenters was that refresher training was good. Some commenters qualified their support with the following comments: (1) MMS should require refresher training for personnel who do a task periodically; (2) two refresher courses per year are needed; one is not adequate; (3) the annual well-control refresher course would be more effective if given every 2 years with a longer minimum class time; (4) refresher courses are desirable for well-control training but not safety-device training; and (5) in the area of drilling well control, refresher training should allow for upgrading of an employee's certification level in lieu of employers being required to attend a basic course. No comments were received which opposed the concept of required periodic refresher training.

Response—Refresher training is needed and should be required for personnel involved in drilling, completion, workover, and production operations. The proposed rule would continue the current requirement for a minimum of 8 hours of refresher training each year for drilling well-control courses. A minimum of 8 hours refresher training is the timeframe required to permit an adequate review of this basic material together with updates on new equipment and Government regulations. A minimum of 8 hours is also established for well-completion and workover, well-servicing, and production refresher courses. In the case of production safety systems, the refresher training will be required after 2 years rather than after 1 year. This is believed to be appropriate since the activities are more routine than well-control activities. Well-control activities are only conducted in drills or when unexpected circumstances arise. Operation, maintenance, and repair of production safety equipment are normal operations which a worker would perform frequently between courses.

Refresher training, as envisioned by the current and proposed rule, is not the proper vehicle for upgrading an employee's certification level.

Question 8—What is the appropriate training role for lessees, for oil and gas industry trade associations, and for others?

Comment—This question generated numerous responses; a few were in the form of suggestions regarding existing regulatory requirements. Commenters pointed out that lessees are responsible for training their employees through designing and conducting training classes to meet MMS requirements as well as hiring contractors whose employees are trained and qualified. The commenters recommended that the role of trade associations should be the writing of standards for an acceptable minimum level of training. The role of all others was depicted as providing training support in response to a free-market system.

Response—The roles played by both lessees and industry trade associations in training of employees for work in the OCS are basically those described above. It is expected that lessees, trade associations, and other interested parties will continue to have important roles and responsibilities for improving the training level of offshore employees and reducing accident and pollution rates in the OCS.

Question 9—Have the current MMS training requirements provided satisfactory results?

Comment—Responses to this question were generally positive; however, several commenters felt that the program could be improved. One commenter felt that the current program provides minimum satisfactory results, and any relaxation in requirements would be detrimental. Another felt that the basic requirements were adequate but that clarification of rules and better program administration would lead to improved training. Others felt that the program has been inefficient in the area of drilling well control and that more flexibility is needed in "curriculum adaptability to individual requirements" since the lessee or operator "is in the best position to determine the degree of training required."

Response—These comments have been considered as part of the evaluation of the training programs required under MMS regulations and the continuing effort to improve those programs. The proposed rule suggests a number of changes in current training programs in an effort to improve the effectiveness and flexibility of those programs. An objective of the proposed rule is improved efficiency of MMS training programs while striving to attain the overall goal of properly trained and qualified OCS workers.

Question 10—Should MMS adopt a training program different from its current program? If so, what should it be, how would it be an improvement over the current program, and what are the cost implications of any recommended changes?

Comment—One group of commenters suggested substantial modifications to the current program. These changes included: (1) the addition of hydrogen sulfide (H_2S) and workover certification to the current well-control curriculum, (2) the addition of antipollution safety-device training at certified well-control schools, (3) change the required attendance at basic BOP school to every 2 years with two refreshers in the intervening year, and (4) develop a training and certification course for instructors. Other commenters either felt that the status quo was acceptable or that MMS's well-control training program requirements should be reduced. Specifically, it was suggested that MMS model its well-control training program after its antipollution safety-device training program. It was further

suggested that senior personnel be exempted from attendance at the basic course if they satisfy an oral or written examination.

Response—The H_2S safety-training program is required at the rig site when operations are conducted in areas where there are zones known to contain H_2S or zones where its presence is possible. Much of the training needed to respond to a release of H_2S is site specific. Thus, it is better handled on the drilling rig. There are no plans to increase the frequency of required, successful completion of basic well-control training from at least once every 4 years to once every 2 years or to develop a training course for instructors. Instructor qualifications are reviewed as part of the review of a school's request for certification. The proposed rule would expand existing training requirements to require minimum levels of training in well control for lessee and contract personnel whose work relate to well-completion and workover operations. Additional oversight of safety-device training programs would also be initiated with this rulemaking. While currently certified well-control schools may offer any of the aforementioned types of training, they must obtain separate certification for each program. Compliance with the well-control training requirements developed in MMSS–OCS–T 1 is important to the continued safety of operations in the OCS. The proposed rule would require similar training for lessee and contractor employees working in well-completion, well-workover, and production operations.

Question 11—What are practical alternatives to the present MMS program for school certification, periodic recertification, and onsite evaluations that would maintain the standards of training?

Comment—Commenters suggested several alternatives. One suggested that MMS conduct both simulator and written testing. Another felt that MMS evaluators stress the results of a school's instructional program rather than precise details and paperwork. Another commenter requested that schools not be required to resubmit evidence of their entire program when applying for recertification but only be required to submit any changes in the program. A group of commenters felt that employers should be responsible for furnishing trained and qualified personnel, and MMS should gauge their performance against an industry standard by auditing documentation of training and observing field demonstrations of proficiency (such as emergency drills).

Response—There are no plans for MMS to initiate either simulator or written tests. The present program of school certification and audits to determine compliance with the approved plan will be continued. The proposed rule continues to require schools applying for recertification to submit only proposed changes from the currently approved program. There are no plans to adopt the suggestion that MMS gauge employee performance against an industry standard by auditing documentation of training and observing field demonstrations of proficiency.

Question 12—Might such alternatives include an approach in which MMS would require access to appropriate records at the field site, make periodic onsite evaluations of training facilities to determine compliance, and take such corrective actions as warranted?

Comment—Most respondents felt that periodic onsite evaluations and record checks were already being done and that such audits were an excellent means of ensuring the quality of training. Several commenters felt that MMS's primary evaluation of training quality should be based upon individual company statistics regarding accidents, spills, blowouts, etc. Another commenter felt that schools should be monetarily penalized for not adhering to the regulations, and the penalties should be listed in advance.

Response—There are no plans to verify training quality on a company-by-company basis. The examination of accident and other statistics relating to that company's operations in training would only become apparent as a result of a pollution incident or an accident. (See response to Question 1.) The MMS has found it to be more effective to work with the certified training facilities to correct areas of noncompliance, while striving to achieve the overall objective of highly-trained personnel working in the OCS.

The following discussions pertain to the questions on the current MMSS–OCS–T 1.

Question 1—How can the present program be improved, administrative procedures simplified, and costs reduced?

Comment—Three commenters felt that the well-control training program should be converted to the same type of program established for safety devices in OCS Order No. 5. They felt that this change would significantly reduce costs for both Government and industry. Other commenters provided detailed suggestions for reducing paperwork. Among these were suggestions to eliminate preenrollment forms which are never seen by MMS except during audits; to allow schools to change forms without MMS approval; to clearly define the acceptable minimum lengths of courses; to have only three classifications (Rotary Helper/Derrickman, Driller, and Drilling Supervisor); to devise a standard wallet card that would be considered adequate documentation in lieu of photocopies of certificates; and to allow a roster of crew training to suffice as rig-site documentation of training rather than have the contractor maintain a file drawer of certificate copies. Other commenters offered suggestions such as placing a limit on the number of schools per State (to reduce paperwork) and having MMS conduct a statistical review of the program to define problem areas.

Response—The many helpful comments received on this question are appreciated. As was discussed under Question 1 of the general questions on training, the importance of well-control training as well as the infrequent application of many well-control actions justify a structured program for well control. The present program is structured so that the public is assured that critical personnel in the OCS have received a minimum level of training that will aid in avoiding the loss of well control. Under this proposed rule, the number of job classifications for training purposes is reduced from five to two (floorhand and drilling supervisor). This reduction in job classifications for certification purposes should significantly reduce time and paperwork as well as making preenrollment documentation less burdensome. Under this rule, appropriate documentation would be furnished to the trainee upon successful completion of a course. Only six items of information are required on the certificate (trainee's name, trainee's social security number or identification number issued by MMS, name of training organization, course name and location, date of successful completion, and trainee's job classification). This record is then required to be maintained at the site of employment. Schools will continue to be evaluated on an individual basis during the certification process. Minimum acceptable lengths of time for courses have been identified. The suggestion to limit the number of schools per State was not adopted. Training programs will continue to be approved if they meet the prescribed qualification standards. The number of approved training courses will be determined by the number of training

organizations that obtain certification of qualified training programs.

Question 2—Is the curriculum too broad or too detailed?

Comment—Three commenters simply replied "too detailed," with one noting that broader classifications would be effective and permit site-specific details. Several respondents stated that the curriculum was not flexible enough. More flexibility would allow instructors greater freedom to cover specific facets of well control with differing emphasis based on the candidates present classification, experience level, and work situation. Another commented that the curriculum should be expanded to include instructor—level certification. A final commenter suggested specifically excluding service company representatives from the training requirements of T 1. The commenter maintained that both MMS inspectors and lessees occasionally interpret the regulations to require T 1 training of service company employees.

Response—The proposed rule considers broader job classifications and thus limits the number of training courses to be certified. Nothing in the current or proposed rule reduces the flexibility available to instructors so long as the core curriculum for well control is properly covered. Training organizations are free to use their preferred teaching methods and add to the core curriculum. The credentials of instructors are reviewed during the review for certification of a training program and when a change of instructors is proposed. The proposed regulations are specific in naming those job classifications that require employees who have well-control training. Lessees are free to establish additional requirements for the schools that train their employees.

Question 3—Are there too many or too few job classifications?

Comment—Several commenters felt that there were too few job classifications. One of these felt that additional job classifications should be added for such disciplines as Mud Engineer, Subsea Engineer, Directional Engineer, and Service Company Employees. Another commenter felt that Operator's Representative should be further subdivided to include separate designations for those with no prior field experience, limited field experience, and engineering experience only. Another felt that service company personnel should be a separate category. Two commenters felt that there were too many job classifications and felt that only two levels were needed: (1) Drilling Technician (Rotary Helper/Derrickman), and (2) Drilling Supervisor (Driller, Toolpusher, Operator's Representative). Two commenters felt that only three levels were needed: (1) Rotary Helper/Derrickman, (2) Driller, and (3) Drilling Supervisor.

Other commenters stated that there should be no additional classifications and offered no elaboration.

Response—The experience gained in certifying and monitoring training programs suggests that fewer job classifications could assure properly trained personnel in a more efficient manner. By combining job classifications, paperwork could be reduced for both training institutions and MMS without a reduction in the quality of training. The proposed rule has been modified to reflect this thinking. Two job classifications are identified in the proposed requirements, Floorhand and Drilling Supervisor. Training requirements for service company personnel will be based on the duties performed during drilling operations.

Question 4—Are there sufficient distinctions as to training requirements for each classification? What should the classifications be, and how should the training requirements differ for each classification?

Comment—Several commenters felt that there was both sufficient distinction between classifications and an appropriate number of classifications. They also felt there was no need to change the different training requirements. One commenter felt that the distinctions between Operator's Representative and Toolpusher should be combined into the category of Drilling Supervisor. Three job classifications would then be identified as Rotary Helper/Derrickman, Driller, and Drilling Supervisor. Another felt there should be only two training classifications, Derrickman and Operator's Representative. One commenter suggested that MMS stress the team approach in training requirements and not rigidly segment items that are taught to people who work side by side.

Response—As noted in the response to the previous question, modifications are being proposed in the present classification system with a view to decrease administrative burdens without a reduction in the quality of training. The proposed training requirements do not rigidly segment items that are taught to people who work side by side; rather, the requirements add important subjects to be covered in the training programs for workers with more authority and responsibility. Hands-on (simulator) training is normally taught as a team effort.

Question 5—Would refresher-course training less often than once a year suffice? Should refresher-course training be required more frequently than once a year for certain activities? Should refresher-course training be placed on a graduated scale so that the longer a person is active on the job, the farther apart the required training?

Comment—None of the respondents favored placing the requirements for refresher-course training on a graduated scale. Several commenters felt that a graduated scale would create an unnecessary burden in the administration of the program. On the question of frequency of refresher-course training, the following comments were received:

(1) Several commenters suggested retaining annual refresher courses.

(2) One felt that the frequency should be increased since it was rare to find a student who retained the ability to fill out a kill sheet from year to year.

(3) Three commenters felt that every 2 years was the appropriate interval for requiring completion of a refresher course.

(4) One commenter felt that persons who performed the tasks of their designated job classifications should attend refreshers every 3 years.

(5) One commenter felt that the refresher test should be administered without training to those who felt they could pass.

Response—The proposed rule continues the requirement of an annual refresher course. This requirement has worked well and has not proved unduly burdensome. Refresher training serves to maintain technical competence in well-control procedures and to demonstrate the importance of well control. The recommendation that workers who pass a test should be exempt from refresher training was not adopted.

Question 6—Should "hands-on" training be expanded?

Comment—Several respondents stated that the degree of "hands-on" training should be left to the discretion of the employer. Another stated that the regulations should be flexible enough to allow expansion without mandating it. (These commenters evidently thought the question referred to "on-the-job" training rather than the "hands-on" training on a simulator required by MMSS–OCS–T 1.) One commenter suggested that a minimum of eight simulator sessions be required during the basic course. This would include six gas kicks, one salt water kick, and one

gas kick in oil base mud. Another commenter felt that five simulator problems would be enough.

Response—The proposed rule calls for a minimum of two practice problems and one official test problem using "hands-on" well-simulation equipment. Schools may exceed this requirement. In order to increase the involvement of individual students in "hands-on" training, the maximum number of students working with a simulator at one time has been reduced from four to three.

Question 7—Should MMS oversight of certified training institutions be expanded or reduced?

Comment—Several commenters felt that MMS oversight should be reduced and that MMS should observe items such as drills, performance data, and incidents to determine if a lessee's training is adequate. Another respondent stated that certification of training institutions should be the responsibility of lessees. Two commenters felt that the level of oversight should remain the same, but that improvements should be made in the administration of the program. Another felt that the focus should move away from the administration and toward the practical aspects of training. One commenter felt that oversight of training institutions should be greatly expanded.

Response—Audits conducted by MMS have discovered inadequacies in the training given at a number of certified institutions. These shortcomings were corrected soon after their discovery. The present scheduling of MMS-conducted audits is determined by the available resources as well as the results of past audits. Experience suggests a simple records check is sufficient to assure compliance of some training organizations while a few institutions must undergo a total evaluation of their course material and its presentation.

The following discussion pertains to questions on the development of training programs for lessee and contractor personnel whose work involves well-completion and workover operations.

Question 1—How should MMS establish training standards for well-completion and well-workover operations, and what should these standards include?

Comment—Four commenters suggested that MMS adopt the recommended practice document developed by API for Well-Control Training for Well-Completion and Well-Workover Operations, while another suggested MMS use trade association materials. One commenter suggested that MMS hire professional training consultants to review present training programs and establish guidelines on the basis of that review. One commenter suggested that additional curriculum on well-completion and well-workover operations be added to the drilling schools. They stated that the training is similar enough that extending the drilling school to cover the additional curriculum would be enough to certify personnel in well-completion and well-workover training. One commenter recommended that MMS solicit standards and comments from industry groups and individual operators.

Response—The proposed rule includes training requirements for lessee and contractor personnel who work in well-completion and well-workover operations. The API RP for well-control training was reviewed, and certain elements of the RP have been included in these proposed training requirements. Under the proposed rule, different criteria are applied to training for personnel who work in well-completion and well-workover operations than the criteria applied to training for personnel who work in drilling operations. The required training proposed for personnel who work in well-completion and well-workover operations would be applicable to floorhands, well-completion and workover supervisors, and some well-servicing workers (including, as appropriate, contractor employees).

Question 2—What are appropriate job classifications for such standards?

Comment—Two commenters suggested that the job classifications should be identical to the training standards established for employees working in drilling operations. One commenter suggested additional classifications such as mud engineers, directional drilling engineers, workover or completion service hands, and production personnel involved in well-workover or completion operations. Four commenters suggested MMS use the job classifications identified in the API recommended practice document on Well-Control Training for Well-Completion and Well-Workover Operations. One commenter said that job classifications should depend upon the operation being conducted. Another commenter suggested two job classifications, tehnician and supervisor.

Response—Under the proposed rule, lessee and contractor employees conducting well-completion or well-workover operations after the time the production casing is set, cemented, and pressure tested must have had training specific to the operations to be conducted and the equipment to be used. The job classifications contained in the proposed rule include floorhands, well-completion and workover supervisors, and well-servicing workers. This approach is expected to assure that all personnel involved in well-completion and well-workover operations receive training appropriate to the work they perform.

Question 3—What should be the relationship between drilling, well-completion and well-workover standards, and training?

Comment—Two commenters recommended that the two standards be combined into one extended training program since they are so similar. Four commenters suggested that the completion of either a drilling or a well-completion and well-workover course should qualify personnel to work in all of these operations. One commenter stated that it would depend upon whether the same rig/crew is used for both operations. One commenter suggested that the training must be different because there are fundamental differences in common wellbore conditions.

Response—The proposed rule provides that personnel conducting well-completion and well-workover operations are to be trained under a training program that is separate from the training programs developed for offshore personnel who work in drilling operations. It is recognized that some drilling crews also perform well-completion operations. To avoid placing unnecessary training requirements on these personnel, well-completion topics have been added to the curriculum required for well-control training programs for personnel employed in drilling operations. These personnel would then be exempted from taking a separate well-control training course for well-completion operations.

Under the proposed rule, the well-completion and workover well-control training programs are to be established for floorhands, well-completion and workover supervisors, and supervisors of snubbing, coil-tubing, and small-tubing operations. Lessee and contractor personnel who perform both drilling and well-workover operations are to receive well-control training for drilling and for well-completion and workover operations. To minimize the number of courses which will be required for these workers, schools will be able to combine the courses for drilling operations and for well-completion and workover operations into a single course.

Question 4—Should refresher courses be required and, if so, how often?

Comment—Four commenters recommended that refresher course

requirements follow the recommendations found in the API recommended practice document on Well-Control Training for Well-Completion and Well-Workover Operations. One commenter suggested that statistics be gathered and used to determine the appropriate frequency for refresher courses. Another suggested that the frequency of refresher training be based upon tests administered by MMS or a certified school. One commenter suggested that the basic course be taken every other year, with two refresher courses to be taken during the intervening year. One commenter suggested that a basic course be required every 4 years, with a refresher course every other year.

Response—The proposed rule requires that basic training courses be successfully completed every 4 years and that refresher courses be successfully completed annually for well-completion and workover training. The frequency of training prescribed in the API recommended practice document is considered inadequate, while the suggestion that a basic course should be passed every other year with two refresher courses to be taken in the intervening year is considered unnecessarily burdensome. The idea of basing the frequency of course attendance upon test results was viewed unduly burdensome to administer and monitor.

Question 5—What should be the implementation schedule for such a training requirement?

Comment—One commenter suggested that 6 months would be appropriate if it is done as an extension of the drilling training standards. Another commenter recommended 1 year from approval of the requirements; five commenters thought that 2 years were more appropriate. One commenter suggested that statistics be compiled to determine an implementation date.

Response—The proposed rule includes a 24-month implementation period (i.e., within 24 months after the effective date of a final rule, lessee and contractor personnel whose work involves well-completion and well-workover operations must successfully complete a basic course). Two years should be sufficient time for training schools to be certified and for lessees to provide their employees with the opportunity to receive the required training.

The following discussion pertains to the questions on development of a training program for personnel engaged in production operations.

Question 1—To strengthen the standard, should job classifications be added and, if so, which ones?

Comment—Three commenters stated that a strengthened training standard for production personnel is not necessary. In addition, they stated that it is not possible to address all titles used by operators for their production operations and maintenance personnel. Furthermore, they stated that MMS should pursue, with the API, any needed clarification of skills required for well-servicing personnel as opposed to lessee-operator personnel. One commenter suggested adding the following job classifications: Production design engineer, production foreman, operator, industrial repair specialist, and production electrician. Another commenter stated that the existing provisions in OCS Order No. 5, paragraph 5.7, are very good. Commenters stated that they do not agree that uncertainty and inefficiencies exist because of the straightforward way the MMS requirement is detailed.

Response—Under the proposed rule, lessee and contractor personnel who work with production safety systems and who must receive the required training include the person on the platform with overall responsibility for production operations and personnel engaged in the installation, testing, maintenance, repair, or operation of surface or subsurface safety devices. The training standard is designed to cover one broad job classification. Under this approach, all lessee and contractor personnel who work with production safety systems would be required to successfully complete a minimum training program. This training program is separate from the ones developed for lessee and contractor personnel who conduct well-completion and workover operations, including those who operate wireline, snubbing, or coil-tubing units.

Question 2—What training should be specified for each job classification?

Comment—Three operators stated that a strengthened training standard for production personnel is not necessary. One commenter stated that general safety-device training should suffice for all job classifications. Another commenter suggested that production safety-device training should be required for all production related job classifications. That commenter suggested having an additional requirement for the hands-on verification of skill of personnel involved in safety equipment maintenance and repair operations of lease-specific equipment.

Response—Under the proposed rule, jobs for personnel who maintain and repair production safety equipment are combined under one classification. The training standard established for personnel in that job classification includes certain aspects of API RP T–2.

Topics that production safety system personnel should be familiar with, such as wireline, snubbing, and coil-tubing operations and their relationship to production operations, have also been included in the required subject matter for any approved training program. Although hands-on verification of skill on lease-specific equipment is recognized as being beneficial, it has not been included in the proposed rule as a regulatory requirement.

Question 3—Should refresher courses be required, and if so, how often and what should be their content?

Comment—Three commenters stated that the standard for refresher courses does not need to be strengthened. One commenter stated that refresher training provides little benefit beyond on-the-job training. On the other hand, one commenter suggested that a refresher course be required for production foremen, operators, instrumentation specialists, and production electricians. That commenter stated that refresher training should include changes in the orders as well as the basic provisions of API RP T–2 and should be required every 2 years.

Response—Under the proposed rule, a refresher course requirement has been adopted for the production safety system training standard. The concept of refresher training parallels the requirements currently in place for drilling well-control training, which has been a successful program, although the proposed rule would require refresher training every 2 years for production personnel as opposed to annually for drilling personnel and well-completion and workover personnel.

Question 4—How should MMS properly recognize individuals trained under currently approved programs?

Comment—One commenter stated that it is not necessary for MMS to recognize individual's training. Two commenters suggested that MMS should recognize those persons having certificates or cards from accepted or approved API RP T–2 training schools as being qualified for a 2-year period from the date of their certification.

Response—Under the proposed rule, successful completion of basic and refresher training courses is required in order for trained personnel to maintain their qualifications under current operation requirements. The basic

course is to be successfully completed every 4 years, while a refresher course must be successfully completed each year. Persons who have certificates or cards showing successful completion of accepted API RP T–2 training schools would be recognized as qualified pending the development and certification of training courses under the proposed rule.

Question 5—What is an appropriate timetable for development and implementation of such a training requirement?

Comment—Three commenters stated that the current requirements are adequate. One commenter suggested that any new training requirement should be given a 1-year implementation period from the time of approval.

Response—The proposed rule includes a 24-month implementation period. Two years should provide sufficient time for training courses to be developed and certified and for the lessee and contractor personnel to successfully complete the required training.

The following comments pertain to the provisions of § 250.68 of the proposed rule published March 18, 1986. The provisions contained in previously proposed § 250.68 have been moved to proposed Subpart O, Training, §§ 250.210 through 250.214.

Where a specific section or paragraph within proposed Subpart O is applicable, the section or paragraph is cited as an aid to the reader.

Comment—One commenter felt that training should reflect the performance standard approach more than is evident in proposed § 250.68. That commenter indicated that some mandatory training requirements, including frequencies for refresher training, should be kept in effect.

Response—The proposed rule would provide relatively uniform training requirements for lessee and contractor employees who carry out OCS activities. Well control during well-completion and well-workover operations and production safety systems are sufficiently important to the maintenance of safety operations and protection of the environment in the OCS to justify the establishment of minimum-training requirements.

Comment—A commenter felt that the training requirements of the present standard (MMSS–OCS–T 1) are valuable and thorough and that few changes in the training standard are necessary.

Response—Proposed changes to the present standard are aimed at reducing the administrative burden while maintaining the high quality of well-control training. Similar standards are being proposed for well-completion, well-workover, and production operations.

Comment—A commenter felt that MMS regulations should define who on a rig is in charge of well-control procedures in order to avoid questions of responsibility and related problems concerning contracts, liabilities, responsibilities, and legalities.

Response—The lessee is ultimately responsible for ensuring compliance with regulations, and that the proper steps are taken to ensure the protection of life and resources in the OCS. The relationship between lessees and their contractors is best left to the respective companies involved while recognizing that contractors act as agents for lessees. No change from the current regulations is proposed.

Comment—A commenter suggested that the current training requirements are adequate for the vast majority of personnel who require training, but that advanced training in well control might be appropriate for students who have successfully completed one basic and three refresher courses.

Response—The objective of the MMS training requirements is to ensure that individuals who work in OCS operations receive well-control training appropriate to their responsibilities and duties. Training organizations may offer, and personnel who work in the OCS may take, advanced training. A provision to this effect has been included in the proposed rule.

Comment—Several commenters suggested that MMS delete § 250.68, Training in well control, in its entirety and replace it with a training program based on API RP T–3. The commenters suggested that new MMS programs be tailored after MMS's safety device program of proposed § 250.125, Safety device training.

Response—Avoidance of blowouts through blowout prevention and well control is one of the primary safety and pollution prevention defenses available to prudent operators in the OCS. Current rules reflect the minimum needs for training in blowout prevention and well control during drilling operations. Proposed changes are intended to extend the coverage of the existing program to also cover well-completion and well-workover operations, where a major portion of OCS accidents occur. To this end, the proposed rule includes training requirements for lessee and contractor personnel whose work involves well completion, well workover, production safety systems, maintenance, and repair.

Comment—A commenter suggested that wording changes be made to paragraph (a) of § 250.68, Training in well control, to require that well-control training for well-completion and well-workover operations be provided to lessee and contractor personnel through the lessee's (contractor's) on-the-job training program or a certified training program established by a training organization. The choice of training programs would rest with the lessee or contractor who pays for the training.

Response—Some lessees and contractors have developed and maintained certified "in-house" programs while others provide employee training through public or private institutions that have developed and maintained certified training programs. On-the-job training suggests an unacceptable approach to well-control training. Some formal classroom training in well control is required to assure that offshore employees receive a minimum level of well-control training. (This training requirement is addressed at § 250.210(b), Personnel training requirements.)

Comment—One commenter felt that the job and position classifications listed in § 250.68(b), Personnel classifications, should be expanded to include mud engineer, subsea engineer, directional engineer, service company personnel, and production hands. Another commenter felt that the five proposed personnel classifications should be combined into two classifications, drilling technicians and drilling supervisors.

Response—Consolidation of the five proposed personnel classifications under two classifications as is now being proposed should result in a reduced amount of paperwork without sacrificing the quality of training to be provided offshore workers. Fewer job and position classifications will reduce the distinctions that the training facility, the lessee, and MMS have to make in the records maintained on trained employees. The proposed rule (§ 250.210(b)(1)) identifies two distinct job classifications for well-control training during drilling operations (floorhand and drilling supervisor). (Personnel classifications for the purpose of established well-control training courses are now listed at § 250.210(b).)

Comment—One comment on proposed § 250.68 (c) and (p), suggested that all student records should be maintained by the employer (lessee or contractor) (inferring that schools should have no responsibility for maintaining student records) at the rig site, office, and on the person (wallet card) of the employer. A commenter felt

that lessees should only be required to retain records relative to their own employees, and contractor employee records should be maintained by the contractor. Another commenter felt that employee records should be kept at a central office to reduce paperwork rather than having records at the lessee's field office nearest the OCS facility.

Response—Proposed § 250.68 (c) and (p) have been merged in this proposed rule (§ 250.210(c)). The proposed requirement that records of training be kept "at lessee's field office nearest the OCS facility for a period of 5 years" has been deleted from this proposed rule. The proposed rule would require that proof of training, such as a certificate issued by the organization providing well-control training, be maintained at the job site. Each training organization is also required to maintain records for each of the students who enters its training program(s).

Comment—One commenter felt that proposed § 250.68 (d) and (o) are contradictory or that paragraph (d) was misleading by making it look as if rotary helpers and derrickmen required no classroom training. Another respondent felt that wording should be added to paragraph (d) to require hands-on training of drillers, toolpushers, and operator's representatives to be performed at their job sites or at another site at the discretion of the lessee.

Response—Under the proposed rule, hands-on training requirements for rotary helpers and derrickmen previously found in § 250.68(d) have been merged into the general requirements for the training of floorhands (§ 250.210(b)).

Well-control courses for drilling supervisors are required to include "hands-on" training on simulators or a training well. Use of a simulator or training well in conjunction with classroom training is the only practical way this skill can be developed.

Comment—A commenter suggested that § 250.68 (e) and (f) require that rotary helpers and derrickmen be required to receive well-control training on an annual basis and that training organizations that provide well-control training for the rotary helper and derrickman job classification be evaluated in the same manner as training organizations that provide well-control training for employees with a higher level of responsibility.

Response—There is a great difference between the duties and responsibilities of a rotary helper or derrickman and those of a driller or toolpusher, especially during a crisis such as blowout or pressure control situation. The present training requirements for rotary helpers and derrickmen provide a fundamental explanation of well control and are designed to help these workers to better understand their role in the carrying out of well-control activities. The skills most needed by these workers in an emergency are practiced during the mandatory weekly blowout preventer drills. Thus, more formal training on an annual or other basis is not considered necessary to assure that floorhands are properly trained. (These requirements are now addressed in § 250.212(a).)

Comment—(Proposed § 250.68 (e)(1), (f)(2), (g)(2), (h)(2), and (i)(2) require that students receive general instructions on MMS regulations that pertain to the work in regard to well-control activities.) A commenter suggested that MMS highlight the appropriate sections of the Orders and provide them to training organizations that teach certified well-control programs as a guide base for instruction.

Response—The suggestion was not adopted. The MMS works with training organizations to assure proper knowledge and understanding of its requirements. The procedures MMS uses in this regard are not the subject of the proposed rule.

Comment—A commenter suggested that "equivalent experience" needs to be defined with a set of guidelines. Under proposed § 250.68 (f)(1), (g)(1), (h)(1), (i)(1), (j)(3), (j)(4), and (j)(5), a student would have to complete training for a job classification at a lower level or possess "equivalent experience" before being admitted to a training program.

Response—The phrase "equivalent experience" and references to prerequisite training and experience have been deleted from this proposed rule.

Comment—A commenter has proposed that, as a minimum, both the Driller's Method and the Wait-and-Weight Method be taught and understood during a basic well-control course. During refresher courses, the commenter feels that only one method should be taught. Proposed § 250.68(g)(8) requires that students receive instruction on one of the constant bottomhole pressure methods of well control such as the Driller's Method, Wait-and-Weight Method, Concurrent Method, or other applicable constant bottomhole pressure methods.

Response—The proposed rule proposes no change to the requirement. Satisfactory results have been realized by teaching a minimum of one constant bottomhole pressure method of well control. (This requirement is now addressed in § 250.212(c)(7).)

Comment—A commenter recommended that kill team members not be allowed to rotate during a simulator session but should be required to rotate positions between sessions. Under proposed § 250.68(n)(1)(xii), a candidate is to change positions as part of a team during the hands-on qualification test and simulator training.

Response—Under this proposed rule, at least two practice problems and one official test problem must be successfully completed as part of the hands-on training activities. Although the proposed rule is silent on the manning of positions during the hands-on test problems, sufficient familiarization of the candidates under instruction must be accomplished to insure that all candidates fully understand the duties and responsibilities of the team members at the various positions. To more properly assure in-depth student exposure to the "hands-on" experience, the maximum number of students per simulator exercise has been reduced from four to three. (This requirement is now addressed in § 250.212(f)(2).)

Comment—A commenter suggested that proposed § 250.68(g)(10) include a requirement that students at the driller level receive instructions in gas expansion equations.

Response—Current rules require instructions in gas bubble expansion calculations as part of the well-control training for both toolpushers and operator's representatives. Under the proposed broadened job classification of the drilling supervisors, drillers will be required to receive this training. (This requirement is now located at § 250.212(c)(16).)

Comment—A commenter felt that candidates should be required to document how they become familiar with the basic training of a rotary helper, a derrickman, a driller, and a toolpusher and the duties of each during well-control situations. Requiring this documentation would prevent persons unfamiliar with drilling rigs from acquiring the highest level of certification. Under proposed § 250.68(i)(1), candidates for operator's representative certification are required to be familiar with those basic duties and training.

Response—This suggestion was not adopted. The merger of five training categories into two has eliminated the need for the documentation of prerequisite experience and training.

Comment—One commenter felt that employees should have 3 months of

actual work experience before they are sent to a training program so they will be more familiar when they begin training. Proposed § 250.68(j)(1)(i) requires that rotary helper candidates receive training for their level within the first 6 months of initial employment.

Response—No change in the proposed rule is requested. Lessees are expected to schedule training for their employees in a way that provides the most efficient use of their training dollar. Since this training is primarily given to entry level personnel, the training should familiarize students with equipment as part of the curriculum. (This requirement is now located in § 250.212(b)(1).)

Comment—One commenter suggested limiting students to 12 per lecture and 2 students per hands-on lab exercise. Proposed § 250.68 (n)(1)(iii) and (n)(2)(v) would limit class size to 20 students per lecture and 4 students per hands-on lab exercise.

Response—This proposed rule would limit to three the number of students per hands-on lab exercise. No change is proposed from the current MMS requirement of no more than 20 students per lecture. This student/teacher ratio should afford students an opportunity to obtain the appropriate level of training and understanding of well-control problems and their solutions. (These requirements are now located in § 250.211(a)(7) and § 250.212(f)(2).)

Comment—A commenter felt that only schools which are equipped with simulators or test wells with a subsea panel should receive certification to teach subsea candidates.

The commenter also listed hands-on problems that a simulator should reproduce for students such as gas kicks in water base mud, water kicks in water base mud, gas kicks in oil base mud, and water kicks in oil base mud. The commenter believed that simulators should also be able to simulate a secondary kick or lost circulation on the basis of how a student handles a primary kick.

Response—The proposed rule recognizes that additional information about the training facility's simulator or test well is needed in the original submittal of a training organization requesting certification of its training program. The text of the provision has been modified to require a more complete description, including whether a simulator is equipped with a subsea panel and the various types of kicks that can be simulated. The subjects to be included in a required curriculum have been expanded to require that all students be trained in both subsea and surface BOP well-control techniques. (This requirement is now located in § 250.212(f).)

Comment—A commenter has suggested requirements in addition to the minimum requirements for testing methods found in proposed § 250.68 (n)(1)(vii), (n)(2)(vi), and (n)(7). These requirements are as follows:

(1) Simulator tests be conducted with only the student and the instructor present at the simulator. The commenter contends that it is difficult to evaluate several students on one simulator.

(2) The MMS should publish guidelines on the number of questions to be asked in the examination.

(3) The MMS should require annual redrafting and submittal of tests as part of a program to assure that tests are nonrepetitive and remain confidential.

Response—No changes have been proposed in the previously proposed requirements.

(1) During actual well-control situations, personnel work as a team to kill the threatened blowout; thus, a team test on a simulator has proven to be satisfactory. Sufficient familiarization is required during instruction to insure that candidates will understand the manning requirements of the various positions.

(2) The content, length, and quality of tests are best dealt with during the school evaluation and certification process.

(3) Current requirements state that the training institution must submit the methods they will use to assure that the test will be nonrepetitive and remain confidential. (These requirements are now in § 250.212(f).)

Comment—A commenter suggested that the certificate issued upon the successful completion of a course should also state whether the course passed was a basic or refresher course.

Response—This recommendation has been adopted in the proposed rule. (These requirements are now located in § 250.211 (b) and (c).)

Comment—A commenter felt that requirements for instructions relating to subsea BOP stacks should be slated in proposed § 250.68(n)(1)(x) for subsea certification. The commenter made the following detailed, suggested requirements:

(1) Simulator shall have subsea panel;

(2) Diverter procedures when drilling with and without riser;

(3) Choke line friction determinations;

(4) Selecting the proper kill rate;

(5) "U" tube effect as gas hits the choke line;

(6) Effects of bottomhole pressure when the choke line is full of gas;

(7) Removing trapped gas from stack after killing well;

(8) Choke and kill line fluids (i.e., water or drilling mud); and

(9) Riser collapse versus water depth.

Response—This recommendation has been adopted in this proposed rule. These are important points that should be covered in any subsea course. Items (5), (7), and (9) were found to be critical factors in a recent offshore blowout and, along with Item (3), have been added as § 250.212(c)(12). Item (1) has also been addressed in § 250.212(f) (1) and (4). All other items had already been addressed in the text of the proposed rule published in March 1986 and remain in this proposed rule.

Comment—A commenter has suggested that MMS develop a standard prerequisite form to be used by the schools in evaluating a candidate's entrance prerequisites.

Response—The MMS believes that a standardized form is unnecessary. Under the proposed rule, training organizations would not be required to verify that a candidate has prerequisite training or experience to take a course; however, a training organization would have to verify prior training before issuing a certificate for successful completion of a refresher course. This is because the proposed rule does not allow a person not currently trained for a job to become qualified for that job by taking a refresher course.

Comment—A commenter asked why training organizations are required to submit lists of all personnel who successfully complete training and the information listed in proposed § 250.68(n)(1)(xv). The MMS would not release similar data under the Freedom of Information Act.

Response—The information required by proposed § 250.68(n)(1)(xv) is utilized to verify training records kept at offshore work sites. (This requirement is currently in § 250.211 (b)(8) and (c)(8).)

Comment—A commenter recommended that training organizations certified to teach a basic well-control course be required to provide students with a training manual for their use and retention. Proposed § 250.68(n)(2)(ii) requires that training organizations giving refresher courses provide students with a training manual for their use and retention. The paragraph further states, in parenthesis, that this is not required for schools certified for a basic well-control course. A commenter felt that the waiver for schools certified for a basic course should be deleted.

Response—The proposed rule now contains clarifying language. The intent of the provision is to assure that schools that are certified to teach a basic course

do not have to submit a copy of their previously approved training manual for MMS review as part of an application for certification to teach a refresher course. (This requirement is now located in § 250.211(c).)

Comment—One commenter states that proper documentation of a student's qualifications and training should be maintained in the student's folder. Proposed § 250.68 (j)(3), (j)(4), and (j)(5) set forth the qualification requirements that must be met by drillers, toolpushers, and operator's representatives before they may participate in drilling operations in the OCS. Personnel must be trained in accordance with § 250.68 and must have successfully completed written and/or oral tests and hands-on demonstrations to verify their thorough understanding of the material.

Response—The revised proposed training regulations require training institutions to maintain records on each student and to provide each student with documentation of his/her successful completion of a training course for retention at the work site. (These requirements are now located at §§ 250.211(b)(8) and 250.212(e)(1) and (3).)

Comment—A commenter has suggested that the basic well control training be repeated every 2 years and that workers be required to take a refresher course twice during the intervening time period.

Response—This suggestion was not adopted. No compelling evidence has been provided that would mandate such an increase in the level and frequency of required training. (These requirements are now located in § 250.212(e).)

Comment—A commenter objected to the wording of § 250.68(j)(5)(ii) which states that a candidate for operator's representative qualification level must demonstrate the ability to "organize and direct a well-control operation." It was the commenter's view that this skill should not be required for certification.

Response—This recommendation was not adopted. The operator's representative is the lessee's ranking representative on an offshore facility. This person must be able to organize and direct well-control operations. Requirements for the operator's representative level have been included in the new drilling supervisor level. (These requirements are now located at § 250.212(e).)

Comment—A commenter felt that § 250.68(k)(4) required the closing in of the well during on-bottom drilling and stated that this action would endanger the wellbore and drill string as well as ensure that drills could not be run often enough to improve crew proficiency.

Response—Under the proposed rule, well-control drills are required weekly and are to be scheduled so that they will occur during a range of different operations. The provisions of proposed § 250.68(k)(4) outlined specific training objectives for well-control drills, and the actions listed are only to be taken "as appropriate" if the drill is conducted while drilling on-bottom. When scheduling BOP drills, well safety is always the primary concern, and the regulations emphasize that well-control drills should be carried out during activities selected to minimize danger to the operations. (This requirement is now located in Subpart D, Drilling.)

Comment—One commenter felt that proposed § 250.68(1) compels companies to send employees to higher rated training courses than warranted by their current job status. Proposed § 250.68(1) would require employees to obtain certification for a position if they are to act as a relief for that position without direct supervision by an employee qualified under the training requirements for higher job classification.

Response—No change has been made to specifically address this concern. The proposed rule simply requires that there be an appropriately trained and certified person on duty at all lines. The MMS has reduced the number of training categories from five to two (floorhand and drilling supervisor) to ensure that the correct minimum level of training can be provided to lessee and contractor personnel working in the OCS. (This requirement is now located in § 250.210(d).)

Comment—A commenter has suggested that any candidate who misses over 1 hour of class should be required to repeat the class.

Response—Under the proposed rule, candidates would be required to make up any missed portions of a class before credit is awarded. This wording should be sufficiently stringent while allowing some degree of flexibility. (This requirement is now in § 250.211(a)(6).)

Comment—One commenter listed a number of actions relative to recertification and onsite evaluation of training programs that the commenter wishes MMS to take. Proposed § 250.68(m)(9) and (m)(10) state the requirements for school recertification and announce the onsite evaluations of schools which will be conducted by MMS personnel. The commenter believed that MMS should notify the school 160 days before the 4th anniversary date of certification to remind personnel that recertification requests are due to MMS at least 90 days prior to the 4th anniversary; MMS onsite evaluators should be identified, in writing, and carry an evaluation checklist; schools should have time to reply to an evaluator's questions in writing; schools should have the right of legal representation during audits; evaluators should have both oil field and teaching experience; and evaluators should request specific information and not be allowed complete access to files.

Response—This recommendation was not adopted. The proposed rule intentionally limits specific instructions concerning MMS practices and procedures. Training organizations are expected to be aware of the limitations placed upon the certification of each of their certified training programs. The MMS auditors use the regulations or standards governing well-control training as a checklist when evaluating schools. Auditors discuss the evaluation with training school representatives, and schools are notified, in writing, of any deficiencies and given an appropriate amount of time to respond and/or take corrective action. All auditors have attended well-control schools and are well versed in applicable regulations. (These requirements are currently located in § 250.211(a).)

Comment—A commenter felt that modular-type courses should be allowed by MMS, and if MMS wants to state minimum time limits for instruction, these limits should be stated in proposed § 250.68(n)(1)(i). Proposed § 250.68(n)(1)(i) provides that a curriculum outline be submitted with a training organization's application showing the subject matter to be taught each day and the number of hours devoted to each subject.

Response—Nothing in the current or proposed regulations prohibits the use of modular-type courses in approved training programs. The proposed rule includes a 32-hour minimum time requirement for instruction in well control during drilling operations. (This requirement is now located in § 250.211(a).)

Comment—A commenter has suggested that a set of minimum requirements be developed for instructors. Implementation of this suggestion would include requiring instructors to take the basic course every year and to pass MMS developed tests before being recertified.

Response—Presently, complete qualifications of all instructors must be submitted for review during the evaluation and certification of a training organization's proposed training

program. This information is used in combination with other information submitted with the application to assess the capability of a training organization and its instructors to provide the required training. Competition between training organizations for a share of lessees and contractors training dollars will also help to ensure the proper maintenance of quality instruction. It is reasonable to expect that lessees and contractors will enroll employees in training programs that provide the best training for the employee for the least money. (These requirements are now located at § 250.211(c) and (d).)

Summary of Proposed Rule

Proposed Subpart O, Training, contains requirements for training personnel who perform or supervise drilling, well-completion, well-workover, or production operations. The following discussion summarizes the proposed requirements.

Personnel in the position of rotary helper or derrickman would be classified as drilling floorhands. Content for training courses for drilling floorhands is included in the proposed rule. These courses would not be required to be MMS certified, and refresher courses would not be required. A drilling floorhand rating would be maintained by participating in drills as required by Subpart D, Drilling.

Drillers, toolpushers, and company representatives conducting drilling operations would be classified as drilling supervisors. Content for training courses for drilling supervisors is included in the proposed rule. Basic courses and refresher courses for drilling supervisors, and the schools teaching these courses, would be MMS certified. Personnel would be required to complete a basic course once every 4 years and a refresher course in intervening years.

Well-completion and well-workover personnel performing jobs equivalent to the drilling positions of rotary helper and derrickman would be classified as a well-completion and well-workover floorhand. Training would be required for such personnel performing operations without the tree in place. Content for training courses for well-completion and well-workover floorhands would not be MMS certified, and refresher courses would not be required. A well-completion and well-workover floorhand rating would be maintained by participating in drills as required by Subpart E, Well-Completion Operations, and Subpart F, Well-Workover Operations.

Well-completion and well-workover personnel performing in jobs equivalent to the drilling positions of driller, toolpusher, and operator's representative would be classified as well-completion and well-workover supervisor. Content for training courses for well-completion and well-workover supervisors is included in the proposed rule. Basic courses and refresher courses for well completion and well-workover supervisors, and the schools teaching the courses, would be MMS certified. Personnel would be required to complete a basic course once every 4 years and a refresher course in intervening years.

At least one person in each snubbing, coil-tubing, or small-tubing operations crew would be required to take basic and refresher courses. The content of these courses is included in the proposed rule. Basic and refresher courses and the schools teaching those courses would be MMS certified. Personnel would be required to complete a basic course once every 4 years and a refresher course in each intervening year.

Personnel responsible for the installation, testing, operation, repair, or maintenance of a production safety system and the person on the platform with overall responsibility for production operations would be required to take basic and refresher courses. The content of these courses is included in the proposed rule. The basic and refresher courses and the schools teaching these courses would be MMS certified. Personnel would be required to complete a basic course once every 4 years and a refresher course every two years.

Tables 1, 2, and 3 compare existing training requirements with the training requirements in the proposed rule. Table 1 deals with drilling operations and compares the existing training requirements with the proposed training requirements for rotary helpers and derrickmen. Table 2 also deals with drilling operations and compares existing training requirements to the proposed requirements for drillers, toolpushers, and company representatives. Table 3 deals with production operations and compares the existing training requirements with the proposed training requirements for production safety system workers and platform operators. Existing rules do not include specific requirements for training of personnel engaged in completion/workover operations with the tree removed or personnel engaged in well-servicing operations; therefore, a table is not included to deal with a comparison of training requirements for these operations.

Tables 1, 2, and 3 are presented as aids to the reader and are intended only as a summary. Interested parties should read the text of the proposed rule to determine the actual proposed requirements.

TABLE 1.—DRILLING OPERATIONS TRAINING FOR FLOORHANDS

[Rotary Helpers and Derrickmen]

	OCS Orders/T1 & current regulation	Proposed rules
Categories of personnel.	Rotary Helper ..... Derrickman.....	Floorhand.
MMS approval of program.	Submission to MMS. Approval required.	No submission to MMS. No approval necessary.
Minimum length of courses.	Not specified	Not specified
Maintenance of qualifications.	Weekly drills	Weekly drills.

TABLE 2.—DRILLING OPERATIONS TRAINING FOR DRILLING SUPERVISORS

[Drillers, Toolpushers, and Operator's Representatives]

	OCS Orders/T1 & current regulation	Proposed rules
Categories of personnel.	Driller ..... Toolpusher Operator's Rep ..	Drilling supervisor.
MMS Approval of program.	Submission to MMS. MMS audit of school. Approval required.	Submission to MMS. MMS audit of school. Approval required.
Minimum length of courses.	Not specified	Basic course. 32 hrs. Refresher course— 8 hrs.
Maintenance of qualifications.	Basic course every 4 years Refresher course annually.	Basic course every 4 years. Refresher course annually.

TABLE 3.—PRODUCTION SAFETY SYSTEMS

	Current regulations	Proposed rules
Categories of personnel.	Production safety system workers. Platform operator.	Production safety system workers. Platform operator.
MMS Approval of program.	No approval process.	Submission to MMS. MMS audit of school. Approval required.
Minimum length of course.	Not specified	Basic course— 32 hrs. Refresher course—8 hrs.

TABLE 3.—PRODUCTION SAFETY SYSTEMS—Continued

	Current regulations	Proposed rules
Maintenance of qualifications.	Training course once every 4 years.	Basic course once every 4 years. Refresher course once every 2 years.

Comments are invited concerning all aspects of the proposed rule governing training of personnel in the OCS. In addition, interested parties are invited to respond to the following questions:

(1) Separate courses are proposed for drilling operations and for well-completion and workover operations with the tree removed. Should these two areas be taught in separate courses or in a single combined course of longer duration than each separate course but not as long as the total of each course taught separately? Another option would be to allow the training schools the option of teaching the courses separately or in a combined course. The proposed rule allows the combination of any courses. The specified requirements for a standard course would also apply to a combined course, and the approval of the course would be handled on a case-by-case basis.

(2) In the proposed rule, the required courses for floorhands for drilling operations and for well-completion and workover operations with the tree removed do not require approval by MMS. Should the final rule include provisions requiring MMS approval for these courses for floorhands, or are the requirements in the proposed rule sufficient?

(3) In the proposed rule, floorhands for drilling operations and for well-completion and workover operations could maintain their qualifications by participating in weekly drills. Should floorhands be required to repeat training courses periodically (e.g., every 4 years)?

(4) The proposed rule does not include specific prerequisite requirements for a trainee to be eligible to take a course. Should prerequisites be included in the final rule, or should a potential trainee be able to attend any course the trainee wishes?

(5) Are the minimum course lengths in the proposed rule appropriate for the course subject matter? The proposed rule does not specify minimum course lengths for courses for supervisors of well-servicing operations (snubbing, coil-tubing, and small-tubing operations). The MMS will consider including minimum course lengths for well servicing in the final rule. What should the minimum course length be (how many hours) for a basic or refresher course for well-servicing operations?

(6) Should all well-servicing schools be required to teach all three well-servicing areas (snubbing, coil-tubing, and small-tubing operations), or should a training facility be allowed to have a course certified for one, two, or all three of the areas and have trainees become qualified in only the areas covered in the course? The proposed rule does not include specific training for supervisors of wireline operations. Should the final rule include requirements for training of supervisors of wireline operations?

(7) Is a separate course appropriate for well-servicing operations, or should well servicing be integrated into other training and a provision be added to require that an individual trained for production safety systems be present during well-servicing operations with the tree in place and that an individual trained in well-completion and workover well control be present during well-servicing operations with the tree removed?

(8) To measure the effectiveness of training programs, MMS may wish to randomly provide and/or administer tests other than those provided for in the training program. The MMS is considering including such testing authority in the final rule. Interested parties are invited to comment on the use of MMS developed and/or administered tests and to address the question of how MMS can best monitor the effectiveness of training programs.

The Department of the Interior (DOI) has determined that this document does not constitute a major rule under Executive Order 12291; and, therefore, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

The DOI has also determined that this document will not have a significant effect on a substantial number of small entities because, in general, the entities that engage in activities offshore are not considered small due to the technical complexities and financial resources necessary to conduct such activities.

Paperwork Reduction

The information collection requirements contained in proposed Subpart O, which are in addition to currently approved information collection, have been submitted to the Office of Management and Budget (OMB) for approval under 44 U.S.C. 3504(h). The collection of the additional information will not be required until it has been approved by OMB.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Information Collection Clearance Officer, Minerals Management Service, Mail Stop 632, 381 Elden Street, Herndon, Virginia 22070; and the Office of Information and Regulatory Affairs, Paperwork Reduction Project, Office of Management and Budget, Washington, DC 20503.

The DOI certifies that the rule does not represent a government action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment has not been prepared pursuant to Executive Order 12630, Government Action and Interference With Constitutionally Protected Property Rights.

Authors

The principal authors of this proposed rule are Lawrence H. Ake, John V. Mirabella, Charles J. Schoennagel, and Maurice I. Stewart.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—right-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Date: February 7, 1989.

Robert E. Kallman,

Director, Minerals Management Service.

For the reasons set forth in the preamble, Part 250 of Title 30 of the Code of Federal Regulations is proposed to be amended as follows:

PART 250—[AMENDED]

1. The authority citation for Part 250 continues to read as follows:

Authority: Sec. 204, Pub. L. 95-372, 92 Stat. 629 (43 U.S.C. 1334).

2. It is proposed to revise Subpart O of Part 250 to read as follows:

Subpart O—Training

Sec.
250.210 General.
250.211 Approval of training program.
250.212 Drilling well-control training.
250.213 Well-completion and workover well control.
250.214 Production safety system training.

Subpart O—Training

§ 250.210 General.

(a) *Training performance standard.* Lessee and contractor employees engaged in drilling, well-completion, well-workover, or production operations in the Outer Continental Shelf (OCS) shall be trained in the proper operation of equipment, methods of operation, and techniques to avoid hazards to people and property and to prevent pollution of the environment.

(b) *Personnel training requirements.* The training required for individual employees of lessees and contractors who work in the OCS shall be based upon the job function(s) the employee performs.

(1) Individuals engaged in oil, gas, or sulphur drilling operations shall be trained in well control and blowout prevention on the basis of two basic job classifications as follows:

(i) Drilling floorhands (includes the conventional drilling rig positions of rotary helper and derrickman or their equivalent) shall be trained in well control in accordance with the provisions of paragraphs (a) and (b) of § 250.212, Drilling well-control training, of this part, and

(ii) Drilling supervisors (includes the conventional drilling rig positions of driller, toolpusher, and operator's representative or their equivalent) shall be trained in well control in accordance with the provisions of paragraphs (c) through (f) of § 250.212, Drilling well-control training, of this part.

(2) Individuals engaged in oil or gas well-completion or workover operations after the time the production casing is set, cemented, and pressure tested shall be trained in blowout prevention and well control on the basis of the job classifications in (i) and (ii) of this paragraph (b)(2). Individuals engaged in well-completion operations prior to the initial installation of the tree may be trained in accordance with paragraph (b)(1) of this section in lieu of the well-completion and workover well-control training required by this paragraph (b)(2).

(i) Well-completion and workover floorhands (includes floorhands and employees in an equivalent job classification as well as the conventional drilling rig positions of rotary helper and derrickman or their equivalent) performing operations without the tree in place shall be trained in well control in accordance with the provisions of paragraphs (a) and (b) of § 250.213, Well-completion and workover well control, of this part.

(ii) Well-completion and workover supervisors (includes well-completion and workover supervisors and employees in an equivalent job classification as well as the conventional drilling rig positions of driller, toolpusher, and operator's representative or their equivalent) performing operations without the tree in place shall be trained in well control in accordance with the provisions of paragraphs (c) through (f) of § 250.213, Well-completion and workover well control, of this part.

(iii) At least one member of each well-servicing crew shall be trained in well control in accordance with the provisions of paragraphs (g) through (i) of § 250.213, Well-completion and workover well control, of this part, and shall be present at all times that snubbing, coil-tubing, or small-tubing operations are conducted on the OCS. For the purpose of this subpart, well servicing consists of snubbing, coil-tubing, and small-tubing operations.

(3) Personnel engaged in oil or gas production operations and classified as production safety system personnel (includes personnel engaged in the installation, repair, testing, maintenance, or operation of surface or subsurface safety devices and the individual on the platform with overall responsibility for production operations) shall be trained in accordance with the provisions of § 250.214, Production safety system training, of this part.

(c) *Training records.* A training organization that provides training for lessee and contractor employees identified in paragraph (b) of this section shall maintain a record of the training provided each trainee. The training organization shall provide each trainee who successfully completes a training course the documentation prescribed in this subpart. A copy of that documentation shall be maintained at the job site. A training organization shall not provide documentation of successful completion of a refresher course, unless the training organization determines the date of the trainee's most recent basic course and most recent refresher course to verify that the trainee is eligible to extend his/her qualifications through completion of a refresher course.

(d) *Relief assignments.* Any individual who temporarily works in place of another individual who has a job classification covered in paragraph (b) of this section shall have successfully completed the training requirements of that job classification, unless the temporary service is performed under the direct supervision of an individual onsite who has successfully completed the required training for that job classification.

(e) *Changes in certification.* A change in certification for a different job classification can only be accomplished through the successful completion of an approved basic course in well control designed to qualify the individual in the new job classification. An individual who has successfully completed a training program for a given job classification cannot change his/her certificate of training (e.g., from well-completion/workover supervisor to drilling supervisor or from surface to subsea) by successfully completing a refresher course.

(f) *Frequency of training.* (1) A basic or advanced course in well control or production safety systems must be successfully completed not later than 60 days after the 4th anniversary of the individual's last successfully completed basic or advanced course.

(2) Individuals are required to successfully complete an approved refresher course in well-control training not later than 60 days after the anniversary date for the individual's last successful completion of a basic course in well control, advanced course in well control, or refresher course in well control.

(3) Individuals are required to successfully complete an approved refresher course in production safety systems not later than 60 days after the 2nd anniversary of the individual's last successfully completed basic course in production safety systems, advanced course in production safety systems, or refresher course in production safety systems.

(4) A worker who does not complete a refresher course during the specified period in paragraphs (f)(2) and (f)(3) of this section shall repeat a basic course or an advanced course to recertify.

(g) *Other training requirements.* Well-control training requirements for individuals who work in OCS drilling, completion, and workover operations and production safety system training for individuals who work with production safety systems are detailed in this subpart. Additional training requirements are specified in other subparts and include the following:

(1) Pollution control—Subpart C, § 250.43 of this part,

(2) Crane operation—Subpart D, § 250.51(g) of this part,

(3) Welding and burning—Subpart D, § 250.52(b) of this part, and

(4) Hydrogen sulfide training—Subpart D, § 250.67(h)(2) of this part.

(h) *Departures.* The Deputy Associate Director for Offshore Operations may approve departures from these requirements when it is determined that such departure will not result in a reduction of the qualifications of personnel and that the departure is necessary due to unavoidable circumstances which make compliance with the requirements infeasible or impractical.

§ 250.211 Approval of training program.

(a) *Application for approval.* Training programs and implementation plans for both basic and refresher courses in well control and production safety systems shall be submitted to the Deputy Associate Director for Offshore Operations with a request for approval and certification. Training programs submitted by training organizations for approval and certification shall comply with the following:

(1) Two copies of a comprehensive detailed presentation of the proposed training program and implementation plan shall be submitted in looseleaf binder format.

(2) All proposed training programs and plans, together with related correspondence, shall be mailed to the Deputy Associate Director for Offshore Operations; Minerals Management Service, Mail Stop 647; 381 Elden Street; Herndon, Virginia 22070.

(3) The proposed training program and plan shall include the following:

(i) A training manual that is representative of the subject matter to be addressed during the course as it will be taught by the training organization.

(ii) An implementation plan furnishing the information described in this paragraph and either paragraph (c), (d), or (e) of this section.

(iii) A cross-reference relating elements described in the training manual to the requirements of this subpart.

(4) (i) A basic course or an advanced course in drilling well control, completion and workover well control with the tree removed, or production safety systems is required to include a minimum of 32 hours of instruction on subject matter covered in the approved course curriculum.

(ii) A basic or an advanced course in well servicing is required to include at least 24 hours of instruction on subject matter covered in the approved course curriculum.

(5) A refresher course in drilling well control, completion or workover well control with the tree removed, well servicing, well control, or production safety systems is required to include a minimum of 8 hours of instruction on subject matter covered in the approved refresher course curriculum.

(6) When two or more certified courses required under this subpart (e.g., drilling well control and completion/workover well control) are taught as a single course, the course length in the plan will be evaluated and approved on a case-by-case basis when MMS determines that all required material is adequately covered in the plan. Basic, advanced, or refresher courses may be combined in this manner.

(7) Course participants who are absent from any part of a course shall make up the missed portion before a written or simulator test is administered and before a certificate of successful completion is awarded.

(8) Classes shall contain no more than 20 candidates per lecture. A record of each candidate's attendance, including makeup actions where a part of a course is missed, shall be maintained by the instructor.

(9) Training organizations shall furnish MMS onsite evaluators with a copy of the training program and implementation plan approved by the Deputy Associate Director for Offshore Operations for their use during an onsite evaluation.

(10) A schedule of the courses that will be offered by a training organization shall be submitted to MMS after a training program is approved. A new course schedule shall be submitted at least annually thereafter. The schedule shall include the name of the course, class dates, type of course, and location where the course will be taught. The MMS shall be given advance notice of any changes to the schedule.

(11) Training organizations shall retain all required records for a period of 5 years starting with the date a training program and plan are approved. (At the end of the fifth year, a school may destroy the records of the first year, and at the end of the sixth year, a school may destroy the records of the second year, and so forth.)

(12) Training programs shall be approved for a maximum of 4 years.

(13) For basic courses, training organizations shall provide all candidates with a copy of the training manual for use and future reference by the candidates. For refresher courses and for advanced courses, training organizations shall provide each candidate with handouts necessary to update the manuals the candidate has as a result of previous training courses.

(14) A notification letter shall be sent to the Deputy Associate Director for Offshore Operations within 30 days of course completion informing MMS of each candidate who successfully completed the approved course. This letter shall contain the following information for each candidate:

(i) Name of training organization,

(ii) Candidate's full name,

(iii) Name of course (e.g., Well-completion and Workover Well Control),

(iv) Course type (i.e., basic, advanced, or refresher training),

(v) Options (e.g., surface or subsea qualification; snubbing, coil tubing, or small tubing),

(vi) Date candidate successfully completed course,

(vii) Name of instructor(s) teaching each element of the course,

(viii) Either a candidate's social security number or an MMS issued identification number,

(ix) Candidate's employer,

(x) Actual job title of candidate,

(xi) Job classification for which certification is awarded,

(xii) Test score for each candidate awarded a certificate,

(xiii) Training organization name and date of last basic training course or advanced course for the same job category (i.e., drilling, completion and workover, well servicing, or production safety systems) attended by candidate, and

(xiv) Training organization name and date of last refresher course taken by candidate.

(b)(1) Courses approved under MMSS–OCS–T 1, Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations, prior to the effective date of these regulations are deemed approved as drilling well-control training under this subpart until the expiration of the existing approval. However, individuals completing courses approved under MMSS–OCS–T 1 will only become certified for the applicable job classifications for which the course was approved. For example, an individual completing a driller's course approved under MMSS–OCS–T 1 would not be qualified as toolpusher or operator's representative without first taking the appropriate course approved under MMSS–OCS–T 1 or taking the drilling supervisor's course approved under this subpart.

(2) Applications for recertification shall be submitted at least 90 days prior

to the 4-year anniversary date of the program approval and shall state the changes, additions, or deletions, if any, to the previously approved training program course material, curriculum, and implementation plan.

(c) *Basic course.* Training organizations applying for approval and certification for a basic course shall submit a proposed course training program and implementation plan which addresses each of the following:

(1) A curriculum outline describing subject matter content in relation to the requirements of these regulations. The outline submitted shall be similar to the format presented below:

Job Classification
First Day—(Number of Instructional Hours)
Subject X—5 hours
Detail A
Detail B
Detail C
Subject Y—3 hours
Detail D
Subject Z—2 hours
Detail E
Detail F
Second Day—(etc.)

(2) The names and qualifying credentials of instructors including education and experience (both work experience and teaching experience).

(3) The mailing and street address of the facility where training records will be maintained and the street address and directions to training facilities.

(4) Material presentation method (lecture, video, filmstrip, etc.) indicating the amount and approximate percentage of overall instructional time that each method of presentation will use as shown in the following example:

(i) Percentage of time by presentation method:

Lecture—70 percent
Video tape—10 percent
Filmstrip—10 percent
Simulator—10 percent

(ii) Amount of time by method of presentation:

Subject X—4-hour lecture plus 1-hour video tape
Subject Y—2-hour lecture plus 1-hour filmstrip

(5) A narrative description of the testing procedures (including a copy of a sample written test(s) to be given to candidates in each job classification). Testing procedures shall meet the following criteria:

(i) Take-home tests shall not be permitted.

(ii) A candidate must correctly answer at least 70 percent of all test questions to receive a passing grade.

(iii) Tests shall be nonrepetitive and confidential. All test results shall be retained in the student's file.

(iv) A retest may be given to a candidate if the retest is accomplished within 48 hours of the initial test. Questions or problems used to retest a candidate shall be different but of comparable difficulty to questions and problems used in the original test. If a candidate fails to answer correctly at least 70 percent of all questions and problems on a retest, the candidate must repeat and successfully complete the entire basic course before he/she receives a certificate of successful completion.

(6) A copy of proposed handouts, materials, or manuals to be provided and retained by the candidates for their use and future reference. These materials in combination shall form a student's complete training manual.

(7) A copy of the proposed certificate of successful completion designed to include the following:

(i) Candidate's full name,

(ii) Either a candidate's social security number or an MMS issued identification number,

(iii) Name of the training organization,

(iv) Course name (e.g., Basic Course in Drilling Well Control),

(v) Date of successful completion,

(vi) Job classification for which certificate is awarded (e.g., drilling supervisor), and

(vii) For refresher courses, the date of most recent successful completion of basic course or advanced for which the refresher course is given.

(8) The applicant shall also state the special methods that will be used to instruct and test those individual candidates who are believed to be qualified but who respond poorly to conventional education and testing techniques. The special methods may include, but need not be limited to, oral tests and/or tutorial assistance.

(d) *Advanced.* Training organizations applying for approval and certification for an advanced course shall submit a proposed course program and implementation plan which includes the information identified in paragraph (c) of this section for a basic course and any additional material proposed for inclusion in the course. The additional material may include new or advanced concepts and techniques, case studies, or other material. Testing requirements for an advanced course are the same as for a basic course.

(e) *Refresher course.* Training organizations applying for approval and certification for a refresher course shall submit a proposed training program and implementation plan which addresses each of the following:

(1) A curriculum outline describing subject matter content in relation to the requirements of these regulations.

(2) The name and qualifying credentials of instructors including education and experience (both work experience and teaching experience).

(3) The mailing and street address of the facility where training records will be maintained and the street address and directions to training facilities.

(4) Material presentation method (lecture, video, filmstrip, etc.) indicating the amount of time that will be used for each method of presentation.

(5) A copy of the proposed handouts, materials, or manuals to be provided and retained by the candidates for their use and future reference. These materials in combination shall form the complete refresher training manual. Submission of the refresher training manual is not required for training organizations that are already approved and certified to teach a basic course, provided the refresher manual includes the same material approved for the training manual for the basic course.

(6) A copy of proposed certificate of successful completion including the following:

(i) Candidate's full name,

(ii) Either a candidate's social security number or an MMS issued identification number,

(iii) Name of training organization,

(iv) Course name (e.g., Refresher Course in Drilling Well Control),

(v) Option (e.g., surface or subsea qualification; snubbing, coil tubing or small tubing),

(vi) Date of successful completion, and

(vii) Job classification for which certificate is awarded (e.g., drilling supervisor).

(f) Training organizations are subject to announced or unannounced audits.

§ 250.212 Drilling well-control training.

(a) *Floorhand training.* Floorhands engaged in drilling operations in the OCS shall be trained in blowout prevention and well control in accordance with the following criteria:

(1) A floorhand shall receive general instructions on blowout preventer (BOP) equipment and procedures consistent with the type of BOP system and procedures utilized on the drilling rig upon which the floorhand is employed. Instructions to floorhands shall include the purpose, operation, and general care for the following:

(i) Annular BOP with and without diverter system,

(ii) Diverter system,
(iii) Ram-type BOP,
(iv) Accumulator system,
(v) Drill string inside BOP,
(vi) Drill-string safety valve,
(vii) Kelly cock,
(viii) Choke manifold,
(ix) Degasser, and
(x) Adjustable choke.

(2) In addition to the above, floorhands shall receive instructions on the purpose, operation, and general care of the following auxiliary equipment:

(i) Mud-pit level indicator,
(ii) Mud-volume measuring device,
(iii) Mud-return indicator,
(iv) Gas detector,
(v) Mud-gas separator, and
(vi) Trip tank.

(3) Floorhands shall receive general instructions on blowout prevention and well-control operations and hands-on training at the job site for activities such as operation of the choke manifold, stand pipe, and mud-room valves which require settings for well-control operations different from those used in normal drilling operations.

(4) Floorhands shall receive general instructions on the care, handling, and characteristics of drilling and completion fluids including:

(i) Density,
(ii) Viscosity,
(iii) Fluid loss,
(iv) Salinity,
(v) Gas cutting, and
(vi) Procedure for increasing density.

(5) Floorhands shall receive general instructions on warning signals that indicate that a kick is occurring or about to occur or conditions that can lead to a kick, including the following:

(i) Gain in pit volume and/or increase in fluid return rate,
(ii) Hole not taking proper amount of fluid during trips,
(iii) Well flowing with pump shutdown,
(iv) Sloughing shale and its appearance at surface,
(v) Drilling rate change,
(vi) Change in salinity of drilling fluid,
(vii) Change in flow properties of drilling fluid, and
(viii) Trip, connection, and background gas changes.

(b) *Qualification procedures for floorhand.* No floorhand shall participate in drilling operations in the OCS for more than 6 months unless the following qualifications are met:

(1) A floorhand shall successfully complete training in well control for floorhands which meets the criteria set forth in paragraph (a) of this section. Documented evidence of each successfully completed element of training shall be maintained at the job site.

(2) A floorhand shall successfully complete a qualifying test consisting of participation in a well-control drill at the job site carried out within the time limit prescribed. The time required for a floorhand to carry out his/her responsibility during the well-control drill shall be entered on the driller's log, and appropriate documentation shall be furnished to the employee.

(3) To maintain qualification, a floorhand must participate in well-control drills, as prescribed in Subpart D, § 250.58, of this part. The date and time required to complete each drill shall be recorded on the driller's log.

(4) A training manual containing instructional material on the subjects described in paragraph (a) of this section shall be provided to floorhands for their use and retention for future reference.

(c) *Basic well-control course for drilling supervisors.* Individuals who work as a drilling supervisor in drilling operations in the OCS shall be trained in blowout prevention and well control in accordance with the following:

(1) A candidate shall receive instructions on all applicable Government regulations that pertain to the work with regard to well-control operations and blowout prevention equipment. Copies of the regulations or abstracts of pertinent provisions shall be furnished to the candidate. This material shall be kept current so that it reflects the latest revisions or additions to Government requirements. At a minimum, these instructions shall cover the following subject matter:

(i) Drilling procedures including field drilling rules,
(ii) Wellbore plugging and abandonment, and
(iii) A general discussion of pollution prevention and waste disposal with emphasis on its relation to well control.

(2) Candidates shall receive instructions on the care, handling, and characteristics of drilling and completion fluids including the following:

(i) Density,
(ii) Viscosity,
(iii) Fluid loss,
(iv) Salinity,
(v) Gas cutting, and
(vi) Procedure for increasing density.

(3) Candidates shall receive instructions on the major causes of an uncontrolled flow from a well including the following:

(i) Failure to keep the hole full,
(ii) Swabbing effect of pulling the pipe,
(iii) Loss of circulation,
(iv) Insufficient density of drilling fluid,
(v) Abnormally pressured formations, and
(vi) Effect of too rapid lowering pipe in the hole.

(4) Candidates shall receive instructions on the importance of measuring the volume of fluid required to fill the hole during trips and methods for measuring and recording hole-fill volumes. These instructions shall include the importance of filling the hole as it relates to shallow-gas conditions.

(5) Candidates shall receive instructions on the warning signals that indicate that a kick is occurring or about to occur and on conditions that can lead to a kick including the following:

(i) Gain in pit volume,
(ii) Increase in return fluid-flow rate,
(iii) Hole not taking proper amount of fluid during trip,
(iv) Drilling rate change,
(v) Decrease in circulating pressure or increase in pump strokes,
(vi) Trip, connection, and background gas changes,
(vii) Gas-cut mud,
(viii) Water-cut mud or chloride concentration change,
(ix) Sloughing shale and its appearance at the surface,
(x) Well flowing with pump shutdown, and
(xi) Change in flow properties of drilling fluid.

(6) Candidates shall receive instructions on the correct procedures for shutting in a well for well-control purposes, including use of the BOP system, the choke manifold, and/or the diverter system for well control. These instructions shall include the sequential steps to be followed.

(7) Candidates shall receive instructions on one of the following constant bottomhole pressure methods of blowout prevention and well control, including those conditions which may be unique to either a surface or subsea BOP stack:

(i) Driller's method,
(ii) Wait-and-weight method,
(iii) Concurrent (circulate and weight) method, and
(iv) Other applicable constant bottomhole pressure methods.

(8) Candidates shall participate in blowout-prevention and well-control exercises using a well simulator or a model well in accordance with paragraph (f) of this section.

(9) Candidates shall be instructed on calculations used in blowout prevention and well control and the basis for their use including the following:

(i) Fluid-density increase required to control fluid flow into wellbore,

(ii) Conversion between fluid density and pressure and the importance of that conversion in understanding danger of formation breakdown under the pressure caused by the fluid column particularly when setting casing in shallow formation,

(iii) Calculation of equivalent pressures at the casing seat with emphasis on the importance of casing seat depth,

(iv) Drop in pump pressure as fluid density increases during well-control operations; relationships between pump pressure, pump rate, and fluid density, and

(v) Pressure limitations on casings.

(10) Candidates shall receive instructions on unusual well-control situations which include, when:

(i) Drill pipe is off bottom,

(ii) Drill pipe is out of the hole,

(iii) Lost circulation occurs,

(iv) Drill pipe is plugged,

(v) There is excessive casing pressure, and

(vi) There is a hole in drill pipe.

(11) Candidates shall receive instructions on the following:

(i) Controlling shallow gas kicks,

(ii) Use of diverters, and

(iii) Use of marine risers.

(12) Candidates intending to receive subsea well-control qualification shall receive instructions on the special problems in blowout prevention and well control when drilling with a subsea BOP stack including:

(i) Choke line friction determinations,

(ii) Riser collapse,

(iii) Removal of trapped gas from the BOP stack after controlling a well kick, and

(iv) "U" tube effect as gas hits the choke line.

(13) Candidates shall receive instructions on the installation, operation, maintenance, and testing of BOP and diverter systems.

(14) Candidates shall receive instructions on the purpose, installation, operation, and general maintenance of the following auxiliary equipment:

(i) Fluid-pit level indicator,

(ii) Fluid-volume measuring device,

(iii) Fluid-return indicator,

(iv) Gas detector,

(v) Trip tank,

(vi) Gas separator,

(vii) Degasser, and

(viii) Adjustable choke.

(15) Candidates shall receive instructions on the limitations of the various items of equipment which will be subjected to pressure and/or wear.

(16) Candidates shall receive instructions on the mechanics involved in various well-control situations, including the following subjects:

(i) Gas-bubble migration and expansion,

(ii) Bleeding volume from a shut-in well during gas migration,

(iii) Excessive annular surface pressure,

(iv) Differences between a gas kick and a salt water and/or oil kick,

(v) Procedures and problems involved in stripping operations with drill pipe,

(vi) Special well-control techniques (such as, but not limited to, barite plugs and cement plugs),

(vii) Procedures and problems involved when experiencing lost circulation in well-control operations,

(viii) Procedures and problems involved when experiencing a kick while drilling in a hydrogen sulfide (H_2S) environment, and

(ix) Procedures and problems involved when experiencing a kick during snubbing, coil-tubing, or small-tubing operations.

(17) Candidates shall receive instructions on organizing and directing a well-killing operation and shall subsequently direct such an operation using a model well or simulation device.

(18) Candidates shall receive instructions on the purpose and usage of BOP closing units including the following:

(i) Charging procedures which include precharge and operating pressure,

(ii) Fluid volumes (usable and required),

(iii) Fluid pumps, and

(iv) Maintenance which includes charging fluid and inspection procedures.

(19) Candidates shall receive stripping and snubbing operations instructions on the use of the entire BOP system for working pipe in or out of a wellbore which is under pressure.

(20) Candidates shall receive instructions for detecting entry into abnormally pressured formations and the accompanying warning signals, including the following:

(i) Penetration rate change,

(ii) Shale-density change,

(iii) Mud-chloride content change,

(iv) Shale-cutting characteristics, and

(v) Trip, connection, and background gas changes.

(21) Candidates shall receive instructions on the various types of completion fluids utilized and potential problems caused by their use in well control, including the following:

(i) Gases,

(ii) Water base system,

(iii) Oil base system, and

(iv) Packer fluids.

(22) Candidates shall receive instructions on well-completion/well-control problems including the following:

(i) Multiple completions,

(ii) Running a drill stem test,

(iii) Perforating, and

(iv) Other completion operations.

(23) The course outline shall indicate which portions of the course will not be taught to students intending to receive only surface well-control qualification.

(d) *Refresher well-control course for drilling supervisors.* Individuals who work as a drilling supervisor in drilling operations in the OCS shall successfully complete a refresher course in well control after successful completion of a basic well-control course for drilling supervisors not later than 60 days after the anniversary date of the individual's last successful completion of a certified course for drilling supervisors (basic course in well control, advanced course in well control, or refresher course in well control). A refresher course in well control for drilling supervisors shall include the following:

(1) Candidates shall receive instructions in the most recent improvements in equipment or methods for well control and any applicable Government regulations that pertain to well-control operations and equipment.

(2) Candidates shall receive instructions on at least one constant bottomhole pressure method of well control.

(3) Candidates shall participate in simulator practice problems in well control, simulating a surface BOP stack or a subsea BOP stack, and at least one simulator well-control test problem. Candidates qualifying for subsea well control shall be assigned a subsea simulator problem.

(e) *Qualification procedures for drilling supervisors.* No individual employed as a drilling supervisor shall engage in operations in the OCS as a drilling supervisor unless the following qualifications are met:

(1) The individual shall have successfully completed the training requirements in § 250.212(c) of this section and pass written and/or oral tests and hands-on demonstrations to verify that the individual has a thorough understanding of the well-control equipment, techniques, and principles outlined in paragraph (c) of this section and is qualified to organize and direct a blowout prevention/well-control procedure during drilling operations. Evidence of the successful completion of training requirements shall be maintained at the job site.

(2) The individual shall maintain the qualification by the following:

(i) Successful completion of an approved basic well-control course for drilling supervisors or an advanced well-control course for drilling supervisors at least once every 4 years; and

(ii) Successful completion of a refresher well-control course for drilling supervisors not later than 60 days after the individual's last successful completion of a certified course for drilling supervisors (basic course in well control, advanced course in well control, or refresher course in well control).

(f) *Submission of well-control training programs for drilling supervisors.* Training programs and implementation plans for well-control training for drilling supervisors shall be submitted to the Deputy Associate Director for Offshore Operations for approval in accordance with § 250.211 of this subpart and the following additional requirements:

(1) The training program and plan shall contain the following specific information on the simulator or test well:

(i) Simulator or test well capability for surface and, if applicable, subsea BOP training,

(ii) Capability to simulate lost circulation and secondary kicks, and

(iii) Types of kicks that can be simulated.

(2) The training program and implementation plan shall include the methods to be used for performing the hands-on qualification tests. Qualification tests shall include at least two practice problems with the candidate's position rotated as part of a team. Teams working on the hands-on qualification tests shall consist of no more than three members.

(3) The training program and implementation plan shall stipulate that each candidate shall satisfactorily and completely perform the hands-on qualification test(s) which consists of a surface BOP stack or a subsea BOP stack simulation. Candidates qualifying for subsea well control shall be considered qualified for either surface or subsea operations.

(4) Any retest of a candidate must be accomplished within 48 hours of the initial test. Both hands-on and written test problems on a retest shall be different from the test problems originally given the candidate. If the candidate fails the retest, the candidate must participate in, and successfully complete, a basic course in well control for drilling supervisors.

§ 250.213 Well-completion and workover well control.

(a) *Floorhand training.* After 2 years following the effective date of this rule, individuals employed as floorhands, or the equivalent, in completion and/or workover operations without the tree in place in the OCS shall be trained in blowout prevention and well control in accordance with the following criteria:

(1) A floorhand, or employees in an equivalent job classification, shall receive general instructions on BOP equipment and procedures consistent with the type of BOP system and procedures utilized on the completion/workover rig (includes drilling rig used for well-completion operations) upon which the floorhand is employed. Instructions to floorhands or employees in an equivalent job classification shall include the purpose, operation, and general care of the following:

(i) Annular BOP,
(ii) Ram-type BOP,
(iii) Accumulator system,
(iv) Work string inside BOP,
(v) Work string safety valve,
(vi) Kelly cock,
(vii) Choke manifold,
(viii) Degasser,
(ix) Adjustable choke, and
(x) Wellhead and tree.

(2) In addition to the above, floorhands or employees in an equivalent job classification shall receive instructions on the purpose, operation, and general care of the following auxiliary equipment if present:

(i) Fluid-pit level indicator,
(ii) Fluid-volume measuring device,
(iii) Fluid-return indicator,
(iv) Gas detector,
(v) Fluid-gas separator, and
(vi) Trip tank.

(3) Floorhands or employees in an equivalent job classification shall receive general instructions on blowout and well control during well completion/workover operations such as operation of the choke manifold, stand pipe, filling the tubing and casing with fluid to control bottomhole pressure and removal of tree and tubing hanger.

(4) Floorhands or employees in an equivalent job classification shall receive general instructions in the care, handling, and characteristics of completion, workover, and packer fluids including:

(i) Functions of a completion/workover fluid,
(A) Well killing,
(B) Cleaning out a well,
(C) Plugging back to complete in a shallower interval, and
(D) Bridging agents.
(ii) Fluid types,
(A) Gases,
(B) Water base systems,
(C) Oil base systems, and
(D) Packer fluids.
(iii) Flow properties with emphasis on the following:
(A) Density (weight) and temperature offset,
(B) Viscosity,
(C) Procedure for fluid density (weight),
(D) Gas cutting,
(E) Fluid loss,
(F) Salinity,
(G) Solids content, and
(H) Caustic effect of brines and safe handling of fluids.

(5) Floorhands or employees in an equivalent job classification shall receive general instructions on warning signals that indicate that a kick is occurring or about to occur or conditions that can lead to a kick, including the following:

(i) Gain in pit volume and/or increase in fluid return rate,
(ii) Hole not taking proper amount of fluid during trips,
(iii) Well flowing with pump shutdown,
(iv) Change in flow properties of completion/workover fluid, and
(v) Trip, connection, and background gas changes.

(b) *Qualification procedures for floorhand.* No floorhand or employee in an equivalent job classification shall participate in well-completion or workover operations without the tree in place in the OCS for more than 6 months unless the following qualifications are met:

(1) A floorhand or an employee in an equivalent job classification shall successfully complete the training in well control which meets the criteria set forth in paragraph (a) of this section. Documented evidence of each successfully completed element of training shall be maintained at the job site.

(2) A floorhand or employee in an equivalent job classification shall successfully complete a qualifying test consisting of participation in a well-control drill at the job site carried out within the time limit prescribed. The time required for a floorhand or employee in an equivalent job classification to carry out his/her responsibility during the well-control drill shall be entered on the driller's log, and appropriate documentation shall be furnished to the successful employee.

(3) To maintain qualification, a floorhand or employee in an equivalent job classification must participate in weekly well-control drills, as prescribed

in §§ 250.86 and 250.106 of Subparts E and F, respectively, of this part. The date and time required for the candidate to complete each drill shall be recorded in the operations log.

(4) A training manual containing instructional material on the subjects described in paragraph (a) of this section shall be provided floorhands and employees in an equivalent job classification for their use and retention for future reference.

(c) *Basic completion/workover well-control training course for supervisors.* After 2 years following the effective date of this rule, individuals employed as completion/workover supervisors in well-completion or well-workover operations without the tree in place in the OCS shall be trained in blowout prevention and well control in accordance with the following:

(1) A candidate shall receive instructions on all applicable Government regulations that pertain to the work in regard to completion/workover well-control operations and BOP equipment. Copies of current regulations or abstracts of pertinent provisions shall be furnished to the candidate. This material shall be kept current so that it reflects the latest revisions or additions to Government regulations. At a minimum, these instructions shall cover the following subject matter:

(i) Well-completion/workover requirements contained in Subparts E and F of 30 CFR Part 250.

(ii) Wellbore plugging and abandonment, and

(iii) A general discussion of pollution prevention and waste disposal with emphasis on its relation to well control.

(2) Candidates shall receive instructions on the care, handling, and characteristics of well-completion, workover, and packer fluids, including the following:

(i) Functions of a well-completion or workover fluid:

(A) Well control (killing),

(B) Cleaning out a well,

(C) Plugging back to complete a shallower interval, and

(D) Bridging agents.

(ii) Fluid types:

(A) Gases,

(B) Water-base system,

(C) Oil-base system and

(D) Packer fluids.

(iii) Fluid properties with emphasis on the following:

(A) Density (weight) and temperature offset,

(B) Viscosity,

(C) Procedure for increasing fluid density (weight),

(D) Gas cutting,

(E) Fluid loss,

(F) Salinity,

(G) Solids content,

(H) Gel strength,

(I) Crystallization, and

(J) Caustic effect of brines and safe handling of fluids.

(3) Candidates shall receive instructions on the major causes of an uncontrolled flow from a well, including the following:

(i) Failure to keep the hole full,

(ii) Swabbing effect of pulling the pipe,

(iii) Loss of circulation,

(iv) Insufficient density of completion/workover fluid,

(v) Abnormally pressured formations, and

(vi) Effect of too rapid lowering pipe in the hole.

(4) Candidates shall receive instructions on the importance of measuring the volume of fluid required to fill the hole during trips and methods for measuring and recording hole-fill volumes.

(5) Candidates shall receive instructions on the warning signals that indicate that a kick is occurring or is about to occur and on conditions that can lead to a kick, including the following:

(i) Gain in pit volume,

(ii) Increase in return fluid flow rate,

(iii) Hole not taking proper amount of fluid during trip,

(iv) Decrease in circulating pressure or increase in pump strokes,

(v) Trip, connection, and background gas changes,

(vi) Fluid cutting (weight loss),

(vii) Well flowing with pump shutdown, and

(viii) Change in flow properties of well-completion/workover fluid.

(6) Candidates shall receive instructions on the correct procedures for shutting in a well for well-control purposes, including use of the BOP system and the choke manifold for well control. These instructions shall include the sequential steps to be followed.

(7) Candidates shall receive instructions on one of the following constant bottomhole pressure methods for blowout prevention and well control, including those conditions which may be unique to either a surface or subsea BOP stack.

(i) Driller's method,

(ii) Wait-and-weight method,

(iii) Concurrent (circulate and weight) method, and

(iv) Other applicable constant bottomhole pressure methods.

(8) Candidates shall participate in blowout-prevention and well-control exercises using a well simulator or a model well in accordance with paragraph (f) of this section.

(9) Candidates shall be instructed on calculations used in blowout prevention and well control and the basis for their use, including the following:

(i) Hydrostatic pressure and pressure gradient,

(ii) Fluid-density increase required to control fluid flow,

(iii) Conversion between fluid density and pressure and the importance of that conversion in understanding danger of formation breakdown under the pressure caused by the fluid column,

(iv) Drop in pump pressure as fluid density increases during well-control operations; relationships between pump pressure, pump rate, and fluid density, and

(v) Pressure limitations on casings.

(10) Candidates shall receive instructions on unusual well control situations which shall include, but not be limited to, the following:

(i) Work string is off bottom,

(ii) Work string is out of the hole,

(iii) Lost circulation occurs,

(iv) Work string is plugged,

(v) There is excessive casing pressure,

(vi) There is a hole in work string,

(vii) There are multiple completions in the hole (more than one zone open to well), and

(viii) There is a hole in the casing string.

(11) Candidates intending to receive subsea well-control qualification shall receive instructions on the special problems in blowout prevention and well control when utilizing a subsea BOP stack including:

(i) Use of marine risers,

(ii) Choke line friction determinations,

(iii) Riser collapse,

(iv) Removal of trapped gas from the BOP stack after controlling a well kick, and

(v) "U" tube effect as gas hits the choke line.

(12) Candidates shall receive instructions on the installation, operation, maintenance, and testing of BOP systems.

(13) Candidates shall receive instructions on the purpose, installation, operation, and general maintenance of the following auxiliary equipment:

(i) Fluid-pit level indicator,

(ii) Fluid-volume measuring device,

(iii) Fluid-return indicator,

(iv) Gas detector,

(v) Trip tank,

(vi) Gas separator,

(vii) Degasser, and

(viii) Adjustable choke.

(14) Candidates shall receive instructions on the limitations of the

various items of equipment which will be subjected to pressure and/or wear.

(15) Candidates shall receive instructions on the mechanics involved in various well-control situations including the following subjects:

(i) Gas-bubble migration and expansion,

(ii) Bleeding volume from a shut-in well during gas migration,

(iii) Excessive annular surface pressure,

(iv) Differences between a gas kick and a salt water and/or oil kick,

(v) Procedures and problems involved in stripping and snubbing operations with work string,

(vi) Special well-control techniques such as, but not limited to, barite plugs, cement plugs, bullheading, and lubricate and bleed,

(vii) Procedures and problems involved when experiencing lost circulation in completion and workover operations, and

(viii) Procedures and problems involved when experiencing a kick while conducting completion/workover operations in a H_2S sulfide environment.

(16) Candidates shall receive instructions on organizing and directing a well-killing operation during completion and workover operations and shall subsequently direct such an operation using a model well or simulation device.

(17) Candidates shall receive instructions on the purpose and usage of BOP closing units, including the following:

(i) Charging procedures which include precharge and operating pressure,

(ii) Fluid volumes (usable and required),

(iii) Fluid pumps, and

(iv) Maintenance which includes charging fluid and inspection procedures.

(18) Candidates shall receive instructions on well-control problems during completion and workover operations, including the following:

(i) Killing a flow during a completion or workover operation,

(ii) Simultaneous drilling and completion or workover operations on the same platform,

(iii) Killing a producing well, and

(iv) Removing the tree.

(19) Candidates shall receive instructions in well-control equipment, including the following:

(i) Surface equipment,

(ii) Downhole tools and tubulars, and

(iii) Packers.

(20) Candidates shall receive instructions in, but are not limited to, the following topics:

(i) Reasons for well-completion or workover operations:

(A) Reworking a producing reservoir to control water and/or gas production,

(B) Water coning,

(C) Completing for production from a new reservoir,

(D) Completing a well in more than one reservoir,

(E) Stimulating a completion in a producing reservoir to increase production, and

(F) Repair mechanical failure.

(ii) Killing a producing well:

(A) Bullheading,

(B) Lubricate and bleed,

(C) Coil-tubing unit, and

(D) Snubbing unit.

(iii) Preparing the well for entry:

(A) Use of back pressure valves,

(B) Surface and subsurface safety systems,

(C) Removal of tree and tubing hanger, and

(D) Installation and testing of blowout preventer and wellhead prior to removal of back pressure valves and tubing plugs.

(21) The course outline shall indicate which portions of the course will not be taught to students intending to receive only surface well-control qualification.

(d) *Refresher completion/workover well-control training course for supervisors.* Individuals who are employed as a completion or workover supervisor in OCS completion or workover operations without the tree in place in the OCS shall successfully complete a refresher course in completion and workover well control not later than 60 days after the anniversary of the individual's last successful completion of a certified course in well control for supervisors of completion and/or workover operations without the tree in place (basic course in well control, advanced course in well control, or refresher course in well control). A refresher course in well control for supervisors of completion and/or workover operations without the tree in place shall include the following:

(1) Candidates shall receive instructions in the most recent improvements in equipment or methods for blowout prevention and well control and any applicable Government regulations that pertain to blowout-prevention and well-control operations and equipment.

(2) Candidates shall receive instructions on at least one constant bottomhole pressure method of well control.

(3) Candidates shall participate in at least one simulator practice problem in well control, simulating a surface BOP stack or a subsea BOP stack, and at least one simulator well-control test problem. Candidates attempting to qualify for subsea well control shall be assigned a subsea simulator problem.

(e) *Qualification procedures for completion/workover supervisor.* No individual employed as a completion or workover supervisor shall engage in supervising completion or workover operations without the tree in place in the OCS unless the following qualifications are met:

(1) The individual shall have successfully completed the training requirements in § 250.213(c) and passed written tests and hands-on demonstrations to verify that the individual has a thorough understanding of the well-control equipment, techniques, and principles outlined in paragraph (c) of this section and is qualified to organize and direct a blowout-prevention or well-control procedure during a completion or workover operation. Evidence of the successful completion of these training requirements shall be maintained at the job site.

(2) The individual shall maintain the qualification by the following:

(i) Successful completion of an approved basic completion/workover supervisor well-control course or an advanced completion/workover supervisor well-control course not later than 60 days after the 4th anniversary of the individual's last successful completion of a basic or advanced course in well control for supervisors of well-completion or workover operations with the tree removed.

(ii) Successful completion of a refresher course in completion and workover well-control operations in accordance with paragraph (d) of this section.

(f) *Submission of training programs for completion/workover well-control course.* Training programs and implementation plans for well-control training for supervisors of well-completion and workover operations without the tree in place shall be submitted to the Deputy Associate Director for Offshore Operations for approval in accordance with § 250.211 of this part and the following additional requirements:

(1) The training program and plan shall contain the following specific information on the simulator or test well:

(i) Simulator or test well capability for surface and, if applicable, subsea BOP training,

(ii) Capability to simulate lost circulation and secondary kicks, and

(iii) Types of kicks that can be simulated.

(2) The training program and implementation plan shall include the methods to be used for performing the hands-on qualification tests. Qualification tests shall include at least two practice problems with the candidate's position rotated as part of a team. Teams working on hands-on qualification tests shall consist of no more than three members.

(3) The training program and implementation plan shall stipulate that each candidate shall satisfactorily and completely perform the hands-on test which consists of a surface BOP stack or a subsea BOP stack simulation. Candidates qualifying for subsea well control shall be considered qualified for either surface or subsea operations.

(4) Any retest of a candidate must be accomplished within 48 hours of the initial test. Both hands-on and written test problems on a retest shall be different from the test problems originally given the candidate. If the candidate fails the retest, the candidate must participate in, and successfully complete, a basic course in well control for supervisors of well-completion and workover operations.

(g) *Basic well-control training course for well-servicing operations.* After 2 years following the effective date of this rule, at least one member of a well-servicing crew shall be trained in accordance with the following requirements and shall be present at all times when snubbing, coil-tubing, or small-tubing operations are being conducted. The trained individual need only be trained in the area of the operation which that individual will be conducting (i.e., snubbing, coil tubing, or small tubing).

(1) A candidate shall receive instructions on all applicable Government regulations that pertain to the work with regard to well-completion and workover well-control operations and blowout-prevention equipment. Copies of current regulations or abstracts of pertinent provisions shall be furnished to the candidate. This material shall be kept current so that it reflects the latest revisions or additions to Government requirements. At a minimum, these instructions shall include the following:

(i) Well-completion/workover procedures outlined in Subparts E and F of this part,

(ii) Emergency shutdown systems,

(iii) Production safety systems,

(iv) Well plugging and abandonment, and

(v) Pollution prevention and waste disposal.

(2) Candidates shall receive instructions in the care, handling, and characteristics of well-completion, workover, and packer fluids, including the following:

(i) Functions of a well-completion or workover fluid:

(A) Well control (killing),

(B) Cleaning out a well,

(C) Plugging back to complete a shallower interval, and

(D) Bridging agents.

(ii) Fluid types:

(A) Gases,

(B) Water base system,

(C) Oil base system, and

(D) Packer fluids.

(iii) Fluid properties with emphasis on the following:

(A) Density (weight) and temperature offset,

(B) Viscosity,

(C) Procedure for increasing fluid density (weight),

(D) Gas cutting,

(E) Fluid loss,

(F) Salinity,

(G) Solids content,

(H) Gel strength,

(I) Crystallization, and

(J) Caustic effect of brines and safe handling of fluids.

(3) Candidates shall receive instructions in well-control equipment including the following:

(i) Surface equipment:

(A) Well completion and workover equipment,

(B) BOP equipment, and

(C) Tree.

(ii) Tubulars:

(A) Tubing hanger,

(B) Backpressure valve (threaded/profile),

(C) Landing nipples,

(D) Lock mandrels for corresponding nipples and operational procedures for each,

(E) Gas lift equipment, and

(F) Running and pulling tools operation.

(4) Candidates shall receive instructions in the following topics:

(i) Reasons for well-completion and workover:

(A) Reworking a completion in a producing reservoir to control water and/or gas production,

(B) Completing for production in a new reservoir,

(C) Completing for production in more than one reservoir,

(D) Stimulating a completion in a producing reservoir to increase production, and

(E) Repair mechanical failure.

(ii) Killing a producing well:

(A) Bullheading,

(B) Lubricate and bleed,

(C) Coil-tubing unit, and

(D) Snubbing unit.

(iii) Preparing the well for entry:

(A) Surface and subsurface safety systems,

(B) Removal of tree and tubing hanger, and

(C) Installation and testing of blowout preventer and wellhead prior to removal of back-pressure valves and tubing plugs.

(iv) Procedure and problems involved when experiencing a kick while conducting completion/workover operations in an H_2S environment.

(5) Candidates shall receive instructions on the correct procedures for shutting.in a well for well.control purposes, including controlling a well with the BOP system, and surface/subsurface safety system. These instructions shall include the sequential steps to be followed.

(6) Candidates intending to become qualified for snubbing operations shall receive instructions in snubbing units, including the following:

(i) Types:

(A) Rig assist, and

(B) Stand alone.

(ii) Applications:

(A) Running and pulling production or kill strings,

(B) Resetting weight on packers,

(C) Fishing for lost wireline tools or parted kill strings, and

(D) Circulating needed cement or fluid.

(iii) Equipment:

(A) Operating mechanism.

(B) Power supply,

(C) Control assembly and basket,

(D) Slip assembly,

(E) Mast and counterbalance winch, and

(F) Access window,

(iv) BOP equipment:

(A) Tree connection or flange,

(B) Rams,

(C) Spool,

(D) Traveling slips.

(E) Manifolds,

(F) Auxiliary—(FOSV, Inside BOP),

(G) Maintenance, and

(H) Testing.

(7) Candidates intending to become qualified for coil-tubing operations shall receive instructions in coil tubing units, including the following:

(i) Applications:

(A) Initiating flow,

(B) Cleaning out sand in tubing, and

(C) Performing stimulation operations.

(ii) Equipment description:

(A) Coil tubing,

(B) Reel,

(C) Injection head,

(D) Control assembly, and

(E) Injector hoist.
(iii) BOP equipment:
(A) Tree connection or flange,
(B) Rams,
(C) Injector assembly, and
(D) Circulating system.
(8) Candidates intending to become qualified for small-tubing operations shall receive instructions in small-tubing units, including the following:
(i) Applications:
(A) Stimulation operations,
(B) Cleaning out sand and other obstructions in tubing, and
(C) Plugback and squeeze cementing.
(ii) Equipment description:
(A) Derrick and drawworks,
(B) Small tubing,
(C) Pumps, and
(D) Weighted-fluids facilities.
(iii) BOP equipment.
(iv) Weighted fluids:
(A) Rams,
(B) Wellhead connection, and
(C) Check valve.
(9) Candidates shall receive instructions in special tools and systems, including the following:
(i) Automatic shut-down systems:
(A) Control points,
(B) Activator pilots,
(C) Monitor pilots,
(D) Control manifolds, and
(E) Subsurface system.
(ii) Flow string systems:
(A) Tubing,
(B) Mandrels and nipples,
(C) Flow couplings,
(D) Blast joints, and
(E) Sliding sleeves.
(iii) Pump down equipment:
(A) Purpose,
(B) Applications,
(C) Requirements,
(D) Surface circulating systems,
(E) Horizontal lubricators,
(F) Entry loops, and
(G) Tree connection/flange.
(10) Candidates shall receive instructions on the limitations on the various items of equipment which will be subjected to pressure and/or wear.

(h) *Refresher well-control training course for well-servicing operations.* To maintain their qualifications, individuals who are trained in well-servicing operations in the OCS shall successfully complete a refresher course in well control not later than 60 days after the anniversay date of the individual's last successfully completed certified well-servicing course (basic course, advanced course, or refresher course). A refresher course in well control for well-servicing operations shall contain instructions in the technological advances and improvements in equipment or methods for blowout prevention and well control and any new Government requirements applicable to well control during snubbing, coil-tubing, and small-tubing operations in the OCS. The candidate shall also pass a written test.

(i) *Qualification procedures for well servicing.* At least one member of a well-servicing crew shall be trained in accordance with the following requirements and shall be present at all times when snubbing, coil-tubing, or small-tubing operations are being conducted. The trained individual need only be trained in the area of the operation which that individual will be conducting (i.e., snubbing, coil tubing, or small tubing).

(1) The individual shall have successfully completed the applicable training requirements in § 250.213(g) of this section and passed a written test to verify that the individual has a thorough understanding of well-control equipment, techniques, and principles outlined in § 250.213(g) of this section and is qualified to organize and direct blowout-prevention or well-control activities during a snubbing, coil-tubing, or small-tubing operation. Evidence of the successful completion of required training shall be maintained at the job site. Such evidence shall indicate the area(s) for which the employee is trained (i.e., snubbing, coil tubing, and/or small tubing).

(2) The individual shall maintain the qualification by the following:

(i) Successful completion of the basic well control for well-servicing operations course or the advanced well-control course for well servicing at least once every 4 years, and

(ii) Successful completion of a refresher course in well control for well-servicing operations not later than 60 days after the anniversary date of the last successfully completed basic course in well-servicing well control, advanced course in well-servicing well control, or refresher course in well-servicing well control.

(j) *Submission of training program for well servicing.* Training programs and implementation plans for well-control training for well servicing shall be submitted to the Deputy Associate Director for Offshore Operations for approval in accordance with § 250.211 of this part.

§ 250.214 Production safety system training.

(a) *Basic production safety system personnel course.* During the 2-year period following the effective date of these regulations, personnel engaged in production operations shall be in compliance with training regulations in effect prior to the effective date of this rule. For individuals successfully completing a production safety systems course after May 31, 1988, and prior to 2 years after the effective date of these rules, the individual shall be considered to have completed a basic course in accordance with the requirements of this part if the course met the rules in effect at the time the course was taken. After 2 years following the effective date of this rule, each employee who is engaged in the installation, repair, testing, maintenance, or operation of a surface or subsurface safety device and the individual on the platform with overall responsibility for production operations shall be trained in accordance with the following:

(1) Each employee shall be familiar with oil and gas production operations and equipment.

(2) The employee shall receive instructions on all applicable Government regulations that pertain to the work with regard to production operations and surface and subsurface safety devices. Also, copies of current Government regulations or abstracts of pertinent provisions shall be furnished to the employee. These instructions shall include the following:

(i) Production safety devices,
(ii) Subsurface safety devices,
(iii) Design, installation, and operation of surface production safety equipment,
(iv) Additional production system requirements,
(v) Testing of production safety equipment and recording of the test results,
(vi) Quality assurance requirements for safety and pollution prevention equipment,
(vii) Pollution prevention and waste disposal requirements during production operations, and
(viii) General requirements for completion and workover operations (including snubbing, coil-tubing, and small-tubing units).

(3) The employee shall receive instructions on how failures or malfunctions in a system can cause abnormal conditions that must be brought under control by properly functioning safety devices.

(4) Employees shall receive instructions on the basic protection concepts, including the following:

(i) Undesirable events,
(ii) Protective shut-in action, and
(iii) Emergency support system (ESS).

(5) Employees shall receive instructions on the causes of failure in such systems, detection of abnormal conditions, primary protection devices and procedures, secondary protection devices and procedures, and location of

safety devices for the control or mitigation of various undesirable events, including the following:

(i) Overpressure,

(ii) Leak,

(iii) Liquid overflow,

(iv) Gas blowby,

(v) Underpressure,

(vi) Excess temperature (fire and exhaust heated components),

(vii) Direct ignition source (fired components), and

(viii) Excess combustible vapors in the firing chamber (fired components).

(6) Each employee shall receive instructions on safety analysis concepts, including the following:

(i) Safety analysis table (SAT),

(ii) Safety analysis checklist (SAC), and

(iii) Safety analysis function evaluation (SAFE) chart.

(7) The employee shall receive instructions on the safety analysis of each basic process component used in a platform production process system including the following:

(i) Wellheads and flow lines,

(ii) Injection lines,

(iii) Headers,

(iv) Pressure vessels,

(v) Atmospheric vessels,

(vi) Fired and exhaust heated components,

(vii) Pumps,

(viii) Compressors,

(ix) Pipelines, and

(x) Heat exchangers (shell-tube).

(8) Employees shall receive hands-on training on safety devices to prepare him/her for installing, operating, repairing, or maintaining such equipment. In this context, operating includes testing, adjusting calibrations, and recording test and calibration results. Installing includes the original installation and replacement of equipment. Maintaining refers to preventive maintenance, routine repair, and replacement of defective or malfunctioning component parts. The major categories of equipment that shall be included in the training program, as a minimum, are the following:

(i) High-low-pressure sensors,

(ii) High-low-level sensors,

(iii) High-low-temperature sensors,

(iv) Combustible gas detectors,

(v) Pressure relief devices,

(vi) Flow line check valves,

(vii) Surface safety valves,

(viii) Shutdown valves,

(ix) Fire (flame, heat, or smoke) detectors,

(x) Auxiliary devices (3-way block and bleed valves, time relays, 3-way snap acting valves, etc.),

(xi) Surface-controlled subsurface safety valves and/or surface-control equipment, and

(xii) Subsurface-controlled subsurface safety valves.

(9) The following is applicable to schools which include subsurface equipment.

(i) Each employee shall receive instructions relating to inspections, testing, and maintenance of surface safety devices.

(ii) The employee shall receive instruction relating to inspection, testing, and maintenance of subsurface safety devices.

(iii) The employees shall receive instructions relating to the inspection, testing, and maintenance of surface-control systems for surface-controlled subsurface safety valves.

(10) The employees shall receive instructions in at least one safety device that illustrates the primary operation principle in each class of safety devices stated in § 250.214(a)(8) (i) through (xii) of this part, including the following:

(i) Basic principle of operation,

(ii) Limitations affecting application,

(iii) Most probable problems causing equipment malfunction or failure and the correction of these problems (e.g., replace bad o-rings, clear blocked orifice, replace broken spring),

(iv) Test for proper set point, operation, etc.,

(v) Adjustment, calibration, or reset where applicable,

(vi) Recording inspection results and malfunctions on appropriate format, and

(vii) Special techniques for installation of safety devices, including safety device orientation, special lubricants, and special installation tools.

(11) The employee shall receive instructions on the basic principle and logic of the emergency support system including the following:

(i) Combustible and toxic gas detection system,

(ii) Liquid containment system,

(iii) Fire loop system,

(iv) Other fire detection devices,

(v) Emergency shutdown system, and

(vi) Subsurface safety valves (SSSV).

(12) Each employee shall receive general instructions in the following well-completion and workover topics:

(i) Reasons for completion or workover,

(ii) Killing a producing well,

(iii) Preparing the well entry:

(A) Use of backpressure valves,

(B) Removal of tree, tubing, tubing hanger, and SSSV, and

(C) Installation and testing of BOP prior to initiating well-completion or workover operations.

(b) *Refresher production safety system personnel training course.* An employee who is engaged in the installation, repair, testing, maintenance, or operation of a surface or subsurface safety device, and the individual on the platform with overall responsibility for production operations shall successfully complete a refresher course in production safety systems approved under the provision of § 250.211 of this part not later than 60 days after the 2nd anniversary of the employee's most recent completion date for a course approved under § 250.211 for production safety systems. The refresher course shall contain, as a minimum, instructions in the most recent improvements in equipment for production safety systems and any applicable Government regulations that pertain to production safety systems. The candidate shall pass a written test.

(c) *Qualification procedures for production safety system personnel.* An employee who is engaged in the installation, repair, testing, maintenance, or operation of surface or subsea safety devices, and the individual on the platform with overall responsibility for production operations shall not engage in such operations in the OCS until he/she meets the following qualifications:

(1) The employee shall have successfully completed the training requirements in § 250.214(a) of this part and pass a written test to verify that the candidate has a thorough understanding of production safety systems outlined in § 250.214(a) of this part and is qualified to install, test, maintain, and operate surface and/or subsurface safety devices. Evidence that the training has been completed shall be maintained at the job site.

(2) The employee shall maintain the qualification by the following:

(i) Successful completion of an approved basic production safety system personnel training course at least once every 4 years, and

(ii) Successful completion of a refresher course in the installation, operation, repair, and maintenance of production safety systems not later than 60 days after the 2-year anniversary date for the individual's last successful completion of a basic course in production safety systems, an advanced course in production safety systems, or a refresher course in production safety systems.

(3) A manufacturer's representative need not be qualified in accordance with the requirements of § 250.214 of this part if the representative is working on equipment supplied by the company,

provided the representative has received training and is qualified by the manufacturer to install, service, or repair the specific safety device or safety system, and if the representative is accompanied by an individual trained under § 250.214 who is capable of evaluating the impact of the work done by the manufacturer's representative on the total system.

(4) On-the-job trainees working with safety devices and who are not trained in accordance with the regulation of this section shall be supervised by an individual who is present at the work site and who is qualified under this section.

[FR Doc. 89-17712 Filed 7-31-89; 8:45 am]

BILLING CODE 4310-MR-M

federal register

Tuesday
August 1, 1989

Part III

The President

Proclamation 6002—National POW/MIA Recognition Day, 1989

Executive Order 12685—Noncompetitive Conversion of Personal Assistants to Employees With Disabilities

Federal Register
Vol. 54, No. 146
Tuesday, August 1, 1989

Presidential Documents

Title 3—

The President

Proclamation 6002 of July 28, 1989

National POW/MIA Recognition Day, 1989

By the President of the United States of America

A Proclamation

Freedom is precious because it has been won for America at a very high price. Much of its cost has been borne by the brave and selfless members of our Armed Forces. Few Americans could more fully appreciate the value of liberty and self-government than those servicemen who were captured and imprisoned while defending those ideals. Many of these Americans were subjected to brutal treatment and torture by their captors in violation of fundamental standards of morality and international codes for the treatment of war prisoners. Many never survived.

The courage, faith, and devotion to duty demonstrated by these servicemen who risked their freedom—indeed, their lives—for our sake has moved the hearts of all Americans. Our Nation will not forget these heroes and the tremendous sacrifices they made for our country, nor will we forget our obligation to their families. All Americans recognize the profound suffering of those who continue to await word of their loved ones' fate.

The U.S. commitment to securing the release of any U.S. servicemen who may still be held against their will, to obtaining the fullest possible accounting for the missing, and to repatriation of all recoverable American remains, is unshakable. Because this Nation recognizes the dignity and worth of every individual and the inestimable value of every human life, we will not allow our POWs and MIAs to become lost to us. We shall continue to seek the truth about their fate and to ensure the peace of certainty for their families. The fullest possible accounting for the missing will continue to be a matter of highest priority.

In March, a POW/MIA Flag was raised in the Capitol Rotunda as a symbol of our Nation's concern for those servicemen who remain missing and unaccounted for, and as an expression of our determination to obtain a full and satisfactory accounting for them. That flag shall remain on display there until the POW/MIA issue is thus resolved.

To reaffirm our promise to keep faith with America's missing servicement and their families, the POW/MIA Flag will be flown over the White House, the Departments of State, Defense, and Veterans Affairs, the Selective Service System headquarters, and the Vietnam Veterans Memorial on September 15, 1989. It will also fly over the Vietnam Veterans Memorial on Memorial Day and Veterans Day.

In recognition of the special debt of gratitude all Americans owe to those who sacrificed their freedom in the service of our country, and as an expression of our support for their families, the Congress, by Senate Joint Resolution 129, has designated September 15, 1989, as "National POW/MIA Recognition Day" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Friday, September 15, 1989, as National POW/MIA Recognition Day. I call upon all Americans to recognize that day with appropriate ceremonies and activities.

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

George Bush

[FR Doc. 89-18112
Filed 7-31-89; 10:32 am]
Billing code 3195-01-M

Editorial note: For the President's remarks of July 28 on signing Proclamation 6002, see the *Weekly Compilation of Presidential Documents* (vol. 25, no. 30).

Presidential Documents

Executive Order 12685 of July 28, 1989

Noncompetitive Conversion of Personal Assistants to Employees With Disabilities

By the authority vested in me as President by the Constitution and laws of the United States of America, including sections 3301 and 3302 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Upon recommendation by the employing agency, and subject to qualifications and other requirements prescribed by the Office of Personnel Management, an employee in a position in the excepted service under 5 C.F.R. 213.3102(11) as a reader, interpreter, or personal assistant for a handicapped employee, whose employment in such position is no longer necessary and who has completed at least 1 year of satisfactory service in such position under a non-temporary appointment, may be converted noncompetitively to a career or career-conditional appointment.

Sec. 2. This order shall be effective upon publication in the **Federal Register**.

George Bush

THE WHITE HOUSE,
July 28, 1989.

[FR Doc. 89-18115
Filed 7-31-89; 10:36 am]
Billing code 3195-01-M

Reader Aids

Federal Register

Vol. 54, No. 146

Tuesday, August 1, 1989

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

31645-31796.....1

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.

LIST OF PUBLIC LAWS

Last List: July 31, 1989

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 2214 / Public Law 101-62

To ratify certain agreements relating to the Vienna Convention on Diplomatic Relations (July 26, 1989; 103 Stat. 162; 1 page) Price: $1.00

S.J. Res. 110 / Public Law 101-63

Designating October 5, 1989, as "Raoul Wallenberg Day" (July 27, 1989; 103 Stat. 163; 2 pages) Price: $1.00

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1989

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
August 1	August 16	August 31	September 15	October 2	October 30
August 2	August 17	September 1	September 18	October 2	October 31
August 3	August 18	September 5	September 18	October 2	November 1
August 4	August 21	September 5	September 18	October 3	November 2
August 7	August 22	September 6	September 21	October 6	November 6
August 8	August 23	September 7	September 22	October 10	November 6
August 9	August 24	September 8	September 25	October 10	November 7
August 10	August 25	September 11	September 25	October 10	November 8
August 11	August 28	September 11	September 25	October 10	November 9
August 14	August 29	September 13	September 28	October 13	November 13
August 15	August 30	September 14	September 29	October 16	November 13
August 16	August 31	September 15	October 2	October 16	November 14
August 17	September 1	September 18	October 2	October 16	November 15
August 18	September 5	September 18	October 2	October 17	November 16
August 21	September 5	September 20	October 5	October 20	November 20
August 22	September 6	September 21	October 6	October 23	November 20
August 23	September 7	September 22	October 10	October 23	November 21
August 24	September 8	September 25	October 10	October 23	November 22
August 25	September 11	September 25	October 10	October 24	November 24
August 28	September 12	September 27	October 12	October 27	November 27
August 29	September 13	September 28	October 13	October 30	November 27
August 30	September 14	September 29	October 16	October 30	November 28
August 31	September 15	October 2	October 16	October 30	November 29