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Monday
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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-83]

Staff Accounting Bulletin No. 83

Date: July 31, 1989.

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff accounting bulletin.

SUMMARY: This staff accounting bulletin revises the staff's existing guidance set forth in Topic 4–D regarding the computation of earnings per share and expresses the staff's position regarding the responsibility of the registrant to determine whether compensation expense must be recognized when common stock or other dilutive securities are issued during the period covered by income statements included in a registration statement or in subsequent periods prior to the filing of the registration statement for an initial public offering. This bulletin amends Topic 4–D based upon the experience of the staff in addressing registrant matters during the review process.

FOR FURTHER INFORMATION CONTACT: John W. Albert, Office of the Chief Accountant (202–272–2130) or Robert A. Bayless, Division of Corporation Finance (202–272–2553), Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Jonathan G. Katz,
Secretary.

PART 211—[AMENDED]

Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 83 to the table found in Subpart B.

Staff Accounting Bulletin No. 83

The staff herein amends section D of Topic 4 of the Staff Accounting Bulletin series. Topic 4–D discusses the staff's position regarding the computation of earnings per share and the responsibility of the registrant to determine whether compensation expense must be recognized when common stock or other dilutive securities are issued during the period covered by income statements included in a registration statement or in subsequent periods prior to the filing of the registration statement for an initial public offering.

Topic 4: Equity Accounts

* * * * *

D. Earnings per Share Computations in an Initial Public Offering

Facts: A registration statement is filed in connection with an initial public offering ("IPO") of common stock. During the periods covered by income statements that are included in the registration statement or in subsequent periods prior to the filing of the registration statement, the registrant issued common stock for consideration below the IPO price or issued common stock warrants, options, or other potentially dilutive instruments with exercise prices below the IPO price (referred to collectively hereafter as "stock and warrants").

Question 1: In computing earnings per share (EPS) for the periods covered by income statements included in the registration statement and in subsequent filings with the SEC, what treatment is appropriate for such stock and warrants?

Interpretive Response: The staff believes that stock and warrants issued within a one year period prior to the initial filing of the registration statement relating to the IPO [1] should be treated as outstanding for all reported periods, in the same manner as shares issued in a stock split or a recapitalization effected contemporaneously with an IPO. However, in measuring the dilutive effect of such issuances, the staff will not object to use of a treasury stock approach in determining the dilutive effect of the issuances. This approach considers the actual proceeds (or in the case of warrants, the proceeds that would have been received) and the number of shares that could have been repurchased using the estimated IPO price as the repurchase price for all periods presented.[2] The staff believes that this method should be applied in the computation of EPS for all prior periods, including loss years where the impact of the incremental shares is anti-dilutive.

Question 2: Does reflecting stock and warrants as outstanding for all historical periods in the computation of earnings per share alter the registrant's responsibility to determine whether compensation expense must be recognized on issuances of the stock and warrants to employees?

Interpretive Response: No. Under generally accepted accounting principles, registrants must recognize compensation expense for any issuances of stock and warrants to employees for less than fair value.[3] Reflecting stock and warrants as outstanding for all historical periods in the computation of earnings per share does not alter that existing responsibility under GAAP.

[FR Doc. 89–18396 Filed 8–4–89; 8:45 am]
BILLING CODE 8010–01–M

[1] The staff will not ordinarily raise a question about issuances of stock or warrants beyond one year prior to the initial filing of the registration statement relating to the IPO unless it appears that such issuances were issued in contemplation of the IPO.

[2] For example, if the estimated IPO price was $15 and 300 shares of stock were sold 6 months prior at a price of $10 per share, in computing EPS for periods prior to actual issuance of the shares, registrants may compute the incremental number of shares as follows: Total assumed proceeds = $10 × 300 shares = $3,000. Shares assumed to be repurchased = $3,000/$15 per share = 200 shares. Incremental shares = 300 shares sold less 200 shares assumed to be repurchased for a net increase of 100 shares assumed to be outstanding in computing EPS.

[3] As prescribed by APB Opinion 25, Accounting for Stock Issued to Employees, and related interpretations.

17 CFR Part 211

[Release No. SAB-84]

Staff Accounting Bulletin No. 84

Date: July 31, 1989.

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: Staff Accounting Bulletin No. 51, released March 29, 1983, expresses the staff's views regarding accounting in consolidation for issuances of a subsidiary's stock that cause changes in the parent's ownership percentage in the subsidiary. The purpose of this staff accounting bulletin is to address a number of issues that have arisen regarding the application of that SAB.

FOR FURTHER INFORMATION CONTACT: John M. Riley, Office of the Chief Accountant (202-272-2130), or Robert A. Bayless, Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal Securities laws.

Jonathan G. Katz,

Secretary.

PART 211—[AMENDED]

Part 211 of Title 17 of the Code of Federal Regulations is hereby amended by adding Staff Accounting Bulletin No. 84 to the table found in Subpart B.

Staff Accounting Bulletin No. 84

The staff hereby adds questions 2 through 6 to section H of Topic 5 of the Staff Accounting Bulletin Series and deletes the last paragraph of the Interpretive Response to existing Question 1, the substance of which is now included in Question 6. Section H discusses accounting for sales of stock by a subsidiary. The Facts, Question and remaining portion of the Interpretive Response presently appearing as Topic 5-H are reprinted herein for reference purposes.

* * * * *

Topic 5: Miscellaneous Accounting

* * * * *

H. Accounting for Sales of Stock by a Subsidiary

Facts: The registrant owns 95% of its subsidiary's stock. The subsidiary sells its unissued shares in a public offering, which decreases the registrant's ownership of the subsidiary from 95% to 90%. The offering price per share exceeds the registrant's carrying amount per share of subsidiary stock.

Question 1: When an offering takes the form of a subsidiary's direct sale of its unissued shares, will the staff permit the amount in excess of the parent's carrying value to be reflected as a gain in the consolidated income statement of the parent?

Interpretive Response: Yes, in some circumstances. Although the staff has previously insisted that such transactions be accounted for as capital transactions in the consolidated financial statements, it has recently reconsidered its views on this matter with respect to certain of these transactions where the sale of such shares by a subsidiary is not a part of a broader corporate reorganization contemplated or planned by the registrant. In situations where no other such capital transactions are contemplated, the staff has determined that it will accept accounting treatment for such transactions that is in accordance with the Advisory Conclusions in paragraph 30 of the June 3, 1980 Issues Paper, "Accounting in Consolidation for Issuances of a Subsidiary's Stock," prepared by the Accounting Standards Executive Committee of the AICPA. The staff believes that this issues paper should provide appropriate interim guidance on this matter until the FASB addresses this issue as a part of its project on Accounting for the Reporting Entity, including Consolidations, the Equity Method, and Related Matters.

Question 2: What is meant by the phrase "broader corporate reorganization contemplated or planned by the registrant" and are there other situations where the staff has objected to gain recognition?

Interpretive Response: The staff believes that gain recognition is not appropriate in situations where subsequent capital transactions are contemplated that raise concerns about the likelihood of the registrant realizing that gain, such as where the registrant intends to spin-off its subsidiary to shareholders or where reacquisition of shares is contemplated at the time of issuance. The staff will presume that repurchases were contemplated at the date of issuance in those situations where shares are repurchased within one year of issuance or where a specific plan existed to repurchase shares at the time shares were issued. In addition, the staff believes that realization is not assured where the subsidiary is a newly-formed, non-operating entity; a research and development, start-up or development stage company; an entity whose ability to continue in existence is in question; or other similar circumstances. In those situations, the staff believes that the change in the parent company's proportionate share of subsidiary equity resulting from the additional equity raised by the subsidiary should be accounted for as an equity transaction in consolidation. Gain deferral is not appropriate.

Question 3: In the staff's opinion, may gain be recognized for issuances of subsidiary stock in situations other than sales of unissued shares in a public offering?

Interpretive Response: Yes. The staff believes that gain recognition is acceptable in situations other than sales of unissued shares in a public offering as long as the value of the proceeds can be objectively determined. With respect to issuances of stock options, warrants, and convertible and other similar securities, gain should not be recognized before exercise or conversion into common stock, and then only provided that realization of the gain is reasonably assured (see Question 2 above) at the time of such exercise or conversion.

Question 4: Will repurchasing shares of a subsidiary's stock affect the potential for gain recognition by the registrant in consolidation for subsequent issuances of that subsidiary's stock? [1]

Interpretive Response: Yes. Where previous gains have been recognized in consolidation on issuances of a subsidiary's stock and shares of the subsidiary are subsequently repurchased by the subsidiary, its parent or any member of the consolidated group, gain recognition should not occur on issuances subsequent to the date of a repurchase until such time as shares have been issued in an amount equivalent to the number of repurchased shares. The staff views such transactions as analogous to treasury stock transactions from the standpoint of the consolidated entity that should not result in recognition of gains or losses.

Question 5: May registrants selectively apply the guidance in the SAB by recognizing the impact of

[1] This question and interpretive response assume that the repurchases were not contemplated at the time of earlier gain recognition. See Question 2.

certain issuances by a subsidiary in the income statement and other issuances as equity transactions?

Interpretive Response: No. The staff believes that income statement treatment in consolidation for issuances of stock by a subsidiary represents a choice among alternative accounting methods and, therefore, must be applied consistently to all stock transactions that meet the conditions for income statement treatment set forth herein for any subsidiary. If a registrant recognizes gains on issuances of stock by a subsidiary, thus adopting income statement recognition as its accounting policy, then it must also recognize losses for stock issuances by that or any other subsidiary that result in decreases in its proportionate share of the dollar amount of the subsidiary's equity. Regardless of the method of accounting selected, when a subsidiary issues securities at prices less than the parent's carrying value per share, the registrant must assess whether the investment has been impaired, in which case a provision should be reflected in the income statement.

Question 6: How should the registrant disclose the accounting for issuances of a subsidiary's stock in the consolidated financial statements?

Interpretive Response: The staff believes that gains (or losses) arising from issuances by a subsidiary of its own stock, if recorded in income by the parent, should be presented as a separate line item in the consolidated income statement without regard to materiality and clearly be designated as non-operating income. An appropriate description of the transaction should be included in the notes to the financial statements, as further described below.

The accounting method adopted by the registrant for issuances of a subsidiary's stock should be disclosed in its accounting policy footnote and consistently applied (See Question 5). The staff believes that the registrant also should include a separate footnote that describes issuances of subsidiary stock that have occurred during all periods presented. This footnote should clearly describe the transaction, the identification of the subsidiary and nature of its operations, the number of shares issued, the price per share and the total dollar amount and nature of consideration received, and the percentage ownership of the parent both before and after the transaction. Additionally, the registrant should clearly state whether deferred income taxes have been provided on gains recognized and, if no provision has been recorded, a clear explanation of the reasons. Finally, the staff expects registrants to include disclosure in their Management Discussion and Analysis of the impact of specific transactions that have occurred and the likelihood of similar transactions occurring in future years.

[FR Doc. 89-18397 Filed 8-4-89; 8:45 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 81N-0004]

Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration.

ACTION: Final rule; response to objections and confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is responding to four submissions that it received during the period for objections to the modification it made to the final rule on irradiation in the production, processing, and handling of food (53 FR 53176; December 30, 1988). The modification amended the description in 21 CFR 179.26 of aromatic vegetable substances that may be irradiated. Only two of the submissions can be considered to be objections to the modification. These objections requested that the regulation be further modified to permit the irradiation of onion pieces when used solely as a seasoning to impart flavor. FDA concludes that the objections have not provided evidence that would justify amending the regulation as requested. Therefore, the effective date of the modification is confirmed.

EFFECTIVE DATE: December 30, 1988.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In the Federal Register of December 30, 1988 (53 FR 53176), FDA denied requests that it had received for a hearing on the final rules that amended FDA's food additive regulations to authorize the use of gamma radiation for the treatment of pork to control *Trichinella spiralis* and for the treatment of certain other foods. In that document, FDA responded to objections and modified the listing regulation (21 CFR 179.26(b)) by adding the phrase "when used as ingredients in small amounts solely for flavoring or aroma" after the term "dry or dehydrated aromatic vegetable substances." In addition, FDA recognized that many dry vegetable substances are used for purposes other than seasoning, such as for appearance or texture. To distinguish such uses, FDA modified the regulation so that dry vegetable substances that are "either represented as, or appear to be, vegetables eaten for their own sake," cannot be considered as "vegetable seasonings" that are permitted to be irradiated by this regulation. Four submissions were received during the time allowed or objections to this modification. None of the submissions requested a hearing.

Analysis of Objections

1. One letter requested a 90-day extension of time to respond to FDA's denial of requests for a hearing and responses to the earlier objections.

The Federal Food, Drug, and Cosmetic Act (the act) does not provide an opportunity for rebuttal of the agency's responses to objections or to requests for a hearing. Under section 409(g) of the act (21 U.S.C. 348(g)), the recourse of a person whose objections are rejected by the agency is through the courts. Because this letter did not mention the clarifying modification, this letter is not an objection to the modification of § 179.26. Therefore, no further response to this letter is necessary.

2. One letter supported the modification and requires no response.

3. One objector, a trade organization, stated:

> * * * that onion flakes are used as both a seasoning and a vegetable. To avoid confusion in interpretation and administration of the final regulation, we request that clarifying language is added stating that onion flakes used as a "vegetable seasoning" may be irradiated, onion flakes used as a "vegetable" may not.

(Objection No. 869 in Docket No. 81N-0004).

A second objector, a manufacturer of dried onion and garlic products, stated:

> We believe that the blanket prohibition on irradiation of onion pieces is not in the best interest of the food industry * * *. Onion pieces like Bay, Basil, Oregano and Rosemary are used to season food either in the piece form, chopped leaves, or in the ground form, powder or granulated. In either case, they are used to season foods * * *. For example, chopped onion in spaghetti sauce is not used as a "vegetable for its own sake," but to impart flavor. Onion powder could be used to get the same end flavor result, but the chopped provides an added dimension of eye appeal. The same is true for salad dressings, sauces, gravies and seasoning blends. Many of these applications require dried onion

pieces with a low microbiological level. Unlike spices, the only available system which can effectively lower the microbiological level in dried onion is irradiation. Ethylene Oxide merely reduces the microbiological load by 50 to 60%. The low kill ratio is caused by the onions less than 5% moisture content.

There are very few applications where onions are used as a "vegetable for its own sake". To name a few, onion soup, Chinese dishes, toppings for hamburgers, hot dogs, pizza, and chili. In these applications, we agree * * * that irradiation is not necessary. (Objection No. 870 in Docket No. 81N–0004).

FDA concludes that § 179.26 should not be modified as requested by these objections. The first objection misapprehends the regulation. It is not only the intended use of the vegetable substance that determines whether it may be irradiated. The substance must not only be used solely for flavoring or aroma, but it must also not be represented as, or appear to be, a vegetable that is eaten for its own sake. An onion flake that may be used as a seasoning and as a vegetable obviously "appears to be" a vegetable that can be eaten for its own sake and thus may not be irradiated under § 179.26.

The second objection has not provided any data to show that the use of irradiated dry vegetable substances that would have eye appeal would not result in a level of exposure to radiolytic products above that considered by the agency at the time it approved the use of irradiation on aromatic vegetable substances. As stated in the document of December 30, 1988 (53 FR 53176), the agency's decision that certain aromatic vegetable substances can be safely irradiated at a dose of up to 30 kiloGray was based on two rather limited factors.

First, the agency determined that the aromatic vegetable substances allowed are not sources of nutrients. Second, FDA found that these substances are minor ingredients that are consumed at such low levels that the amount of radiolytic products that could be consumed would be of no toxicological concern. In the absence of any data on the other uses of onion pieces, FDA is unable to determine whether the safety of these other uses is also established by these factors.

If the second objector believes that irradiation of onion pieces is in the best interest of the food industry, or if the first objector thinks that irradiated onion flakes can be safely used as a seasoning, they should petition the agency to amend the regulations and include such data as is necessary to permit the agency to make an appropriate determination.

Conclusion

The agency has reviewed and analyzed the submissions received during the objection period and finds that the objectors have not provided evidence that would justify any additional changes in § 179.26. The agency, therefore, confirms December 30, 1988, as the effective date of the modification.

Dated: July 31, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–18358 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Carnidazole Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wildlife Laboratories, Inc. The NADA provides for safe and effective use of carnidazole tablets to treat trichomoniasis (canker) in ornamental and homing pigeons.

EFFECTIVE DATE: August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Wildlife Laboratories, Inc., 1401 Duff Dr., Suite 600, Fort Collins, CO 80524, filed NADA 139–879 providing for the use of Spartrix® (carnidazole) tablets for treatment of trichomoniasis (canker) in ornamental and homing pigeons. The NADA is approved and the regulations are amended by adding new 21 CFR 520.312 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

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

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, part 520 is amended as follows:

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

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

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

2. Part 520 is amended by adding a new § 520.312 to read as follows:

§ 520.312 Carnidazole tablets.

(a) *Specifications.* Each tablet contains 10 milligrams of carnidazole.

(b) *Sponsor.* See 053923 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Adult pigeons: 1 tablet (10 milligrams); newly weaned pigeons: ½ tablet (5 milligrams).

(2) *Indications for use.* For treating trichomoniasis (canker) in ornamental and homing pigeons.

(3) *Limitations.* Not for use in pigeons intended for human food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism or when severely ill birds do not respond to treatment.

Dated: July 31, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89–18359 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 520

Oral Dosage From New Animal Drugs Not Subject to Certification; Ivermectin Tablets and Chewable Cubes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the

animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories, providing for safe and effective use of Heartgard 30® (ivermectin) Chewables for dogs to prevent canine heartworm disease.

EFFECTIVE DATE: August 4, 1989.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., P.O. Box 2000, Rahway, NJ 07065–0914, filed NADA 140–886 which provides for use in dogs of Heartgard 30® (ivermectin) Chewables. This drug product is a chewable cube indicated for prevention of canine heartworm disease. It is pharmacologically equivalent to the firm's currently approved Heartgard 30® (ivermectin) Tablets. The available dosage strengths and conditions of use for the two products are the same.

The NADA is approved and 21 CFR 520.1193 is amended to reflect the approval by revising the section heading and paragraph (a). The basis for approval is discussed in the freedom of information summary.

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

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

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

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

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

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

2. Section 520.1193 is amended by revising the section heading and paragraph (a) to read as follows:

§ 520.1193 Ivermectin tablets and chewable cubes.

(a) *Specifications.* Each tablet and cube contains 68, 136, or 272 micrograms of ivermectin.

* * * * *

Dated: July 31, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89–18310 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1153 and 1155

Authorities and Delegations and Statement of Organization and Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its May 10, 1989 meeting adopted amendments to its Statement of Organization and Procedures and Authorities and Delegations, which set forth the procedures for the Board and Board/committee meetings. The amendments to the Statement of Organization and Procedures and Authorities and Delegations were adopted to improve the orderly function of the office of the Architectural and Transportation Barriers Compliance Board as well as Board and committee operations.

The amendments to the Statement of Organization and the amendments to the Authorities and Delegations are being published so that all affected persons will be fully informed about procedures governing the meetings and to implement the act.

EFFECTIVE DATE: May 10, 1989.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th St. NW., Suite 5501, Washington, DC, (202) 653–7834 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, as amended, the ATBCB adopted its Authorities and Delegations on July 12, 1983. The Authorities and Delegations were published at 48 FR 53974 (1983) and codified at 36 CFR part 1153. The ATBCB adopted amendments to the Authorities and Delegations on September 11, 1985; March 9, 1988 and May 10, 1989. The major changes in the revised Authorities and Delegations passed by the ATBCB at its May 10, 1989 meeting are:

(1) Previously, the Chair of the Board had the responsibility to hire and fire staff at the GM–14 level and above, and approve promotions to the GM–14 level and above, with the consent of the Executive Committee. The Executive Director had the authority to detail, assign, hire and fire staff at the GM–13 level and below and to make recommendations to the Chair concerning staff at the GM–14 level and above. The amendments give the authority to the Executive Director to manage all staff at all levels and not limit authority to the GM–13 level and below with the exception of the General Counsel who shall continue to be confirmed by the Board.

(2) Previously the Chair had the authority to appoint division directors, with the consent of the Executive Committee. The amendments give the authority to appoint division directors to the Executive Director.

(3) The amendments provide that the Chair nominate the candidate for the position of Executive Director with the Board confirming.

(4) The amendments delete "sustained" from the phrase [the Executive Director is delegated the authority] "to provide sustained administrative leadership, * * *"

(5) The amendments provide that the Executive Director, not the committee chairs, will provide an evaluation of the staff liaison's performance after each meeting.

Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter ATBCB or the Board) adopted a Statement of Organization and Procedures on September 16, 1975. The Statement was published at 50 FR 1032 (1975) and codified at 36 CFR part 1155. The Statement was amended by the Board on May 9, 1977; March 14, 1978; March 11, 1980; May 10, 1983, May 12,

1986; September 16, 1987; March 9, 1988 and May 10, 1989. Some of the major changes in the revised Statement of Organization and Procedures passed by the ATBCB at its May 10, 1989 meeting are:

(1) The Executive Committee may authorize the request for legal advise from the Office of Legal Counsel, DOJ. Previously, a Board vote was required to seek advice from the Office of Legal Counsel.

(2) Changes the title of "Veterans Administration" to "Department of Veterans Affairs".

(3) Deletes the reference to the planned length of a Board meeting.

(4) Provides that proposed amendments to Board minutes may be made orally at the Board meeting.

(5) Increases the quorum for the Executive Committee to four from two.

List of Subjects in 36 CFR Parts 1153 and 1155

Authority delegations (Government agencies), Handicapped, Organizations and functions (Government agencies).

For the reasons stated in the preamble, chapter XI of title 36, Code of Federal Regulations, is amended by amending parts 1153 and 1155 as follows:

PART 1153—[AMENDED]

1. The Authority Citation for 36 CFR part 1153 continues to read as follows:

Authority: 29 U.S.C. 792, as amended.

2. In § 1153.2, paragraph (a) introductory text is republished for the convenience of the reader and paragraph (a) is amended by removing paragraph (10) in its entirety and by redesignating paragraph (11) as paragraph (10). Newly designated paragraph (10) is revised to read as follows:

§ 1153.2 Chair.

* * * * *

(a) To coordinate and organize the work of the Board in such a manner as to promote the prompt and efficient disposition of all matters within the jurisdiction of the Board. In carrying out these responsibilities, the Chair is delegated the authority to:

* * * * *

(10) Nominate the General Counsel and Executive Director, who are to be confirmed by the Board.

* * * * *

3. Section 1153.4 is amended by removing paragraph (d)(1)(ii) in its entirety; by redesignating paragraphs (d)(1)(iii) through (d)(1)(vi) as paragraphs (d)(1)(ii) through (d)(1)(v); and by revising the introductory text of § 1153.4, the introductory text of paragraph (d)(1), paragraph (d)(1)(i), and paragraph (i) to read as follows:

§ 1153.4 Executive Director.

The Executive Director is nominated by the Chair and confirmed by the Board and is responsible to the Board under the supervision of the Chair. He or she has the following duties and responsibilities:

* * * * *

(d)(1) To provide administrative leadership, and supervision and management of staff activities in carrying out the policies and decisions of the Board under the direction and supervision of the Chair. Supervision of staff includes:

(i) Authority to detail, reassign and train all staff, hire, fire and promote staff except as prescribed in § 1153.2(a)(10) herein.

* * * * *

(i) To propose and implement changes in the functional organization of the Board staff offices, following a written notification to the Board of the nature and reasons for the proposed changes. Personnel actions necessary to implement such changes shall not be approved until there has been a meeting of the Board, following the Board's written notification of the changes.

* * * * *

§ 1153.6 [Amended]

4. Section 1153.6 is amended by removing paragraph (a)(2) in its entirety and by redesignating paragraph (a)(3) as (a)(2).

PART 1155—[AMENDED]

5. The Authority Citation for 36 CFR part 1155 continues to read as follows:

Authority: 29 U.S.C. 792, as amended.

6. Section 1155.1(d)(11) is revised to read as follows:

§ 1155.1 Organization and membership.

* * * * *

(d) * * *

(11) Department of Veterans Affairs.

* * * * *

7. Section 1155.2 is amended by revising the introductory text and paragraph (a)(3) and (h); by removing paragraph (j) in its entirety; by redesignating paragraph (k) as paragraph (j) and revising newly designated paragraph (j)(1) to read as follows:

§ 1155.2 Board meetings.

Regular meetings of the Board shall ordinarily be held on the Wednesday following the second Tuesday of every other month, except as otherwise provided in paragraphs (a) (2) and (4) of this section. Whenever possible, all business shall be transacted at the regular meeting. The Board may elect to convene in executive sessions.

* * * * *

(a) * * *

(3) Special meetings of the Board shall be called by the Chair to deal with important matters arising between regular meetings which require urgent action by the Board prior to the next regular meeting. Voting and discussion shall be limited to the subject matter which necessitated the call of the special meeting. All Board members shall be notified of the time, place, and exact purpose of the special meeting a reasonable time in advance.

* * * * *

(h) *Agenda.* The Chair, with the approval of the Executive Committee, places items of business on the Board agenda. A written notice of ten (10) work days to the full Board is required for an item to become part of the Board's agenda. The ten (10) days notice requirement may be waived upon a two-thirds vote by the Board to suspend the rules of order.

* * * * *

(j) *Corrections, additions, or approval of Board minutes.* (1) The Executive Director shall send draft minutes of the previous meeting to each Board member within fifty (50) days following the meeting. Any corrections shall be submitted orally or in writing at or before the next Board meeting.

* * * * *

8. Section 1155.3 is amended by revising paragraph (a)(2) and by adding paragraph (a)(4) to read as follows:

§ 1155.3 [Amended]

* * * * *

(a) * * *

(2) *Quorum.* A quorum in the Executive Committee shall be four members, present in person. In the absence of a quorum, a meeting can be held only for the purpose of discussion and no vote may be taken.

* * * * *

(4) *Request for legal opinion from the Department of Justice.* The Executive Committee may, by a majority vote, seek legal advice on any matter from the Office of Legal Counsel, United States Department of Justice. The Board shall

not be bound by the opinion of the Office of Legal Counsel.

* * * * *

Stanley W. Smith,

Chair, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 89-18205 Filed 8-4-89; 8:45 am]

BILLING CODE 6820-BP-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[GEN Docket No. 87-389]

Operation of Radio Frequency Devices Without an Individual License

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: FCC is correcting errors in the text and regulations contained in the First Report and Order in GEN Docket No. 87-389, as published in the **Federal Register** on April 25, 1989 (54 FR 17710) and in the full text of the decision released April 18, 1989 (FCC 89-103).

EFFECTIVE DATE: June 23, 1989.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Technical Standards Branch, Office of Engineering and Technology, (202) 653-7313.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Communications equipment, Imports, Radio, Reporting and recordkeeping requirements, Television.

47 CFR Part 15

Communications equipment, Computer technology, Labeling, Radio, Reporting and recordkeeping requirements, Security measures, Telephone, Wiretapping and electronic surveillance.

1. In § 2.1043, paragraphs (b) and (b)(3) are republished and paragraphs (b)(1) and (b)(2) are added to read as follows:

§ 2.1043 Changes in certificated equipment.

* * * * *

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

(1) A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted. No filing with the Commission is required for a Class I permissive change.

(2) A Class II permissive change includes those modifications which degrade the performance characteristics as reported to the Commission at the time of the initial certification. Such degraded performance must still meet the minimum requirements of the applicable rules. When a Class II permissive change is made by the grantee, he shall supply the Commission with complete information and the results of tests of the characteristics affected by such change. The modified equipment shall not be marketed under the existing grant of certification prior to acknowledgement by the Commission that the change is acceptable.

(3) Permissive changes, as detailed above, shall be made only by the holder of the grant of certification. Changes by any party other than the grantee require a new application for and grant of certification.

* * * * *

2. Section 15.37 is corrected to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

Equipment may be authorized, manufactured and imported under the rules in effect prior to June 23, 1989, in accordance with the following schedules:

(a) *For all intentional and unintentional radiators, except for receivers:* Radio frequency equipment verified by the responsible party or for which an application for a grant of equipment authorization is submitted to the Commission on or after June 23, 1992, shall comply with the regulations specified in this part. Radio frequency equipment that is manufactured or imported on or after June 23, 1994, shall comply with the regulations specified in this part.

(b) *For receivers:* Receivers subject to the regulations in this part that are manufactured or imported on or after June 23, 1999, shall comply with the regulations specified in this part. However, if a receiver is associated with a transmitter that could not have been authorized under the regulations in effect prior to June 23, 1989, e.g., a transmitter operating under the provisions of §§ 15.209 or 15.249 (below 960 MHz), the transition provisions in this section do not apply. Such receivers must comply with the regulations in this part.

(c) There are no restrictions on the operation or marketing of equipment complying with the regulations in effect prior to June 23, 1989.

3. Section 15.113, paragraph (f), is corrected to read as follows:

§ 15.113 Power line carrier systems.

* * * * *

(f) The provisions of this Section apply only to systems operated by a power utility for general supervision of the power system and do not permit operation on electric lines which connect the distribution substation to the customer or house wiring. Such operation can be conducted under the other provisions of this part.

4. Section 15.115 is corrected by adding the following note at the end of paragraph (b)(3), to read as follows:

§ 15.115 TV interface devices, including cable system terminal devices.

* * * * *

(b) * * *

(3) * * *

Note: Cable-ready video cassette recorders continue to be subject to the provisions for general TV interface devices pending further action by the Commission.

* * * * *

5. Section 15.209, paragraph (a), is corrected to read as follows:

§ 15.209 Radiated emission limits; general requirements.

(a) Except as provided elsewhere in this subpart, the emissions from an intentional radiator shall not exceed the field strength levels specified in the following table:

Frequency (MHz)	Field strength (microvolts/meter)	Measurement distance (meters)
0.009-0.490	2400/F(kHz)	300
0.490-1.705	24000/F(kHz)	30
1.705-30.0	30	30
30-88	100 **	3
88-216	150 **	3
216-960	200 **	3
Above 960	500	3

** Except as provided in paragraph (g), fundamental emissions from intentional radiators operating under this Section shall not be located in the frequency bands 54-72 MHz, 76-88 MHz, 174-216 MHz or 470-806 MHz. However, operation within these frequency bands is permitted under other sections of this part, e.g., §§ 15.231 and 15.241.

* * * * *

6. Section 15.231, paragraphs (b)(2) and (b)(3), is corrected to read as follows:

§ 15.231 Periodic operation in the band 40.66—40.70 MHz and above 70 MHz.

* * * * *

(b) * * *

(2) Intentional radiators operating under the provisions of this Section shall demonstrate compliance with the limits on the field strength of emissions, as shown in the above table, based on the average value of the measured emissions. As an alternative, compliance with the limits in the above table may be based on the use of measurement instrumentation with a CISPR quasi-peak detector. The specific method of measurement employed shall be specified in the application for equipment authorization. If average emission measurements are employed, the provisions in § 15.35 for averaging pulsed emissions and for limiting peak emissions apply. Further, compliance with the provisions of § 15.205 shall be demonstrated using the measurement instrumentation specified in that section.

(3) The limits on the field strength of the spurious emissions in the above table are based on the fundamental frequency of the intentional radiator. Spurious emissions shall be attenuated to the average (or, alternatively, CISPR quasi-peak) limits shown in this table or to the general limits shown in § 15.209, whichever limit permits a higher field strength.

* * * * *

7. Section 15.233, paragraphs (b), (d) and (e), is corrected to read as follows:

§ 15.233 Operation within the bands 46.60—46.98 MHz and 49.66—50.0 MHz.

* * * * *

(b) An intentional radiator used as part of a cordless telephone system shall operate on any frequency within 10 kHz of one or more of the following frequency pairs:

Channel	Base transmitter (MHz)	Handset transmitter (MHz)
1	46.610	49.670
2	46.630	49.845
3	46.670	49.860
4	46.710	49.770
5	46.730	49.875
6	46.770	49.830
7	46.830	49.890
8	46.870	49.930
9	46.930	49.990
10	46.970	49.970

* * * * *

(d) The fundamental emission shall be confined within a 20 kHz band centered on the frequencies listed in paragraph (b) of this section, as adjusted by the frequency tolerance of the transmitter at the time testing is performed. Modulation products outside of this 20 kHz band shall be attenuated at least 26 dB below the level of the unmodulated carrier or to the general limits in § 15.209, whichever permits the higher emission levels. Emissions on any frequency more than 10 kHz removed from this 20 kHz band shall consist solely of unwanted emissions and shall not exceed the general radiated emission limits in § 15.209. Tests to determine compliance with these requirements shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

(e) All emissions exceeding 20 microvolts/meter at 3 meters are to be reported in the application for certification.

* * * * *

8. Section 15.239, paragraph (d), is corrected to read as follows:

§ 15.239 Operation in the band 88—108 MHz.

* * * * *

(d) A custom built telemetry intentional radiator operating in the frequency band 88–108 MHz and used for experimentation by an educational institute need not be certified provided the device complies with the standards in this Part and the educational institution notifies the Engineer in Charge of the local FCC office, in writing, in advance of operation, providing the following information:

* * * * *

9. Section 15.251, paragraph (f), is corrected to read as follows:

§ 15.251 Operation within the bands 2.9—3.26 GHz, 3.267—3.332 GHz, 3.339—3.3458 GHz, and 3.358—3.6 GHz.

* * * * *

(f) In addition to the labelling requirements in § 15.19(a), the label attached to the AVIS transmitter shall contain a third statement regarding operational conditions, as follows:

* * * and, (3) during use this device (the antenna) may not be pointed within ± ** degrees of the horizontal plane.

The double asterisks in condition three (**) shall be replaced by the responsible party with the angular pointing restriction necessary to meet the horizontal emission limit specified in paragraph (b).

* * * * *

10. All of the above corrections, except for §§ 15.115 and 15.233, resolve editorial errors that occurred during publication or provide additional clarity. The correction to § 15.115 incorporates the provisions contained in the Memorandum, Opinion and Order in Gen. Docket No. 85–301 (adopted October 13, 1988, FCC 88–331, 53 FR 46615, November 18, 1988). The correction to § 15.233 incorporates the provisions contained in the Order adopted by the Commission on November 17, 1987 (FCC 87–355, 53 FR 1781, January 22, 1988). Those provisions were omitted by error.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89–18354 Filed 8–4–89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88–217, RM–6169, RM–6465]

Radio Broadcasting Services; Jensen Beach, Melbourne, Port St. Lucie and Vero Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document at the request of St. Lucie Radio Corporation, *See*, 53 FR 19964, June 1, 1988, allots Channel 267A to Port St. Lucia, Florida, as the community's first local FM service. Channel 267A can be allotted to Port St. Lucie in compliance with the Commission's minimum distance separation requirements, provided the transmitter site is restricted to 9.3 kilometers (5.8 miles) southeast of the city in order to avoid short-spacing to Station WSTF (FM), Cocoa Beach, Florida, Channel 266C. The coordinates for this allotment are North Latitude 27–13–11 and West Longitude 80–18–25. With this action, this proceeding is terminated.

DATES: Effective September 15, 1989; The window period for filing applications will open on September 18, 1989, and close on October 18, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–217, adopted July 11 , 1989, and released August 1, 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. Section 73.202(b), the Table of FM Allotments is amended by adding Port St. Lucie, Florida, Channel 267A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18315 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-384; RM-6102]

Radio Broadcasting Services; Fort Myers Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Justice Broadcasting-Fort Myers Beach, Inc., [*See* 53 FR 33155, August 30, 1988], substitutes Channel 257C2 for Channel 257A at Fort Myers Beach, Florida, and modifies its license for Station WQEZ-FM to specify operation on the higher powered channel. Channel 257C2 can be allotted to Fort Myers Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 13 kilometers (8.1 miles) west to avoid a short-spacing to a pending application for Station WEDR(FM), Channel 256C, Miami, Florida, and to a pending application for Station WQYK(FM), Channel 258C1, St. Petersburg, Florida. The restricted site coordinates for this allotment are 26-25-30 and 82-04-30. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 88-384, adopted July 11, 1989, and released August 1, 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. Section 73.202(b), the Table of FM Allotments is amended for Fort Myers Beach, Florida, by removing Channel 257A and adding Channel 257C2.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18314 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-37; RM-6590]

Radio Broadcasting Services; Two Harbors, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 282C2 to Two Harbors, Minnesota, and modifies the construction permit for Channel 282A, to specify operation on Channel 282C2. This action is taken in response to a petition filed by Twin Ports Broadcasting, Inc. Canadian Concurrence has been obtained for the allotment of Channel 282C2 at Two Harbors. The coordinates for Channel 282C2 are 46-59-51 and 91-50-13. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 15, 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. 89-37, adopted July 11, 1989, and released August 1, 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. Section 73.202(b), the Table of FM Allotments under Minnesota is amended by revising the entry for Two Harbors, by removing Channel 282A and adding Channel 282C2.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18313 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-419; RM-6358, RM-6622]

Radio Broadcasting Services; Amarillo and Claude, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 289A to Amarillo, Texas, as that community's eighth local FM service, at the request of John A. Gay, Jr. *See* 53 FR 34560, September 7, 1988. In addition, this document allots Channel 239A to Claude, Texas, as that community's first local FM service at the request of Leonard S. Martinez. The channel allotments can be made in compliance with the § 73.207 of the Commission's Rules, at the communities' reference coordinates. The coordinates are 35-12-30 and 101-51-00 at Amarillo and 35-06-30 and 101-21-54 at Claude. 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. 88-419, adopted July 13, 1989, and released July 28, 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]

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 Texas, by adding Amarillo, Channel 289A and Claude, Channel 239A.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89–18328 Filed 8–4–89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88–619; RM–6477 and RM–6728]

Radio Broadcasting Services; Ridge, Maryland and White Stone, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 261A to White Stone, Virginia, in response to a counterproposal filed by Radio El Barco Blanco. The coordinates for Channel 261A are 37–38–00 and 76–17–45, which include a site restriction 8.5 kilometers east of the community. The original petition, filed by Keith A. Mayo and Chih Ping Mayo, requested the allotment of Channel 261A to Ridge, Maryland. The petition was withdrawn by the Mayos on March 24, 1989. With this action, this proceeding is terminated.

DATES: Effective September 15, 1989; The window period for filing applications for Channel 261A at White Stone, Virginia will open on September 18, 1989, and close on October 18, 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. 88–619, adopted July 11, 1989, and released August 1, 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. Section 73.202(b), the Table of FM Allotments is amended under Virginia to add White Stone, Channel 261A.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89–18312 Filed 8–4–89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 190, 191, and 195

[Docket No. PS–109; Amdt. No. 190–2, 191–7, and 195–42]

RIN 2137–AB70

Transportation of Gas and Hazardous Liquids by Pipeline; Reporting Safety-Related Conditions; Discovery of Conditions by Smart Pigs; Enforcement Rules

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule.

SUMMARY: This final rule document makes clarifying changes (without imposing new burdens) to recently established reporting requirements regarding safety-related conditions, and states agency policy regarding discovery of those conditions by smart pigs. In addition, the pipeline safety enforcement procedures are modified to reflect statutory changes authorizing increased civil penalties for violations and specific criminal penalties for destruction of signs or markers.

EFFECTIVE DATE: This final rule with respect to Parts 191 and 195 takes effect August 7, 1989. The changes to Part 190 are effective as of of October 31, 1988.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 366–2392.

SUPPLEMENTARY INFORMATION:

Reporting Safety-Related Conditions: Rule Changes

In accordance with section 3 of Pub. L. 99–516, RSPA issued regulations requiring operators of gas and hazardous liquid pipeline facilities subject to 49 CFR Parts 192, 193, and 195 to (1) report to RSPA and State agencies the existence of certain safety-related conditions on pipelines in service, and (2) add to their operating and maintenance procedures instructions that enable personnel to recognize potentially reportable conditions. (53 FR 24942; July 1, 1988). The regulations require operators to file written reports of the conditions "within 5 working days * * * after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition." (§§ 191.25(a) and 195.56(a)).

Since publication of the reporting regulations, RSPA has acquired additional telefacsimile, or fax, equipment to receive copies of printed material transmitted by telephone. Many operators wish to file their written safety-related condition reports by telefacsimile. RSPA believes that this filing method could reduce the reporting burden in view of the brief periods allowed for reporting. Therefore, RSPA has dedicated fax equipment to the receipt of safety-related condition reports on a 24-hour basis. The telephone number for use of the fax equipment has been added to §§ 191.25(a) and 195.56(a).

The regulations require operators to describe the precise location of the condition being reported. Of the reports received thus far, some have provided such detail as the milepost, but have not indicated in which State and city, town, or county the condition exists. Therefore, §§ 191.25(b)(6) and 195.56(b)(6) are revised to assure that these critical factors in describing location are provided.

The regulations also require operators to provide a general description of the safety-related condition being reported. This description should include the name of the commodity transported or stored to indicate the nature of the hazard involved. However, many operators have not included this information in their reports. Therefore, the name of the commodity has been specifically included in the description required by §§ 191.25(b)(7) and 195.56(b)(7). In the case of a hazardous liquid pipeline that currently carries

more than one commodity, the name of each commodity is required.

Interpretation and Statement of Policy Regarding Discovery of Safety-Related Conditions by Smart Pigs and Instructions to Personnel

Because the 10-day time period for reporting begins to run when an operator's representative "discovers" a potentially reportable condition, several operators have asked RSPA to explain when discovery occurs in connection with the use of internal inspection devices, or smart pigs. Following a pig run, one or more parts of the pipeline that correspond to anomalies in the data collected are excavated and physically examined to calibrate the data. This calibration provides a basis for evaluating any remaining anomalies. The operators want to know at what step in this process RSPA considers discovery of a potentially reportable condition to occur. Does discovery occur upon initial detection of an anomaly, upon evaluation of an anomaly after calibration, or when the part of the pipeline that corresponds to a calibrated anomaly is physically examined?

Discovery of a potentially reportable condition occurs when an operator's representative has adequate information from which to conclude the probable existence of a reportable condition. An operator would have adequate information for each anomaly that is physically examined. Absent physical examination, discovery may occur after the data are calibrated if the "adequate information" test is met. However, the adequacy of the information that pig data provide about anomalous conditions is contingent on a concurrent indication from a number of factors from which an operator could conclude the probable existence of a reportable condition. Among these are the sophistication of the pig being used, the reliability of the data, the accuracy of data interpretation, and any other factors known by the operator relative to the condition of the pipeline.

Operators using smart pigs must consider these factors in developing the instructions that are included in their operating and maintenance procedures under §§ 192.605(f) and 195.402(f). These instructions are to enable personnel to recognize potentially reportable conditions, including, when appropriate, recognizing conditions from pig data.

Because pig performance and operating conditions vary, RSPA cannot precisely predict the circumstances under which discovery will occur solely by analysis of calibrated data before excavation of the suspected part of the pipeline. However, RSPA and State agency enforcement personnel will look carefully at operators' instructions regarding data produced by the smart pigs in service in conjunction with other available data to see whether the instructions are consistent with reasonable conclusions that can be drawn from that data.

Change in Penalties

Sections 106 and 205 of the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100–561, October 31, 1988) increases the maximum amounts of civil penalties assessable under the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1671 *et seq.*) ("NGPSA") and the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2001 *et seq.*) ("HLPSA"). The maximum penalties, which apply to violations of the NGPSA and the HLPSA and any regulation (including those in 49 CFR Parts 191, 192, 193, 195, and 199) or order issued under those statutes, were increased from $1,000 to $10,000 per violation for each day the violation persists, and from $200,000 to $500,000 for any related series of violations. Therefore, RSPA is amending its regulations in Part 190 governing the assessment of civil penalties to reflect these statutory changes. The regulations are amended further to clarify that the violations to which the civil penalties apply are those determined by the agency.

In addition, sections 107 and 206 of Pub. L. 100–561 make identical amendments to the NGPSA and the HLPSA, establishing specific criminal penalties for any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by Federal law or regulation. Line markers for gas and hazardous liquid pipelines are required under 49 CFR Parts 192 and 195. Therefore, RSPA is amending its regulations in Part 190 that specify applicable criminal penalties to include the new penalties regarding destruction of signs or markers.

Paperwork Reduction Act

The existing reporting requirements of §§ 191.23, 191.25, 195.55, and 195.56 have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (OMB approval number 2137–0578). The reporting burden estimate submitted to OMB that provided a basis for that approval is not materially affected by this final rule. Therefore, RSPA has not submitted additional information to OMB for further approval under the Act.

Notice Not Required

This final rule facilitates reporting of safety-related conditions by telefacsimile, and clarifies existing generalized requests for information (§ 191.25(b)(6) and (7) and § 195.56(b)(6) and (7)). These rule changes do not add new burdens to the existing regulations or otherwise substantially modify those requirements. For these reasons, notice and opportunity to comment on these changes are unnecessary, and the rule changes are final, effective upon publication. Additionally, the two changes to part 190 modify agency rules of practice and procedure. The Administrative Procedure Act does not require prior notice of such modifications. Because these changes reflect statutory amendments already in effect, they are effective as of the date of enactment of the statute.

Impact Assessment

This final rule is considered nonmajor under E.O. 12291, and it is not significant under DOT procedures. The economic impact of this final rule is not large enough to warrant production of a detailed economic evaluation.

Federalism

This final rule has been analyzed under E.O. 12612, and RSPA has determined it does not warrant preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 190

Pipeline safety, Penalty, Enforcement procedures.

49 CFR Part 191

Pipeline safety, Gas, Reporting and recordkeeping requirements.

49 CFR Part 195

Pipeline safety, Hazardous liquids, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA amends 49 CFR Parts 190, 191, and 195 as follows:

PART 190—[AMENDED]

1. The authority citation for Part 190 is revised to read as follows:

Authority: 49 App. U.S.C. 1672, 1677, 1679a, 1679b, 1680, 1681, 1804, 2002, 2006, 2007, 2008, 2009, and 2010; 49 CFR 1.53.

2. Section 190.223(a) is revised to read as follows:

§ 190.223 Maximum penalties.

(a) Any person who is determined to have violated a provision of the NGPSA or the HLPSA or any regulation or order issued under either of those Acts, is subject to a civil penalty not to exceed $10,000 for each violation for each day the violation continues except that the maximum civil penalty may not exceed $500,000 for any related series of violations.

* * * * *

3. Section 190.229 is amended by redesignating paragraph (d) as (e) and adding a new paragraph (d) to read as follows:

§ 190.229 Criminal penalties generally.

* * * * *

(d) Any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by the NGPSA, the HLPSA, or the HMTA, or any regulation or order issued thereunder shall, upon conviction, be subject, for each offense, to a fine of not more than $5,000, imprisonment for a term not to exceed 1 year, or both.

* * * * *

PART 191—[AMENDED]

4. The authority citation for Part 191 continues to read as follows:

Authority: 49 App. U.S.C. 1681(b) and 1808(b); §§ 191.23 and 191.25 also issued under 49 App. U.S.C. 1672(a); and 49 CFR 1.53.

5. Section 191.25(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472–1666."

6. In § 191.25(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 191.25 Filing safety-related condition reports.

* * * * *

(b) * * *

(6) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate, nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

(7) Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored.

* * * * *

PART 195—[AMENDED]

7. The authority citation for Part 195 continues to read as follows:

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

8. Section 195.56(a) is amended by adding the following as the last sentence: "To file a report by telefacsimile (fax), dial (202) 472–1666."

9. In § 195.56(b), paragraphs (b) (6) and (7) are revised to read as follows:

§ 195.56 Filing safety-related condition reports.

* * * * *

(b) * * *

(6) Location of condition, with reference to the State (and town, city, or county) or offshore site, and as appropriate nearest street address, offshore platform, survey station number, milepost, landmark, or name of pipeline.

(7) Description of the condition, including circumstances leading to its discovery, any significant effects of the condition on safety, and the name of the commodity transported or stored.

* * * * *

Issued in Washington, DC on July 28, 1989.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

[FR Doc. 89–18113 Filed 8–4–89; 8:45 am]

BILLING CODE 4910–60–M

49 CFR Parts 192 and 195

[Docket No. PS–110; Amdt. 192–65 and 195–43; Docket No. PS–95; Amdt. 192–62 Correction]

RIN 2137–AB 69 and 2137–AB 24

Pipeline Safety; Steel Pipe

AGENCY: Research and Special Programs Administration (RSPA).

ACTION: Final rule and correction.

SUMMARY: This document updates to the 1988 edition the existing incorporation by reference in the gas and hazardous liquid pipeline safety standards of the American Petroleum Institute (API) Specification 5L, "Specification for Line Pipe." The purpose of this updating is to permit operators to use steel pipe made in accordance with API's latest technical requirements. This document also corrects an amendment to section II of Appendix A to Part 192 included in a final rule document published February 6, 1989 (Amdt. 192–62; 54 FR 5625), by removing certain CFR units that were reserved unintentionally.

EFFECTIVE DATE: This final rule takes effect September 6, 1989. The correction to Appendix A to Part 192 is effective August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Albert C. Garnett, (202) 366–2036, regarding the content of this document; or the Dockets Unit, (202) 366–5046, for copies of this document or other material in the docket.

SUPPLEMENTARY INFORMATION: API Specification 5L, "Specification for Line Pipe," is the principal specification used by pipeline operators for the procurement of high strength steel pipe used in gas and hazardous liquid pipelines in the United States. RSPA's safety standards for pipelines transporting gas or hazardous liquids (49 CFR parts 192 and 195) incorporate by reference certain requirements of the 1985 edition of API Specification 5L. Under § 192.55 (a) and (b), steel pipe qualifies for use in gas pipelines if it was manufactured in accordance with a "listed specification," which includes API 5L (see section I of Appendix B to part 192). Additionally, for gas pipelines, § 192.55(e) requires that new steel pipe that has been cold expanded must comply with the mandatory provisions of API 5L. For hazardous liquid pipelines, API 5L is referenced in the table in § 195.106(e), which denotes allowable seam joint factors for the internal design pressure formula for steel pipe. For both gas and hazardous liquid pipelines, the tensile tests of API 5L are prescribed for determining yield strength required in the internal design pressure formula when specified minimum yield strength is unknown (§§ 192.107(b) and 195.106(b)). The listings of referenced documents in Appendixes A and B to Part 192 and in § 195.3 indicate that the 1985 edition is the currently applicable edition of API 5L.

The Bethlehem Steel Corporation petitioned RSPA to adopt the 1988 edition of API 5L (Petition No. P–33), and then met with RSPA staff on April 19, 1989, to provide additional information concerning the petition. A summary of the meeting is filed in the docket with the petition.

RSPA has reviewed the 1988 edition of API 5L and found it to be satisfactory to achieve the purposes for which API 5L is incorporated by reference in parts 192 and 195. This review disclosed differences between the 1988 and 1985 editions, the more significant of which are discussed below. RSPA believes these differences would not add significantly to the burden of compliance if the 1988 edition were incorporated by reference instead of the 1985 edition. Also, incorporation by reference of the 1988 edition will contribute to pipeline safety by permitting operators to use steel pipe manufactured according to API's most recent technical requirements. Moreover, because pipe manufacturers

commonly use the most recently published edition of API 5L, updating references to the 1988 edition should eliminate any difficulty operators may now have in procuring steel pipe that meets Parts 192 or 195 requirements. Accordingly, by this amendment, RSPA is updating to the 1988 edition the references to API 5L in parts 192 and 195.

Significant Differences Between the 1988 and 1985 Editions That Affect References in Parts 192 and 195

Section 3, Chemical Properties and Tests. A change in this section permits columbium, titanium, and vanadium to be used in Grade B pipe.

Section 4, Mechanical Properties and Tests. This section was changed by deletion of the higher minimum-ultimate-tensile-strength values for pipe in grades X52—X65 that is 20-inch outside diameter and larger, with wall thickness 0.375 inch and less. Now only a single minimum-ultimate-strength value is prescribed for each of these grades of pipe. The change permits pipe manufacturers to optimize the composition of steel to improve fracture toughness and weldability across the full range of line pipe sizes and wall thicknesses.

Section 5, Hydrostatic Tests. Supplementary Requirement 14 is referenced in this section and added to Appendix E. It is intended to prevent distortion when hydrostatically testing pipe at pressures equivalent to stresses in excess of 90 percent of specified minimum yield strength.

Section 10, Workmanship, Visual Inspection, and Repair of Defects. This section was reorganized without significant change of intent.

Appendix B, Repair-Welding Procedure and Welder Performance Tests. A change eliminates reference to conditions for weld repairs made at temperatures below 50 °F. The same conditions now apply to all weld repairs.

Appendix E, Supplementary Requirements. The contents of former Supplementary Requirements 5 and 8 have been combined into Supplementary Requirement 5, Fracture Toughness Testing (Charpy). The principal changes follow:

—The test specimen size for determining absorbed energy and fracture appearance was standardized, so the same specimen may be used for both determinations

—The range of pipe diameters subject to charpy impact testing was extended to a minimum of 4½-inch outside diameter

—When it is not possible to obtain full size specimens, sub-size specimens may be used

—The specified test temperature is changed to 50 °F or lower

—The description of the frequency of testing is modified and the frequency of tests for small lots is clarified.

Impact

RSPA believes that incorporation by reference of the 1988 edition of API 5L will contribute to pipeline safety by permitting the use of API's latest technical requirements for the manufacture of steel pipe. Because updating existing references to API 5L to the 1988 edition will not add significantly to the burden of compliance with parts 192 and 195, and may relieve the difficulty of procuring pipe under the outmoded 1985 edition, RSPA believes that prior notice and an opportunity for public comment are unnecessary. Therefore, in accordance with 5 U.S.C. 553, this amendment is final.

Also, the amendment will have an effect on the economy of less than $100 million a year, will not result in a major increase in costs for consumers and industry, and will have no significant adverse effects. Hence, this action is not considered "major" under Executive Order 12291 or "significant" under DOT procedures. Since this amendment merely updates existing references to API 5L without significantly affecting compliance or enforcement burdens, the economic impact of this action is minimal and the preparation of an evaluation of costs and benefits is not warranted.

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient Federalism implications to warrant preparing a Federalism Assessment.

List of Subjects

49 CFR Part 192

Pipeline safety, Steel pipe, Gas.

49 CFR Part 195

Pipeline safety, Steel pipe, Hazardous liquid.

In consideration of the foregoing, RSPA makes the following correction and amends 49 CFR parts 192 and 195 as follows:

Appendix A to Part 192—[Corrected]

1. *Correction.*

In the final rule document 89-2542 on page 5628 in the issue of Monday, February 6, 1989, change item 16 under Part 192—Amended by removing the words "and reserving."

2. The authority citation for Part 192 continues to read as follows:

Authority: 49 App. U.S.C. 1672 and 1804; 49 CFR 1.53.

Appendix A to Part 192—[Amended]

3. In section II.A.(2) of Appendix A to Part 192, the parenthetic expression "(1985)" is removed and "(1988)" is added in its place.

4. In the listing for API 5L in section I of Appendix B to Part 192, the parenthetic expression "(1985)" is removed and "(1988)" is added in its place.

5. The authority citation of Part 195 continues to read as follows:

Authority: 49 App. U.S.C. 2002; and 49 CFR 1.53.

§ 195.3 [Amended]

6. In § 195.3(c)(1)(iii), the parenthetic expression "(1985)" is removed and "(1988)" is added in its place.

Issued in Washington, DC on July 28, 1989.

Travis P. Dungan,

Administrator, Research & Special Programs, Administration.

[FR Doc. 89-18111 Filed 8-4-89; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-08; Notice 4]

RIN 2127-AB91

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

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

ACTION: Technical amendment.

SUMMARY: Lap/shoulder safety belts are required to be installed at all forward-facing rear outboard seating positions in passenger cars (other than convertibles) manufactured on or after December 11, 1989. Although NHTSA typically includes language in its regulations when necessary in order to permit manufacturers the option to begin complying with new requirements on vehicles manufactured before the date those new requirements take effect, the agency inadvertently omitted such language from the new rear seat lap/shoulder belt requirements. This notice adds language that will correct this oversight and clarify the new requirement for rear seat lap/shoulder belts in passenger cars other than convertibles.

DATE: The amendment made by this notice takes effect August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Strombotne, Chief, Crashworthiness Division, NRM–12, Room 5320, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202–366–2264).

SUPPLEMENTARY INFORMATION: On June 14, 1989, NHTSA published a final rule amending Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208). This amendment established a new requirement for lap/shoulder safety belts to be installed at all forward-facing rear outboard seating positions in passenger cars (other than convertibles) manufactured on or after December 11, 1989. In a letter dated June 28, 1989, Ford Motor Company (Ford) asked the agency whether it could begin installing lap/shoulder safety belts that comply with the requirements that take effect on December 11, 1989 in vehicles manufactured before that date.

In its rules establishing new requirements, NHTSA routinely discusses the issue of whether vehicles or equipment manufactured before the date the new requirements take effect may comply with those new requirements in lieu of complying with the existing requirements. However, the rear seat lap/shoulder belt rule inadvertently omitted any such discussion. To correct this oversight, this notice adds language to the newly established requirements to make clear that vehicles may comply with the requirements that take effect on December 11, 1989 in advance of that date without violating any other provisions in Standard No. 208.

This notice does not impose any additional responsibilities on any vehicle manufacturers. Instead, this notice corrects an oversight in the June 14, 1989 rule. This notice merely permits those manufacturers that wish to do so to install rear seat lap/shoulder belts that comply with the requirements for vehicles manufactured on or after December 11, 1989 in vehicles manufactured before that date. Accordingly, NHTSA finds for good cause that notice and opportunity for comment on this amendment are unnecessary and that this rule should be effective upon publication.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety Motor vehicles.

In consideration of the foregoing, 49 CFR 571.208 is amended as follows:

PART 571—[AMENDED]

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

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

§ 571.208 [Amended]

2. Section S4.1.4.2(a) of Standard No. 208 in § 571.208, is revised to read as follows:

S4.1.4.2(a) Each passenger car, other than a convertible, manufactured before December 11, 1989 may be equipped with, and each passenger car, other than a convertible, manufactured on or after December 11, 1989 and before September 1, 1990 shall be equipped with a Type 2 seat belt assembly at every forward-facing rear outboard designated seating position. Type 2 seat belt assemblies installed pursuant to this provision shall comply with Standard No. 209 (49 CFR 571.209) and with S7.1.1 of this standard.

* * * * *

Issued on August 1, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89–18337 Filed 8–4–89; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 90411–9171]

Subsistence Taking of North Pacific Fur Seals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Final notice of harvest levels.

SUMMARY: Regulations on subsistence taking of North Pacific fur seals require the National Marine Fisheries Service (NOAA Fisheries) to publish a summary of the previous year's fur seal harvest and a discussion of the number of seals expected to be taken in the current year to meet the subsistence needs of the Aleut residents of the Pribilof Islands. NOAA Fisheries published this notice on May 31, 1989. Following a 30-day public comment period, NOAA Fisheries is publishing a final notice of the expected harvest levels for 1989, as follows:

St. George Island: 533–600

St. Paul Island: 1,600–1,800

EFFECTIVE DATE: June 30, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, 907–586–7233 or Georgia Cranmore, 301–427–2289.

SUPPLEMENTARY INFORMATION:

I. Background

The subsistence harvest of North Pacific fur seals (*Callorhinus ursinus*) on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 215 Subpart D—Taking for Subsistence Purposes. These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1151 *et seq.*, and the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.* (see 51 FR 24828, July 9, 1986). The purpose of these regulations is to limit the take of fur seals to a level providing for the legitimate subsistence needs of the Pribilovians using humane harvesting methods, and to restrict taking by sex, age, and season for herd management purposes.

The following subsistence harvest levels have been recorded on the Pribilof Islands since 1985:

	St. Paul Island	St. George Island	Total
1985	3,384	329	3,713
1986	1,299	124	1,423
1987	1,710	92	1,802
1988	1,145	113	1,258

NOAA Fisheries published a proposed notice summarizing the 1988 harvest and, based on previous harvest data, proposed an estimated 1989 harvest range of 1,600–1,800 on St. Paul Island, and 533–600 on St. George Island (54 FR 23233, May 31, 1989).

II. Response to Public Comments

During the public review period, the following groups provided written comments on harvest levels:

Aleut Community Council, St. Paul Island

Pribilof Island Aleut Community of St. George Island

Humane Society of the United States

Greenpeace USA

Friends of Animals

In the proposed notice, we noted our intention to propose an amendment to 50 CFR part 215 Subpart D deleting the option of extending the harvest season beyond August 8. As discussed in the 1986 preamble to the final rule on subsistence taking (51 FR 24838, July 9, 1986) and in the 1987 and 1988 final notices of harvest levels (52 FR 26481, July 15, 1987; 53 FR 28886, August 1, 1988), NOAA Fisheries added the harvest extension option at the request of the Pribilof Aleuts to accommodate a "family-style" harvest that would take fewer seals per day over a longer period of time. On St. Paul Island, however,

harvesting has been confined to weekdays between July 14 and August 8 during the 1986 and 1987 harvest seasons; and a total of 12 harvest days occurred between July 18 and August 8 in 1988, although harvesting was authorized for each day starting on June 30. On St. George Island, harvests occurred on 4 days in 1986, 2 in 1987, and 4 days in 1988. After the first week of August on the Pribilof Islands, the rigid segregation of seals by age and sex begins to break down and young female seals commingle with the harvestable subadult males. Females can be mistaken for males and harvested accidentally. Any taking of female seals must be considered significant to the long term recovery of this depleted population. When harvest season extensions were granted in 1986 and 1987, the harvest had to be terminated on the first day of the extension because of excessive taking of female seals.

NOAA Fisheries decided to propose the amendment on harvest extensions because of the demonstrated risk of taking female seals after August 8, the observed inability of harvesters to distinguish young males from females, and the absence of a "family-style" harvest strategy on the Pribilof Islands. However, two commenters requested the preparation of a subsistence evaluation under section 810 of the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487, as amended, before taking any action on the proposed amendment.

Section 810 of ANILCA is titled "Subsistence and land use decisions." The purpose of this section is to ensure that the effect on subsistence uses is evaluated when a Federal agency is determining whether to "withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands * * *." NOAA is not making such a land disposition determination at this time. The subsistence and land use decisions regarding the Pribilof Island were the subject of other legislation, namely the Alaska Native Claims Act, 33 U.S.C. 1601 *et seq.* The Federal action in question concerns the regulation and management of wildlife, not the disposition or use of real property. Thus, NOAA Fisheries disagrees with the request to prepare a subsistence evaluation under this Act.

One commenter complained about the timing of the publication of the proposed notice and the absence of a public hearing. Unfortunately, the publication of the proposed notice was delayed, in part, because of unusually heavy workloads associated with implementation of amendments to the MMPA. However, delay in publication did not reduce the time available for public review of the proposed harvest levels, nor did it preclude "meaningful consideration of public comments," as this commenter alleges. This commenter also stated that an oral request was made to NOAA Fisheries for an informal meeting to discuss the 1988 harvest and the 1989 estimates of subsistence need. No such request was received by NOAA Fisheries, and this matter was not brought to our attention until the close of the comment period. We regret this misunderstanding and suggest that, in the future, written communication be used for such requests.

One commenter questioned the use of the term "subsistence harvest" to describe the "annual slaughter" of fur seals on the Pribilof Islands and stated that the subsistence need for fur seals does not exist. Another commenter criticized the efficiency of the seal harvest and questioned the meaning of the decline in the weight of meat recovered per seal. This commenter believes that NOAA Fisheries should require greater than 43.5 percent-use of each seal carcass (the average amount recorded in 1988). The maximum possible percent-use for food is approximately 53.3 based on data collected in 1987. This includes everything (including bone) except the pelt, blubber, skull, neck, internal organs other than heart and liver, and body fluids. NOAA Fisheries considers a percent-use of 43.5 to comply with standards for "substantial use" of seal carcasses. We encourage subsistence-users to maintain or, if possible, increase their percent-use of each fur seal taken for subsistence purposes.

The reason the average amount of meat taken per seal has declined since 1985 appears to be the result of a selection for smaller, younger seals by subsistence-users. The estimated mean weight of meat taken per seal was 12.5 kg in 1985, 11.1 kg in 1986, 10.4 kg in 1987, and 10.5 kg in 1988. One commenter recommends a lower estimate of subsistence needs for seal meat on St. Paul Island (1,192 seals) based on calculations of meat consumed using an assumed percent-use of 53.3.

NOAA Fisheries disagrees with this argument for lowering the 1989 subsistence needs estimate. A requirement to consume virtually all edible parts of the seal (i.e., 53.3 percent of the carcass by weight) appears to be unreasonably burdensome. The approximately 44 percent-use recorded during the preceding 3 years represents substantial use of seals for food as required by the MMPA and the Fur Seal Act. Based on a review of all pertinent data and comments, NOAA Fisheries has concluded that the harvest levels proposed in the May 31 notice are reasonable and fair estimates of subsistence needs for fur seal meat in 1989.

Two commenters recommend that NOAA Fisheries act promptly to amend the subsistence regulations to eliminate the extension option. As noted above in discussions of the comments from Pribilof Island Aleut groups, NOAA Fisheries intends to make this proposal and offers the following tentative timetable for implementation:

September 30, 1989—Publication of the proposed rule

November 15, 1989—Close of the public comment period

January 15, 1990—Publication of a final rule

Three commenters are concerned about the retention of bacula ("seal sticks") from the 1988 harvest by the St. Paul Island subsistence-users as reported in the proposed notice. One commenter encourages us to "continue monitoring the retention of parts, investigate the transport and marketing of the product, and pursue enforcement actions against individuals found violating the law." In an effort to control possible commercial use of a subsistence harvest byproduct, another commenter proposes that NOAA Fisheries collect a baculum from the harvesters for each seal killed. The baculum would be a "ticket" to allow the harvester to leave the killing field.

NOAA Fisheries is also concerned about the retention of bacula from the 1988 harvest, since bacula have no known use or value as handicrafts. Bacula are used in Asian countries for aphrodisiacs. The latter commenter's proposal to address this potential problem, however, is not supported by NOAA Fisheries. It would constitute an unreasonable interference with the subsistence harvest and appears to be excessively punitive. NOAA Fisheries has informed the Pribilovians of the regulations on use of subsistence harvest byproducts and no illegal use of the bacula from the 1988 harvest has been documented.

On June 1, 1989, the U.S. Fish and Wildlife Service accepted and forwarded, to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a proposal by NOAA Fisheries to add North Pacific fur seals to Appendix II of CITES. Listing under CITES will assist us in enforcing domestic subsistence laws and facilitate legitimate trade in seal parts taken

during the commercial harvests before 1985. Pribilof Aleuts and others seeking to legally export seal parts and products, through the CITES permit process, would be able to obtain documentation attesting to the legality of their shipments for presentation to customs officers and other officials.

Dated: August 2, 1989.

James W. Brennan,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 89-18415 Filed 8-4-89; 8:45 am]

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Proposed Rules

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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 ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-89-101]

Energy Conservation Program for Consumer Products; Inquiry Concerning a Petition for Rulemaking Regarding Portable, Windowless, Single-Package Type Air Conditioners

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Notice of Inquiry.

SUMMARY: The Energy Policy and Conservation Act (EPCA), as amended by the National Energy Conservation Policy Act (NECPA), the National Appliance Energy Conservation Act of 1987 (NAECA), and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988) requires the Department of Energy (DOE) to administer an energy conservation program for certain major household appliances. Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

On March 20, 1989, DeLonghi America Inc. (DeLonghi) submitted a petition for rulemaking requesting that the Department's appliance program be expanded to include portable, windowless, single-package type air conditioners and that a test procedure for determining efficiency and capacity be established for these products. The purpose of today's notice is to publish the DeLonghi petition and gather data, comment and information from interested parties concerning the DeLonghi petition. Due to the length of the DeLonghi proposed test procedure (Attachment A) it is not published in this notice but is available upon request from DOE.

DATE: DOE will accept comments, data and information not later than October 6, 1989.

ADDRESS: Written comments and requests for the proposed test procedure shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Hearings and Dockets, CE-43.1, Docket No. CE-RM-89-101, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9320.

FOR FURTHER INFORMATION CONTACT:

Douglass S. Abramson, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station, CE-132, 1000 Independence Avenue, SW., Washington, DC 20595, (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:

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including room air conditioners. 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 and include both room and central air conditioners.

On March 20, 1989, DeLonghi America Inc. (DeLonghi) submitted a petition for rulemaking to the Department of Energy requesting that the Secretary create a new covered product for portable, windowless, single-package type air conditioners (PWAC) and establish test procedures for this product. DeLonghi, in its petition, proposed a test procedure which it feels will provide accurate and fair ratings for comparison with other air conditioning products.

A portable, windowless air conditioner is a unit that includes an evaporator, a condenser, and a compressor which is assembled in a cabinet that can be moved from room to room. In this unit, the condenser is located indoors within the cabinet. The condenser has no contact with outdoor air as in a window-type room air conditioner. Water is used to cool the condenser in this appliance. Within the cabinet there is a water tank which must be refilled at intervals depending upon temperature setting, ambient temperature, humidity level, and timer setting, among other factors.

The water tank is located in a water basin and a water pump provides water circulation over the hot coils of the condenser. The water cooling the condenser evaporates into steam and a ventilator fan discharges this steam through an exhaust hose outside the conditioned room. The exhaust hose is generally fitted into either a window bracket, or an opening may be placed thorugh a wall. It is also possible to place the hose outside of the area or room being cooled but still within the building structure.

DOE has defined a room air conditioner as a product designed for "mounting in a window or through-the-wall for the purpose of providing delivery of conditioned air to an enclosed space." Since a PWAC is for application in a room and is not designed for through-the-wall or window installation, a PWAC does not fall within the definition for a room air conditioner.

EPCA, as amended, defines a central air conditioner as "a product, other than a packaged terminal air conditioner, which (A) is powered by single phase electric current, (B) is air cooled * * *." Because the DeLonghi unit is water cooled it does not fall within the definition for a central air conditioner.

Therefore, DOE has determined that a PWAC is neither a room nor central air conditioner for the purpose of the Department's energy conservation program for consumer products.

DeLonghi in its petition requests that a new covered product be created in category 14 in accordance with section 322(b) of the Act.

Section 322(b) states that the Secretary "may classify a type of consumer product if he determines that

(A) classifying products of such type as covered products is necessary to carry out the purpose of this Act, and

(B) average annual per household energy use by products of such type is likely to exceed 100 kilowatt-hours (or its BTU equivalent) per year."

DeLonghi has not provided sufficient information to enable the Secretary of Energy to determine what the average annual per household energy use of the product is and how this product fulfills the purpose of this Act.

In addition, DOE must determine whether the product is a consumer product as defined by section 321(a)(1) of the Act. DeLonghi has not shown that its product is distributed in commerce or has the potential to be distributed in commerce for personal use or consumption by individuals.

DeLonghi has proposed a test procedure in its petition for rulemaking on which DOE invites comment. The test procedure submitted provides definitions relevant to the PWAC, rating conditions, classification methods, testing and rating requirements, performance requirements (at specific test conditions), cooling capacity calculations, and safety requirements.

DOE requests that comments on the DeLonghi petition address the following:

- Whether it is necessary to add this product to the program;
- Whether this is a covered product, i.e. whether the product should be considered either a room air conditioner or a central air conditioner;
- Whether the product is distributed in commerce to a significant extent for personal use;
- What is the product's annual household energy consumption; and
- Whether the recommended test procedure is appropriate for use in rating the product's annual energy consumption and efficiency.

Copies of the DeLonghi proposed test procedure are available by contacting DOE at (202) 586–9127, or by writing to the Department at the address given earlier.

List of Subjects in 10 CFR Part 430

Administrative practice and procedures, Energy Conservation, Household appliances.

Issued in Washington, DC, July 31, 1989.

John R. Berg,

Assistant Secretary, Conservation and Renewable Energy.

March 20, 1989.

Mr. Michael J. McCabe

Supervisory Engineer, Office of Conservation and Renewable Energy, United States Department of Energy, Room 5H048, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Re: *Petition for Rulemaking for Proposed Test Procedure for Determining Cooling Capacity of Movable, Windowless, Single-Package Type Air-Conditioners*

Dear Mr. McCabe: DeLonghi America, Inc. is submitting under cover of this letter a petition for rulemaking to develop a test procedure for rating the cooling capacity of movable, windowless, single-package type air-conditioners ("portable, windowless air conditioners").

DeLonghi produces and markets the "Pinguino" portable windowless air conditioner. Incorporated into the petition for rulemaking is a standard developed by DeLonghi (Attachment A) which it believes is reasonably designed to produce test results which measure the cooling capacity of the product during a representative use and which should not be unduly burdensome to conduct, consistent with the requirements of 42 USC 6293(b)(3).

As you know, DeLonghi recently obtained opinions from the DOE and the Federal Trade Commission that, because of its design and use, this product is not a room air conditioner, as defined by DOE and FTC requirements, and that, therefore, the Pinguino is not a covered product under DOE's conservation program for consumer products or the FTC appliance labeling rules.

In addition to requesting this interpretation of the law, DeLonghi explained that as a technical matter the existing test procedure for room air conditioners (Appendix F to Subpart B of 10 CFR, Part 430) is inapplicable to this type of product. Further, DeLonghi committed to develop an appropriate test procedure to be considered by DOE, and in the longer term to propose an appropriate energy labeling requirement so that in the future consumers of this product will benefit from the FTC energy information and labeling program. The attached proposal which we wish DOE to consider is DeLonghi's first step in fulfilling this commitment.

If, before it publishes a proposed rule and initiates a rulemaking on DeLonghi's proposal, DOE has questions regarding the proposed test procedures or requires further data or revisions to the test procedure, DeLonghi would be happy to provide any further data or information. If a meeting with DOE staff, including a demonstration of a Pinguino model, would be helpful, we would be happy to make appropriate arrangements at your convenience. If you believe that revisions are necessary to the petition for rulemaking or the proposed test procedure before it is published in the **Federal Register**, or that it has any significant deficiencies impeding a rulemaking, we would appreciate it if you would contact us before taking any official action.

We recognize that the process of developing a suitable test procedure for this product will require input from many sources, and we will be happy to discuss this issue and exchange views and information with any interested party. Although we believe that the Pinguino may be the only product of this type presently sold in the United States, it is our expectation that similar models will be sold in the United States in the future. Therefore, it is consistent with the purposes of the energy conservation program to develop a DOE test procedure for this product type.

Sincerely yours,

James K. McCusker

Petition for Rulemaking

I. Introduction.

Pursuant to 5 U.S.C. 553(e), DeLonghi America Inc., 625 Washington Avenue, Carlstadt, New Jersey 07072, on behalf of itself and its parent company, DeLonghi S.P.A. of Italy, a consumer and appliance products manufacturer (both entities hereinafter referred to collectively as "DeLonghi"), respectfully files this petition seeking initiation of a rulemaking. In the rulemaking, DeLonghi requests that DOE: (1) establish and define as a separate covered consumer product the "movable, windowless, single-package type air-conditioner," pursuant to 42 U.S.C. 6292(a) and (b), and (2) prescribe a new test procedure for determining the cooling capacity in Btu's per hour which can be used to determine and express the energy efficiency ratio for this product, pursuant to 42 U.S.C. 6293(b).

In section 3.0 of the proposed test procedure, which is Attachment A [1] to this petition, DeLonghi provides a proposed definition for this product which if adopted, would be added to the definitions in 10 CFR 430.2. The proposed test procedure, if adopted, would be added as an Appendix to Subpart B of 10 CFR Part 430.

II. Description of the Movable, Windowless, Single-Package Type Air-Conditioner (Hereinafter "portable, windowless air conditioner").

DeLonghi produces and markets the "Pinguino," a portable, windowless air conditioner meeting the description in section 3.0 of the attached proposed test procedure. Although DeLonghi believes that the Pinguino is presently the only product of this type sold in the United States, similar products are manufactured and sold elsewhere in the world by other firms, and DeLonghi believes that some of these products will be sold in the United States in the future.

Attachment B to this petition are technical descriptions of the Pinguino as an example of this product type. In brief, the portable windowless air conditioner is a unit which includes an evaporator, a

[1] Attachment A is available upon request from DOE.

compressor, and a condenser. These components are assembled in a portable cabinet which can be moved from room to room. Unlike the window-type room air conditioner in which the condenser is outdoors (exterior to the structure), in this unit the condenser is indoors within the cabinet. The condenser has no contact with outdoor air and therefore is not cooled by contact with outdoor air as is a window-type room air conditioner. Water is used to cool the condenser in this appliance. Within the cabinet there is a water tank which must be refilled at intervals depending upon the temperature setting, ambient temperature, humidity level, and timer setting, among other factors.

The water tank is located in a water basin and a water pump provides water circulation over the hot coils of the condenser. The water cooling the condenser evaporates into steam and a ventilator fan discharges this steam through an exhaust hose outside the conditioned room. The exhaust hose is generally fitted into either a window bracket, or an opening may be placed through the wall. It is also possible to place the hose outside of the area or room being cooled but still within the building structure.

There are a variety of potential uses for the portable, windowless air conditioner, some of which functionally fall between common uses of window room air conditioners and uses of so-called spot air conditioners which are commonly used in industrial applications. A partial listing of applications for this product include:

—Spot air conditioning for computer hardware and communications equipment rooms
—Air conditioning medical offices or other similar rooms where window units are impractical or are considered to take up too much light and/or may be considered to be too noisy
—Air conditioning rooms in apartments or other dwellings having windows not conducive for installation of window room air conditioners or where such installation is not desirable
—Office and commercial space needing air conditioning in off hours where central air conditioning may not be operating or would be uneconomically employed, such as during weekends.

III. Need For A Separate Test Procedure For Portable, Windowless Air Conditioners.

DeLonghi requested on September 29, 1988 an interpretation from DOE and the Federal Trade Commission ("FTC") essentially that the Pinguino is not a "room air conditioner" or "covered product" as defined by DOE and FTC regulations, respectively. On October 14, 1988, DOE provided an opinion that the Pinguino is not a "room air conditioner" as defined by DOE or a covered product under the Department's Energy Conservation Program for Consumer Products. In particular, DOE noted that it "defines a room air conditioner as 'an encased assembly designed as a unit for mounting in a window or through the wall.' The 'Pinguino' is not designed for this manner of installation; therefore, it is not a room air conditioner as defined by the DOE."

The FTC staff followed on November 22, 1988 with an opinion that the Pinguino is not a "covered product" under the Commission's labeling rule because it does not meet the definition of a room air conditioner in § 305.3(e) of the rule (16 CFR part 305). Staff also stated that the Pinguino is not a consumer appliance product under § 305.2(n) of the rule because, as indicated by DOE, there is no final test procedure for the Pinguino.

Although these opinions clarified the Pinguino's federal regulatory status, DeLonghi stated then and reiterates now that it would be desirable for consumers if the Pinguino and similar products had an applicable test procedure for measuring energy consumption and were subject to energy labeling requirements similar to those now imposed on room air conditioners. However, in order to achieve those goals it will be necessary to develop a separate test procedure for portable, windowless air conditioners.

The existing room air conditioner test procedure cannot simply be extended to the Pinguino through a revision in the definition of room air conditioner. The Pinguino type of product is designed such that the existing test procedure fails to measure its energy consumption characteristics accurately. The ventilating (condenser) fan which discharges steam from the exhaust hose must draw air from the conditioned room, unlike conventional room air conditioners where the condenser is mounted in a manner so that condenser fan draws air from the outside. A ventilating or condenser fan discharges steam from the exhaust hose which runs from the unit to either the exterior or outside the conditioned area. This discharge of air from the room being cooled results in replacement air coming into the room from somewhere else, and that must necessarily be either from some other interior room or area or possibly from the outside of the building depending on air leakage conditions. The existing test procedure treats the exhaust air as being totally replaced by 95° ambient ventilating air from the outside because it provides for venting to maintain air pressure between the inside cooling area and the outside 95° air. This treatment is technically incorrect and inappropriate for this kind of air conditioner because most of the "replacement" air is introduced from other rooms or areas adjacent to the conditioned room with far less negative impact on the BTU/hr. rating (and thus the EER) than would occur if "replacement" air came entirely from the higher temperature exterior area.

This statement of the deficiency or limits in the DOE test procedure is not intended to be derogatory of the significant value of that test procedure for the types of units for which it was designed. It simply points out the need for a new, separate procedure for a functionally different unit. As DeLonghi committed at the time of its interpretational request to DOE, it has developed and presents as Attachment A a test procedure designed to accurately determine the cooling capacities of "movable, windowless, single-package type air conditioners."

DeLonghi believes that this test procedure complies with the requirements of 42 U.S.C. 6293(b)(3). It welcomes, however, the views of DOE and the technical community as consideration of its petition proceeds.

[FR Doc. 89-18422 Filed 8-4-89; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[FRL-3625-2]

Ocean Dumping; Proposed Designation of Site; Gulf of Mexico Offshore of Port Isabel, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located in the Gulf of Mexico offshore of Port Isabel, Texas for the continued disposal of material dredged from the Brazos Island Harbor Entrance Channel. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. This proposed site designation is for an indefinite period of time, but the site is subject to monitoring

to insure that unacceptable adverse environmental impacts do not occur.

DATE: Comments must be received on or before September 21, 1989.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. E.P.A.,1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations:

EPA, Region 6, 1445 Ross Avenue, 9th Floor, Dallas, Texas 75202–2733.

Corps of Engineers, Galveston District, 444 Barracuda Avenue, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260 or FTS/255–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established the Brazos Island Harbor site as an interim site for the disposal of material dredged from the entrance channel. In January 1980, the interim status of the site was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region 6 address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with its ocean dumping site designations (30 FR 16186, May 7, 1974).

EPA has prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Brazos Island Harbor Ocean Dredged Material Disposal Site Designation." On July 14, 1989, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register**. The public comment period on this Draft EIS closes on August 28, 1989. Limited copies of the Draft EIS are available from the EPA address given above.

The proposed action discussed in the EIS is designation for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land based disposal alternatives were examined in a previously published EIS prepared by the Corps of Engineers (COE) and the analysis was updated in this Draft EIS. The nearest available land disposal area is 82 acres in size and is located 3 miles away from the seaward end of the project. Because of the high costs of transport as well as the limited capacity of the area, this alternative is not feasible. Also since the surrounding land areas are wetlands or shallow bay habitats, development and use of a suitably sized replacement area would result in a significant loss of quality wetlands or bay bottoms. A land-based alternative would therefore offer no environmental benefit to ocean disposal.

Four ocean disposal alternatives—two nearshore sites (including the proposed site), a mid-shelf site and a deepwater site—were evaluated. Both the mid-shelf and deepwater sites were eliminated due to limited feasibility for monitoring, increased transportation costs and increased safety risks. In addition, the material to be dredged is of a different sediment type than that found further offshore, which could impact the biological community composition at these areas.

Portions of the interim-designated site are within two biologically sensitive area buffer zones. One of these buffer zones is associated with a fish haven and the other buffer zone with the migratory route for estuarine dependent species. Therefore, the interim-designated site is not being proposed for designation in its entirety. The proposed disposal site includes much of the area of historical impact of the interim site but excludes the two buffer zones referenced above.

EPA is coordinating with the National Marine Fisheries Service in accordance with the requirements of section 7 of the Endangered Species Act. EPA is also coordinating, as a part of the NEPA/EIS process, with the State of Texas regarding any requirements under the Coastal Zone Management Act.

C. Proposed Site Designation

The proposed site is located approximately 1.6 miles from the coast at its closest point. The water depth at the proposed site ranges from 55 to 65 feet. The coordinates of the rectangular-shaped site are as follows: 26°04′32″N, 97°07′26″W; 26°04′32″N, 97°06′30″W; 26°04′02″N, 97°06′30″W; 26°04′02″N, 97°07′26″W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met. The characteristics of the proposed site are reviewed below in terms of the eleven factors.

1. Geographical Position, Depth of Water, Bottom Topography and Distance From Coast (40 CFR 228.6(a)(1))

Geographical position, average water depth, and distance from the coast for the disposal site are given above. Bottom topograph is flat with no unique features or relief.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

Living resources' breeding, spawning, nursery and passage areas in the project area were identified as excluded areas during the siting feasibility process and eliminated from consideration. To the north of the proposed site, there is a fish haven which is excluded, as are the

jetties, including one-mile buffer zones. The jetties provide a migratory passage for white shrimp, brown shrimp, blue crab, drum, sheepshead and southern flounder. Also excluded are non-submerged shipwrecks which improve fishing.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

The proposed site is approximately 1.5 miles from any beach or other amenity area; e.g., Brazos Island State Recreation Area.

4. Types and Quantities of Wastes Proposed to be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Wastes, if Any (40 CFR 228.6(a)(4))

Only maintenance material from the Brazos Island Harbor Entrance Channel will be disposed. Historically, an average of 350,000 cy/yr has been dredged from the channel at roughly 13-month intervals. This material has historically been transported by hopper dredges but could be tranported by pipeline. Based on chemical analyses and biological toxicity studies of past maintenance material, it was concluded that no special location or precautions would be necessary for the disposal of the dredged materials.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5))

The proposed site is amenable to surveillance and monitoring. A monitoring and surveillance program, consisting of water, sediment and elutriate chemistry; bioassays; bioaccumulation studies; and benthic infaunal analyses, is proposed for the Brazos Island Harbor site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, if Any (40 CFR 228.6(a)(6))

Physical oceanographic parameters including dispersal, horizontal transport and vertical mixing characteristics were used: (1) to develop the necessary buffer zones for the siting feasibility analysis; and (2) to determine the minimum size of the proposed site. Predominant longshore currents, and thus predominant longshore transport, is to the north. Long-term mounding has not historically occurred. Therefore, steady longshore transport and occasional storms, including hurricanes, remove the disposed material from the site.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

Based on the results of chemical and bioassay testing of past maintenance material and material from the existing disposal site plus chemical analyses of water from the area, there are no indications of water or sediment quality problems. Testing of past maintenance material indicated that it was acceptable for ocean disposal under 40 CFR 227. Studies at the interim-designated site and nearby areas, however, have indicated that grain size and composition of the benthos at and south of the interim-designated site is significantly different from that north and further offshore. The proposed disposal site, which encompasses much of the interim-designated site, was placed as near shore as possible to take advantage of the fact that the nearshore substrate is sandier than that further offshore.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

Impacts to shipping, mineral extraction, commercial and recreational fishing, recreational areas and historic sites have been evaluated for the Brazos Island Harbor site designation. The proposed site will not interfere with these or other legitimate uses of the ocean because the siting feasibility process was designed to reduce the possibility of a site which would interfere. Disposal operations in the past have not interfered with other uses.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))

Monitoring studies have shown only short-term water-column perturbations of turbidity, and perhaps increased chemical oxygen demand (COD), which resulted from disposal operations. No short-term sediment quality perturbation has been directly related to disposal operations. In general, the water and sediment quality is good throughout the disposal area and there have been no long-term adverse impacts on water and sediment quality from disposal operations. However, there has been a long-term impact on the grain size, and thus, on the composition of the benthos at the interim-designated site.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site. (40 CFR 228.6(a)(10)).

With a disturbance to any benthic community, initial recolonization will be by opportunistic species. However, these species are not nuisance species in the sense that they would interfere with other legitimate uses of the ocean or that they are human pathogens. Continued disposal of maintenance material at the proposed site should not attract nor promote the development or recruitment of nuisance species.

11. Existence at or in Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance. (40 CFR 228.6(a)(11)).

Areas and features of historical importance were evaluated during the siting feasibility process. The nearest site of historical importance is located near the jetties and is well within the buffer zone surrounding the jetties. Use of the proposed site would not impact any known historical or cultural sites. This determination is being coordinated with the Texas Historical Commission.

E. Proposed Action

Based on the Draft EIS, EPA proposes to designate the Brazos Island Harbor site for continued use for the ocean disposal of dredged material. The site is compatible with the five general criteria and eleven specific factors used for site evaluation.

Before ocean dumping of dredged material at the site may occur, the Corps of Engineers must evalute a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required.

F. Regulatory Assessments

Under the Regulatory Flexibilty Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regualtory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Mangement and Budget review under the paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Date: July 26, 1989.

Joseph D. Winkle,

Acting Regional Administrator of Region 6.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing from paragraph (a)(3) under "Dredged Material Sites" the entry for Brazos Island Harbor and adding paragraph (b)(78) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites

* * * * *

(b) * * *

(78) Brazos Island Harbor, Texas—Region 6

Location: 26° 04' 32" N., 97° 07' 26"W.; 26° 04' 32" N., 97° 06' 30" W.; 26° 04' 02" N., 97° 06' 30" W.; 26° 04' 02" N., 97° 07' 26" W.

Size: 0.42 square nautical miles.

Depth: Ranges from 55–65 feet.

Primary Use: Dredged material.

Period of Use: Indefinite period of time.

Restriction: Disposal shall be limited to dredged material from the Brazos Island Harbor Entrance Channel, Texas.

[FR Doc. 89–18387 Filed 8–4–89; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 228

[FRL–3525–7]

Ocean Dumping; Proposed Designation of Site; Gulf of Mexico Offshore of Port Mansfield, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located in the Gulf of Mexico offshore of Port Mansfield, Texas for the continued disposal of material dredged from the Port Mansfield Entrance Channel. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. This proposed site designation is for an indefinite period of time, but the site is subject to monitoring to ensure that unacceptable adverse environmental impacts do not occur.

DATE: Comments must be received on or before September 21, 1989.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. E.P.A., 1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations: EPA, Region 6, 1445 Ross Avenue, 9th Floor, Dallas, Texas 75202–2733; Corps of Engineers, Galveston District, 444 Barracuda Avenue, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260 or FTS/255–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established a site off Port Mansfield, Texas as an interim site for the disposal of material dredged from the entrance channel. In January 1980, the interim status of the site was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region 6 address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with its ocean dumping site designations (30 FR 16186, May 7, 1974).

EPA has prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Port Mansfield Ocean Dredged Material Disposal Site Designation." On July 14, 1989, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register**. The public comment period on this Draft EIS closes on August 28, 1989. Limited copies of the Draft EIS are available from the EPA address given above.

The proposed action discussed in the EIS is designation for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land based disposal alternatives were examined in a previously published EIS prepared by the Corps of Engineers (COE) and the analysis was updated in this Draft EIS. The COE concluded that there was no nearby land area suitable for use as a disposal site and that the costs of transport to any suitable upland area were uneconomical. This would require the acquisition of new areas. Since the surrounding land areas are wetlands or shallow bay habitats, development and use of a suitably sized replacement area would result in a significant loss of quality wetlands or bay bottoms. A land-based alternative would therefore offer no environmental benefit to ocean disposal.

Four ocean disposal alternatives—two nearshore sites (i.e., the interim-designated site and the proposed site), a mid-shelf site and a deepwater site—

were evaluated. Both the mid-shelf and deepwater sites were eliminated due to limited feasibility for monitoring, increased transportation costs and increased safety risks. In addition, the material to be dredged is of a different sediment type than that found further offshore, which could impact the biological community composition at these areas.

Portions of the interim-designated site are within the beach buffer zone and all of the site is within the jetty buffer zone. Therefore, the interim-designated site is not being proposed for designation. The proposed disposal site was selected to comply with areas of biological sensitivity and the beach and jetty buffer zones and to keep the disposal site in the nearshore sand habitat, as close to the channel as possible.

EPA is coordinating with the National Marine Fisheries Service in accordance with the requirements of Section 7 of the Endangered Species Act. EPA is also coordinating, as a part of the NEPA/EIS process, with the State of Texas regarding any requirements under the Coastal Zone Management Act.

C. Proposed Site Designation

The proposed site is located approximately 1.1 miles from the coast at its closest point. The water depth at the proposed site ranges from 35 to 50 feet. The coordinates of the rectangular-shaped site are as follows: 26°34'24" N., 97°15'15" W.; 26°34'26" N., 97°14'17" W.; 26°33'57" N., 97°14'17" W.; 26°33'55" N., 97°15'15" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impact outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met. The characteristics of the proposed site are reviewed below in terms of the eleven factors.

1. Geographical Position, Depth of Water, Bottom Topography and Distance From Coast (40 CFR 228.6(a)(1).)

Geographical position, average water depth, and distance from the coast for the disposal site are given above. Bottom topography is flat with no unique features or relief.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2).)

Living resources' breeding, spawning, nursery and passage areas in the project area were identified as excluded areas during the siting feasibility process and eliminated from consideration. There is an area of snapper banks and sports fishing which is excluded, including a one-mile buffer zone. The jetties, including a one-mile buffer zone, are excluded as a fishing area and as a migratory pathway. Also excluded are lighted platforms and non-submerged shipwrecks which improve fishing.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3).)

The proposed site is located more than 0.8 miles from any beach or other amenity area.

4. Types and Quantities of Wastes Proposed to Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Wastes, if Any (40 CFR 228.6(a)(4).)

Only maintenance material from the Port Mansfield Entrance Channel will be disposed. Historically, an average of 170,000 cy/yr has been dredged from the channel at roughly 15-month intervals. This material has historically been transported by hopper dredges but could be transported by pipeline. Based on chemical analyses and biological toxicity studies of past maintenance material, it was concluded that no special location or precautions would be necessary for the disposal of the dredged materials.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5).)

The proposed site is amenable to surveillance and monitoring. A monitoring and surveillance program, consisting of water, sediment and elutriate chemistry; bioassays; bioaccumulation studies; and benthic infaunal analyses, is proposed for the Port Mansfield site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, if Any (40 CFR 228.6(a)(6).)

Physical oceanographic parameters including dispersal, horizontal transport and vertical mixing characteristics were used: (1) To develop the necessary buffer zones for the siting feasibility analysis; and (2) to determine the minimum size of the proposed site. Predominant longshore currents, and thus predominant longshore transport, is to the north. Long-term mounding has not historically occurred. Therefore, steady longshore transport and occasional storms, including hurricanes, remove the disposed material from the site.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7).)

Based on the results of chemical and bioassay testing of past maintenance material and material from the existing disposal site plus chemical analyses of water from the area, there are no indications of water or sediment quality problems. Testing of past maintenance material indicated that it was acceptable for ocean disposal under 40 CFR 227. Studies of the benthos at the interim-designated site and nearby areas have not indicated any significant decrease or change in composition of the benthos at the disposal site.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean. (40 CFR 228.6(a)(8))

Impacts to shipping, mineral extraction, commercial and recreational fishing, recreational areas and historic sites have been evaluated for the Port Mansfield site designation. Use of the proposed site should not interfere with these or other legitimate uses of the ocean because the siting feasibility process was designed to reduce the possibility of a site which would interfere. Disposal operations in the past have not interfered with other uses.

9. The Existing Water Quality and Ecology of the Site as Determined by Available Data or by Trend Assessment or Baseline Surveys. (40 CFR 228.6(a)(9).)

Monitoring studies have shown only short-term water-column perturbations of turbidity, and perhaps increased chemical oxygen demand (COD), which resulted from disposal operations. No

short-term sediment quality perturbation has been directly related to disposal operations. In general, the water and sediment quality is good throughout the disposal area and there have been no long-term adverse impacts on water and sediment quality from disposal operations. In addition there has been no long-term impacts on the benthos at the interim-designated site.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site. (40 CFR 228.6(a)(10).)

With a disturbance to any benthic community, initial recolonization will be by opportunistic species. However, these species are not nuisance species in the sense that they would interfere with other legitimate uses of the ocean or that they are human pathogens. Continued disposal of maintenance material at the proposed site should not attract nor promote the development or recruitment of nuisance species.

11. Existence at or in Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance. (40 CFR 228.6(a)(11).)

Areas and features of historical importance were evaluated during the siting feasibility process. The nearest site of historical importance is located near the jetties, approximately 0.85 miles from the closest edge of the proposed disposal site. Use of the site would not impact any known historical or cultural sites. This determination is being coordinated with the Texas Historical Commission.

E. Proposed Action

Based on the Draft EIS, EPA proposes to designate the Port Mansfield site for continued use for the ocean disposal of dredged material. The site is compatible with the five general criteria and eleven specific factors used for site evaluation.

Before ocean dumping of dredged material at the site may occur, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: July 26, 1989.

Joseph D. Winkle,

Acting Regional Administrator of Region 6.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing from paragraph (a)(3) under "Dredged Material Sites" the entries for Port Mansfield Channel and adding paragraph (b)(80) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(80) Port Mansfield, Texas—Region 6

Location: 26°34'24" N, 97°15'15" W; 26°34'26" N, 97°14'17" W; 26°33'57" N, 97°14'17" W; 26°33'55" N, 97°15'15" W.

Size: 0.42 square nautical miles.

Depth: Ranges from 35–50 feet.

Primary Use: Dredged material.

Period of Use: Indefinite period of time.

Restriction: Disposal shall be limited to dredged material from the Port Mansfield Entrance Channel, Texas.

[FR Doc. 89–18385 Filed 8–4–89; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 228

[FRL–3525–6]

Ocean Dumping; Proposed Designation of Site; Gulf of Mexico Offshore of Port O'Connor, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located in the Gulf of Mexico offshore of Port O'Connor, Texas for the continued disposal of material dredged from the Matagorda Ship Channel. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. This proposed site designation is for an indefinite period of time, but the site is subject to monitoring to insure that unacceptable adverse environmental impacts do not occur.

DATE: Comments must be received on or before September 21, 1989.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E–F), U.S. E.P.A., 1445 Ross Avenue, Dallas, Texas 75202–2733.

Information supporting this proposed designation is available for public inspection at the following locations:

EPA, Region 6, 1445 Ross Avenue, 9th Floor, Dallas, Texas 75202–2733.

Corps of Engineers, Galveston District, 444 Barracuda Avenue, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Norm Thomas 214/655–2260 or FTS/255–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established the Matagorda Ship Channel site as an

interim site for the disposal of material dredged from the entrance channel. In January 1980, the interim status of the site was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region 6 address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with its ocean dumping site designations (30 FR 16186, May 7, 1974).

EPA has prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Matagorda Ship Channel Ocean Dredged Material Disposal Site Designation." On July 14, 1989, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register**. The public comment period on this Draft EIS closes on August 28, 1989. Limited copies of the Draft EIS are available from the EPA address given above.

The proposed action discussed in the EIS is designation for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives, including taking no action. Land based disposal alternatives were examined in a previously published EIS prepared by the Corps of Engineers and the analysis was updated in this Draft EIS. The nearest available land disposal area is 100 acres in size and is located 3 miles away from the seaward end of the project. Because of the high costs of transport as well as the limited capacity of the area, this alternative is not feasible. Also since the surrounding land areas are wetlands or shallow bay habitats, development and use of a suitably sized replacement area would result in a significant loss of quality wetlands or bay bottoms. A land-based alternative would therefore offer no environmental benefit to ocean disposal.

Four ocean disposal alternatives—two nearshore sites (i.e., the interim-designated site and the proposed site), a mid-shelf site and a deepwater site—were evaluated. Both the mid-shelf and deepwater sites were eliminated due to limited feasibility for monitoring, increased transportation costs and increased safety risks. In addition the material to be dredged is of a different sediment type than that found further offshore, which could impact the biological community composition at these areas.

Portions of the interim-designated site are within the jetty buffer zone and the beach buffer zone. Therefore, the interim-designated site is not being proposed for designation in its entirety. The proposed disposal site includes much of the area of historical impact of the interim site but excludes the two buffer zones referenced above.

EPA is coordinating with the National Marine Fisheries Service in accordance with the requirements of section 7 of the Endangered Species Act. EPA is also coordinating, as a part of the NEPA/EIS process, with the State of Texas regarding any requirements under the Coastal Zone Management Act.

C. Proposed Site Designation

The proposed site is located approximately 1.5 miles from the coast at its closest point. The water depth at the proposed site ranges from 25 to 40 feet. The coordinates of the rectangular-shaped site are as follows: 28°24'10" N., 96°18'23" W.; 28°23'33" N., 96°17'45" W.; 28°23'05" N., 96°18'15" W.; 28°23'43" N., 96°18'54" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met. The characteristics of the proposed site are reviewed below in terms of the eleven factors.

1. Geographical Position, Depth of Water, Bottom Topography and Distance From Coast (40 CFR 228.6(a)(1))

Geographical position, average water depth, and distance from the coast for the disposal site are given above. Bottom topography is flat with no unique features or relief.

2. Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases (40 CFR 228.6(a)(2))

Breeding, spawning, nursery and passage areas in the project area were identified during the siting feasibility process and eliminated from consideration. Also excluded were lighted platforms and non-submerged shipwrecks which improve fishing.

3. Location in Relation to Beaches and Other Amenity Areas (40 CFR 228.6(a)(3))

The proposed site is approximately 1.5 miles from beaches and other amenity areas such as the Matagorda Island National Seashore.

4. Types and Quantities of Wastes Proposed To Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Wastes, if Any (40 CFR 228.6(a)(4))

Only maintenance material from the Matagorda Ship Channel will be disposed. Historically, an average of 795,000 cy/yr has been dredged from the channel at roughly 12-month intervals. This material has historically been transported by hopper dredges but could be transported by pipeline. Based on chemical analyses and biological toxicity studies of past maintenance material, it was concluded that no special location or precautions would be necessary for the disposal of the dredged materials.

5. Feasibility of Surveillance and Monitoring (40 CFR 228.6(a)(5)1)

The proposed site is amenable to surveillance and monitoring. A monitoring and surveillance program, consisting of water, sediment and elutriate chemistry; bioassays; bioaccumulation studies; and benthic infaunal analyses, is proposed for the Matagorda Ship Channel site.

6. Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, if Any (40 CFR 228.6(a)(6))

Physical oceanographic parameters including dispersal, horizontal transport

and vertical mixing characteristics were used: (1) to develop the necessary buffer zones for the siting feasibility analysis; and (2) to determine the minimum size of the proposed site. Predominant longshore currents, and thus predominant longshore transport, is to the southwest. Long-term mounding has not historically occurred. Therefore, steady longshore transport and occasional storms, including hurricanes, remove the disposed material from the site.

7. Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) (40 CFR 228.6(a)(7))

Based on the results of chemical and bioassay testing of past maintenance material and material from the existing disposal site plus chemical analyses of water from the area, there are no indications of water or sediment quality problems. Testing of past maintenance material indicated that it was acceptable for ocean disposal under 40 CFR Part 227. Studies of the benthos at the interim-designated site and nearby areas have indicated that the composition of the benthos is different from that in nearby "natural bottom" areas. This difference in benthos composition is due primarily to the fact that the substrate at the interim-designated site is much coarser than the "natural bottom". Therefore, the proposed disposal site is located to take advantage of the fact that the nearshore substrate is coarser than that further offshore and to include as much of the interim-designated site as possible.

8. Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean (40 CFR 228.6(a)(8))

Impacts to shipping, mineral extraction, commercial and recreational fishing, recreational areas and historic sites have been evaluated for the Matagorda Ship Channel site designation. The proposed site should not interfere with these and other legitimate uses of the ocean because the siting feasibility process was designed to reduce the possibility of a site which would interfere. Also, disposal operations in the past have not interfered with other uses.

9. The Existing Water Quality and Ecology of the Site as Determined by Available data or by Trend Assessment or Baseline Surveys (40 CFR 228.6(a)(9))

Monitoring studies have shown only short-term water-column perturbations of turbidity, and perhaps increased chemical oxygen demand (COD), which resulted from disposal operations. No short-term sediment quality perturbation, except grain size, have been directly related to disposal operations. In general, the water and sediment quality is good throughout the disposal area and there have been no long-term adverse impacts on water and sediment quality from disposal operations. However, there has been a long-term impact on the grain size, and thus, on the benthos at the interim-designated site.

10. Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site (40 CFR 228.6(a)(10))

With disturbance to a benthic community, initial recolonization will be by opportunistic species. However, these species are not nuisance species in the sense that they would interfere with other legitimate uses of the ocean or that they are human pathogens. Continued disposal of maintenance material at the proposed site should not attract nor promote the development or recruitment of nuisance species.

11. Existence at or in Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance (40 CFR 228.6(a)(11))

Areas and features of historical importance were evaluated during the siting feasibility process. The nearest site of historical importance is located northeast of the channel or up-current of the proposed site. Therefore, use of the proposed site would not adversely impact any known site of historical importance. This determination is being coordinated with the Texas Historical Commission.

E. Proposed Action

Based on the Draft EIS, EPA proposes to designate the Matagorda Ship Channel site for continued use for the ocean disposal of dredged material. The site is compatible with the five general criteria and eleven specific factors used for site evaluation.

Before ocean dumping of dredged material at the site may occur, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Date: July 26, 1989.

Joseph D. Winkle,

Acting Regional Administrator of Region 6.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing from paragraph (a)(3) under "Dredged Material Sites" the entry for Matagorda Ship Channel and adding paragraph (b)(79) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(79) Matagorda Ship Channel, Texas—Region 6

Location: 28°24'10" N., 96°18'23" W.; 28°23'33" N., 96°17'45" W.; 28°23'05" N., 96°18'15" W.; 28°23'43" N., 96°17'54" W.

Size: 0.56 square nautical miles.

Depth: Ranges from 25–40 feet.
Primary Use: Dredged material.
Period of Use: Indefinite period of time.
Restriction: Disposal shall be limited to dredged material from the Matagorda Ship Channel, Texas.

[FR Doc. 89–18386 Filed 8–4–89; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 335

RIN 3067–AB46

Protection of Essential Resources and Facilities

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking proposes to add a new part 335 in Title 44 Code of Federal Regulations, Protection of Essential Resources and Facilities Guidance, Chapter I, Federal Emergency Management Agency, Subchapter E Preparedness. New part 335 responds to part 1 of Executive Order 12656 of November 18, 1988, which provides that the Director, FEMA, assists the National Security Council in the implementation of national security emergency preparedness policy and which delegates to the Director the lead responsibility for coordinating and supporting the initiation, development, and implementation of national security emergency preparedness programs and plans among the Federal departments and agencies. This Part provides for the protection of essential resources and facilities which is part of the national security emergency preparedness policy and provides guidance to the Federal departments and agencies in the implementation of this policy.

DATES: Comments are requested and should be submitted in writing to the address listed below no later than October 6, 1989.

ADDRESSES: Submit written comments, in duplicate, on the proposed guidance, to the Rules Docket Clerk, Federal Emergency Management Agency, Room 840, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Henry M. Hyatt, Senior Physical Scientist, Office of Mobilization Preparedness, Federal Emergency Management Agency, Room 619, 500 C Street SW., Washington, DC 20472, Telephone (202) 646–3567.

SUPPLEMENTARY INFORMATION: This proposed guidance is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. It will not have an annual effect on the economy of $100 million or more; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State or local agencies, or geographic regions; and will not have a significant adverse impact on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

This Part applies to Federal Government agencies. In accordance with the Regulatory Flexibility Act of 1980, it is hereby certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This rule does not contain information requirements that are subject to the Paper Work Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and OMB implementing regulations 5 CFR part 1320.

The regulation in this Part provides guidance to Federal agencies which may or may not take an action which could be subject to environmental documentation requirements. The guidance has no environmental consequences and it is determined, under FEMA's regulation published in 44 CFR 10.8, that it is not necessary to prepare either an environmental assessment or an environmental impact statement.

In promulgating these rules, FEMA has considered the President's Executive Order on Federalism issued on October 26, 1987 (E.O. 12612, 52 FR 41685). The purpose of the order is to assure the appropriate division of governmental responsibilities between national government and the States. Among other provisions, this rule implements the requirements that agency rules be in accordance with the so-called common rule, adopted by FEMA at 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local Governments. The problem dealt with in this Part is national in scope. In view of the joint Federal-State responsibility for civil defense, and FEMA's role under the Federal Civil Defense Act of 1950, as amended, the regulation in this Part is determined to conform FEMA assistance to Executive Order 12612.

List of Subjects in 44 CFR Part 335

National defense, National security emergency, Protection of essential resources and facilities.

Accordingly, Subchapter E, Chapter I, Title 44, Code of Federal Regulations, is proposed to be amended by adding a new part 335 as follows:

PART 335—PROTECTION OF ESSENTIAL RESOURCES AND FACILITIES

Sec.

Authority: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. App. 2061 *et seq.;* Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2251 *et seq.;* E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412; E.O. 10480 of August 14, 1953, 3 CFR 1949–53 Comp., p. 962; and E.O. 12656 of November 18, 1988, 53 FR 47491.

§ 335.1 Purpose.

This part:

(a) Provides policy guidance pursuant to the cited authority including the Defense Production Act of 1950, as amended; section 1–103 of Executive Order (E.O.) 12148, as amended, which includes functions that were vested under E.O. 11051; sections 104(f) and 204 of E.O. 12656, in the identification of facilities and resources, both government and private, essential to the national defense and national welfare.

(b) Provides criteria guidance for the Federal departments and agencies to assess on a priority basis the vulnerabilities of essential facilities and resources that would impact on the needs of national defense.

(c) Provides planning guidance for the Federal departments and agencies to develop strategies, plans, and programs to provide for the security of essential facilities and resources on a priority basis, and to avoid or minimize disruptions of essential services during any national security emergency.

§ 335.2 Scope and applicability.

(a) This order covers the protection of resources and facilities, both government and private, essential to the national defense and national welfare, and provides for the assessment of their vulnerability. The order also provides guidance for the development of strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national security emergency.

(b) This order applies to essential facilities and resources in the assigned areas of responsibility of Federal departments and agencies.

§ 335.3 Definitions.

(a) *Essential facilities.* Any factory, plant, building or structure used for manufacturing, production, processing, repairing, assembling, storing or distributing a product or components deemed essential to national security and a Federal agency mission, including any industrial asset nominated for inclusion in the Department of Defense Key Assets List in accordance with the selection criteria set forth in DOD Directive 5160.54 of 26 June 1989 (copy available from Records & Reference Branch, DOD/WHS, Room 3A948 The Pentagon, Washington, DC 20301); any communication or computer facility or system; any energy source or distribution system; any air, rail, road or water transportation asset; any other infrastructure facility that is required to support an industrial asset listed in the DOD Key Assets list or a military facility; or to otherwise support DOD mobilization, deployment or sustainment.

(b) *Essential resources* are natural resources, construction, industrial production, human resources (including health resources, housing, public information, training and education), economic resources (fiscal and monetary systems) and infrastructure systems (transportation, energy communications, data processing, water and agricultural production).

(c) *Essential facilities and resources protection* is the process used for the protection of essential resources and facilities from disruption by an event in a full spectrum of threats ranging from natural disasters to sabotage by groups or individuals whose actions are hostile to national security.

(d) *Facilities/Structures* means those Government-owned and/or privately-owned plants, mines, buildings (including buildings occupied in whole or in part by any Federal agency), materials, products, and processes, and those Government-provided and privately-provided services, which are of importance to defense mobilization, defense production, or the essential civilian economy and are located or provided in the United States or in the territories or possessions of the United States. This definition shall not extend to federally owned military posts, camps, stations, arsenals or other comparable facilities under the military command of the Department of Defense.

(e) *Mobilization* is the process of marshalling resources, both civil and military, to respond to and manage a national security emergency.

(f) *National security emergency* is any occurrence, including natural disaster, military attack, technological emergency, or other emergency, that seriously degrades or threatens the national security of the United States.

(g) *Physical security* means security against sabotage, espionage, and other hostile activity and other destructive acts and omissions, but excludes security attributable to operations of military defense or combat and excludes activities with respect to the dispersal and post-attack rehabilitation of facilities.

§ 335.4 Policy.

(a) It is the policy of the United States to have an emergency mobilization preparedness capability that shall ensure that Government at all levels, in partnership with the private sector and the American people, can respond decisively and effectively to any national security emergency with defense of the United States as the first priority.

(b) It is the national security emergency preparedness policy to develop and promote the security and protection of essential facilities and resources within the United States and in U.S. territories and possessions essential to the national defense by providing to the owners or managers of such assets appropriate advice, guidance, and planning assistance concerning the application of physical security and emergency preparedness measures. The purpose of such assistance is to encourage owners and civil law enforcement agencies to protect facilities and resources from sabotage, espionage, and other hostile or destructive acts, and to minimize the effect of attack damage.

(c) Physical security of facilities and resources is an inherent responsibility of ownership. The primary responsibility for the physical security of any privately-owned assets, federally-owned assets under the control of any Federal department or agency or of any contractor, or assets owned by any state or political subdivision of any State is with that entity. The primary responsibility for interdiction is with Federal, state and local law enforcement authorities.

(d) The Federal Government does not have the primary responsibility for the physical security of privately-owned facilities or of facilities owned by any State or political subdivision of any State, or any inter-governmental body.

(e) It is the policy of the United States to identify those essential facilities and resources the partial or complete loss of which would have an immediate and severe impact on the national defense; to assess the vulnerability of these facilities and resources; and to provide for their protection on a priority basis in the most cost effective and systematic manner possible.

§ 335.5 Responsibilities.

(a) *Departments and Agencies.* The head of each Federal department and agency shall:

(1) Identify facilities and resources on a priority basis, both private and government, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources, and to avoid or minimize disruptions of essential services during any national emergency;

(2) Participate in interagency activities to assess the relative importance of various facilities and resources to essential military and civilian needs and to integrate preparedness and response strategies and procedures;

(3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies;

(4) Where appropriate, furnish advice, through developed and operational communication channels, to the management or owner of a subject facility or resource with respect to developing and administering the physical security programs;

(5) In consultation with the management or owner of a facility or resource, or in cooperation with other qualified technical agencies and established advisory committees, assist in the development of standard security criteria for facilities or resources; and

(6) Supervise, when appropriate, the application of physical security measures and appraise the adequacy and efficiency of the measures taken.

(b) The Department of Justice shall support the heads of Federal departments and agencies, State and local governments, and the private sector in the development of plans and programs to physically protect essential resources and facilities. This responsibility has been delegated to the Federal Bureau of Investigation for implementation under Executive Order 12656.

(c) The Federal Emergency Management Agency (FEMA) shall:

(1) Coordinate and support the initiation, development, and implementation of plans for the protection of essential facilities and

resources within the assigned areas of responsibility of Federal departments and agencies as part of the national security emergency preparedness policy;

(2) Assist the Department of Justice and other Federal departments and agencies in the interagency activity of identifying and assessing the relative importance of various facilities and resources to military and essential civilian needs and to integrate preparedness and response strategies and procedures; and

(3) As coordinator for national security emergency preparedness policy, report to the President and the National Security Council concerning the status of the essential facilities and resource protection programs of the Federal departments and agencies and furnish such recommendations as may be appropriate.

§ 335.6 Criteria.

(a) The significance of essential facilities and resources to Federal departments and agencies or to the owners of such facilities or resources, is determined by applying the following criteria:

(1) An asset whose loss would halt or unacceptably delay mobilization deployment and sustainability efforts; and

(2) An asset that produces critical items whose loss would halt or delay unacceptably, mobilization, deployment or sustainment efforts.

(b) These criteria in turn depend upon the following factors:

(1) The importance of the service or product it provides or produces;

(2) The dependence of the population or industry on the product;

(3) The cost of replacement;

(4) The replacement time; and

(5) The availability of substitutes.

(c) Priority selection categories. An essential facility or resource shall be assigned to one of the following categories:

(1) *Category one.* An essential facility or resource which has no replacement, substitute, or alternative. The partial or complete loss of such facility or resource, would have an immediate and adverse impact on the national defense.

(2) *Category two.* An essential facility or resource for which alternatives are available, but such alternatives are required to meet other needs of a national security emergency.

§ 335.7 Implementation.

(a) Federal departments and agencies with the support of the Department of Justice and the owners of the facilities and resources will provide the actual identification of potential or actively disruptive vulnerabilities, and conduct analyses of their respective facilities and resources.

(b) Federal departments and agencies, within their assigned areas of responsibility, shall:

(1) Identify facilities and resources, both government and private, essential to the national defense and national welfare, and assess their vulnerabilities and develop strategies, plans, and programs to provide for the security of such facilities and resources on a priority basis, and to avoid or minimize disruptions of essential services during any national security emergency;

(2) Participate in interagency activities to assess the relative importance of various facilities and resources essential to military and civilian needs and to integrate preparedness and response strategies and procedures;

(3) Maintain a capability to assess promptly the effect of attack and other disruptions during national security emergencies. (Reference: Section 204; E.O. 12656);

(4) Use their essential facilities and resource plans to choose their individual responses and strategies appropriate to the crisis or emergency situation.

(5) Develop strategies, as appropriate, to aid decision makers in the implementation of their essential facilities and resources protection programs.

(c) Plans and strategies will be coordinated with FEMA by the Federal departments and agencies under the aegis of the National Security Council, to assist them in developing Federal Standards for categorizing their essential facilities and resources; prioritizing their protection; and in understanding the need to assure the availability of essential facilities and resources in a national security emergency.

§ 335.8 Reporting.

In carrying out its responsibility of periodically reporting to the President and the National Security Council on the implementation of the national security emergency preparedness policy, the departments and agencies shall cooperate with FEMA to the extent appropriate, in compiling, evaluating, and exchanging data on the essential facilities and resources protection programs.

Dated: July 28, 1989.

Robert H. Morris,

Acting Director, Federal Emergency Management Agency.

[FR Doc. 89-18395 Filed 8-4-89; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-324, RM-6774]

Radio Broadcasting Services; Ebenezer, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by JimBar Enterprises, proposing the allotment of FM Channel 280A to Ebenezer, Mississippi, as that community's first FM broadcast service. The coordinates for Channel 280A are 32-54-13 and 90-10-18 which include a site restriction 10.6 kilometers (6.6 miles) southwest of the community. The notice instructs the petitioner to present the Commission with sufficient information to demonstrate Ebenezer has the social, economic or cultural indicia to qualify it as a community for allotment purposes.

DATES: Comments must be filed on or before September 22, 1989, and reply comments on or before October 10, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Frank R. Jazzo, Fletcher, Heald & Hildreth, 1225-Connecticut Avenue, NW, Suite 400, Washington, DC 20036 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerie, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-324, adopted, July 13, 1989, and released August 1, 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. Provisions of the Regulatory Flexibility Act of 1908 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings,

such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18318 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-318, RM-6692]

Radio Broadcasting Services; Windcrest and Hondo, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Jewel R. Morris proposing the allotment of Channel 253A to Windcrest, Texas, as that community's first local FM service. In order to accomplish the channel allotment at Windcrest, Channel 254A must be substituted for vacant but applied for Channel 253A at Hondo, Texas. Since both communities are located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government must be obtained for the proposal. Channel 253A can be allotted to Windcrest at a site restriction of 5.1 kilometers (3.2 miles) north of the city, at coordinates 29-33-35 and 98-22-01.

DATES: Comments must be filed on or before September 22, 1989, and reply comments on or before October 10, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Jewel R. Morris, 8619 Sagebrush Lane, San Antonio, TX 78217 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-318, adopted July 7, 1989, and released August 1, 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.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-18317 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 94

[PR Docket No. 89-113]

Private Operational-Fixed Microwave Service; Channeling Plan; 2450-2483.5 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Order Extending Reply Comment Period.

SUMMARY: The Acting Chief, Private Radio Bureau has adopted an Order extending the deadline in which to file reply comments to the Notice of Proposed Rule Making in this proceeding. The new date is August 14, 1989. This action is taken to provide interested parties a sufficient period of time to prepare reply comments.

DATES: Reply Comments due August 14, 1989.

FOR FURTHER INFORMATION CONTACT: Michael Lewis, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: The summary of the Notice of Proposed Rule Making in this proceeding was printed in the **Federal Register** on June 5, 1989 at 54 FR 24006.

Federal Communications Commission.

Richard J. Shiben,

Acting Chief, Private Radio Bureau.

[FR Doc. 89-18316 Filed 8-4-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 263 and 267

[Docket No. 50340-8274]

RIN 0648-AC12

United States Standards for Grades of Fish Fillets

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

ACTION: Notice of extension of comment period.

SUMMARY: NOAA issues this notice to extend for 30 days the period during which the public may comment on the proposed amendment to six U.S. Standards for Grades of Fishery Products to allow a bone-in style for fish fillets. Copies of the proposed amendment may be obtained from the address below.

DATES: Comments on the amendment should be submitted in writing on or before September 6, 1989.

ADDRESSES: All comments on the proposed amendment should be submitted to Thomas J. Moreau, Director, Technical Services Unit, Inspection Service Division, F/TS45, NMFS, NOAA, U.S. Department of Commerce, One Blackburn Drive, Gloucester, MA 01930.

Copies of the U.S. Standards for Grades, the proposed amendment and supporting documentation are available from the Standards & Specifications Branch, Technical Services Unit, NMFS, NOAA, U.S. Department of Commerce, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Earl C. Johnston, Chief, Standards & Specifications Branch (508-281-9219).

SUPPLEMENTARY INFORMATION: The proposed rule to amend six U.S. Standards for Grades to include a bone-in style for fish fillets was published in the **Federal Register** on May 31, 1989 (54 FR 23235). The proposed rule was developed as a result of comments received from a request for comments published previously in the **Federal Register** (50 FR 12591, March 29, 1985) on the desirability of amending four existing U.S. Standards for Grades. The

proposed rule published on May 31, 1989 specified a comment period extending through July 31, 1989. During the comment period, the National Fisheries Institute (NFI), the largest nonprofit trade organization in the U.S. seafood industry, with more than 1,100 members, requested an extension to the comment period in order for its membership to be advised of the proposed amendment. Because NOAA believes that additional comments from the affected industry are in the best interest of the public, an additional 30 days for comment are established by this notice. The Secretary of Commerce will consider the public comments in determining whether to modify approve the amendment.

Authority: 7 U.S.C. 1621–1630.

Dated: August 2, 1989.

Thomas J. Billy,

Acting Director, Office of Trade & Industry, National Marine Fisheries Service.

[FR Doc. 89–18416 Filed 8–4–89; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 54, No. 150
Monday, August 7, 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

Soil Conservation Service

Environmental Impact Statement; South Edisto, SC

AGENCY: Soil Conservation Service, USDA

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 65), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Edisto River Watershed, Bamberg and Barnwell Counties, South Carolina.

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, Telephone (803) 765–5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical and financial assistance to apply land treatment measures on 12,925 acres of cropland.

A copy of the Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment is on file and may be reviewed by contacting Billy Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)

Dated: July 18, 1989.

Billy Abercrombie,

State Conservationist.

[FR Doc. 89–18367 Filed 8–4–89; 8:45am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Map Production Software for the TIGER System

ACTION: Notice.

SUMMARY: The Census Bureau announces the availability of FORTRAN source code for routines used on the Census Bureau's Unisys mainframe computers to produce 1990 census maps from the TIGER File. The FORTRAN source code is on one reel of magnetic tape. The Census Bureau also includes written documentation of the TIGER File data structure used on the Census Bureau's mainframe computers. No additional written documentation exists. The source code for these routines is provided "as is," without support and without certification as to usability on any other computer system. The tape and TIGER documentation are available as a package for $600.

ADDRESS: Persons wishing to order this product or obtain additional information should write to: Customer Services Branch, Data User Services Division, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Write to the above address or telephone (301) 763–4100.

Dated: August 1, 1989.

C.L. Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 89–18382 Filed 8–4–89; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation, Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.22 or § 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to Request a Review: Not later than August 31, 1989, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in August for the following periods:

Antidumping Duty Proceeding

	Period
Belgium: Industrial phosphoric acid (A–423–602)	08/01/88–07/31/89
France: Industrial nitrocellulose (A–427–009)	08/01/88–07/31/89
Israel: Industrial phosphoric acid (A–508–604)	08/01/88–07/31/89
Italy: Granular polytetrafluoroethylene resin (A–475–703)	04/20/88–07/31/89
Italy: Tapered roller bearings, and parts thereof finished and unfinished (A–475–603)	08/01/88–07/31/89
Japan: Acrylic sheet (A–588–055)	08/01/88–07/31/89
Japan: Brass sheet and strip (A–588–704)	08/01/88–07/31/89

	Period
Japan: Cadmium (A-588-035)	08/01/88-07/31/89
Japan: Certain high-capacity pagers (A-588-707)	08/01/88-07/31/89
Japan: Granular polytetrafluoroethylene resin (A-588-707)	04/20/88-07/31/89
Japan: Tapered roller bearings four inches or less in outside diameter and components thereof (A-588-054)	08/01/88-07/31/89
Netherlands: Brass sheet and strip (A-421-701)	02/08/88-07/31/89
Taiwan: Clear sheet glass (A-583-023)	08/01/88-07/31/89
Thailand: Malleable cast iron pipe fittings (A-549-601)	08/01/88-07/31/89
The People's Republic of China: Petroleum wax candles (A-570-504)	08/01/88-07/31/89
Turkey: Acetylsalicylic acid (aspirin) (A-489-602)	08/01/88-07/31/89
Union of Soviet Socialist Republics: Titanium sponge (A-461-008)	08/01/88-07/31/89
Venezuela: Certain electrical conductor aluminum redraw rods (A-307-701)	02/08/88-07/31/89
Yugoslavia: Tapered roller bearings, and parts thereof finished or unfinished (A-479-601)	08/01/88-07/31/89

Countervailing Duty Proceeding

	Period
Canada: Live swine (C-122-404)	04/01/88-03/31/89
Israel: Industrial phosphoric acid (C-508-605)	01/01/88-12/31/88
New Zealand: Low-fuming brazing copper rod and wire (C-614-501)	08/01/88-07/31/89
Thailand: Pipes and tubes (C-549-501)	01/01/88-12/31/88
Turkey: Acetylsalicylic acid (C-489-603)	01/01/88-12/31/88
Venezuela: Certain electrical conductor aluminum redraw rod (C-307-702)	08/17/88-12/31/88
Zimbabwe: Carbon steel wire rod (C-796-601)	01/01/88-12/31/88

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, DC 20230.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by August 31, 1989.

If the Department does not receive by August 31, 1989 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: August 1, 1989.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 89-18426 Filed 8-4-89;8:45 am]

BILLING CODE 3510-05-M

[A-122-503]

Certain Iron Construction Castings From Canada; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by Bibby Ste. Croix Foundries, Inc., ("Bibby"), a respondent, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain iron construction castings from Canada. The review covers one manufacturer/exporter of this merchandise to the United States and the period March 1, 1987 through February 29, 1988.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen Kelleher or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On March 5, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 17220) an antidumping duty order on certain iron construction castings from Canada.

The respondent requested in accordance with § 353.53a(a) of the Commerce Regulations (19 CFR 353.53a(a) (1988)) that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on April 27, 1988 (53 FR 15083). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments of certain iron construction castings, limited to manhole covers, rings and frames, catch basin grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems, classifiable as heavy castings under item number 657.0950 of the Tariff Schedules of the United States (TSUSA); and to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under TSUSA item number 657.0990. These articles must be of cast iron, not alloyed, and not malleable. Heavy castings are currently classifiable under HTS items 7325.10.00.10 and 7325.10.00.50. Light castings are classifiable under HTS items 8306.29.00.00 and 8310.00.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of certain Canadian iron construction castings and the period March 1, 1987 through February 29, 1988.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed FOB or CIF prices to unrelated purchasers in the United States. Where applicable, we made adjustments for foreign inland freight, ocean freight, and brokerage and handling charges. We also made deductions, where appropriate, for sales discounts.

Foreign Market Value

In calculating foreign market value, the Department used home market prices, as defined in section 773 of the

Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. We made comparisons of "such or similar" merchandise based on a consideration of the shape, weight, and size of the castings.

Home market prices were based on packed FOB or delivered prices to unrelated purchasers in Canada, with appropriate deductions for freight, early payment discounts and rebates. We also made adjustments, where applicable, for differences in packing and credit expenses. We made further adjustments for U.S. commissions, and for home market commissions or for indirect selling expenses to offset U.S. commissions, as appropriate, in accordance with § 353.56(b) of the Commerce Department's regulations published in the **Federal Register** on March 28, 1989 (54 FR 12742) (to be codified at 19 CFR 353.56(b)).

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margin exists:

Manufacturer/ Exporter	Period	Margin (percent)
Bibby Ste. Croix Foundries, Inc.....	03/01/87-02/29/88	24.78

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any written or oral comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may differ from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margin shall be required. For any shipments from the remaining known manufacturers and exporters not covered by this review, the cash deposit will continue to be at the rate for each of those firms published in the antidumping duty order (51 FR 17220; March 5, 1986).

For any future entries of this merchandise from a new exporter, not covered in this administrative review, whose first shipments occurred after February 29, 1988, and who is unrelated to any reviewed firm, a cash deposit of 24.78 percent shall be required.

These deposit requirements are effective for all shipments of certain Canadian iron construction castings entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this 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 § 353.15 of the Department's regulations.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

Dated: July 31, 1989.

[FR Doc. 89-18424 Filed 8-4-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-533-501]

Certain Iron Construction Castings From India; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by the petitioners, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain iron construction castings from India. The review covers eleven manufacturers/exporters of this merchandise to the United States, and the period October 28, 1985 through April 30, 1987. The review indicates the existence of dumping margins for certain firms during the period. As a result, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 7, 1989.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 17221) an antidumping duty order on certain iron construction castings from India. The petitioners, the Municipal Castings Fair Trade Council and its individually-named members, requested in accordance with § 353.53a(a) of the Commerce Regulations (19 CFR 353.53a(a) (1988)) that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on June 19, 1987 (52 FR 23330). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act")

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments of certain heavy and light iron construction castings. Heavy castings are limited to manhole covers, rings and frames, catch basin grates and frames, and cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems. During the review period, heavy castings were classifiable under items 657.0950 and 657.0990 of the Tariff Schedules of the United States Annotated ("TSUSA"). This merchandise is currently classifiable under HTS items 7325.10.00.9 and 7325.10.00.50.0. Light castings are limited to valve boxes, service boxes and meter boxes which are placed below ground to encase water valves, gas valves, and other valves, or water and gas meters. During the review period, light castings were classifiable under TSUSA item 657.0990. This merchandise is currently classifiable under HTS item 7325.10.00.50.0. The HTS item numbers

are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers 11 manufacturers/exporters of certain Indian iron construction castings and the period October 28, 1985 through April 30, 1987. East Coast Co., Victory Iron Works, Paharimata Iron Works, Kamala Iron Foundry, Shree Laxmi Metal and S.K. Iron Foundry and Engineering failed to respond to the Department's antidumping duty questionnaire. For these six firms, we used the highest rate for responding firms, as best information available for assessment and cash deposit purposes.

On June 28, 1988, Neenaa Foundry Pvt. Ltd. ("Neenaa") and Overseas Foundry Pvt. Ltd. ("Overseas") requested that we consider merchandise exported by Neenaa and Overseas to be excluded from the antidumping duty order. Their request is based on the exclusion of Kajaria Castings from the scope of the order. In our final affirmative antidumping duty determination, we excluded Kajaria Castings because we found it had a *de minimis* dumping margin (51 FR 9486, March 19, 1986). At the time of the final determination, Neenaa and Overseas were castings producers related to Kajaria, which exported castings directly to the United States. Neenaa and Overseas did not export castings to the United States during the period of investigation. Therefore, we used Kajaria's prices to unrelated customers in the United States for purposes of establishing U.S. price. Since that time, Kajaria has changed its name to Select Steels and no longer exports castings. Further, Neenaa and Overseas now export castings directly. Since our exclusion covers only mechandise exported by Kajaria Castings, we consider merchandise exported by Neenaa and Overseas to be subject to the antidumping duty order.

On May 4, 1988, the petitioners alleged that third-country sales from R.B. Agarwalla & Co., Carnation Enterprises, Pvt. Ltd. ("Carnations") and Govind Steel Co., and home market sales from Uma Iron & Steel Co./Commex Corporation were at prices below the cost of producing the merchandise. The Department determined that there was a reasonable basis to initiate a cost of production investigation for all four firms. We requested that cost of production data be submitted on a quarterly basis. Super Castings provided cost of production on a quarterly basis. All other companies reported cost of production on an annual basis. For these companies, as best information available, we made adjustments to their annual costs based upon Super Castings' quarterly cost of production. We calculated an annual cost of production figure for Super Castings based on a weighted-average of its quarterly costs. We then compared its quarterly cost figure to its annual cost figure. For each quarter that Super Castings' quarterly costs exceeded its annual cost figure, we adjusted the annual cost figures for the other companies by the same percentage. For Super Castings, we used their quarterly cost figures.

We compared the home market and third-country selling prices, net of all applicable movement expenses, to the cost of production. Based on our analysis, we found all home market sales and all third-country sales, with the exception of R.B. Agarwalla, to be at or above the cost of producing the merchandise. For R.B. Agarwalla, we found that a significant percentage of third country sales was below cost of production. For this company, we used only the third country sales above the cost of production as our foreign market value.

On May 1, 1989, we amended the final determination and antidumping duty order to exclude Serampore Industries Pvt. Ltd. ("Serampore") from the scope of the antidumping duty order in accordance with the court decision upon remand (54 FR 18562). We instructed the Customs Service to terminate the suspension of liquidation and refund any cash deposits for subject merchandise produced by Serampore. Therefore, we are not reviewing Serampore's sales in our preliminary results of review.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act, since all sales were made to unrelated purchasers in the United States prior to the date of importation. Purchase price was based on the packed, f.o.b. or delivered prices to unrelated purchasers in the United States. Where applicable, we made deductions for foreign inland freight, ocean freight, insurance, inspection charges, and brokerage and handling charges. When comparing purchase price to home market or third-country sales, we added the Cash Compensatory Support ("CCS") rebate of indirect taxes. The CCS is designed to rebate indirect taxes and is paid as a percentage of f.o.b. price. When comparing purchase price to home market or third country sales, we added the excise duty drawback, which rebates a fixed amount per metric ton of castings exports. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price when sufficient quantities of such or similar merchandise were sold in the home market. When there were insufficient home market sales for comparison, we used third-country sales. When there were no third country sales, we used constructed value, as defined in section 773 of the Tariff Act.

Home market price was based on the packed f.o.b. price to unrelated customers in the home market. Where applicable, where adjusted for differences in packing and credit expenses and the International Price Reimbursement Scheme ("IPRS") rebate. IPRS rebates are designed to offset the differences between the domestic and ostensible world market prices for pig iron. When commissions were paid on U.S. sales, but not on home market sales, we adjusted by adding U.S. commissions to foreign market value and deducting home market indirect selling expenses, not exceeding U.S. commissions, from foreign market value. No other adjustments were claimed or allowed.

Third-country price was based on the packed f.o.b., c. & f. or c.i.f. price to unrelated customers in third countries. We made adjustments, where applicable, for inland freight, ocean freight, brokerage and handling, inspection charges, discounts and differences in packing and credit expenses. When commissions were paid on third-country sales, but not U.S. sales, we adjusted by deducting third-country commissions and adding U.S. indirect selling expenses not exceeding third-country commissions to foreign market value. We added third-country CCS rebates and the excise duty drawback to foreign market value. We made a difference in merchandise adjustment for a extra fittings for Carnations. No other adjustments were claimed or allowed.

We calculated constructed value as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. We requested quarterly constructed value data from respondents. Super Castings provided constructed value data on a quarterly basis. All other companies reported constructed value figures on an annual basis. For these companies, we made adjustments to their annual costs based upon Super Castings' quarterly constructed value figures. We calculated an annual constructed value for Super Castings based on a weighted-average

of its quarterly costs. We then compared its quarterly cost figures to its annual cost figure. For each quarter that Super Castings' quarterly costs exceeded its annual cost figure, we adjusted the annual cost figures for the other companies by the same percentage. For Super Castings, we used their quarterly cost figures.

Raw material costs did not include indirect tax rebates through the CCS program, the excise duty drawback and the IPRS rebate. When actual general expenses were greater than ten percent of the sum of materials and fabrication costs, we used the actual general expenses. When actual general expenses were less than ten percent of the sum of materials and fabrication costs, we used the statutory minimum of ten percent of the sum of materials and fabrication costs, as provided by section 773 of the Tariff Act. Since the profit rate was less than eight percent of the sum of materials costs, fabrication costs, and general expenses, we used the eight percent statutory minimum, as provided by section 773 of the Tarrif Act.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period October 28, 1985 through April 30, 1987:

Manufacturer/Exporter	Margin (percent)
R.B. Aqarwalla & Co	4.33
Carnation Enterprises, Pvt. Ltd	0
Govind Steel Co	0
Super Castings (India)	0.42
Uma Iron & Steel Co./Commex Corporation	8.43
East Coast Co	8.43
Victory Iron Works	8.43
Paharimata Iron Works	8.43
Kamala Iron Foundry	8.43
Shree Laxmi Metal	8.43
S.K. Iron Foundry & Engineering	8.43

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with § 353.38(e) of the new Commerce Regulations (published at 54 FR 12785, March 28, 1989) (to be codified at 19 CFR 353.38(e)). The Department will publish the final results of the administrative review, including the results of its analysis of any such written comments or oral argument.

Representatives of interested parties may request disclosure of proprietary information under administrative protective order within 10 days of the date that the interested party becomes a party to the proceeding but in no event later than the date case briefs are due.

The Department will determine, and the Customs Service will assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[no] product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Tariff Act which provides that "the purchase price and the exporter's sales price shall be adjusted by being increased by * * * the amount of any countervailing duty imposed on the merchandise under subtitle A of this title or section 303 of this Act to offset an export subsidy." The amount of countervailing duty to be imposed on each customs entry will not be known until outstanding administrative reviews of the countervailing duty order are completed. Therefore, we will implement this section of the Tariff Act by requiring the U.S. Customs Service to add the unit amounts of any assessed countervailing duty for export subsidies, to the extent that they have not already been accounted for in the dumping calculations, to the purchase prices contained in our liquidation instructions implementing the final results of this review.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins will be required. Since the margin for Super Castings is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of antidumping duties on entries from this firm. For any future entries of this merchandise from a new exporter, not covered in this administrative review, whose first shipments occurred after April 30, 1989, and who is unrelated to any reviewed firm, a cash deposit of 8.43 percent shall be required.

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 § 353.22 of the new Commerce Regulations (to be codified at 19 CFR 353.22).

Dated: July 31, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-18425 Filed 8-4-89; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Dr. Bruce R. Mate (P129H)

On May 9, 1989, notice was published in the **Federal Register** (54 FR 19933) that an application had been filed by Dr. Bruce R. Mate, School of Oceanography, Oregon State University, Newport, Oregon 97365–5296 tag with satellite-monitored radio tags right whales (*Eubalaena glacialis*) for scientific research purposes.

Notice is hereby given that on July 28, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that the Permit: (1) was applied for in good faith; (2) does not operate to the disadvantage of the endangered species which is the subject of this Permit; (3) and is consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

This Permit was issued in accordance with and is subject to parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

Documents submitted in connection with this permit are available for review in the following offices:

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Hwy., Suite 7324, Silver Spring, Maryland 20910; and

Director, Northeast Region, National Marine Fisheries Service, One

Blackburn Drive, Gloucester, Massachusetts 01930.

Dated: August 1, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-18417 Filed 8-4-89; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next scheduled meeting is Thursday, 21 September 1989 at 10:00 a.m. at the Commission's offices at 708 Jackson Place NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington, DC including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the offices (566-1066) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC 31 July 1989.

Charles H. Atherton,

Secretary.

[FR Doc. 89-18408 Filed 8-4-89; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Advisory Group on Electron Devices; Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Wednesday, 23 August 1989.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: August 1, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-18326 Filed 8-4-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 2, 1989.

The USAF Scientific Advisory Board Logistics Cross-Matrix Panel will meet on 24 Aug 89, from 8:00 a.m. to 5:00 p.m., at HQ AFLC, Wright-Patterson AFB, OH.

The purpose of this meeting will be to present the findings of the panel's review of the Damage Tolerance Analysis/Certification Program. The meeting at HQ AFLC will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-18414 Filed 8-4-89; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a currently approved information collection requirement concerning OMB Report Control Number 9000-0021, Clean Air and Water Certification.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy, (202) 523-3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* It is the Government's policy to improve environmental quality. Accordingly, Executive Agencies must conduct their acquisition activities in a manner that will result in effective enforcement of the Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Water Act (33 U.S.C. 1251, et seq.) The information required by the Clean Air and Water Certification is used to determine a contractor's compliance with these laws. A determination of noncompliance by the contracting officer requires notifying the agency head or designee who, in turn notifies the Environmental Protection Agency (EPA) Administrator or a designee in writing. Government contracting offices use the information to determine a firm's eligibility for award of a contract and to provide information to the EPA.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 83,400; responses per respondent, 20; total annual responses, 1,668,000; preparation hours per response, .01666; and total response burden hours, 27,800.

Obtaining Copies of Proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041,

Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0021, Clean Air and Water Certification.

Dated: July 31, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–18350 Filed 8–4–89; 8:45 am]

BILLING CODE 6820–JC–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning OMB Report Control Number 9000–0027, Value Engineering Requirements.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy, (202) 523–3775.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Value engineering is the technique by which contractors (1) voluntarily suggest methods for performing more economically and share in any resulting savings or (2) are required to establish a program to identify and submit to the Government methods for performing more economically. These recommendations are submitted to the Government as value engineering change proposals (VECP's) and they must include specific information. This information is needed to enable the Government to evaluate the VECP and, if accepted to arrange for an equitable sharing plan.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 400; responses per respondent, 4; total annual responses, 1,600; preparation hours per response, 30; and total response burden hours, 48,000.

Obtaining Copies of Proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0027, Value Engineering Requirements.

Dated: July 31, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–18351 Filed 8–4–89; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF ENERGY

Financial Assistance Award; Hi-Z Technology, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a financial assistance award based on an unsolicited application satisfying the criteria of 10 CFR 600.14(e)(1) under Grant Number DE–FG01–89CE15455 to Hi-Z Technology, Inc., to complete a proof-of-principle test of a thermoelectric generator for generating current from waste heat in the exhaust of a diesel engine.

Scope: This Grant will aid in providing funding for Hi-Z Technology, Inc., for the following: (1) The design, analysis, fabrication and assembly of the test section of the thermoelectric generator, including instrumentation, (2) the formulation of the test procedures, (3) testing of the thermoelectric generator on a diesel engine at the test site, recording all instrument data and conducting inspections of the generator following the completion of operations, and (4) data reduction and preparation of a final report.

The purpose of this project will be to design, build, and test a prototype thermoelectric generator connected to the exhaust stream of a diesel engine.

Eligibility: Based on receipt of an unsolicited application eligibility for this award is being limited to Hi-Z Technology, Inc., a private corporation with high qualifications in a specialized field of technology. The applicant has spent years in the development of thermoelectric modules with the objective of reducing costs. John C. Bass, the principal investigator, has had experience in design of direct conversion devices from 1959 to the present. It has been determined that this project has high technical merit, representing an innovative and novel idea which has a strong possibility of allowing for future reductions in the Nation's energy consumption.

The term of this grant shall be twelve months from the effective date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, MA–453.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 89–18419 Filed 8–4–89; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; SRI International

AGENCY: Department of Energy.

ACTION: Intent to negotiate with and award a cooperative agreement to SRI International.

SUMMARY: The U.S. Department of Energy, Idaho Operations Office, intends to negotiate with SRI International, 333 Ravenswood Ave., Menlo Park, CA 94025, on a noncompetitive basis for award of a cooperative agreement. In response to a Notice of Program Interest published by the DOE in the Commerce Business Daily on June 16, 1988 and entitled "Research and Development to Overcome Fouling of Membranes," SRI submitted an unsolicited proposal. The work proposed consists of research to develop and demonstrate the properties of unique peizoelectric ultrafiltration membranes for reducing the tendencies of such membranes to foul. SRI will develop two prototype ultrafiltration membranes with a high probability of achieving piezoelectric (PE) properties and perform flow tests on the PE membranes to determine their fouling properties relative to conventional membranes. SRI's unsolicited proposal has been evaluated and accepted for support pursuant to the DOE Financial Assistance Rules 10 CFR Part 600.14 in that the activity to be funded is an innovative approach relevant to a public purpose and is meritorious considering the resources and rechniques proposed to achieve the project's objectives.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, Elizabeth M. Bowhan, Contract Specialist (208) 526–1229.

Issued this 18th day of July, at Idaho Falls, Idaho.

Dated: July 19, 1989.

J. Roger Gonzales,

Director, Contracts Management Division.

[FR Doc. 89-18420 Filed 8-4-89; 8:45 am]

BILLING CODE 6450-01-M

Certification of the Radiological Condition of Thirty-Five Private Properties Located in Colonie and Albany, NY

AGENCY: Office of Remedial Action and Waste Technology, Office of Nuclear Energy, DOE.

ACTION: Notice of certification.

SUMMARY: The Department of Energy has completed radiological surveys and taken remedial action to decontaminate 35 properties in Colonie and Albany, New York. The properties were found to contain quantities of radioactive material from uranium processing activities conducted at the former National Lead (NL) Industries Plant.

FOR FURTHER INFORMATION CONTACT: J.J. Fiore, Director, Division of Facility and Site Decommissioning Projects, Office of Remedial Action and Waste Technology, U.S. Department of Energy, Washington, DC 20545, (301) 353-5272.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE), Office of Nuclear Energy, Office of Remedial Action and Waste Technology, Division of Facility and Site Decommissioning Projects, has implemented a remedial action project in the Albany and Colonie, New York, area as part of a specially authorized research and development project (The Energy and Water Appropriations Act for FY 1984). The ultimate objective of the program is to ensure that any properties contaminated as a result of activities at the former National Lead (NL) Industries can be certified to be within applicable decontamination criteria and standards established for the project and consistent with current radiological guidelines for protection of the general public.

The Colonie Interim Storage Site (CISS) is a U.S. DOE FUSRAP site located in the Town of Colonie, New York, at 1130 Central Avenue. It is approximately 4 miles northwest of downtown Albany and about 3 miles southeast of the Village of Colonie. Central Avenue runs along the northeastern side of the CISS property; the Conrail main line and a railroad siding border it on the southern side. Residential properties lie beyond the railroad. Most of the 11.2-acre CISS was occupied by the former NL Industries, Inc. property and buildings formerly used by NL to manufacture a variety of products from depleted uranium. The remaining 2 acres of the site, donated to DOE by the Niagara Mohawk Electric Company in 1985, lie to the west of the original property. Land use in the vicinity of the CISS is primarily industrial and residential.

During the 1950s, NL Industries began manufacturing uranium products at the Colonie plant, operating under a license issued by the Atomic Energy Commission (AEC), predecessor of DOE. Between 1958 and 1968, NL Industries held numerous AEC contracts for fabricating slightly enriched (in the uranium-235 isotope) uranium fuel elements and chemical processing of nonirradiated, slightly enriched uranium scrap.

After termination of the AEC contracts, work at the NL plant was limited to fabrication of shielding components, ballast weights, and projectiles from depleted uranium.

On February 15, 1980, the New York State Supreme Court issued an order temporarily restraining NL Industries from operating its Colonie facility on the basis that the facility emitted contaminants as airborne releases of uranium compounds. The temporary restraining order was amended on May 12, 1980, to allow NL Industries to continue operating on a limited basis. The amended order also required the company to initiate an independent investigation to assess all adverse environmental conditions in soils and on properties in the vicinity of the facility that may have been caused by the airborne discharge of radioactive particulates from the plant. Operations at the plant were halted in the spring of 1984. Although the contamination at the Colonie properties did not result from the atomic energy program, they were included as part of the FUSRAP by the DOE after Congress gave responsibility for the site to DOE under the 1984 Energy and Water Appropriations Act, which authorized DOE to conduct a decontamination research and development project at four sites, including the site of the former NL Industries plant and its vicinity properties.

Following plant closure, the DOE took possession of the plant to begin the cleanup process. Most of the radioactive contamination on the vicinity properties is from airborne releases of uranium from the processing operations at the plant. FUSRAP is currently being managed by DOE's Oak Ridge Operations Office. Bechtel National, Inc. (BNI) is the Project Management Contractor (PMC) and acts as DOE's representative in the planning, management, and implementation of FUSRAP. BNI acting as the PMC has responsibility for conducting remedial action at the CISS as well as at the off-site or vicinity properties.

Teledyne Isotopes surveyed the neighborhood surrounding the NL plant for radioactivity in 1980 and determined that uranium released into the air through the emission stacks had deposited on residential and commercial properties and structures. Teledyne's findings also showed that the majority of the contamination was in the direction of the area's prevailing winds.

In October 1983, more detailed radiological surveys of the individual properties surrounding the NL plant (including private residences) were performed by the Oak Ridge National Laboratory (ORNL). These surveys were designed to locate all properties on which uranium contamination exceeded DOE guidelines. The DOE guidelines for these properties were established by the DOE in conjunction with the State of New York.

DOE developed a remedial action plan to remove the contamination in these areas. The first priority for the remedial action was to remove contaminated materials from residential properties, and then from commercial properties. These materials were to be stored at the Colonie Interim Storage Site.

In 1984, 11 residential/commercial properties were decontaminated, and in 1985, 24 residential/commercial properties were decontaminated. Post-remedial action surveys have demonstrated and DOE has certified that radiological conditions on the affected properties are consistent with applicable criteria and standards, and the use of the 35 properties presents no radiolgical hazard to the general public or to site occupants. These findings are supported by the DOE Certification Docket for the Remedial Action Performed at the Colonie Interim Storage Site Vicinity Properties in Colonie and Albany, New York, in 1984 and 1985. Accordingly, these properties are released from the Formerly Utilized Sites Remedial Action Program.

The certification docket will be available for review between 9:00 a.m. and 4:00 p.m., Monday through Friday (except Federal holidays), in the U.S. Department of Energy Public Reading Room located in Room 1E-190 of the Forrestal Building, 1000 Independence Avenue SW., Washington, DC. Copies will also be available in the Public Document Room, U.S. Department of Energy, Oak Ridge Operations Office, Oak Ridge, Tennessee, and the Colonie

Library, 629 Albany-Shaker Road, Loudonville, New York 12210.

The Department of Energy, through the Oak Ridge Operations Office, Technical Services Division, has issued the following statement:

Statement of Certification: Thirty-Five Properties Associated With the Former National Lead Industries

The Oak Ridge Operations Office, Technical Services Division, has reviewed the radiological data obtained following remedial action at the 35 subject properties. Based on this review, DOE has certified that the properties listed below are in compliance with applicable decontamination criteria and standards established for the project. This certification of compliance provides assurance that future use of the properties will result in no radiological exposure above DOE criteria and standards established to protect members of the general public or site occupants.

The properties are listed by their addresses, as identified in the radiological characterization survey reports prepared by ORNL. The eleven properties which are included in the 1984 remedial action are listed first, followed by the 24 properties included in the 1985 remedial action. Accordingly, the following properties are released from the Formerly Utilized Sites Remedial Action Program:

Parcel 1 located on 27/29 Yardboro Avenue, City of Albany, identified as Block 1, Lot 36 (per tax map; no identification per access agreement).

Parcel 2 located on 52 Yardboro Avenue, City of Albany, identified as Block 1, Lot 13 (per tax map); as Block 1, Lots 11, 12, and 13 (per access agreement).

Parcel 3 located on 68 Yardboro Avenue, City of Albany, identified as Block 1, Lots 4, 5, and 6 (per tax map); as Block 1, Lots 4, 5, 6, 7, and 8 (per access agreement).

Parcel 4 located on 74 Yardboro Avenue, City of Albany, identified as Block 1, Lot 3 (per tax map); as Block 1, 3 (per access agreement).

Parcel 5 located on 78 Yardboro Avenue, City of Albany, identified as Block 1, Lot 2 (per tax map); as Block 1, Lot 2 (per access agreement).

Parcel 6 located on 80 Yardboro Avenue, City of Albany, identified as Block 1, Lot 1 (per tax map); as Block 1, Lot 1 (per access agreement).

Parcel 7 located on 33 Palmer Avenue, City of Albany, identified as Block 1, Lot 37 (per tax map); as Block 1, Lot 37 (per access agreement).

Parcel 8 located on 1114 Central Avenue, Town of Colonie, identified as Block 0806 (per tax map; no identification per access agreement).

Parcel 9 located on 1144 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 10 located on 1144A Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 11 located on 1159 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 12 located on 5 Yardboro Avenue, City of Albany, identified as Block 1, Lot 26 (per tax map; no identification per access agreement).

Parcel 13 located on 24 Yardboro Avenue, City of Albany, identified as Block 1, Lot 17 (per tax map; no identification per access agreement).

Parcel 14 located on 25/27 Yardboro Avenue, City of Albany, identified as Block 1, Lot 36 (per tax map; no identification per access agreement).

Parcel 15 located on 50 Yardboro Avenue, City of Albany, identified as Block 1, Lot 14 (per tax map); as Block 1, Lots 18, 19, 20, 21, 22, and 23 (per access agreement).

Parcel 16 located on 1100 Central Avenue, City of Albany, identified as Block 1, Lot 24 (per tax map; no identification per access agreement).

Parcel 17 located on 1104 Central Avenue, City of Albany, identified as Block 0806 (per tax map; no identification per access agreement).

Parcel 18 located on 1118 Central Avenue, Town of Colonie, identified as Block 0806 (per tax map; no identification per access agreement).

Parcel 19 located on 1129 Central Avenue, Town of Colonie, identified as Block 0905 (per tax map; no identification per access agreement).

Parcel 20 located on 1146 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 21 located on 1147 Central Avenue, Town of Colonie, identified as Block 0905 (per tax map; no identification per access agreement).

Parcel 22 located on 1148 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 23 located on 1150 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 24 located on 1152 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 25 located on 1160 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 26 located on 1160/62 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 27 located on 1161/63 Central Avenue, Town of Colonie, identified as Block 0905 (per tax map; no identification per access agreement).

Parcel 28 located on 1166 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 29 located on 1167 Central Avenue, Town of Colonie, identified as Block 0905 (per tax map; no identification per access agreement).

Parcel 30 located on 1168 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 31 located on 1170 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 32 located on 1185 Central Avenue, Town of Colonie, identified as Block 0905 (per tax map; no identification per access agreement).

Parcel 33 located on 1195 Central Avenue, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Parcel 34 located on 7 Palmer Avenue, City of Albany, identified as Block 1, Lot 35 (per tax map; no identification per access agreement).

Parcel 35 located on 10 Garden Lane, Town of Colonie, identified as Block 0805 (per tax map; no identification per access agreement).

Dated: July 13, 1989.

J.E. Baublitz,

Acting Director, Office of Remedial Action and Waste Technology, Office of Nuclear Energy, U.S. Department of Energy.

[FR Doc. 89-18421 Filed 8-4-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products; Petition for Waiver and Application for Interim Waiver of Central Air Conditioner and Heat Pump Test Procedures From Carrier Corporation (CAC-005)

AGENCY: Office of Conservation and Renewable Energy Office, DOE.

SUMMARY: Today's notice publishes a "Petition for Waiver" from the Carrier Corporation (Carrier), of Syracuse, New York, requesting a waiver from the existing Department of Energy (DOE) test procedure for central air conditioners and central air conditioning heat pumps. In addition, today's notice publishes a letter denying Carrier's Application for an Interim Waiver. Carrier manufactures residential central air conditioners and central air conditioning heat pumps. Carrier requests that the Department grant relief from the DOE test procedure relating to testing of its split system HydroTech 2000 model heat pump. Carrier requests this relief because, in addition to providing space heating and cooling, the HydroTech 2000 also provides domestic water heating. Carrier claims that while the HydroTech 2000 is capable of being tested in accordance with the DOE central air conditioner test procedure for space heating and cooling efficiency, the test procedure does not give a true representation of the energy consumption of the HydroTech 2000

heat pump. DOE is soliciting comments, data and information respecting the petition.

DATE: DOE will accept comments, data and information not later than September 6, 1989.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. CAC–005, Mail Stop CE–132, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Douglass S. Abramson, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–12, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

Background

The Energy Conservation Program for Consumer Products (other than automobiles) 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 Amendments of 1988 (NAECA 1988), (Pub. L. 100–357).[1] The Act requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including central air conditioners and central air conditioning heat pumps. 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 procedures on September 26, 1980, by adding 10 CFR 430.27 creating the waiver process. 45 FR 64108. DOE further amended the Department's appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy to grant an interim waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986. The waiver process allows 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 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 as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of a waiver.

The interim waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an interim waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the petition for waiver will be granted and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver.

Carrier seeks a waiver from the DOE test provisions for central air conditioners and central air conditioning heat pumps for its HydroTech 2000 model heat pump. Carrier requests this relief because, in addition to providing space heating and cooling, the HydroTech 2000 also provides domestic water heating. Carrier claims that while the HydroTech 2000 is capable of being tested in accordance with the DOE central air conditioner test procedure for Seasonal Energy Efficiency Ratio (SEER) and Heating Seasonal Performance Factor (HSPF), the test procedure does not give a true representation of the enrgy consumption of the HydroTech 2000 heat pump. The HydroTech 2000 heat pump provides domestic water heating during the space cooling mode with the heat rejected from the house. The excess heating capacity of the heat pump provides supplementary water heating during the space heating mode. When space conditioning is not required, the unit operates in a water heating only mode. This results in reduced energy consumption for water heating, as compared to a standard two-element electric resistance water heater. Carrier requests that the water heating energy savings, compared to a conventional water heater, should be applied to the HydroTech 2000's space cooling and heating performance. Carrier requests the allowance to test and rate the HydroTech 2000 with an equivalent SEER and an equivalent HSPF. The test procedure proposed by Carrier is based on the Department's test procedure for central air conditioning heat pumps and would credit the unit's SEER and HSPF with the reduced energy use for water heating.

Carrier also request an Interim Waiver from the central air conditioner test procedure for the HydroTech 2000 heat pump. Carrier, in the Application for Interim Waiver, states that its Petition for Waiver will likely be granted since it includes a feature, water heating, that is not included in the existing central air conditioner and central air conditioning heat pump test procedure. Furthermore, Carrier claims that it is in the national interest for a waiver to be granted, since without a waiver, Carrier will not be able to claim the electric energy savings capabilities of the HydroTech 2000, and as a result, will lose sales which, in turn, will result in increased national energy consumption and the corresponding release of greenhouse gases. Finally, Carrier claims that it will experience economic hardship if the Application is denied since, Carrier estimates, it will lose approximately $7 million in gross margin in the next three years.

DOE has reviewed Carrier's Petition for Waiver and agrees that the extant test procedures for central air conditioners and central air conditioning heat pumps evalutes the Carrier HydoTech 2000 heat pump in a manner unrepresentative of its true energy consumption since it does not consider the energy usage due to water heating. However, the Department believes that the remedy proposed by Carrier, adjusted SEER and HSPF, are also not representative of the unit's true energy efficiency. SEER, HSPF, and Energy Factor (EF) are measures of efficiency that result from ratios of energy outputs and inputs for well-defined and separate space cooling, space heating and domestic water heating processes. If it were possible to allocate the input energy separately to the space heating, space cooling and domestic water heating functions, then EF, SEER and HSPF could be calculated for this unit. However, DOE believes this is not possible when two processes occur simultaneously. Therefore, DOE believes that to subtract an energy savings quantity for water heating from the denominator of an output/input ratio that applies to space heating or cooling artificially inflates SEER and AFUE and would not represent the efficiency of the HydroTech 2000 in either mode.

[1] Part B of Title III of EPCA, as amended, is referred to in this notice as the "Act." Part B of Title III is codified at 42 U.S.C. 6291 et seq.

If, based on the evidence included in Carrier's Appliance for Interim Waiver, DOE were to grant Carrier relief from the central air conditioner test procedure, it would be to waive the test procedure entirely. Doe believes that this is contrary to Carrier's intent since Carrier requested the waiver in order to make SEER and HSPF representations. Carrier claims that not being able to make representations of equivalent SEER and equivalent HSPF makes it difficult for consumers to "have a clear understanding of this product's energy-saving capability." Similarly, DOE believes that granting outright relief from the test procedure would cause further hardships for Carrier since it would be unable to make either SEER or HSPF representations.

Therefore, based on the above, Carrier's Application for an Interim Waiver is denied. This is not a determination, however, on Carrier's Petition for Waiver, which is being published today for comment.

Carrier proposes a test method based on, to a significant extent, the existing central air conditioning and central air conditioning heat pump test procedures. For water heating, Carrier proposes two simulated use tests with an outdoor temperature of 17°F and 67°F with four water draws to simulate household water usage. For combined space cooling/domestic water heating, Carrier proposes two tests, 67°F at low compressor speed and 95°F at high compressor speed. For combined space heating/domestic water heating, Carrier proposes that one cyclic test and one steady-state test be performed at 17°F. These tests are presented in detail in Carrier's Petition for Waiver and its proposed alternate test procedure.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver." Due to its length, Carrier's proposed alternate test procedure (of 28 pages) (Attachment A), is not being published in the Federal Register. It is, however, available upon request at the address provided at the beginning of today's notice. DOE solicits comments, data, and information respecting the petition.

In addition, pursuant to paragraph (e) of § 430.27 of the Code of Federal Regulations, the following letter denying the Application for Interim Waiver was issued to Carrier Corporation.

Issued in Washington, DC, July 1, 1989.

John R. Berg,

Assistant Secretary, Conservation and Renewable Energy.

May 30, 1989.

Assistant Secretary,

Office of Conservation and Renewable Energy, U.S. Department of Energy, Mail Station CE-132, Room GF-217, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585

Gentlemen:

Re: Petition for Waiver of D.O.E. Test Procedures for Central Air Conditioners (Including Heat Pumps) as They Apply to the Carrier HydroTech 2000 Series Heat Pumps

Carrier's new HydroTech 2000 heat pump is an innovative unit that has a unique ability to enhance residential energy conservation. The unit is the product of six years of research and development by Carrier and the Electric Power Research Institute (EPRI). The unit was developed and designed with one principal objective: significant energy conservation.

Our objective in this petition for waiver is to seek a modification to the procedure for testing central air conditioners (including heat pumps). Because this product is a heat pump that provides domestic water heating in addition to space heating and cooling, a new and different procedure is required to rate this product accurately and in terms the consumer can understand. We recognize that we can test for the Seasonal Energy Efficiency Ratio (SEER) and Heating Seasonal Performance Factor (HSPF) of this unit under existing test procedures, and the unit can be rated accordingly.

However, these procedures do not describe to consumers this heat pump's true measure of efficiency or give credit for the water heating feature. Our recommended procedure, which is compatible with current Department of Energy test procedures for heat pumps and water heaters, is included in the attached documents with supporting technical information. The procedure we are proposing can be used to test any central air conditioner or heat pump that also heats domestic hot water, such as units which include desuperheaters.

The procedure being proposed is similar but not identical to one drafted by NIST at the request of DOE and EPRI. This similarity is in the data gathering sections of each procedure, not in the way that data are applied to establishing systems efficiency ratings.

Specifically, the Carrier procedures take less time, and thus are less costly, yet are felt to provide sufficient data to develop *realistic* system efficiency ratings. The detailed differences between these two procedures are provided as Attachment A.[1]

Specifically, we request a waiver of test procedures to allow the HydroTech 2000 system to be tested and rated with an equivalent Seasonal Energy Efficiency Ratio (SEER) and an equivalent Heating Seasonal Performance Factor (HSPF) so that consumers will have a clear understanding of this product's energy-saving capability.

The Energy Policy and Conservation Act was passed to conserve energy. This product is a quantum leap toward the goals set forth in that legislation. Energy conservation is now even more important as the issue of global warming becomes a matter of national and international concern.

The recent history of heat pump development in the United States reflects a steady progression toward more energy-efficient equipment. The year 1974 brought widespread acknowledgement and acceptance of the single-speed heat pump's energy-conserving abilities.

Two-speed heat pumps in 1978 and variable-speed units in 1986 increased energy conservation further.

Carrier's new unit, the HydroTech 2000 system, now provides the step beyond the energy-saving capability of variable speed. By integrating domestic water heating, which accounts for as much as *one-third* of the energy used in a home, energy-savings can be extended as much as 20% beyond today's variable speed heat pumps.

Consumers will be able to recoup their higher initial investment in HydroTech 2000 quickly through reduced energy bills. But again, they must be able to evaluate this new unit's energy-saving abilities in terms they understand.

The HydroTech 2000 heat pump is a natural progression in the trend toward more energy-efficient equipment. However, we must be able to present this new system's energy efficiency in a way that is familiar and understood by consumers so they can make rational comparisons. Therefore, we are requesting a waiver and the ability to present this unit's efficiency in terms of equivalent SEER and HSPF, which are measurements and comparisons that consumers understand.

Our recommended approach to rating this new system is as follows. Because the HydroTech 2000 unit provides virtually free water heating during the cooling mode, and reduced energy consumption for water heating during the space heating mode and water heating only modes, the resulting energy-use reduction from that of conventional electric resistance heat water heaters should be applied to the unit's space cooling and heating performance.

This is illustrated in Attachment B. In (1) the energy consumption of the HydroTech 2000 and its HSPF and SEER are shown when tested as a heat pump only without its water heating function included. The energy-use values shown for DHW are based on the consumption of a typical household electric resistance water heater. In (2) is shown total annual energy consumption for comfort heating and cooling and water heating when tested as an integrated appliance. Here the reduction in the system's energy consumption (in kWh) is applied to water heating. Therefore, the HSPF and SEER remain the same (9.0 and 14.0 respectively).

In (3), however, the reduction in total energy consumption is applied to heating and cooling and not to water heating. (Note that the KWH of energy consumption for domestic hot water is identical in scenarios 1 and 3.) Therefore, the unit's HSPF becomes 11.0 and its SEER becomes 20.4. These are the numbers that Carrier Corporation believes represent the system's true efficiencies and are appropriate to present to the consumer.

It has been suggested that dollars (annual operating cost) be used as a comparative. No

[1] Attachment A is available upon request from DOE.

listing showing combined costs of heat pumps and water heaters exists against which the operating cost of the HydroTech 2000 could be compared. Furnace fact sheets have not been effective in comparing total gas and electric operating costs of gas-fired furnaces. AFUE is the generic comparative used to make gas furnace purchase decisions just as SEER and HSPF are the descriptors used to judge comparative efficiency of heat pumps.

As a nation, the United States is becoming increasingly concerned with energy conservation, the burning of fossil fuels, and the greenhouse effect. The nation has also been concerned that American corporations are taking the short-term approach to the future and are not investing for the long term.

Carrier Corporation, through its new HydroTech 2000 unit, is addressing both of these major issues: energy conservation and long-term investment. We request that the Department of Energy recognizes this investment, and therefore we respectfully request a waiver from current DOE test procedures.

A waiver will enable Carrier to present the true energy-saving capability of this new system to the consumer. Without the waiver, consumers will not be afforded the opportunity to understand the actual energy-saving potential of this unit and will be disadvantaged when making their equipment-buying decisions. They will not have useful comparative information to help them make an informed purchasing decision.

Respectfully submitted,

Edward A. Baily,

Vice President, Government & Industry Relations, North American Operations.

Attachment A—Comparison With NIST Draft Report

The testing and rating procedure recommended by Carrier Corporation are similar to those recommended in a recent NIST project which addresses the same type of equipment.

The results of the NIST study have been compiled into a draft report by Brian Dougherty entitled "A Proposed Methodology for Rating Air-Source, Integrated Heat Pump/Water Heating Appliances having Combined and Dedicated Water Heating", which will be published in the near future as a NISTIR report. Although NIST project was done independently, the results are similar to those in the Carrier proposal.

Differences between the two proposals exist in two areas: (1) The type and number of tests, and (2) the methodology for deriving the rating descriptors. The principal differences can be summarized as follows:

1. *Test Points.* NIST, like Carrier, proposes two simulated use tests (dynamic draw tests). NIST proposes tests at ourdoor temperatures of 47F and 82F; Carrier proposes 17F and 67F because we feel that these better cover the wide range of water heating capacities. NIST proposes a single draw, Carrier proposes a more complex 4-draw schedule which is more representative of typical households. For the combined space cooling/DHW mode, Carrier proposes 2 tests which cover the range of operation in this mode, 67F with low compressor speed and 95F with high compressor speed, with a simple interpolation between these two points. NIST added two more intermediate points at 82F in order to cover the shift between desuperheating and full condensing water heating. Although these extra points would better describe the system performance, we do not believe that the net effects would justify the added testing and analysis burden. For the combined space heat/DHW mode, Carrier proposes that one cyclic test and one steady state test be performed at 17F representing system performance at a lower DHW capacity is low (It is higher in all other tests). NIST had proposed these tests at 47F only.

2. *Methodology.* Both proposals use temperature bin type procedures. NIST averages the daily DHW load (converted to BTUs) evenly over a 24 hour period, resulting in a low load (less than 2000 BTU/hour). We feel that this will over-estimate the capabilities of an integrated DHW unit, especially low-capacity, desuperheating-only types, since DHW loads are normally discrete and require quick responses with capacities comparable to 4.5 kW (15358 BTU/hr) tank heater elements. If heat pump equipment has lower capacities, the auxiliary elements will be used. If the load is always low, the use of auxiliary elements will be under-estimated. Carrier proposes splitting the typical day into two parts—an active draw period (all draws, high BTU/hr loads) and a standby period (no draws, low BTU/hr loads).

Concerning rating and reporting descriptors, Carrier proposes the use of equivalent SEER and HSPF factors, which combine the system energy savings accrued in all operating modes, into factors (SEER and HSPF) which are universally accepted and understood by both manufacturers and purchasers of heat pump equipment. By using SEER and HSPF factors, the benefits of the advanced heat pump system are related to the operating modes (space cooling and heating) which account for the major energy costs to the consumer and to which he would be most responsive. The use of overall system efficiency factors (including space heating and cooling and DHW), as proposed by NIST would not effectively signal the true energy savings potential of advanced heat pumps to the consumer because (1) the numbers would be lower than the standard air-to-air SEER and HSPF values for conventional heat pumps, and (2) the use of a completely new efficiency term would confuse both sales persons and consumers to the point that they may be ignored.

ATTACHMENT B.—VARIABLE-SPEED HEAT PUMP SYSTEM ANNUAL PERFORMANCE REPORTING OPTIONS

[DOE Heating Region 4]

	Annual energy use, KWH		HSPF	SEER
	Heating	Cooling		
1. Separate DHW: Space:				
HP	5796	2861	9.0	14.0
StHt	1135			
*DHW	3233	1787		
Total	10164	4648		
2. Fully-Integrated—Option A: Space:				
HP	5796	2861	9.0	14.0
StHt	1135			
*DHW	1960	891		
Total	8891	3752		
3. Fully-Integrated—Option B: Space:				
HP	4523	1965	11.0	20.4
StHt	1135			
*DHW	3233	1787		
Total	8891	3752		

*Based on domestic hot water tank Energy Factor of 0.87, daily hot water usage of 64.3 gallons, 77 F hot water temperature rise (58 to 135 F).

July 31, 1989.

Mr. Edward A. Baily,

Vice President, Government and Industry Operations, North American Operations, Carrier Corporation, P.O. Box 4808, Carrier Parkway, Syracuse, NY 13221

Dear Mr. Baily: This is in response to your May 30, 1989, Application for Interim Waiver, from the Department of Energy (DOE) test procedures for central air conditioners when testing Carrier's HydroTech 2000 model split system central air conditioning heat pumps.

Pursuant to the Energy Policy and Conservation Act, as amended, the Department has prescribed test procedures to measure the energy consumption of certain major household appliances, including central air conditioners. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear in the Code of Federal Regulations at 10 CFR Part 430, Subpart B.

DOE amended the test procedure regulations on September 26, 1980 (45 FR 64108) and November 26, 1986 (51 FR 42823). These provisions 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. The 1986 amendments provide that an interim waiver from test procedure requirements will be granted by the Assistant Secretary for Conservation and

Renewable Energy if it is determined that the applicant will experience economic hardship if the application for interim waiver is denied, if it appears likely that the petition for waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for waiver. Paragraph 430.27.

Carrier seeks a waiver from the DOE test provisions for central air conditioners and central air conditioning heat pumps for its HydroTech 2000 model heat pump. Carrier requests this relief because, in addition to providing space heating and cooling, the HydroTech 2000 also provides domestic water heating. Carrier claims that while HydroTech 2000 is capable of being tested in accordance with the DOE central air conditioner test procedure for Seasonal Energy Efficiency Ratio (SEER) and Heating Seasonal Performance Factor (HSPF), the test procedure does not give a true representation of the energy consumption of the HydroTech 2000 heat pump. The HydroTech 2000 heat pump provides domestic water heating during the space cooling mode with the heat rejected from the house, which results in reduced energy consumption for water heating, as compared to electric resistance water heating, during the space heating mode and water heating mode. Carrier requests that the water heating energy savings, compared to a conventional water heater, should be applied to the HydroTech 2000's space cooling and heating performance. Carrier requests the allowance to test and rate the HydroTech 2000 with an equivalent SEER and an equivalent HSPF. The test procedure proposed by Carrier is based on the Department's test procedure for central air conditioning heat pumps and would credit the units SEER and HSPF with the reduced energy use for water heating.

DOE has reviewed Carrier's Application for Interim Waiver and agrees that the extant test procedures for central air conditioners and central air conditioning heat pumps evaluates the Carrier HydroTech 2000 heat pump in a manner unrepresentative of its true energy consumption since it does not consider the energy usage due to water heating. However, the Department believes that the remedy proposed by Carrier, adjusted SEER and HSPF, are also not representative of the unit's true energy efficiency. SEER, HSPF, and Energy Factor (EF) are measures of efficiency that result from ratios of energy outputs and inputs for well-defined and separate space cooling, space heating and domestic water heating processes. If it were possible to allocate the input energy separately to the space heating, space cooling and domestic water heating functions, then EF, SEER and HSPF could be calculated for this unit. However, DOE believes this is not possible when two processes occur simultaneously. Therefore, DOE believes that to subtract an energy savings quantity for water heating from the denominator of an output/input ratio that applies to space heating or cooling artificially inflates SEER and AFUE and would not represent the efficiency of the HydroTech 2000 in either mode.

If, based on the evidence included in Carrier's Application for Interim Waiver, DOE were to grant Carrier relief from the central air conditioner test procedure, it would be to waive the test procedure entirely. DOE Believes that this is contrary to Carrier's intent since Carrier requested the waiver to be able to make SEER and HSPF representations. Carrier claims that not being able to make representations of equivalent SEER and equivalent HSPF would "limit their ability to attract consumers." Similarly, DOE believes that granting outright relief from the test procedure would cause further hardships for Carrier since it would be unable to make either SEER or HSPF representations.

Therefore Carrier's Application for Interim Waiver requesting relief from the DOE test procedures for its HydroTech 2000 heat pump is denied.

This determination does not prejudice Carrier's Petition for Waiver on this issue.

Yours truly,

Dr. John R. Berg,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 89-18423 Filed 8-4-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF87-483-002]

AES Barbers Point, Inc.; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

July 31, 1989.

On July 24, 1989, AES Barbers Point, Inc. (Applicant), c/o Paul T. Hanrahan of 1001 North 19th Street, Arlington, Virginia 22209 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Oahu, Hawaii. The facility will consist of two circulating fluidized bed boilers and one extraction/condensing steam turbine-generator. Thermal energy recovered from the facility will be used for heating oil tanks at the Chevron U.S. Inc. refinery. The primary energy source will be coal. Construction of the facility is expected to begin on or about October 1, 1989.

The original application was filed on July 15, 1988, and certification was granted on October 3, 1988 (45 FERC ¶62,002). The recertification is requested due to a change in the net electric power production capacity from 161 megawatts to 189 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18330 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF89-226-000]

The Des Moines Integrated Community Area; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 31, 1989.

On July 24, 1989, The Des Moines Integrated Community Area (Applicant), of City Hall, East First and Locust, Des Moines, Iowa 50307 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Des Moines, Iowa. The facility will consist of three gas-fired engine-generators. Thermal energy recovered from the facility will be used for sludge heating for the anaerobic digestion system and building space heating. The primary energy source will be digester gas. The electric power production capacity of the facility will be 1,800, kW.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18331 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-1834-000 et al.]

Texas Gas Transmission Corp., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Corporation

[Docket No. CP89-1834-000]

July 26, 1989.

Take notice that on July 19, 1989, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP89-1834-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation services on behalf of various shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that the transportation services are proposed for abandonment because the terms set forth in the transportation agreements have expired or have been terminated by mutual agreement or because they were certificated with pregranted abandonment. It is asserted that Texas Gas is able to continue any of the transportation services required under its Order No. 500 blanket certificate. It is stated that the majority of the transportation services were performed on an interruptible basis. It is stated that the shippers involved include Amoco Inc., General Electric Company, Transcontinental Gas Pipe Line Corporation, Stand Energy Corporation, Texaco Inc., Lawrenceburg Gas Transmission Corporation, and CSX Oil and Gas Corporation.

Coment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

2. Lone Star Gas Company, a Division of ENSERCH Corporation

[Docket No. CP89-1742-000]

July 26, 1989

Take notice that on July 7, 1989, Lone Star Gas Company, a Division of ENSERCH CORPORATION (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP89-1742-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities for the transportation of natural gas in interstate commerce for use on an intrastate basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Lone Star states that its facilities proposed to be abandoned (See Appendix) from interstate commerce will subsequently be used by Lone Star Gas Company on an intrastate basis, subject to later partial abandonment from service of certain portions of Lone Star's present Texas intrastate facilities. Lone Star further states that no sales of gas dedicated to interstate commerce under the Natural Gas Act are made into the facilities proposed to be abandoned from interstate commerce, and that the only construction which will be necessary to implement the proposed realignment will be the relocation of the two metering facilities, which will be performed pursuant to a request under the Blanket Authorization to be filed after the issuance of the requested abandonment authorization.

Lone Star states that upon issuance by the Commission of the requested authorization, the gas produced from the Texas sources will be totally consumed by customers of Lone Star Gas Company in Texas and customers of Lone Star Gas Company in Oklahoma will be served with gas from Oklahoma. It is stated that a portion of Lone Star's interstate Oklahoma gas will be transported to Lone Star's customers in Southwest Oklahoma by Lone Star Gas Company (intrastate) pursuant to NGPA section 311(a)(2) authorization. In addition, Lone Star's interstate Oklahoma gas may be transported by Lone Star Gas Company (intrastate) pursuant to NGPA section 311(a)(2) for delivery to Texas markets other than Lone Star's distribution systems.

Lone Star states that upon the issuance of the requested authorization, the interstate pipeline facilities to be abandoned fro interstate commerce under the proposed realignment will function as intrastate pipeline facilities, as ninety-five percent by volume of the gas which will move through the facilities to be abandoned will be intrastate in character, produced from sources located in Texas and consumed by customers located in Texas, and will at no time be carried across a state boundary line. Any interstate gas to be carried in the future by the facilities to be abandoned will be transported pursuant to NGPA section 311(a)(2).

It is further stated that upon issuance by the Commission of the requested authorization, the jurisdictional points of demarcation to be established between Lone Star's Intrastate facilities and Lone Star's interstate facilities will be used as points of interconnection where gas can be metered into or out of Lone Star's interstate and intrastate facilities so that proper reports can be filed by each transporter under part 284 of the Commission's Regulations, in accordance with the Commission's expectation as expressed on page 8 of the Order Granting Petition for Declaratory Order issued to Lone Star Gas Company on December 26, 1984, 29 FERC ¶ 61,340 (1984). Lone Star states that issuance by the Commission of authorization for the realignment as proposed in this Application will facilitate the transportation of gas by Lone Star both North and South across the Texas-Oklahoma State Line as the market demand and gas load shifts and will ultimately allow Lone Star to better fulfill the need of its transportation customers.

Lone Star further states that implementation of the proposed realignment will allow Lone Star to abandon and retire from service 33.8 miles of pipeline and its Benjamin compressor station on the present intrastate portion of its facilities. Retirement of these facilities will allow Lone Star to save $5,054,000 in net avoided replacement cost in the next two years, and to avoid $117,000 in repair and maintenance expense and $730,000 in operating and routine maintenance expense (including compressor fuel cost) during a ten year time period. Lone Star also states that after implementation of the proposed realignment, its New York storage facility will be used to one hundred percent capacity for augmenting gas supplies on peak days to the Dallas/Ft. Worth metroplex and through Lines 71 and 72 in the Texas Panhandle area, increasing system reliability and reducing curtailment on the intrastate portion of Lone Star's facilities.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

3. Trunkline Gas Company

[Docket No. CP89-1845-000]

July 26, 1989.

Take notice that on July 20, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1845-000 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 TranState Gas

Service Company (TranState), a marketer, under the blanket certificate issued in Docket No. CP86–586–000, 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.

Trunkline states that pursuant to a transportation agreement dated May 4, 1989, under its Rate Schedule PT, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas for TransState. Trunkline states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipe Line Company in Douglas County, Illinois.

Trunkline advises that service under § 284.223(A) commenced June 1, 1989, as reported in Docket No. ST89–4067–000. Trunkline further advises that it would transport 50,000 dt on an average day and 18,250,000 dt annually.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. El Paso Natural Gas Company

[Docket No. CP89–1836–000]

July 26, 1989.

Take notice that on July 19, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978 filed in Docket No. CP89–1836–000 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 for Cabot Energy Marketing Corporation (Shipper) under the blanket certificate issued in Docket No. CP88–433–000, all as more fully set forth with the Commission and open to public inspection.

El Paso states that it proposes to transport up to 52,750 MMbtu of natural gas per day for Shipper from any point in El Paso's system to various delivery points in the State of Arizona and on the borderline between Arizona and California. El Paso also states that the estimated daily and annual quantities would be 15,825 MMbtu and 5,776,125 MMbtu, respectively.

El Paso further states it commenced service on June 7, 1989, as reported in Docket No. ST89–3942–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP89–1758–000]

July 26, 1989.

Take notice that on June 11, 1989, Texas Gas Transmission Corporation (TGT), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–1758–000 a request pursuant to §§ 157.205 and 284.223 (18 CFR 157.205 and 284.223) of the Commission's Regulations under the Natural Gas Act for authority to provide interruptible transportation service for Borden, Inc. (Borden), under Texas Gas' blanket transportation certificate issued by the Commission on September 15, 1988, in Docket No. CP88–686–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

TGT states it will receive the gas principally from various sources in the offshore areas of Texas and Louisiana and the states of Texas, Louisiana, Illinois, Kentucky, Tennessee and Ohio for delivery for the account of Borden in Warren County, Ohio.

TGT proposes to transport on an interruptible basis up to 1,000 MMBtu of gas on a peak day, approximately 300 MMBtu of gas on an average day and an estimated 109,500 MMBtu of gas annually. TGT states the transportation service commenced under the 120-day automatic authorization of § 284.223 (a) of the Commission's Regulations on June 7, 1989, pursuant to a transportation agreement dated December 22, 1988. TGT notified the Commission of the commencement of the transportation service in Docket No. ST89–3933–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Colorado Interstate Company

[Docket No. CP89–1846–000]

July 26, 1989.

Take notice that on July 20, 1989, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado, 80944, filed in Docket No. CP89–1846–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Helmerich & Payne, Inc. (H&P), a producer of natural gas, under CIG's blanket certificate issued in Docket No. CP86–589, *et al.*, 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.

CIG proposes to transport, on an interruptible basis, up to 20,000 Mcf of natural gas per day for H&P pursuant to a transportation agreement dated February 1, 1989, between CIG and H&P. CIG would receive gas from an existing point of receipt on its system in Kearny County, Kansas and redeliver equivalent volumes of gas, less fuel gas and lost and unaccounted-for gas, for the account of H&P in Moore County, Texas.

CIG further states that the estimated average daily and annual quantities would be 10,000 Mcf and 3,650,000 Mcf, respectively. Service under § 284.223 (a) commenced on June 1, 1989, as reported in Docket No. ST89–4117–000, it is stated.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Southern Natural Gas Company

[Docket No. CP89–1847–000]

July 26, 1989.

Take notice that on July 20, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–1847–000 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 for Enron Gas Marketing, Inc. (Enron), a marketer of natural gas, under Southern's blanket certificate issued in Docket No. CP88–316–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern proposes to transport up to 50,000 MMBtu on a peak day, 50,000 MMBtu on an average day, and 18,250,000 MMBtu on an annual basis for Enron, pursuant to a service agreement dated April 28, 1989, under Southern's rate schedule IT. Southern states that it will receive gas at various receipt points in offshore Texas, offshore Louisiana, Texas, Louisiana, Mississippi, and Alabama for delivery to pipeline interconnections in Refugio County, Texas. It is further stated that transportation of natural gas for Enron commenced on May 24, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–3906.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Panhandle Eastern Pipe Line Company

[Docket No. CP89–1820–000]

July 26, 1989.

Take notice that on July 17, 1989, Panhandle Eastern Pipe Line Company

(Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP89–1820–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of V.H.C. Gas Systems, L.P. (V.H.C.), under Panhandle's blanket certificate issued in Docket No. CP86–585–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle requests authorization to transport, on an interruptible basis, up to a maximum of 200,000 dekatherms of natural gas per day for V.H.C. from receipt points located in Colorado, Kansas, Oklahoma and Texas to a delivery point located in Reno County, Kansas. Panhandle anticipates transporting 100,000 dekatherms on an average day and an annual volume of 36,500,000 dekatherms.

Panhandle states that the transportation of natural gas for V.H.C. commenced June 16, 1989, as reported in Docket No. ST89–4135–000, for a 120–day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Panhandle in Docket No. CP86–585–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Northern Natural Gas Company

[Docket No. CP89–1842–000]

July 26, 1989.

Take notice that on July 19, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77251, filed in Docket No. CP89–1821–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to increase the capacity of its existing Grundy Center, Iowa, town border station delivery point for service to Peoples Natural Gas Company, Division of Utilicorp United Inc. (Peoples), under its blanket authorization issued in Docket No. CP82–401–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to increase the capacity of the Grundy Center delivery point by 60 Mcf of natural gas per hour in order to serve the expanded grain drying operations of Lynks Hybrid, Inc., Peoples' resale customer. Northern proposes to deliver up to 1,132 Mcf on a peak day and 45,785 Mcf on an annual basis to Peoples. Northern also states that its deliveries to Peoples would be within the firm entitlements authorized for Peoples on April 7, 1989, in Docket No. CP89–677–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Transwestern Pipeline Company

[Docket No. CP89–1801–000]

July 26, 1989.

Take notice that on July 12, 1989, Transwestern Pipeline Company (Transwestern), P.O. 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–1801–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to perform an interruptible transportation service for V.H.C. Gas Systems, L.P. (V.H.C.), a marketer, under Transwestern's blanket certificate issued in Docket No. CP88–133–000, pursuant to section 7(c) 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.

Transwestern states that pursuant to a transportation agreement dated May 19, 1989, it proposes to receive up to 300,000 dt equivalent of natural gas per day from V.H.C. at specified points located in the states of Texas, Oklahoma, New Mexico, and Arizona and redeliver the gas at other specified points in the same four states. Transwestern estimates that the peak day volumes, average day volumes, and annual volumes would be 300,000 dt equivalent of natural gas, 225,000 dt equivalent of natural gas, and 109,500,000 dt equivalent of natural gas, respectively. It is stated that on June 2, 1989, Transwestern commenced a 120–day transportation service for V.H.C. under § 284.223(a) as reported in Docket No. ST89–3939–000.

Transwestern further states that no facilities need be constructed to implement the service. Transwestern states that the agreement provides for a primary term of six years and would continue on a month-to-month basis unless terminated at any time subsequent to the primary term by either party upon thirty days written notice to the other party. Transwestern proposes to charge rates and abide by the terms and conditions of its Rate Schedule ITS–1.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Lone Star Gas Company a Division of ENSERCH Corporation

[Docket No. CP89–1743–000]

July 26, 1989.

Take notice that on July 7, 1989, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP89–1743–000 a request under section 7(b) of the Natural Gas Act for permission and approval to partially abandon a transportation service authorized by the Commission in Docket No. CP87–190–000, as amended, all as more fully set forth in the application on file with the Commission and open to public inspection.

Lone Star states that it is concurrently filing an application for permission and approval to abandon certain facilities from interstate commerce for continued use on an intrastate basis. Lone Star states that facilities proposed to be abandoned in this related application include portions of Lone Star's Lines T and A in Texas, through which it transports gas for Coastal States Gas Transmission Company (Coastal) as authorized in Docket No. CP87–190–000, as amended. Lone Star states that upon issuance of the authorization to abandon facilities in the related application, transportation by Lone Star for Coastal through Lone Star's Lines T and A would be performed on an intrastate basis pursuant to NGPA section 311(a)(2).

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

12. Northwest Pipeline Corporation

[Docket No. CP89–1740–000]

July 26, 1989.

Take notice that on July 7, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–1740–000, pursuant to sections 7(b) and 7(c) of the Natural Gas Act for an order granting: (1) A certificate of public convenience and necessity authorizing revisions in its firm sales services for certain of its existing Rate Schedule ODL–1 and DS–1 sales customers; and (2) permission and approval to partially abandon its existing firm sales service to Greeley Gas Company; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that it presently is authorized to provide firm jurisdictional gas sales service for fifteen customers pursuant to Rate Schedule ODL–1 and DS–1 service agreements which

terminate effective October 31, 1989. Northwest states that as a result of negotiations for replacement firm sales agreements, in conjunction with an additional sales to transportation conversion opportunity, those customers not electing to convert 100 percent to firm transportation have entered, or indicated an intent to enter, into new long-term ODL–1 or DS–1 sales service agreements with Northwest which are intended to supercede the currently effective firm sales service agreements as of October 1, 1989.

Northwest states that the contract demands to be effective October 1, 1989 under Northwest's firm sales service agreements with its ODL and DS sales customers and under corresponding new or existing firm transportation service agreements with those same customers as follows:

Customer name	Sales contract demand	Transportation contract demand
ODL–1 Customers:		
Cascade Natural Gas Corporation	52,000	154,123
CP National Corporation	0	30,871
Intermountain Gas Company	100	112,924
Northwest Natural Gas Company	6,000	280,044
Southwest Gas Corporation	0	126,563
Washington Natural Gas Company	150,000	156,733
Washington Water Power Company	30,000	103,270
DS–1 Customers:		
City of Buckley	1,900	569
City of Ellensburg	900	5,100
City of Enumclaw	1,350	1,222
Greeley Gas Company	2,000	—
Rocky Mountain Gas Company	0	893
Utah Gas Company	1,287	5,146
Western Gas Supply Company	3,645	—
Wyoming Industrial Gas Company	750	2,000
Total	249,932	979,458

Northwest avers that besides the contract demand levels, there are six substantive differences between the old and new sales service agreements with respect to the service provisions thereunder; namely (1) extension of the term of service, (2) addition of a renegotiation provision, (3) clarification that Maximum Daily Quantity (MDDQ) applies to the sum of firm sales and transportation volumes, (4) consolidation of the delivery point exhibits into one exhibit per agreement and, in some cases, reallocation of MDDQ among delivery points, (5) establishment of a transportation service within contract demand service and (6) establishment of a Gas Inventory Charge (GIC) mechanism.

Northwest states that the transportation within contract demand provision incorporated in Article I of the new service agreements grants the customer the right to utilize the difference between its sales contract demand and its daily sales nomination under the new service agreement for firm transportation. Northwest explains that subject to availability of capacity, this firm transportation within contract demand service is available from any transportation receipt point on Northwest's system to the delivery points listed on the new sales service agreement. It is explained that although this firm transportation within contract demand service is to be provided under the new sales service agreement instead of under a separate TF–1 transportation service agreement, it still will be subject to the Rate Schedule TF–1 terms and conditions to the extent such terms and conditions are not superceded or modified by the new sales service agreement. It is further explained that to comply with the provisions in Rate Schedule TF–1 concerning receipt point flexibility, Northwest will require its sales customers to forecast by the twenty-fifth of each month which receipt points and volumes are anticipated for nomination as transportation within contract demand during the following month. Upon evaluating the availability of firm capacity at the forcasted points, Northwest would provide any required notice to the customer and affected interruptible shippers, it is explained, Northwest states that it does not propose to accept nominations for transportation within contract demand service that exceed the monthly forecasts. Northwest asserts that the most significant Rate Schedule TF–1 terms and conditions which are overridden by the new sales service agreement are the rate provisions. Northwest further asserts the new sale service agreements specify that firm transportation within sales contract demand service will be subject to a rate equal to the commodity charge for transportation under Northwest's Rate Schedule TI–1.

Northwest further states that the new service agreements specifically address the GIC issue by establishing a mutually agreeable GIC procedure as an integral part of the service agreements. Exhibit B to each new service agreement presently incorporates the terms and conditions of the GIC which Northwest proposed in Docket No. CP86–578 and Article V of the service agreements provides for the implementation of a GIC under either of two potential scenarios depending upon the results of Northwest's pending GIC proceeding in Docket No. CP86–578. Namely: (a) If the Commission approves a GIC in Docket No. CP86–578 by October 1, 1989 which is acceptable to both Northwest and its sales customers, then Exhibit B to the new service agreements will be revised to incorporate the terms and conditions of such GIC and the GIC will be implemented under the service agreement in accordance with the Commission's approval in Docket No. CP86–578; or (b) if the Commission either does not approve a GIC in Docket No. CP86–578 by October 1, 1989 or else approves a GIC which is not acceptable to either Northwest or its customers, then the GIC provisions set forth in Exhibit B to the service agreements will be revised to reflect a minimum annual exemption level based upon 58%, instead of 60% of the customer's contract demand and to impose a minimum annual take requirement under each service agreement. Northwest states that such revised GIC would be implemented under the individual service agreements in accordance with Exhibit B and the Commission's approval in this proceeding. The mutually agreed upon minimum annual take requirement under the service agreement in this case is based upon Northwest's minimum annual purchase obligations from its suppliers and initially would require each customer to purchase gas at an annual load factor based upon 26% of the customer's daily contract demand, but such load factor would be reduced commensurately with any future reductions in Northwest's minimum annual take obligations, it is explained.

Northwest requests the Commission to grant a certificate of public convenience and necessity authorizing it to provide a charge for all the services covered by its new ODL–1 and DS–1 sales service agreements effective October 1, 1989. Such services include:

(1) Continuation of firm sales up to the contract demand levels under the respective service agreements, with such sales to be made at the delivery points and subject to the reallocated delivery point MDDQ's as set forth on the new Exhibit A to the respective service agreements.

(2) Firm transportation within contract demand for each customer up to a volume equal to the difference between the customer's respective sales contract demand and daily sales nomination, subject to capacity availability.

(3) Maintaining gas supply inventory at a level sufficient to enable Northwest

to reliably serve its customers at contract demand sales levels subject to the GIC provisions referenced in the new sales service agreements.

Northwest states that the rates which it proposes to apply to services under the new sales service agreements will be set forth on Sheet No. 10 of Volume No. 1 of Northwest's FERC Gas Tariff. Northwest states that the Rate Schedule ODL–1 and DS–1 rates will include the Demand-1, Demand-2 and commodity charges which historically have been applicable to such sales services. Northwest further states that in addition, the ODL–1 and DS–1 rates now will include a GIC component to be applied to deficiency sales volumes; i.e. the difference between actual gas purchases and the customer's minimum annual exemption level. It is explained that the initial GIC rate is proposed to be 30.12 cents per MMBtu. Finally, Northwest explains that the ODL–1 rates also now will include a firm transportation within contract demand charge, equivalent to Northwest's Rate Schedule TI–1 rate, which will be applied to firm transportation volumes which are nominated by the customer and delivered by Northwest as transportation within sales contract demand. Northwest explains that the initial rate for this service component would be 21.03 cents per MMBtu, assuming timely Commission approval of the TI–1 rate reflected in the offer of settlement filed by Northwest in Docket No. RP88–47 on March 31, 1989.

Northwest also requests the issuance of an order permitting and approving the partial abandonment of firm Rate Schedule ODL–1 sales service to Greeley in the amount of 3,323 Dt per day of firm sales contract demand, effective October 1, 1989, which represents the portion of Greeley's existing contract demand which it declined to convert to firm transportation.

Northwest avers that it and its customers have freely negotiated the subject new sales service agreements which provide for the future levels of sales service desired by Northwest's customers subject to mutually acceptable terms and conditions. Northwest further avers that establishing these continuing commitments for specific quantities of its system supply gas will allow Northwest to complete the realignment of its gas supplies to most efficiently match its obligations to serve the needs of it customers. In particular, Northwest now will be able to complete its negotiations for an appropriate gas purchase contract with its Canadian supplier to replace the existing contract which expires October 31, 1989.

Further, Northwest avers that the firm transportation within contract demand provision of Northwest's new firm sales service agreements ensures customer flexibility to swing between sales gas and transportation gas to meet requirements. Northwest states that basically, the customers will be free to make gas purchase decisions based upon the comparative prices of gas; i.e. the purchase price of transportation gas plus Northwest's firm transportation within contract demand charge versus Northwest's ODL–1 commodity sales rate which includes both a purchased gas cost component and a system transmission cost component.

Finally, Northwest avers that the GIC provisions incorporated in its new sales service agreements have been freely negotiated and agreed upon by Northwest and its affected customers as a settlement of the basis upon which Northwest can continue to provide a merchant service and should be deemed to be in the public interest since they are consistent both with the Commission's Notice of Proposed Policy Statement in Docket No. PL89–1–000 and the principles elucidated in 18 CFR 2.105. Northwest states that implementation of the GIC provisions will both encourage customer behavior conducive to minimizing take-or-pay incurrence by Northwest and provide an equitable mechanism for Northeast to be compensated for take-or-pay charges it may incur as a result of fulfilling its obligations to maintain sufficient gas supply to sell gas at contract demand levels while its customers have the flexibility to eschew sales gas, to a great extent, for transportation gas.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

13. Tennessee Gas Pipeline Company

[Docket No., CP89–1741–000]

July 26, 1989.

Take notice that on July 7, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–1741–000 an application pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon certain gas supply facilities, located in West Cameron Block 69, offshore Louisiana, and that the Commission waive § 157.216(a)(1) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.216(a)(1), to allow Tennessee to utilize its blanket certificate to permit future automatic abandonment of unspecified gas supply facilities for any wells that have been plugged and abanonded as documented by reports filed with the Department of Interior or state commissions, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that the facilities it proposes to abandon in West Cameron Block 69 originally were required and installed pursuant to a certificate issued in Docket No. CP76–151 for the measurement and connection of gas purchased by Tennessee from various producers at the wellhead. Tennessee further states that the subject facilities are presently idle, since they are still connected to wells that have been plugged and abandoned. Tennessee indicates that although the producers have ceased the production and sale of gas to Tennessee at each of the wells, the producers have not received, or even requested Commission authorization permitting the abandonment of their sale to Tennessee. Tennessee further indicates that without evidence of Commision approved abandonment issued to the producer, Tennessee is unable to utilize its blanket certificate, issued in Docket No. CP82–413–000, and § 157.216(a)(1) of the Regulations to abandon and remove the facilities.

Tennessee submits that the Commission can accept the respective Department of Interior reports or the states' plugging and abandonment reports as an appropriate basis for Tennessee to abandon the idled gas supply facilities in the future.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

14. Texas Eastern Transmission Corporation

[Docket No. CP89–1817–000]

July 26, 1989.

Take notice that on July 14, 1989, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252–2521, filed in Docket No. CP89–1817–000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by transfer to Texas Eastern Oil Company (TEOC), certain production properties and jurisdictional services (Properties), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Eastern requests authority to abandon by transfer to TEOC certain Properties located in Texas, Virginia, and West Virginia in which Texas Eastern owns a working interest and

takes the gas for use as system supply. Texas Eastern alleges that current net production from such Properties is less than 2 MMcf per day. Texas Eastern proposes to assign its interest in the Properties to TEOC upon receipt of the required regulatory approval. It states that Texas Eastern and TEOC have entered into contracts for the purchase and sale of natural gas produced from the Properties. TEOC proposes to eventually sell the bulk of these Properties to an entity or entities whose primary business is the exploration and production of oil and gas.

It is alleged that Texas Eastern also intends to offer for sale certain interests in oil and gas leases properties located in Arkansas, New Mexico, Texas, Louisiana, Oklahoma, and Federal offshore areas, in which Texas Eastern has royalty interests. It is averred that if the Commission believes abandonment authorization is necessary prior to sale of these interests, Texas Eastern requests such authorization. Texas Eastern also proposes to offer for sale certain unencumbered mineral estates and/or surface estates located in Louisiana, Pennsylvania, and Texas. There are no reserves, production or revenue associated with these properties; therefore Texas Eastern believes abandonment authorization is not necessary. If however, the Commission believes abandonment authorization is necessary, prior to the sale of these properties, Texas Eastern requests such authorization in this filing.

Texas Eastern alleges that it's jurisdictional customers would not be adversely affected by the proposal. It is claimed that the proposed abandonment would not result in any interruption, reduction or termination of gas service currently provided to Texas Eastern's customers. The same service that Texas Eastern has provided with respect to the Properties would be provided by TEOC. It is asserted that even eventual sale of the Properties, subject to any necessary abandonment authorization, would not adversely effect Texas Eastern's customers. The Properties would be sold subject to existing gas purchase contracts that dedicate the gas to Texas Eastern under the terms of each contract. The remaining net deliverability and reserves on these Properties are very small, estimated at January 1, 1989, to be approximately 1.7 MMcf per day and 3.1 Bcf in total. It is asserted that these Properties account for less than one tenth of one percent of Texas Eastern's jurisdictional reserves.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

15. Arkla Energy Resources, Division of Arkla, Inc.

[Docket No. CP89-1753-000]

July 26, 1989.

Take notice that on July 10, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP89-1753-000, an application pursuant to section 7(b) of the Regulations and Rule 207 of the Commission's Rules of Practice and Procedure, for abandonment authority to convey to R. Lacy, Inc. (Lacy) or its designee certain existing compression and pipeline facilities and appurtenances in the Beckville Field in Panola County, Texas, and for a declaratory order confirming that Lacy's ownership will not be subject to the Commission's jurisdiction, all as more fully set forth in the request on file with the Commission and open to public inspection.

AER proposes to abandon and transfer to Lacy the following facilities:

(a) AER's Line ST-12 from milepost 0.04 to 6.88
(b) AER's Beckville Compressor Station, including one 1,300 h.p. and two 700 h.p. compressors
(c) eleven gathering lines
(d) three field compressors
(e) all appurtenances thereto.

AER states that the abandonment will not impair any services originally performed from the transfer facilities, as Lacy would continue the gathering and delivery of the Beckville Field gas committed to AER.

AER also states that its customers would benefit from the reduction in AER's rate base, and that Lacy would be able to integrate its operations with the inclusion of the additional facilities.

AER further requests that the Commission declare Lacy's ownership and operation of the acquired facilities non-jurisdictional, as the size, configuration and the proposed use of the acquired facilities would be the gathering of natural gas.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

16. Columbia Gulf Transmission Company

[Docket No. CP89-1806-000]

July 26, 1989.

Take notice that on July 13, 1989, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP89-1806-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon partially a transportation service for Northern Natural Gas Company, division of Enron (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia Gulf states that it was authorized in Docket No. CP77-8 to transport, on a firm basis, up to 2,000 Mcf of natural gas per day from Northern's Eugene Island, offshore Louisiana, Block 332 volumes to a delivery point in Acadia Parish, Louisiana. It is asserted that Northern has informed Columbia Gulf that Northern no longer has sufficient volumes in its Eugene Island gas supply to meet the contract demand. It is further asserted that Northern wants to terminate the present agreement effective January 1, 1990, and replace it with a short-term contract for a daily transportation volume of 1,000 Mcf. Columbia Gulf requests in Docket No. CP89-1806-000 that it be authorized to abandon the transportation of 1,000 Mcf of gas per day for Northern. It is explained that Columbia Gulf was also authorized in Docket No. CP77-8 to transport gas from Northern's West Cameron, offshore Louisiana, supply, and that this portion of the transportation service would not be affected.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

17. Steuben Gas Storage Company

[Docket No. CP89-1684-000]

July 26, 1989.

Take notice that on June 26, 1989, Steuben Gas Storate Company (Applicant) 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89-1684-000, pursuant to section 7(c) of the Natural Gas Act (NGA), as amended, and § 157.6 of the Federal Energy Regulatory Commission's Regulations thereunder an application for a certificate of public convenience and necessity authorizing Applicant to develop, construct, and operate an underground gas storage field and related facilities and to render firm gas storage service to certain distribution companies located in the states of Massachusetts, New Jersey, and South Carolina, all as more fully set forth in the applciation which is on file with the Commission and open to public inspection.

Applicant requests, among other things, authority to provide a total of 6,200 MMcf annually of natural gas storage service to Elizabethtown Gas

Company, Commonwealth Gas Company, City of Union, New Jersey Natural Gas Company, and Public Service Electric and Gas Company (Customers), all of which have signed Gas Storage Agreements with Steuben, according to Steuben. Applicant proposes to provide two types of firm storage service, 90-day and 110-day service. The quantity and type of natural gas storage service proposed, is as follows:

Customers	Maximum storage volume (MMcf)	Maximum daily withdrawal quantity (Mcf)	Maximum daily injection quantity (Mcf)
90-Day Service:			
Elizabethtown Gas Company	500	5,556	3,571
New Jersey Natural Gas Company	1,000	11,111	7,143
City of Union	45	500	321
Sub-Total	1,545	17,167	11,035
110-Day Service:			
Public Service Electric and Gas Company	3,405	30,955	24,321
Commonwealth Gas Company	1,250	11,364	8,929
Sub-Total	4,655	42,319	33,250
Total	6,200	59,486	44,285

Applicant states that it has entered into storage agreements with Customers which provide that during the Summer Period (April 1–October 31), Customers will cause CNG Transmission Corporation (CNG) to deliver to Applicant for storage a volume of natural gas no greater than the Maximum Injection Quantity, plus a volume of gas for compressor fuel usage equal to 1.5% of the volumes delivered, at the proposed interconnection of the facilities of Applicant and CNG to be constructed in the Town of Woodhull, Steuben County, New York (Woodhull). The storage agreements further provide that during each Winter Period (November 1–March 31), Applicant will redeliver to CNG at Woodhull such daily volumes as Customers may request, up to the Maximum Daily Withdrawal Quantity, less a volume of gas for compressor fuel usage equal to 0.6% of the volumes requested to be withdrawn. For all customers except Commonwealth Gas Company (Com Gas), CNG will redeliver equivalent volumes to Transcontinental Gas Pipe Line Corporation (Transco) near Leidy, Pennsylvania for ultimate delivery to the respective customers. Additionally, CNG will redeliver equivalent volumes of gas on behalf of Com Gas to Tennessee Gas Pipeline Company (Tennessee) near Morrisville, New York for ultimate redelivery to Com Gas.

The Applicant states that the primary term of the storage agreement between Applicant and Customer is twenty (20) years, commencing April 1, 1991, or on such later date when Applicant shall notify Customers that its storage facilities are ready to accept deliveries of gas for storage.

Applicant states that in the event that during any Winter Period it was unable to tender for redelivery volumes of gas which a Customer requested within the Customer's contract entitlements; unless Customer, Applicant and transporters are able to agree upon and effect make-up of such deficiency during the balance of such Winter Period, then Customer would be entitled to a credit against future monthly charges. Applicant states that this credit would be equal to the sum of all such day's deficiencies which are not made up, multiplied by a rate per Mcf equivalent to the total of the Deliverability Rate and the Storage Capacity Rate.

According to Applicant, the storage agreements also allow for delivery and redelivery of volumes of gas in excess of a Customer's Maximum Storage Volume during any contract year and for the delivery and redelivery of excess daily injection and withdrawal volumes if Applicant has sufficient capacity to provide such overrun service. In addition, Applicant states, the storage agreements provide the option to inject gas during the Winter Period, and to withdraw gas during the Summer Period.

The Applicant states that as necessary, CNG and Transco would file separate applications with the FERC for authority to construct and operate any additional facilities required to interconnect with Applicant, and for authority to provide firm transportation service on behalf of any Customer requesting firm transportation service. Among the Customers, Com Gas, according to Applicant, currently intends to have its storage injection gas delivered to CNG, and its storage withdrawal gas received from CNG and redelivered to Com Gas by means of interruptible transportation service provided by Tennessee under Tennessee's "open access" interruptible transportation rate schedule. Applicant states also that Tennessee may, at some point in the future file an application with the FERC to obtain authorization to construct and operate the facilities necessary to provide the storage transportation services for Com Gas on a firm basis.

In order to provide the storage services proposed herein, Applicant proposes to acquire the property rights and interests necessary to develop and operate the Adrian Gas Field located in the Town of Canisteo, Steuben County, New York as an underground natural gas storage field with a working storage capacity of 6,200 MMcf. The storage services proposed herein will necessitate the construction of certain new facilities at a total estimated cost of $27,873,000. Accordingly, Applicant proposes to convert the one existing well to an injection/withdrawal well, drill and complete 8 new injection/withdrawal wells and one new observation well, install the necessary gathering system, construct a 2,700 horsepower class compressor station with all ancillary facilities and, install approximately 13.9 miles of 12' diameter pipeline to connect the storage field to the existing transmission pipeline of CNG. To provide base gas to operate the storage field, Applicant states it will purchase the remaining native gas in the field and inject an additional 1,658 MMcf of gas, 50% of which would be acquired from CNG at a price equal to its Rate Schedule SCQ.

As consideration for providing these natural gas storage services, Customers will pay Applicant the monthly charges set forth in section 8.1 of Article VIII of the storage agreements. Such charges include a monthly Deliverability Rate of $4.6146 per Mcf of Storage Demand Withdrawal Quantity, a Monthly Capacity Rate of $.0443 per Mcf of

Maximum Storage Volume, and injection rate of $.0032 per Mcf and a withdrawal rate of $.0032 per Mcf. These are the initial rates proposed by Storage Company. Furthermore, Storage Company has agreed to limit its ability to change these proposed initial rates by limiting the amount of an increase for which it may file should certain construction costs increase over the construction costs projected in this application.

Applicant submits that the storage service proposed to be provided herein is and will be required by the present and future public convenience and necessity. As demonstrated by their executing storage agreements with Applicant, the customers need additional storage service to meet their various peak day and winter period requirements during the 1991–1992, and subsequent, heating seasons. The storage services proposed by this application would permit Applicant's customers to serve growing, high priority markets, in the future and potentially replace more expensive alternative fuels. Moreover, the storage services proposed will give Applicant's customers added flexibility to enable them to manage the acquisition of natural gas supplies to take advantage of newly available options for the purchase of natural gas resulting from the Commission's current policies.

Comment date: August 16, 1989, in accordance with Standard Paragraph F at the end of this notice.

18. Transwestern Pipeline Company

[Docket No. CP89–1852–000]

July 27, 1989.

Take notice that on July 24, 1989, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–1852–000 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 Cabot Energy Marketing Corporation (Cabot), a marketer, under the blanket certificate issued in Docket No. CP88–133–000, 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.

Transwestern states that pursuant to a transportation service agreement dated September 12, 1988, under its Rate Schedule ITS–1, it proposes to transport up to 300,000 MMBtu per day equivalent of natural gas for Cabot. Transwestern states that it would transport the gas from various receipt points in Oklahoma, New Mexico and Texas, as shown in Exhibit "A" of the transportation agreement, and would delivery the gas to delivery points specified in Exhibit "B" of the agreement.

Transwestern advises that service under § 284.223(a) commenced May 24, 1989, as reported in Docket No. ST89–4177–000 (filed July 13, 1989). Transwestern further advises that it would transport 225,000 MMBtu on an average day and 109,500,000 MMBtu annually.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

19. Columbia Gas Transmission Company

[Docket No. CP89–1840–000]

July 27, 1989

Take notice that on July 19, 1989, Columbia Gas Transmission Company, (Columbia) Post Office Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP89–1840–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to change the location of a delivery point to Orwell Natural Gas Company (Orwell), under its blanket authorization issued in Docket No. CP83–76–000 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

Columbia requests authority to change the location of a delivery point authorized in Docket No. CP88–154–000, 46 FERC ¶61,340, to Orwell from west of Mesopotamina in Trumbull County, Ohio, to an existing pipeline purchased by Orwell near the town of West Farmington and interconnecting with Columbia's Line FV–341 in Trumbull County, Ohio. It is stated that Orwell has recently completed negotiations to purchase an existing 6.9 mile of 4-inch pipeline in Trumbull County, Ohio, and the currently authorized interconnection is no longer required. It is alleged that the purchase by Orwell requires that Columbia relocated its authorized interconnection with Orwell.

It is averred that as a result of Orwell's purchase of the existing pipeline, Orwell has constructed approximately one and one-half miles of pipeline instead of 6.9 miles, thus resulting in less environmental disturbance by Orwell. It is further averred that the relocated delivery point of Columbia would require similar material and installation costs as originally authorized in Docket No. CP88–154–000.

Columbia asserts that it would not construct its interconnecting facilities for the project until such time as Columbia obtains all clearances from the necessary regulatory agencies that its facilities would be constructed in compliance with the environmental requirements of § 157.206(d) of the Commission's regulations.

It is alleged that the quantity of natural gas to be provided through the new delivery point location is within Columbia's currently authorized level of service and within existing peak day and annual proposed seasonal entitlements as stated in Docket No. CP88–154–000. The sales to be made through the proposed point of delivery would be under Columbia's currently effective service agreement under Rate Schedule SGS.

Columbia asserts that there would be no impact on it's existing peak day and annual obligations to customers as a result of the construction and operation of the proposed change in location for a delivery point to Orwell.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

20. Texas Gas Transmission Corporation

[Docket No. CP89–1861–000]

July 27, 1989.

Take notice that on July 25, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–1861–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for EnMark Gas Corporation (EnMark), under Texas Gas' blanket certificate 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 the public inspection.

Texas Gas proposes to transport, on an interruptible basis, up to 50,000 MMBtu equivalent of natural gas on a peak day, 25,000 MMBtu equivalent on an average day and 9,125,000 MMBtu equivalent on an annual basis for EnMark. It is indicated that Texas Gas would receive the gas for EnMark's account at designated points on Texas Gas' system in various states and offshore Texas and Louisiana and would deliver equivalent volumes at designated points on its system in Warren County, Ohio.

It is explained that the service commenced June 15, 1989, under the

automatic authorization provisions of Section 284.223 of the Commission's Regulations, as reported in Docket No. ST89–4056. Texas Gas indicates that no new facilities would be necessary to provide the subject service.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

21. CNG Transmission Corporation

[Docket No. CP89–1864–000]

July 27, 1989.

Take notice that on July 25, 1989, CNG Transmision Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89–1864–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to replace an existing gas supply facility, CNG's Line No. TL–294, by constructing in the same ditch and operating a replacement Line No. TL–294, under CNG's blanket certificate issued in Docket No. CP82–537–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully described in the request which is on file with the Commission and open to public inspection.

CNG states that Line No. TL–2194, located in Doddridge and Lewis Counties, West Virginia, is an integral part of CNG's gas supply facilities in the Appalachian supply area of West Virginia and, because of physical deterioration along the entire length of the line, CNG had to take TL–294 out of service which created a force majeure situation for Appalachian producers in West Virginia.

CNG proposed to replace the 18.8 miles of physically deteriorated 16-inch Line No. TL–294 with 20-inch pipeline because 18-inch pipeline appears to be an obsolete size in the natural gas transmission industry. CNG asserts that a 20-inch replacement line will provide additional flexibility for TL–294 and the gas supply facilities TL–294 interconnects with in central West Virginia. CNG estimates the total cost to replace TL–294 to be $9,725,000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

22. Tennessee Gas Pipeline Company

[Docket No. CP89–1809–000]

July 27, 1989.

Take notice that on July 14, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–1809–000, 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 Entrade Corporation (Entrade), a marketer, under Tennessee's blanket certificate issued in Docket No. CP87–115–000 pursuant to section 7 of the Natural Gas Act, all or more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that it would transport the natural gas for Entrade from various receipt points located offshore Louisiana, offshore Texas, and the states of Texas, Louisiana, Mississippi, Pennsylvania, Kentucky, New York and Alabama. Tennessee further states that the natural gas would be redelivered to various interconnections between Tennessee and certain local distribution companies and pipelines in the states of New Hampshire, Vermont, Massachusetts, New York, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Kentucky Tennessee, Wisconsin, North Carolina, South Carolina, Missouri, Michigan, Mississippi, Alabama and Georgia.

Tennessee states that this transportation service would replace terminated services for Entrade which were authorized under section 311 of the NGPA. Tennessee further states that the maximum daily quantity that would be transported for Entrade would be 1,310,000 dekatherms per day equivalent of natural gas.

Tennessee indicates that service under § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)) commenced on May 22, 1989, as reported in Docket No. ST89–4153.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

23. Tennessee Gas Pipeline Company

[Docket No. CP89–1838–000]

July 27, 1989.

Take notice that on July 19, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252 filed with the Commission in Docket No. CP89–1838–000 an application pursuant to section 7(b) of the Natural Gas Act, requesting permission and approval to abandon an interruptible transportation service performed by Tennessee for, *inter alia*, United Gas Pipe Line Company (United), all as more fully set forth in the application which is open to public inspection.

Tennessee states that the Commission order issued January 21, 1980, in Docket No. CP79–477 (10 FERC ¶ 61,068) authorized it to transport up to 30,000 Mcf of natural gas per day produced in West Cameron Block 222, offshore Louisiana, through Tennessee's existing facilities commencing at West Cameron Block 192 to various delivery points for Northern Natural Gas Company, a Division of InterNorth, Inc.; Texas Eastern Transmission Corporation; Transcontinental Gas Pipe Line Corporation; and United Gas Pipe Line Company (United). Tennessee received authorization to transport up to 7,500 Mcf of natural gas per day for each of the four shippers.

Tennessee further states that the Commission order issued September 18, 1985, in Docket No. CP79–477–002 (32 FERC ¶ 61,392) amended Tennessee's transportation authorization, *inter alia*, to reduce the daily natural gas volumes it transports for United from 7,500 Mcf to 2,000 Mcf. It is explained that United notified Tennessee by letter on February 15, 1989, of its intent to terminate their August 31, 1979, transportation agreement (filed as Tennessee's FERC Rate Schedule T–101). It is stated that Tennessee agreed by letter on June 22, 1989, to terminate its transportation service for United, effective upon receiving permission and approval from the Commission.

Comment date: August 17, 1989 in accordance with Standard Paragraph F at the end of the notice.

24. Texas Eastern Transmission Corporation

[Docket No. CP–89–1855–000]

July 27, 1989.

Take notice that on July 24, 1989, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP89–1855–000 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 Elf Aquitaine Operating, Inc. (Elf Aquitaine), a producer, under the blanket certificate issued by the Commission's Order No. 509, pursuant to section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89–95–000, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Eastern states that pursuant to a transportation agreement dated May 1, 1989, under its Rate Schedule IT–1, it proposes to transport up to 50,000 MMBtu per day equivalent of natural gas for Elf Aquitaine. Texas Eastern

states that it would transport the gas from an existing receipt point on its system in West Cameron Block 522, offshore Louisiana, and would deliver the gas, less applicable shrinkage, to Natural Gas Pipeline Company of America for the account of Elf Aquitaine at an existing delivery point on its system in West Cameron Block 543, offshore Louisiana.

Texas Eastern advises that service under § 284.223(a) commenced May 16, 1989, as reported in Docket No. ST89–3801–000. Texas Eastern further advises that it would transport 50,000 MMBtu on an average day and 18,250,000 MMBtu annually.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

25. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89–1856–000]

July 27, 1989.

Take notice that on July 24, 1989, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP89–1856–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Transco Energy Marketing Company (Temco), under Transco's blanket certificate issued in Docket No. CP88–328–000, 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.

Transco requests authorization to transport, on an interruptible basis, up to a maximum of 200,000 dekatherms of natural gas per day for Temco from receipt points located in Louisiana, Offshore Louisiana, Texas, Offshore Texas, Alabama, Georgia, Pennsylvania and New Jersey to a delivery point located in Louisiana. Transco anticipates transporting 100,000 dekatherms of natural gas on an average day and an annual volume of 36,500,000 dekatherms.

Transco states that transportation of natural gas for Temco commenced May 26, 1989, as reported in Docket No. ST89–4100–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Transco in Docket No. CP88–328–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

26. Colorado Interstate Gas Company

[Docket No. CP89–1850–000]

July 27, 1989.

Take notice that on July 21, 1989, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP89–1850–000 a request pursuant to Sections 157.205 and 284.223 of the Commisssion Regulations under the Natural Gas Act and the Natural Gas Policy Act for authorization to transport natural gas for Marathon Oil Company (Marathon), a producer, under CIG's blanket certificate issued in Docket No. CP86–589–000, 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.

CIG proposes to transport up to 60,000 Mcf per day, on an interruptible basis, for Marathon pursuant to a transportation service agreement dated January 1, 1989, between CIG and Marathon. CIG would receive gas from various existing points of receipt on its system in Colorado, Kansas, Oklahoma, Texas and Wyoming, and redeliver the subject gas, less fuel gas and lost and unaccounted-for gas, for the account of Marathon in Beaver County, Oklahoma.

CIG further states that the estimated average daily and annual quantities would be 40,000 Mcf and 14.6 Bcf, respectively. CIG states that service under § 284.223(a) commenced on June 1, 1989 as reported in Docket No. ST89–4114–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

27. United Gas Pipe Line Company

[Docket No. CP89–1858–000]

July 27, 1989.

Take notice that on July 24, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed with the Commission in Docket No. CP89–1858–000 an application 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 Ergon Refining, Inc. (Ergon), a natural gas end-user, under United's blanket certificate issued in Docket No. 88–6–00 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is open to public inspection.

United proposes to transport for Ergon, on an interruptible basis, up to 8,240 MMBtu per peak day. United further proposes to transport 8,240 MMBtu on an average day and 3,007,600 MMBtu on an annual basis. United states that existing facilities would be used to implement its proposed transportation service for Ergon.

United proposes to receive Ergon's natural gas volumes at various receipt points in Alabama, Louisiana, Mississippi, and Texas, and delivery the gas for Ergon's account at delivery points in Louisiana and Mississippi.

United advises that service under § 284.223(a) commenced June 1, 1989, as reported in Docket No. ST89–4007.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

28. Chattanooga Gas Company

[Docket No. CP89–1866–000]

July 27, 1989.

Take notice that on July 25, 1989, Chattanooga Gas Company (Chattanooga), 811 Broad Street, Chattanooga, Tennessee 37402, filed an application in Docket No. CP89–1866–000 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a liquefied natural gas (LNG) service for East Tennessee Natural Gas Company (East Tennessee), all as more fully set forh in the application which is on file with the Commission and open to public inspection.

Chattanooga states that by order issued on July 6, 1977, in Docket No. CP73–329 the Commission authorized Chattanooga to perform a firm liquefaction service for East Tennessee of 500,000 Mcf of total volumes with daily withdrawal quantities of 23,000 Mcf per day. It is indicated that Chattanooga used temporary authorization issued in that docket to provide the 1973–74 and 1974–75 winter seasons, firm storage service for East Tennessee by liquefying, storing, and redelivering by displacement certain quantities of natural gas delivered to Chattanooga by East Tennessee. It is also indicated that during the 1975–76 winter season, Chattanooga provided a firm liquefaction service for East Tennessee by receiving, liquefying and redelivering, into trucks provided by East Tennessee, certain volumes of natural gas. Chattanooga states that it provided these services so that East Tennessee could provide supplemental winter service pending the completion of its own LNG facilities. Chattanooga indicates it has not provided any LNG service for East Tennessee since the 1975–76 winter heating season. Chattanooga now seeks to abandon this service.

Chattanooga states that on June 16, 1989, it filed in Docket No. CP73–329–014 to amend its certificate to provide a

limited term firm and interruptible LNG service for East Tennessee for the period November 1, 1989, through March 1990. It is stated that the new service would provide for different volumes of firm service and a new interruptible service. Chattanooga states that it believes it would be administratively more convenient to abandon its existing certificate and to seek a new certificate to perform the requested firm and interruptible service. Chattanooga requests that the abandonment authorization be conditioned upon the Commission's approval of Chattanooga's application for a new certificate to provide service for the 1989–90 winter season.

Chattanooga states that the proposed abandonment of service would not involve the abandonment of any facilities.

Comment date: August 17, 1989, in accordance with Standard Paragraph F at the end of this notice.

29. El Paso Natural Gas Company

[Docket No. CP89–1835–000]

July 26, 1989.

Take notice that on July 19, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed a request for authorization at Docket No. CP89–1835–000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations Under the Natural Gas Act, to provide interruptible transportation service for Meridian Oil Trading Inc. (Shipper), under its blanket certificate issued at Docket No. CP88–433–000, all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso requests authority to transport up to 105,500 MMBtu of natural gas per day for Shipper from any point of receipt on El Paso's system to a point of delivery in the States of New Mexico, Oklahoma and Texas. El Paso states that the estimated daily and annual quantities would be 31,650 MMBtu and 11,552,250 MMBtu, respectively. El Paso further states that transportation service under § 284.223(a) commenced on June 1, 1989, as reported at Docket No. ST89–3941–000.

Comment date: September 11, 1989, in accordance with Standard Paragraph G at the end of this notice.

30. Texas Gas Transmission Corporation

[Docket No. CP89–1860–000]

July 31, 1989.

Take notice that on July 25, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed 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 Tejas Power Corporation (Tejas) under Texas Gas' blanket certificate 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 on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a Gas Transportation Agreement dated December 7, 1988, between Texas Gas and Tejas (Agreement), it would transport on a peak day up to 100,000 MMBtu of natural gas for Tejas, with an estimated average daily quantity of 20,000 MMBtu. Texas Gas further states that on an annual basis, Tejas estimates a volume of 36,500,000 MMBtu.

APPENDIX A—REALIGNMENT OF CD–1 ENTITLEMENT BY AFFECTED COMMUNITY FOR PEOPLES NATURAL GAS

[Volumes in Mcf]

Community, State	Existing CD	Proposed CD	Increase (decrease)
Council Bluffs, Iowa	19,507	19,632	125
Fort Crook, Nebraska	5,116	2,703	(2,413)
Spencer, Iowa	2,744	2,844	100
Fredricksburg, Iowa	555	655	100
New Hampton, Iowa	2,015	2,003	(12)
Eagan, Minnesota	5,041	5,146	105
Rosemount, Minnesota	3,851	4,901	1,050
Austin, Minnesota	119	64	(55)
Erie Mining and Hibbing, Minnesota	0	1,000	1,000
Total Realignment	38,948	38,948	0

Comment date: September 14, 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. 89-18329 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-193-001]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

July 31, 1989.

Take notice that ANR Pipeline Company ("ANR") on July 24, 1989 tendered for filing as part of its FERC Gas Tariff those tariff sheets listed on Appendices A and B, attached to the filing.

ANR states that a Commission Order issued on July 7, 1989 in Docket No. RP89-193-000 directed ANR to refile tariff sheets reflecting the removal of carrying costs accrued on funds not dispersed as of July 1, 1989, and the elimination of certain discounting authorization related to the proposed surcharges.

ANR submits the tariff sheets in Appendix A, ordered to become effective as of July 10, 1989. ANR also submits Substitute Second Revised Twenty-First Revised Sheet No. 18, as set forth in Appendix B, and requests an effective date of August 1, 1989.

Any person desiring to protest said filing should file a protest with the Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Such protests or motions must be filed by August 8, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18334 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-178-002]

Colorado Interstate Gas Co.; Compliance Filing

July 31, 1989.

Take notice that Colorado Interstate Gas Company ("CIG"), on July 26, 1989, tendered for filing the following tariff sheet to revise its FERC Gas Tariff, Original Volume No. 1, to be effective August 1, 1989:

Second Revised Sheet No. 61G12-B

CIG states that the above-referenced tariff sheet is being filed in compliance with the Commission's Order issued in this docket and that the filing constitutes an adjustment filing as defined by CIG's FERC Gas Tariff. Specifically, the filing reflects adjustments to the take-or-pay Buyout-Buydown Surcharges by which the Buyout-Buydown costs billed to CIG by Northwest Pipeline Corporation ("Northwest") pursuant to Northwest's Docket No. RP89-137 are recovered, interest on unamortized costs, and the related billing options elected by CIG's customers.

CIG states that copies of the filing were served upon all of the parties to this proceeding and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before August 7, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18335 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-11-51-001]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Purchased Gas Adjustment Clause Provisions

July 31, 1989.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes") on July 25, 1989 tendered for filing Substitute Twenty-Third Revised Sheet Nos. 57(i) and 57(ii) and Substitute Tenth Revised Sheet No. 57(v) to its FERC Gas Tariff, First Revised Volume No. 1.

The subject tariff sheets were filed to revise the current PGA adjustment rates reflected in Great Lakes' filing of June 30, 1989 at Docket No. TQ89-11-51-000, for its quarterly PGA to be effective August 1, 1989. The referenced tariff sheets reflected no change in the cumulative rates from those filed in Docket No. TQ89-11-51-000.

Great Lakes requested waiver of the notice requirements of § 154.308 of the Commission's Regulations and any other necessary waivers so as to permit the above tariff sheets to become effective August 1, 1989.

Any person desiring to be heard or to protest said filing should file a Motion to Intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 7, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18336 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-144-002]

Pacific Interstate Offshore Co., Compliance Filing

July 31, 1989.

Take notice that on July 24, 1989, Pacific Interstate Offshore Company (PIOC) filed Original Sheet Nos. 7, 7-A, and 15 to its FERC Gas Tariff, Original Volume No. 1, to be effective April 1, 1989.

PIOC states that this filing is made pursuant to the Commission's letter order of July 7, 1989.

PIOC states that copies of this filing are being mailed to its jurisdictional customers, the California Public Utilities Commission and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before August 7, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18332 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-205-001]

Point Arguello Natural Gas Line Co., Amendment to Filing of Rate Schedules

July 31, 1989.

Take notice that on July 26, 1989 Point Arguello Natural Gas Line Company (PANGL) submitted an amendment to its July 17, 1989 rate filing, which included the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective Aug. 11, 1989:

Substitute First Revised Sheet No. 4
First Revised Sheet No. 11 from Rate Schedule T-1
Original Sheet No. 11a from Rate Schedule T-1
Substitute Original Sheet No. 21
Substitute Original Sheet No. 32

In addition, a revised schedule showing the development of firm and interruptible rates were submitted.

The above revised tariff sheets reflect the following changes:

(1) The use of first year's estimated volumes to include a projection for open access shippers;

(2) The development of firm and interruptible rates for Rate Schedules FT and IT based on the projected volumes in (1) above;

(3) The establishment of a minimum credit to its Rate Schedule T-1 attributable to revenue received under Rate Schedule FT and IT;

(4) The deletion of the "ceiling rate" provisions in Rate Schedules FT and IT.

PANGL states that the impact of these changes is a change in rates for firm and interruptible transportation. These changes in rates would eliminate any discrimination in treatment between existing shippers under Rate Schedule T-1 and open access shippers under Rate Schedules FT and IT and complies with the Commission's objectives in Section 284.7 of the Commission's Regulations and with the Commission's Order issued on May 2, 1989 in the POPCO rate case in Docket No. RP89-143-000.

Copies of this filing are being served on affected jurisdictional customers and intervenors.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such protests should be filed on or before Aug. 7, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-18333 Filed 8-4-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3526-2]

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.

DATE: Comments must be submitted on or before September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Notification of Chemical Exports, TSCA section 12(b) (EPA ICR # 0795.03; OMB # 2070-0030).

Abstract: Under section 12(b) of the Toxic Substances Control Act (TSCA), exporters of chemicals subject to regulatory action under certain provisions of TSCA must notify EPA of the first annual shipment to a foreign country. In turn, EPA uses this information to inform recipient countries about the chemical shipment.

Burden Statement: The public reporting burden for this collection of information is estimated to average 32 minutes per response. This estimate includes the time for generating a list of chemicals subject to section 12(b) and completing and reviewing the notice of export activity.

Respondents: Chemical exporters.

Estimated no. of respondents: 114.

Estimated total annual burden on respondents: 4100 hours.

Frequency of collection: Annually, at the time of the first shipment of each chemical export.

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

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20530.

OMB Responses to Agency PRA Clearance Requests

EPA ICR # 0783.08; Motor Vehicle Emission Certification and Fuel Economy Labeling Program (Trading and Banking Proposal); was approved 06/29/89; OMB # 2060-0104; expires 08/31/91.

EPA ICR # 0661.03; NSPS for Asphalt Processing and Asphalt Roofing MFG Information Requirements; was approved 06/29/89; OMB # 2060-0002; expires 06/30/92.

EPA ICR # 1501.01; Request for Mineral Processing Waste Characterization Information; was approved 07/11/89; OMB # 2050-0104; expires 12/31/89.

EPA ICR # 1426.02; EPA Worker Protection Standards for Hazardous Waste Operations and Emergency

Response; was approved 07/11/89; OMB # 2050–0105; expires 06/30/92.

EPA ICR # 1499.01; National User Charge Rate Survey; was approved 07/07/89; OMB # 2040–0129; expires 07/31/90.

EPA ICR # 1497.01; Control Strategy for Combined Sewer Overflow (CSOS); was approved 07/10/89; OMB # 2040–0130; expires 07/31/90.

EPA ICR # 0154.03: Recordkeeping and Reporting Requirements for Pesticide Dealers and Applicators; was approved 07/14/89; OMB # 2070–0025; expires 07/31/91.

EPA ICR # 1292.02; Interim Enforcement Policy Regarding the Sale and Use of Aftermarket Catalytic; was approved 06/29/89; OMB # 2060–0135; expires 06/30/92.

EPA ICR # 0318.03; Estimate of Municipal Wastewater Treatment Facility Requirements for the Needs Survey; was approved 06/28/89; OMB # 2040–0050; expires 02/29/91.

Paul Lapsley,

Information and Regulatory Systems Division.

[FR Doc. 89–18388 Filed 8–4–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3526–1]

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.

DATE:, Comments must be submitted on or before September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202 382–2740).

SUPPLEMENTARY INFORMATION:

Office of Administration

Title: Hazardous Substance Response Fund Contractor-Cost Report. (EPA ICR # 788.03, OMB # 2030–0019). This is a renewal of a previously approved collection.

Abstract: This report will document costs incurred by contractors responding to hazardous substance releases. EPA will use the data to help control contractor costs and to support contractor's reimbursement claims by verifying the vouchers that they submit.

Burden Statement: The annual public recordkeeping and reporting burden for this collection of information is estimated to range between 0.7 and 30 hours per response, with an average of 300 responses per respondent. This estimate includes time for reviewing instructions, searching existing data sources, gathering the data, and completing and reviewing the form.

Respondents: Contractors responding to hazardous substance releases.

Estimated no. of respondents: 47.

Estimated total annual burden on respondents: 14,100.

Frequency of collection: As needed per release.

Send comments regarding the burden estimate, or any other aspect of this information collection, 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,

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503.

OMB Responses to Agency PRA Clearance Requests

EPA ICR #1434.02; Request for Information on CFC/Halon Substitutes; was approved 6/19/89; OMB #2060–0158; expires 09/30/89.

Dated: July 28, 1989.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 89–18389 Filed 8–4–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3525–9]

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.

DATES: Comments must be submitted on or before September 6, 1989.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Reporting and Recordkeeping Requirements for Asbestos Ban and Phase-out Rule (EPA ICR #1276.02; OMB #2070–0082). This ICR requests reinstatement of a previously approved collection.

Abstract: Manufacturers, importers, and processors of asbestos products subject to the asbestos ban must: label their products with the date the products are banned from distribution in commerce; inventory their stock of banned products; and keep records of product sales. Persons seeking exemptions from the ban or its associated requirements must justify the request; respondents must also substantiate any claims that information submitted is confidential business information.

Burden Statement: The estimated annual public reporting burden for this collection of information is 132 hours per respondent.

Respondents: Manufacturers, Importers and Processors of Banned Asbestos Products.

Estimated No. of Respondents: 6.

Estimated Total Annual Burden on Respondents: 790 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this collection of information, 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

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503,

(Telephone (202) 395–3084.

Dated: July 27, 1989.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 89–18390 Filed 8–4–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL ELECTION COMMISSION

Clearinghouse Advisory Panel; Meeting

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) and Office of Management and Budget Circular A–63, as revised, the Federal Election Commission announces the following Advisory Panel meeting:

Name: Federal Election Commission Clearinghouse Advisory Panel.
Date: 24–25 August 1989.
Place: Hotel Washington 15th and Pennsylvania Ave., NW., Washington, DC.
Time: 0900–1200; 1330–1700 on 24 August 1989; 0900–1200; 1330–1700 on 25 August 1989.

Proposed Agenda

Discussion session addressing Status of Legislation introduced in the 101st Congress; Recap of 1988 Election; 1988 Polling Place Accessibility Report; Voter Participation; Clearinghouse Projects, Case Law, Contested Elections and Ballot Access; Detection and Prosecution of Election Crimes; U.S. Postal Service's National Change of Address; Voting System Standards; and related implementation topics.

Purpose of the Meeting

The Panel will discuss the agenda items, present their views on problems in the administration of Federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future program development.

The Advisory Panel meeting is open to the public, dependent on available space. Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation or oral statements at the meeting.

All communications regarding this Advisory Panel should be addressed to Penelope Bonsall, Clearinghouse on Election Administration, Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

Dated: August 1, 1989.

Marjorie W. Emmons,

Secretary to the Commission.

[FR Doc. 89–18309 Filed 8–4–89; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067–0048.
Title: Insurance Commitment.
Abstract: An assurance to obtain appropriate levels of insurance against future damage or loss must be tendered upon application for disaster assistance funds, in compliance with Public Law 93–288 (As Ammended).
Type of Respondents: State or Local Governments, Non-Profit Institutions.
Estimate of total annual reporting and recordkeeping burden: 225.
Number of respondents: 10.
Estimated average burden hours per response: 2.
Frequency of response: On occasion, after a disaster declaration.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646–2624, 500 C Street SW., Washington, DC 20472.

Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to the FEMA Clearance Officer at the above address; and to Pamela Barr, (202) 395–7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Dated: July 19, 1989.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 89–18394 Filed 8–4–89; 8:45]

BILLING CODE 6718–01–M

FEDERAL HOME LOAN BANK BOARD

Capital Federal Savings & 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 Capital Federal Savings & Loan Association, Little Rock, Arkansas on July 26, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–18368 Filed 8–4–89; 8:45 am]

BILLING CODE 6720–01–M

Gibraltar Savings and Loan Association, F.A.; 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 Gibraltar Savings and Loan Association, F.A., Annapolis, Maryland on July 13, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–18369 Filed 8–4–89; 8:45 am]

BILLING CODE 6720–01–M

New Guaranty 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 New Guaranty Federal Savings and Loan Association, Taylor, Michigan on July 27, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–18370 Filed 8–4–89; 8:45 am]

BILLING CODE 6720–01–M

Platte Valley Savings, a 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 of 1933, 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 Platte Valley Savings, a Federal Savings and Loan Association, Gering, Nebraska, on July 13, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89–18371 Filed 8–4–89; 8:45 am]

BILLING CODE 6720–01–M

Home Federal Savings and Loan Association; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2) (1982), as amended, the Federal Home Loan Bank Board was duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Home Federal Savings and Loan Association, Memphis, Tennessee, on July 19, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18372 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

North American Federal Savings 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 North American Federal Savings Association, San Antonio, Texas, on July 27, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18373 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

Capital Savings & Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 406(c)(1)(B)(i)(1) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Capital Savings & Loan Association, West Helena, Arkansas on July 26, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18379 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

Guaranty Federal Savings Bank; Appointment of Receiver

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 ("FSLIC") as sole receiver ("Receiver") for Guaranty Federal Savings Bank, Taylor, Michigan ("Association") July 27, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18380 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

Gibraltar Federal Savings and Loan Association, F.S.B.; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Gibraltar Federal Savings and Loan Association, Annapolis, Maryland ("Association") with the FSLIC as sole receiver for the Association on July 11, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18375 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

Platte Valley Federal Savings and Loan Association; Replacement of Conservator with Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for Platte Valley Federal Savings and Loan Association, Gering, Nebraska ("Association") with the FSLIC as sole Receiver for the Association on July 13, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18376 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

San Antonio Savings Association; Replacement of Conservator with Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for San Antonio Savings Association, San Antonio, Texas ("Association") with the FSLIC as sole receiver for the Association on July 13, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18377 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

North American Savings Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 406(c)(1)(B)(i)(1) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for North American Savings Association, San Antonio, Texas, on July 27, 1989.

Dated: August 1, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-18378 Filed 8-4-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U S.C. 3601, et. seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Room

12211, Washington, DC 20573, telephone number (202) 523–5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review

46 CFR Part 510 and Form FMC–18

FMC requests an extension of clearance for this part which sets forth regulations providing for the licensing of ocean freight forwarders in the U.S. foreign export commerce. The Commission estimates that approximately 2600 respondents are annually affected at an estimated cost of $421,000. The annual manhour burden has been estimated as follows: 46 CFR part 510—24,000 manhours recordkeeping and 1,095 manhours for the rest of the regulation; Form FMC–18–5070 manhours. The estimated annual cost to the Federal Government is $209,500.

Form FMC–12—Application for Admission to Practice Before the Federal Maritime Commission

FMC requests an extension of clearance for this form which implements the provisions of 46 CFR 502.27. That section requires persons who are not attorneys at law to be admitted to practice before the Commission if they are U.S citizens and file proof to the Commission's satisfaction that: (1) They have the necessary legal, technical, or other qualifications to enable them to render a valuable service before the Commission, and (2) are otherwise competent to advise and assist in the presentation of matters before the Commission. The Commission estimates approximately 15 annual respondents will incur a manhour burden of 15 manhours, with an estimated cost of $650. The approximate cost to the Federal Government is estimated at $550.

46 CFR Part 582—Certification of Company Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States

FMC requests a continuing clearance for 46 CFR 582 which requires that the Chief Executive Officer of every common carrier and ocean freight forwarder in the U.S. foreign commerce file a written certification with the Commission attesting to the company's prohibition against receiving or paying rebates by December 31 of each year. Ocean common carriers and ocean freight forwarders, respectively, will also have to file a certification with their initial tariff or license application. The Commission estimates that approximately 1600 NVOCCs, 400 VOCCs, and 1600 freight forwarders will have to file initial and annual anti-rebate certifications for an estimated annual 5400 manhour burden. Total estimated annual cost to the Federal Government, including overhead, is $33,000; total estimated cost to respondents, including overhead is $71,500.

Joseph C. Polking,

Secretary.

[FR Doc. 89–18320 Filed 8–4–89; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants; C. Kramer & Associates, Inc. et al.

Notice is given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

C. Kramer & Associates, Inc., 500 A So. Douglas Street, El Segundo, CA 90245. Officers: Cynthia S. Kramer, President, Robert E. Kramer, Vice President

Transworld Freight Systems Corp., 7270 NW. 12th St., Suite 545, Miami, FL 33126. Officer: Arturo Ferreira, President

IMEXSYS, Inc., 147–40 184th St., Jamaica, NY 11413. Officers: Rolf F. Gratzer, President, Ruediger Albrecht, Vice President, Barbara Gratzer, Secretary, Wiebke Albrecht, Treasurer

J.S. International Shipping Corp. dba JSI Shipping, 25 Ingold Road, Burlingame, CA 94010. Officer: James Cullen, President

J.C. Underdahl & Co., Inc., 9920 LaCienega Blvd., Suite 508, Inglewood, CA 90301. Officers: John C. Underdahl, President, Homer Rudolph Dinkel, Secre./Treas., Marcela S. Freerks, Vice President

Integrated Traffic Systems Inc., One Pierce Place, Suite 135C, Itasca, IL 60143. Officers: Clayton W. Dabbert, President, Christine Hodge, Vice President/Secr., Dale T. Gomez, Chairman of the Board

Jacky Maeder Ltd., 150–22 132nd Ave., Jamaica, NY 11434. Officers: Rudy Merz, Director, Rolf Gasser, Director, Thomas Heinz, Director, Joseph A. Garofalo, President, Peter Triebel, Corporate Secretary, Benno Bartholdi, Vice President, Roger O. Stoffler, Vice President

K–C International Freight Forwarders, 3526 Geary Blvd., San Francisco, CA 94118. Officer: Ki Tai Chang, Sole Proprietor

RamCorp, Inc., 1428 W. Collins Avenue, Orange, CA 92667. Officers: Shari L. Amiot, President/Director, Brooks Amiot, Stockholder, Robert J. Amiot, Director/Secretary

Kil Moon Chang, 17224 Betty Place, Cerritos, CA 90701. Officer: Kil Moon Chang, Sole Proprietor

Hol-Mar International, Inc., 5300 Memorial Drive, #1050, Houston, TX 77007. Officer: Alice D. Gardner, President & Secretary

Chemical Leaman Tank Lines dba Chemical Leaman International Services, 102 Pickering Way, Exton, PA 19341–0200. Officers: S.F. Niness, Jr., Chairman, David R. Hamilton, Pres./Chief Exec. Officer, Charles E. Fernald, Jr., Sen. V. Pres./Finance & Treasurer, Eugene C. Parkerson, Exec. V. President, William J. O'Kane, Secretary

By the Federal Maritime Commission.
Dated: August 1, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–18342 Filed 8–4–89; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Integra Financial Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise

noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 30, 1989.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Integra Financial Corporation,* Pittsburgh, Pennsylvania, to engage *de novo* in the making, acquiring, or servicing of loans or other extensions of credit for the company's account or the account of others, such as would be made by a credit card company pursuant to § 225.24(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 1, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–18345 Filed 8–4–89; 8:45 am]

BILLING CODE 6210–01–M

Harmonia Bancorp Inc.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 89–17324) published at page 30941 of the issue for Tuesday, July 25, 1989.

Under the Federal Reserve Bank of New York, the entry for Harmonia Bancorp., Inc., is amended to read as follows:

1. *Harmonia Bankcorp. Inc.,* Elizabeth, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Harmonia Savings Bank, Elizabeth, New Jersey, which engages through a subsidiary in certain insurance activities that will be divested in accordance with the requirements of section 3(f) of the Bank Holding Company Act.

Comments on this application must be received by August 21, 1989.

Board of Governors of the Federal Reserve System, August 1, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–18346 Filed 8–4–89; 8:45 am]

BILLING CODE 6210–01–M

Hoosier Bancorp; Acquisitions of Companies Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 89–17322) published at page 30940 of the issue for Tuesday, July 25, 1989.

Under the Federal Reserve Bank of Chicago, the entry for Hoosier Bancorp is amended to read as follows:

1. *Hoosier Bancorp,* Rushville, Indiana (formerly Financial Dominion of Indiana Corporation); to engage *de novo* through its subsidiary, Hoosier Insurance, Ltd., Grand Turk, Turks & Caicos Island, British West Indies, in underwriting credit life insurance and credit life accident and health insurance pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Comments on this application must be received by August 21, 1989.

Board of Governors of the Federal Reserve System, August 1, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–18347 Filed 8–4–89; 8:45 am]

BILLING CODE 6210–01–M

Bank of Tokyo, Ltd.; Applications to Engage de novo in Permissible Nonbanking Activities; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 89–17326) published at page 30942 of the issue for Tuesday, July 25, 1989.

Under the Federal Reserve Bank of San Francisco, the entry for the Bank of Tokyo, Ltd. is amended to read as follows:

1. *Bank of Tokyo Ltd.,* Tokyo, Japan; to engage *de novo* through BOT (Latin America), Inc., New York, New York, in making, acquiring, or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or for the account of others pursuant to § 225.25(b)(1); and acting as investment or financial advisor to third parties with respect to such loans and other extensions of credit pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Comments on this application must be received by August 21, 1989.

Board of Governors of the Federal Reserve System, August 1, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–18348 Filed 8–4–89; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N–0075]

Ormont Drug and Chemical Co., Inc.; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Parlam Division, Ormont Drug and Chemical Co., Inc. The NADA provides for the use of 25 percent squalene in mineral oil for removal of earwax in dogs and cats. The NADA was the subject of a notice of opportunity for a hearing (NOOH) on a proposed withdrawal of approval (WOA) published in the **Federal Register** of April 19, 1989 (54 FR 15810). The NOOH provided an opportunity to request a hearing by May 19, 1989, and for filing information supporting that request by June 19, 1989. Neither the sponsor nor any other interested party responded to the NOOH. Therefore, FDA is withdrawing approval of the NADA.

EFFECTIVE DATE: August 17, 1989.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 19, 1989 (54 FR 15810), FDA published an NOOH proposing to withdraw approval of NADA 12–232. The NADA, held by Parlam Division, Ormont Drug and Chemical Co., Inc., 520 South Dean St., Englewood, NJ 07631, provides for the use of 25 percent squalene in mineral oil as a cerumenolytic agent for removal of earwax in dogs and cats. The NOOH provided opportunity for the applicant

or other interested parties to request a hearing by May 19, 1989, and to submit data and analysis in support of the request for a hearing by June 19, 1989. FDA has not received any requests for a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 Withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of NADA 12–232 and all supplements thereto is hereby withdrawn, effective August 17, 1989.

Dated: August 1, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89–18362 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89F–0215]

Union Carbide, Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Union Carbide, Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of α-butyl-*omega*-hydroxypoly(oxypropylene), minimum molecular weight 1000, as a surface lubricant in the manufacture of metallic articles that contact food.

FOR FURTHER INFORMATION CONTACT: Gillian Robert-Baldo, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1785–1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4151) has been filed by Union Carbide, Corp., Tarrytown Technical Center, Tarrytown, NY 10591, proposing that § 178.3910 Surface lubricants used in the manufacture of metallic articles (21 CFR 178.3910) be amended to provide for the safe use of α-butyl-*omega*-hydroxypoly(oxypropylene), minimum molecular weight 1000, as a surface lubricant in the manufacture of metallic articles that contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 26, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89–18361 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89D–0216]

Reconditioning of Adulterated Foods; Compliance Policy Guide; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of revised Compliance Policy Guide (CPG) 7153.04 "Reconditioning of Foods Adulterated Under Section 402(a)(4)". CPG 7153.04 has been revised to express the agency's current policy regarding reconditioning of food adulterated under section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)(4)).

ADDRESSES: CPG 7153.04 "Reconditioning of Foods Adulterated Under Section 402(a)(4)" may be ordered from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161. Orders must reference NTIS order number PB 89–217806 and include payment of $10.95 for each copy of the document. Payment may be made by check, money order, charge card (American Express, Visa, or Mastercard), or billing arrangements made with NTIS. Charge card orders must include the charge card account number and expiration date. For telephone orders or further information on placing an order, call NTIS at 703–487–4650. CPG 7153.04 "Reconditioning of Foods Adulterated Under Section 402(a)(4)" is available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Alvin Gottlieb, Division of Compliance Policy (HFC–230), Office of Enforcement, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1500.

SUPPLEMENTARY INFORMATION: FDA is announcing its policy for consideration of proposals to recondition food that has been seized or to voluntarily recondition food that has been prepared, packed, or held under unsanitary conditions whereby the food may have become contaminated with filth or rendered injurious to health. FDA will accept reconditioning proposals that include provisions for determining: (1) Whether the food has become physically contaminated, (2) the extent and type of contamination, and (3) procedures that will eliminate such contamination. In addition, the proposal must provide for eliminating the environmental conditions that caused the product to become adulterated. If facility conditions are not corrected, moving the food to a sanitary facility will be necessary before reconditioning can begin. Sampling and testing of the food may also be required during and after the reconditioning process.

This notice is issued under 21 CFR 10.85.

Dated: July 21, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–18360 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Department of Health and Human Services (HHS) previously published a list of information collection packages is submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (Pub. L. 96–511). The Health Care Financing Administration (HCFA), a component of HHS, now publishes its own notices as the information collection requirements are submitted to OMB. The HCFA has submitted the following requirements to OMB since the last HCFA list was published.

1. *Type of Request:* Revision; *Title of Information Collection:* Medicaid State Agency Third Party Liability Inventory Form; *Form Number:* HCFA–464; *Frequency:* Annually; *Respondents:* State/local governments; *Estimated Number of Responses:* 56; *Average Hours per Response:* 8; *Total Estimated Burden Hours:* 448.

2. *Type of Request:* Revision; *Title of Information Collection:* Information Collection Requirements in 42 CFR 447.31(b)(c)(d), Withholding Medicare Payments to Recover Medicaid Overpayments; *Form Number:* HCFA–R–21; *Frequency:* On occasion; *Respondents:* State/local governments; *Estimated Number of Responses:* 27; *Average Hours per Response:* 3; *Total Estimated Burden Hours:* 81.

3. *Type of Request:* New; *Title of Information Collection:* Preclearance of Proposed Information Collection on Home Care Quality Studies; *Form Number:* HCFA–P–13; *Frequency:* One time; *Respondents:* Individuals/households and businesses/other for profit; *Estimated Number of Responses:* 1; *Average Hours per Response:* 1; *Total Estimated Burden Hours:* 1.

Additional Information or Comments: Call the Reports Clearance Officer on 301–966–2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Herron, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: July 31, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 89–18319 Filed 8–4–89; 8:45 am]

BILLING CODE 4210–03–M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1989:

Name: National Advisory Council on Migrant Health.

Date and Time: September 12–14, 1989 8:30 a.m.

Place: The Sea View Hotel, 9909 Collins Avenue, Bal Harbour, Miami Beach, Florida 33154.

The meeting is open to the public. Transportation will not be provided to visitors and observers for the site visit.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The members of the Council will consider the following: (1) Review the Council's recommendations from Previous meeting; (2) Farming and farmworkers trends; (3) Discussion on farmworkers housing (4) Occupational Health & Safety Issues; (5) AIDS, Interagency Coordination; (6) Review of Migrant Health Program Activities; (7) Consideration of outreach, self-help, environmental and nutrition strategies; (8) Site visit to a migrant health homestead center; (9) Review of perinatal programs.

Anyone requiring information regarding the subject Council should contact Mrs. Sonia M. Leon Reig, Executive Secretary, National Advisory Council on Migrant Health, Room 7A–30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1153.

Agenda Items are subject to change as priorities dictate.

Dated: August 1, 1989.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 89–18311 Filed 8–4–89; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–940–09–4212–13; CACA 19645]

California; Realty Action; Exchange of Public and Private Lands in Fresno, Monterey, and San Benito Counties and Order Providing for Opening of Public Land

July 25, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document and opening order.

SUMMARY: The purpose of this exchange was to acquire the non-Federal lands to provide access to isolated Federal lands and enhance their management.

ADDRESS: Inquiries concerning the land should be addressed to: Chief, Branch of Adjudication and Records, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E–2845), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Judy Bowers, California State Office, (916) 978–4820.

1. The United States issued a land exchange conveyance document to John W. Eade on June 2, 1988, pursuant to the authority of section 206 of the Act of October 21, 1976 (43 U.S.C. 1716), for the following described public land.

Mount Diablo Meridian, California

T. 15 S., R. 5 E.,
Sec. 12, lots 1, 2, 3, 6, 7, and 8;
Sec. 13, lots 1, 2, 7, and 9.
T. 15 S., R. 6 E.,
Sec. 18, NW¼NE¼ and SW¼NW¼.
T. 17 S., R. 10 E.,
Sec. 15, N½N½ and SW¼NW¼.
T. 18 S., R. 10 E.,
Sec. 13, NE¼SW¼.
T. 18 S., R. 11 E.,
Sec. 35, S½NE¼.
T. 19 S., R. 10 E.,
Sec. 3, lot 4; Sec. 10, lots 1 and 2.
T. 19 S., R. 11 E.,
Sec. 1, S½SE¼; Sec. 12, NE¼.
T. 19 S., R. 12 E.,
Sec. 6, lot 7;
Sec. 7, lots 1 and 2;
Sec. 8, SW¼.
T. 22 S., R. 8 E.,
Sec. 12, NE¼NE¼ and N½SE¼NE¼.
T. 22 S., R. 9 E.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 7, lots 1 and 15.

2. In exchange for the land described in paragraph 1, on June 2, 1988, the United States accepted title to the following described private land from John W. Eade:

Mount Diablo Meridian, California

T. 18 S., R. 10 E.,
Sec. 13, W½SW¼.
T. 18 S., R. 11 E.,
Sec. 16, E½NE¼.
T. 18 S., R. 12 E.,
Secs. 29 and 20, those patented lode mining claims known as the Tirado No. 1, Tirado No. 2, Tirado No. 3, Tirado No. 4 and Tirado No. 5 lode mining claims designated by the Surveyor General as Survey No. 5191.
T. 21 S., R. 14 E.,
Sec. 17 SE¼SE¼, excepting therefrom that portion described by metes and bounds, in deed granted to the State of California for public highway purposes, recorded January 26, 1943, Document No. 2922.

The areas described contain ±285 acres in Fresno and San Benito Counties.

3. The above described lands contain exceptions too numerous to list here. A precise description of the exception is available in case file CACA 19645 in the California State Office.

4. The value of the private lands was greater than the value of the Federal lands. The exchange parties waived receipt of the cash equalization payment from the United States.

5. At 10:00 a.m. on August 25, 1989, the lands acquired in the exchange shall be open to applications and offers under the public land laws, the mineral leasing laws, and the United States mining laws subject to valid existing rights and applicable law. All mineral locators assume the responsibility for assuring

that the minerals being located were actually acquired by the United States.

Appropriation of any of the land described in this order under the general mining laws prior to the date and time of opening is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Robert C. Nauert,

Chief, Branch of Adjudication and Records.

[FR Doc. 89-18391 Filed 8-4-89; 8:45 am]

BILLING CODE 4310-40-M

[ES-940-09-4520-13, ES-041308, Group 14]

North Carolina; Filing of Plat of Dependent Resurvey

July 31, 1989.

1. The plat of the dependent resurvey of a portion of the boundary between the National Park Service (Blue Ridge Parkway) and the Cherokee Indian Land, on a portion of the Qualla Indian Boundary from the "Initial Point" to the 2 mile corner in Haywood and Jackson Counties, North Carolina, will be officially filed in the Eastern States Office, Alexandria, Virginia at 7:30 a.m., on September 14, 1989.

2. The dependent resurvey was made at the request of the Bureau of Indian Affairs.

3. All inquiries or protests concerning the technical aspects of the dependent resurvey must be sent to the Deputy State Director for Cadastral Survey, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, prior to 7:30 a.m., September 14, 1989.

4. Copies of the plat will be made available upon request and prepayment of the reproduction fee of $4.00 per copy.

Joseph W. Beaudin,

Acting Deputy State Director for Cadastral Survey.

[FR Doc. 89-18409 Filed 8-4-89; 8:45 am]

BILLING CODE 4310-GJ-M

DEPARTMENT OF JUSTICE

Lodging of a Consent Decree; Browning-Ferris Industries Chemical Services, Inc.

In accordance with section 122 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622 and Departmental policy, 28 CFR 50.7, notice is hereby given that on July 26, 1989, a proposed consent decree in *United States* v. *Browning-Ferris Industries Chemical Services, Inc.*, was lodged with the United States District Court for the Middle District of Louisiana in Civil Action No. 89-568A. The decree resolves claims of the United States against Browning-Ferris Industries (BFI) under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, in connection with the Bayou Sorrel Superfund Site in Iberville Parish, Louisiana, about twenty miles southwest of Baton Rouge, Louisiana.

Under this Consent Decree, BFI agrees to pay $185,000 to reimburse the United States for a portion of its remaining response costs incurred at the Bayou Sorrel Site. BFI also agrees to voluntarily dismiss its challenge of the prior global settlement, *United States* vs. *Allied Corporation, et. al.; Browning-Ferris Industries Chemical Services, Inc., Movant-Appellant*, CA-88-237"A" (M.D.La.), appealed docketed, No. 88-3640 (5th Cir. 1988). In return, BFI receives a de minimis covenant not to sue under section 122(g) of CERCLA, 42 U.S.C. 9622(g) for its present and future liability for cleanup costs, unless new information is discovered which affects the calculation of BFI's liability.

The proposed decree may be examined at the office of the United States Attorney for the Middle District of Louisiana, 352 Florida Street, Second Floor, Baton Rouge, Louisiana 70801 (contact: John Gaupp (504) 389-0443); at the Region 6, Office of Regional Counsel, Environmental Protection Agency, 1445 Ross Avenue, 12th Floor, Dallas, TX 75202 (contact: Jim Costello (214) 655-2120); and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting copies, please enclose a check in the amount of $2.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Browning-Ferris Industries Chemical Services, Inc.* (M.D. La.), D.J. Reference No. 90-11-2-179A.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-18410 Filed 8-4-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Maytag Corp; Norge Admiral Division

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America* v. *Maytag Corporation, Norge Admiral Division*, Civil Action No. 87-4222 (S.D. Ill.), between the United States, on behalf of the United States Environmental Protection Agency, and Maytag Corporation, Norge Division, has been lodged with the United States District Court for the Southern District of Illinois. The complaint in this action alleged violations by defendant Maytag Corporation of Clean Water Act requirements at its plant in Herrin, Illinois. The proposed Consent Decree requires defendant to achieve and maintain compliance with all Clean Water Act requirements. It also provides for a civil penalty of $300,000.

The Department of Justice will receive comments relating to the Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States of America* v. *Maytag Corporation, Norge Admiral Division*, D.J. Ref. No. 90-5-2-1-1031. The proposed Consent Decree may be examined at the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1748, Tenth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $3.00 (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. 89-18411 Filed 8-4-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Availability of Benefits Quality Control Annual Report Results

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of unemployment insurance benefits quality control annual reports for calendar year 1988.

SUMMARY: The purpose of this notice is to announce the availability of calendar year 1988 Quality Control (QC) Annual Reports of each State's Unemployment Insurance (UI) Program.

ADDRESSES: The Federal digest will be available after July 31, 1989. Copies may be obtained by writing to Mary Ann Wyrsch, Director, Unemployment Insurance Service, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. The appendix contains a list of the names and addresses of persons in each State who will provide the State report and clarifications upon request.

SUPPLEMENTARY INFORMATION: Each week, staff in each State's Employment Security Agency investigate random samples of UI benefit payments and record information based on personal interviews with claimants, employers and third parties to determine whether State law, policy, and procedure were followed correctly in processing the sampled payment.

The Department of Labor is publishing results from the investigations in a digest which includes information from the 52 jurisdictions participating in the UI QC program. Five items are reported for each State: Total UI benefit dollars paid to the population of claimants, size of the QC samples, and the percentages of proper payments, overpayments, and underpayments determined for the QC investigations. Ninety-five percent confidence intervals have been computed for each of the three percentages presented (proper payments, overpayments, and underpayments). States have been encouraged to provide narratives to further clarify the meaning of the data based on their specific situations.

In addition, each State has published its Annual Report separately. Persons interested in specific State reports are encouraged to request copies from the individual States using the attached mailing list.

They should also request clarifications of the data from the States since law, policies, and procedures in each State vary considerably. The data cannot be used to draw comparisons among States.

Signed at Washington, DC, on July 28, 1989.

Roberts T. Jones,

Assistant Secretary of Labor for Employment and Training.

Appendix—State Contact Persons Release of QC Data for 1988

Alabama: Mr. Harris Cornett, Public Information Officer, 649 Monroe Street, Montogmery, AL 36130, (205) 261–5407

Alaska: Karen Van Dusseldorp, QC Data Analyst, P.O. Box 3–7000, Juneau, AK 99811, (907) 465–3000

Arizona: Dave Berggren, UI Technical Support Section, Site Code, Department of Economic Security, P.O. Box 6123, Phoenix, AZ 85005, (602) 542–3771

Arkansas: Robert K. Morgan, Director Unemployment Insurance, Employment Security Division, P.O. Box 2981, Little Rock, AR 72203, (501) 682–3200

California: Ms. Valerie J. Reynoso, Deputy Director, Communications Office, MIC 85, Employment Development Department, P.O. Box 942880, Sacramento, CA 94280–0001, (916) 445–1952

Colorado: Tara Singh, CO Dept. of Labor & Employment, Quality Control Unit, UI Staff Services, 251 East 12th Avenue, 3rd Floor, Denver, CO 80203, (303) 620–4578

Connecticut: Richard Ficks, Director of Communications, Employment Security Division, Connecticut Labor Department, 200 Folly Brook Boulevard, Wethersfield, CT 06109, (203) 566–4374

Delaware: W. Thomas MacPherson, Director, Division of Unemployment Insurance, P.O. Box 9029, Newark, DE 19711, (302) 368–6730

District of Columbia: Roberta Bauer, Asst. Director, Compliance & Ind. Monitoring Staff, DC Department of Emp. Services, 500 "C" St., NW., Room 511, Washington, DC 20001, (202) 639–1206

Flordia: Barbara K. Griffin, FL Dept. of Labor & Emp. Security, Caldwell Building, Room 106, Tallahassee, FL 32399–0209, (904) 487–3448

Georgia: Joe D. Tanner, Commissioner, Georgia Department of Labor, 148 International Blvd., NE., Suite 600, Atlanta, GA 30303, (404) 656–3011

Hawaii: Douglas Odo, UI Administrator, Dept. of Labor and Ind. Relations, 830 Punchbowl Street, Honolulu, Hawaii 96813, (808) 548–6951

Idaho: Jane Barber, QC Supervisor, Idaho Dept. of Employment, 317 Main Street, Boise, ID 83735, (208) 334–6285

Illinois: Joseph Wojcik, Department of Employment Security, One Congress Center, QC Unit, 3rd Floor, 3–N, 401 South State Street, Chicago, IL 60605, (312) 793–1185

Indiana: G.W. Connelley, Director, Div. of Employment Compensation, Dept. of Emp. & Training Services, 10 North Senator Avenue, Indianapolis, IN 46204, (317) 232–7680

Iowa: Larry Venenga, QC Supervisor, 1000 East Grand Avenue, Des Moines, IA 50319, (515) 281–8398

Kansas: Joseph Ybarra, QC Supervisor, 401 S.W. Topeka Blvd., Topeka, KS 66603, (913) 296–4077

Kentucky: Joe Anderson, Director, Unemployment Insurance, Cabinet for Human Resources, CHR Bldg., Second Floor West, 275 E. Main Street, Frankfort, KY 40621, (502) 564–2900

Louisiana: Bernard J. Francis, Assistant Secretary of Labor, Louisiana Dept. of Labor, P.O. Box 94094, Baton Rouge, LA 70804–9094, (504) 342–3013

Maine: Gail Thayer, Unemployment Insurance Director, Bureau of Employment Security, 20 Union Street, Augusta, ME 04330, (207) 289–2316

Maryland: Thomas Wendel, Executive Director, Unemployment Insurance Division, Dept. of Econ. & Emp. Development, 1100 Norh Eutaw Street, Baltimore, MD 21201, (301) 333–5306

Massachusetts: Rena Kottcamp, Director of Research, Division of Employment Security, Charles F. Hurley ES Building, Government Center, Boston, MA 02114, (617) 727–6556

Michigan: Carol Haupt, Bureau of Unemployment Insurance, Employment Security Commission, 7310 Woodward Avenue, Detroit, MI 48202, (313) 876–5465

Minnesota: Bob Dockendorf, Minnesota Dept. of Jobs & Training, 390 North Roberts Street, Room 201, St. Paul, MN 55101, (612) 297–3456

Mississippi: Liston L. Thomasson, MS Employment Security Commission, 1520 W. Capitol St., Jackson, MS 39205, (601) 961–7700

Missouri: Tom Deuschle, Director, MO Division of Employment Security, P.O. Box 59, Jefferson City, MO 65104, (314) 751–3976

Montana: Chuck Hunter, Administrator, Unemployment Insurance Division, P.O. Box 1728, Helena, MT 59624, (406) 444–2723

Nebraska: Allan Amsberry, UI Director, or Don Gammill, QC Administrator,

P.O. Box 94600, Lincoln, NE 68509–4600, (402) 471–9000
Nevada: Bob Bydalek, Public Information Officer, Employment Security Department, 500 Third Street, Carson City, NV 89713, (702) 885–4620
New Hampshire: Robert Dorsch, Assistant to the Commissioner, Department of Employment Security, 32 South Main Street, Concord, NH 03301, (603) 224–3311
New Jersey: James A. Ware, Assistant Commissioner for Income Security, NJ Department of Labor and Industry, John Fitch Plaza, Trenton, NJ 08625, (609) 984–5666
New Mexico: Betty Boyden-Cambell, QC Supervisor, New Mexico Department of Labor, 401 Broadway NE., P.O. Box 1928, Albuquerque, NM 87103, (505) 841–8435
New York: Dominic M. Rotondi, UI Director, New York State Department of Labor, Unemployment Insurance Division, State Office Campus—Building #12, Albany, NY 12240, (518) 457–2878
North Carolina: Preston L. Johnson, UI Director, Employment Security Comm. of NC, P.O. Box 25903, Raleigh, NC 27611, (919) 733–3121
North Dakota: Lyle Holverson, Job Service North Dakota, P.O. Box 1537, Bismarck, ND 58502, (701) 224–2825
Ohio: Paul Kay, Unemployment Compensation Division, Bureau of Employment Services, 145 South Front Street, Columbus, OH 43215, (614) 466–6967
Oklahoma: Terry McHale, Program Chief, OK Employment Security Commission, Will Rogers Memorial Office Bldg., Oklahoma City, OK 73105, (405) 557–7206
Oregon: Sylvia Rose, Communications Manager, 875 Union St NE, Room 310–311, Salem, OR 97311, (503) 378–3216
Pennsylvania: Richard Puerzer, Director, Bureau of Unemployment Compensation, Benefits and Allowances Division, Department of Labor & Industry, 415 Labor & Industry Building, Harrisburg, PA 17121, (717) 787–3547
Puerto Rico: Oscar Pagan, Assistant Secretary of Labor, PR Dept. of Labor & Human Resources, 505 Munoz Rivera Avenue, Hato Rey, PR 00918, (809) 754–2131
Rhode Island: Marvin Perry, Deputy Director, Department of Employment Security, 24 Mason Street, Providence, RI 02903, (401) 277–3648
South Carolina: R. Michael Baker, Deputy Executive Director, UI, SC Employment Security Commission, P.O. Box 995, Columbia, SC 29202, (803) 737–2400
South Dakota: Don Kattke, Director, Unemployment Insurance Division, Department of Labor, P.O. Box 4730, Aberdeen, SD 57402–4730, (605) 662–2452
Tennessee: Bernard Donlon, Tennessee Dept. of Emp. Security, Volunteer Plaza, Tenth Floor, 500 James Robertson Parkway, Nashville, IN 37219, (615) 741–3190
Texas: William D. Grossenbacher, Administrator, Texas Employment Commission, TEC Building, Room 638, Austin, TX 78778 (512) 463–2652 or Harold Bishop, Texas Employment Commission, TEC Building, Room 504DT, Austin, TX 78778, (512) 463–2394
Utah: Terry Burns, Director, Unemployment Insurance, Department of Employment Security, 174 Social Hall Avenue, P.O. Box 11249, Salt Lake City, UT 84147, (801) 533–2201
Vermont: Robert G. Herbst, Quality Control Chief, Dept. of Employment and Training, P.O. Box 488, Montpelier, VT 05602, (802) 229–0311
Virginia: F. W. Tucker IV, Chief of Benefits, Unemployment Insurance, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, (804) 786–3032
West Virginia: Andrew N. Richardson, Commission, Department of Employment Security, State Office Building, Charleston, WV 25305, (304) 348–2630
Washington: Mary Pat Frederick, Deputy Assistant Commissioner, UI, Employment Security Dept., 212 Maple Park, Olympia, WA 98504, (206) 753–5120
Wisconsin: Chet Frederick, Dept. of Industry, Labor, and Human Relations, Quality Control Unit, P.O. Box 7905, Madison, WI 53707, (608) 266–8260
Wyoming: Beth Nelson, Administrator, Unemployment Insurance Admin., Employment Security Commission, P.O. Box 2760, Casper, WY 82602, (307) 235–3254

[FR Doc. 89–18364 Filed 8–4–89; 8:45 am]
BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249]

Commonwealth Edison Co.; Dresden Nuclear Power Station, Unit Nos. 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from the requirements of Appendix R to 10 CFR part 50 to the Commonwealth Edison Company (the licensee), for Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant exemptions from certain requirements of section III.G of Appendix R to 10 CFR part 50, which relate to fire protection features for ensuring that systems and associated circuits used to achieve and maintain safe shutdown are free to fire damage. The exemptions are technical since the licensee must demonstrate that fire protection configurations meet the specific requirements of section III.G or that alternate configurations can be justified by an acceptable analysis.

The Need for the Proposed Action

The proposed exemptions are needed because the features described in the licensee's exemption request regarding the existing and proposed fire protection at the plant would result in a net benefit to the public health and safety.

Environmental Impact of the Proposed Action

The proposed exemptions will provide a degree of fire protection such that there is no increase in the risk of fires at the Dresden Unit Nos. 2 and 3. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor do the proposed exemptions otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemptions.

With regard to potential non-radiological impacts, the proposed exemptions involve features located entirely within the restricted area as defined in 10 CFR part 20. These exemptions would not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

It has been concluded that there is not measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted

The staff did not consult other agencies or persons in connection with the proposed exemption.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement of the proposed exemptions.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's letters dated August 10, 1984, October 16, 1985, September 18, 1985 and May 30, 1986 which contained the exemption requests, and letters dated March 12 and March 20, 1986 which provided supplemental information. These letters are available for public inspection at the Commissioners Public Document Room, 2120 L Street NW., Washington, DC and at Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 28th day of July 1989.

Byron L. Siegel,

Project Manager, Project Directorate III-2, Division of Reactor Projects III, IV, V, and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-18392 Filed 8-4-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regional Programs; Meeting

The ACRS Subcommittee on Regional Programs will hold a meeting on August 29 and 30, 1989, at the NRC Region I Office, 475 Allendale Road, King of Prussia, PA.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: Tuesday, August 29, 1989—8:30 a.m. until the conclusion of business Wednesday, August 30, 1989—8:30 a.m. until the conclusion of business The Subcommittee will review the activities under the purview of the NRC Region I Office.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 301/492-8558) between 7:15 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: July 28, 1989.

Richard P. Savio,

Deputy Executive Director, ACRS.

[FR Doc. 89-18306 Filed 8-4-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Seabrook; Meeting

The ACRS Subcommittee on Seabrook will hold a meeting on August 17, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: Thursday, August 17, 1989—8:30 a.m. until the conclusion of business.

The Subcommittee will review emergency plans for full power operation of the Seabrook Nuclear Power Plant.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio Igne (telephone 301/492-8192) between 7:15 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: July 28, 1989.

Richard P. Savio,

Deputy Executive Director, ACRS.

[FR Doc. 89-18307 Filed 8-4-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on August 10-12, 1989 in Room P-110, 7920 Norfolk Avenue, Bethesda, Md. Notice of this meeting was published in the **Federal Register** on June 20, 1989. This revised notice reflects changes in the agenda.

Thursday, August 10, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.-8:45 a.m.: Comments by ACRS Chairman—The ACRS Chairman will report on items of current interest.

8:45 a.m.-10:00 a.m.: Nuclear Power Plant Technical Specifications (Open)—The Committee will have a briefing and discussion of NRC and industry efforts to improve technical specifications for nuclear power plants.

10:15 a.m.-11:30 a.m.: Nuclear Power Plant Operating Experience (Open)

The Committee will hear and discuss a report (NUREG–1275, Vol. 5) regarding progress in scram reduction in commercial power reactors.

11:30 a.m.–12:30 p.m.: Premeeting Discussion for Meeting with NRC Commissioners (Open)—The Committee will review topics to be discussed with NRC Commissioners including NRC human factors program and initiatives, electrical power reliability at nuclear plants, occupational radiation exposure from hot particles, BWR core power stability, and reliability and diversity.

2:00 p.m.–3:30 p.m.: Meeting with NRC Commissioners—One White Flint North, Rockville, Md. (Open)—The Committee will discuss with the NRC Commissioners the items noted above.

4:30 p.m.–5:00 p.m.: Generic Issue-79, Unanalyzed Reactor Vessel (PWR) Thermal Stress During Natural Convection Cooldown (Open)—Review and report on proposed NRC resolution of this generic issue.

5:00 p.m.–5:45 p.m.: Future ACRS Activities (Open)—Discuss anticipated subcommittee activity and items proposed for consideration by the Committee.

Friday, August 11, 1989, Room P–110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.–9:45 a.m.: Meeting with Director, Office of Nuclear Materials Safety and Safeguards (NMSS) (Open/Closed)—A briefing and discussion will be held regarding topics of mutual interest including the scope and nature of NMSS activities, security provisions at nuclear plants, and anticipated review of uranium enrichment plant.

Portions of this session will be closed as necessary to discuss information related to security provisions at nuclear facilities.

9:45 a.m.–12:00 Noon and 1:00 p.m.–3:00 p.m.: GE Advanced Boiling Water Reactor (Open/Closed).

The Committee will conduct an initial session regarding its review of the application for design certification of this standardized nuclear plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility.

3:15 p.m.–4:30 p.m.: NUMARC Activities (Open)—The Committee will hear a briefing by a NUMARC representative on their activities regarding the regulatory process, the NRC-industry interface, and other items of mutual interest.

4:30 p.m.–5:00 p.m.: Appointment of ACRS Members (Open/Closed)—The Committee will discuss qualifications of candidates proposed for consideration as nominees for appointment to the ACRS.

Portions of this session will be closed as appropriate to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

5:00 a.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to matters being considered.

Saturday, August 12, 1989, Room P–110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.–12:00 Noon: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to matters being considered.

1:00 p.m.–2:30 p.m.: Subcommittee Activities (Open)—The Committee will discuss the status of assigned ACRS subcommittee activities in designated areas including proposed integration of the regulatory process, and reliability of check valves in nuclear power plants.

2.30 p.m.–3:30 p.m.: Miscellaneous (Open)—The Committee will complete discussion of items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 27, 1988 (53 FR 43487). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), Proprietary Information applicable to the matters being discussed (5 U.S.C. 552b(c)(4)), and Safeguards/Security Information applicable to specific nuclear facilities (5 U.S.C. 552b(c)(3)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492–8049), between 8:15 a.m. and 5:00 p.m.

Dated: August 1, 1989.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 89–18308 Filed 8–4–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–445A, 50–446A]

Texas Utilities Electric Co., et al.; Receipt of Petition for Director's Decision

Notice is hereby given that by petition dated May 12, 1989, Cap Rock Electric Cooperative, Inc. (Cap Rock) has requested, pursuant to 10 CFR 2.206, the Director, Office of Nuclear Reactor Regulation to issue an order enforcing the Comanche Peak antitrust license conditions. The petition requests that Texas Utilities Electric Company (TUEC) be required to make available to Cap Rock, under reasonable rates, terms, and conditions, the partial requirements, coordination, and other electric power services provided by these license conditions. The petition also requests that an antitrust hearing be initiated to modify the license conditions in order to prevent TUEC from further abusing its monopoly power. The petition asserts, as grounds for these requests, that TUEC is currently refusing to provide Cap Rock with the "essential" services that would enable Cap Rock to purchase generating capacity and economy energy from other bulk power supply sources. As provided for in 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time. A

copy of the petition is available for inspection in the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and the Local Public Document Room located at the Somerville County Public Library on the Square, P.O. Box 1417, Glen Rose, TX, 76043.

Dated at Rockville, Maryland this 14th day of June, 1989.

For The Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 89-18391 Filed 8-4-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc., Indian Point Nuclear Generating Unit No. 2; Partial Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Consolidated Edison Company of New York, Inc. (the licensee) to withdraw part of its June 12, 1987 application, as supplemented on August 3, 1987 and modified on May 10, 1988, for a proposed amendment to Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The proposed amendment would have (1) revised the operability requirements for the containment fan cooler units, (2) deleted the requirements for the containment fan cooler HEPA filters, charcoal adsorbers and associated fire protection and detection equipment, and (3) revised the allowable out-of-service time for one inoperable containment spray pump.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on December 16, 1987 (52 FR 47782). However, by letters dated May 10, 1988 and July 7, 1989, the licensee withdrew the proposed changes concerning a revision of operability requirements for the containment fan cooler units and the requirements for the containment fan cooler HEPA filters, charcoal adsorbers and associated fire protection and detection equipment. License Amendment No. 132, issued on June 29, 1988 (53 FR 26538) approved a revision to allowable out-of-service time for one inoperable containment spray pump.

For further details with respect to this action, see the application for amendment dated June 12, 1987, as supplemented on August 3, 1987, and the licensee's letters dated May 10, 1988 and July 7, 1989, which withdrew portions of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

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

For the Nuclear Regulatory Commission.

Donald S. Brinkman,

Senior Project Manager, Project Directorate I-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-18393 Filed 8-4-89; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on—Wednesday, August 16, 1989, Wednesday, August 23, 1989, Wednesday, September 6, 1989, Wednesday, September 20, 1989, Wednesday, September 27, 1989, Wednesday, October 4, 1989, Wednesday, October 11, 1989, Wednesday, October 18, 1989, Wednesday, October 25, 1989.

These meetings will start at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street NW., Washington, DC.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the ability of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street NW., Washington, DC 20415 (202) 632-9710.

Dated: July 19, 1989.

Thomas E. Anfinson,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 89-18349 Filed 8-4-89; 8:45 am]

BILLING CODE 6325-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for Office of Management and Budget Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget (OMB) for review and approval.

Summary of Proposal(s):

(1) *Collection title:* Public Service Pension Questionnaire.

(2) *Form(s) submitted:* G-208.

(3) *OMB Number:* 3220-0136.

(4) *Expiration date of current OMB clearance:* 09-30-89.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 7,000.

(9) *Total annual responses:* 7,000.

(10) *Average time per response:* .1667 hours.

(11) *Total annual reporting hours:* 1,167.

(12) *Collection description:* A spouse or survivor annuity under the RR Act may be subjected to a reduction for a public service pension. The questionnaire obtains the information needed to determine if the reduction applies and the amount of such reduction.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Ronald J. Hodapp, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Roanald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Justin Kopca (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Ronald J. Hodapp,

Director of Information Resources Management.

[FR Doc. 89–18353 Filed 8–4–89; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities & Exchange Commission, Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–1002.

Extension

Rules 15a–4; File No. 270–7
Rules 15b1–4; File No. 270–9
Rules 15b1–2; File No. 270–12
Rules 17Ad–7; File No. 270–136
Rules 17Ad–6; File No. 270–291
Rules 19d–1(b); File No. 270–242

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for OMB clearance:

Rule 15a–4 which permits a natural person member of a securities exchange who terminates his association with a registered broker-dealer to continue to do business on the exchange while the Commission reviews his application for registration as a broker-dealer if the exchange files a statement indicating that there does not appear to be grounds for disapproving the application. Twenty respondents incur an estimated average of eight hours to comply with the rule;

Rule 15b1–4 which requires the filing of a statement with the Commission by a qualified fiduciary who succeeds to the business of a registered broker-dealer. Five respondents incur an estimated average of five hours to comply with the rule;

Rule 15b1–2 which requires the filing of certain financial statements when a broker or dealer registers with the Commission. Three thousand respondents incur an estimated average of three hours to comply with the rule;

Rule 17Ad–7 which requires registered transfer agents to retain certain records necessary to permit the appropriate regulatory agency to examine registered transfer agents for compliance with applicable Commission rules. Two thousand five-hundred respondents incur and estimated average of one hundred twenty-five hours to comply with the rule;

Rule 17Ad–6 which requires registered transfer agents to maintain certain records necessary to permit the appropriate regulatory agency to examine registered transfer agents for compliance with applicable Commission rules. Two thousand five hundred respondents each incur an estimated average of four hundred eighty burden hours for compliance with this rule; and

Rule 19d–1(b) which prescribes the form and content of notices required to be filed with the Commission by self-regulatory organizations for which the Commission is the appropriate regulatory agency concerning final disciplinary actions, denials of memberships, and participations or associations with a member. Twenty four respondents incur an estimated average of one hundred and two hours to comply with the rule.

The estimated average burden hours are made solely for the purpose of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the cost of SEC rules.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July, 31, 1989.

Jonathn Katz,

Secretary.

[FR Doc. 89–18401 Filed 8–4–89; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27080; File No. SR–BSE–89–1]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by Boston Stock Exchange, Inc. Relating to Rule for Linkage With a Foreign Securities Exchange

On March 6, 1989, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted for Securities and Exchange Commission ("Commission") consideration pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change that would adopt a "Linkage Rule" that would enable the BSE to link with a foreign securities exchange pursuant to a "Linkage Plan".[3] The Exchange has stated that the proposed rule would be applicable to any linkage agreement the BSE may ultimately enter into with a foreign securities exchange. The BSE is currently linked with the Montreal Stock Exchange ("ME") and the proposed rule would provide the framework within which the link could be enhanced.[4]

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1988).

[3] Notice of the proposed BSE rule change was given in Securities Exchange Act Release No. 26698, April 5, 1989, 54 FR 14897. No comments were received by the Commission on the proposed rule change.

[4] The BSE–ME linkage was approved by the Commission in two phases. The initial phase of the linkage permitted ME members to direct to the BSE marketable limit orders in approximately 40 U.S.-listed Canadian national stocks available for trading on the Intermarket Trading System ("ITS"). *See* Securities Exchange Act Release No. 21449, November 1, 1984 49 FR 44575. Phase two of the linkage permitted the BSE to expand the list of securities eligible to be traded on the link to include most ITS securities traded on the BSE. *See* Securities Exchange Act Release No. 21925, April 8, 1985, 50 FR 14480.

Under the proposed BSE rule, a separate Linkage Plan would provide the specific details of the terms and conditions for the operation of a proposed linkage between the BSE and a foreign securities exchange. The Linkage Plan would set forth criteria relating to, among other things, the types of orders that may be transmitted through each linkage, clearance and settlement, and compliance with the provisions of the Linkage Plan and with the Exchange rules. Such a Linkage Plan would have to be submitted to, and approved by, the Commission as a separate proposed rule change before the specific linkage could be effected.[5]

The proposed BSE Linkage Rule is a generic rule that would be applicable to any linkage agreement the BSE may ultimately enter into with a foreign securities exchange.[6] The Exchange anticipates that the proposed rule would be used as the basis for drafting a proposed plan for enhancing the current BSE–ME link to permit the northbound routing of orders from the BSE to the ME over BEACON, the BSE's automated order routing and execution system.[7] The current BSE–ME link, which does not have access to BEACON, permits market and marketable limit orders to be routed southbound from the ME to the BSE.[8]

The BSE believes that the proposed rule will enhance the national market system by increasing the ability of Boston specialists to attract order flow and thereby make more competitive and more liquid markets in securities in which they are registered.

The Commission has closely reviewed the provisions of the proposed BSE rule change and 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, with sections 6(b)(5) and 11A(a)(1)(D) of the Act.[9] The Commission believes that the proposal to establish a Linkage Rule may enhance the national market system by increasing the ability of BSE specialists to attract order flow, thereby resulting in more competitive and more liquid markets in the securities in which they are registered. The Commission believes that investors and the public may benefit, as a result, from improved executions of their transactions in securities.

The Commission generally views agreements between U.S. and foreign securities exchanges as positive developments in the increasing internationalization of the world's securities markets. Such linkages serve to facilitate the flow of capital and financial services across borders. The BSE's proposed rule change is consistent with this view. Before approving these trading links, however, the Commission must be satisfied that adequate safeguards and procedures have been established and implemented to protect investors and detect fraudulent or manipulative acts or practices. To this end, any specific linkage plan proposed under the BSE rules would have to be approved by the Commission.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Dated: July 31, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–18402 Filed 8–4–89; 8:45 am]

BILLING CODE 8010–01–M

[5] *See* letter from Howard Kramer, Assistant Director, Division of Market Regulation, to Joseph Carmichael, Vice President, BSE, dated March 27, 1989; and letter from Joseph Carmichael, Vice President, BSE, to Howard Kramer, Assistant Director, dated June 2, 1989.

[6] BSE has characterized the proposed rule as an "enabling rule."

[7] The term "BEACON" is an acronym for Boston Exchange Automated Communications Order-routing Network. The BSE noted in its proposed rule change that the Linkage Rule will have an impact on the application of its rules relating to the operation of BEACON. The BSE's BEACON rule states that "BEACON * * * is available to foreign exchanges with which a trading link has been established * * *" In its order approving a BEACON pilot, the Cmmission, in footnote 4, noted the existence of the link between the BSE and the ME and the fact that the BSE, at that time, had no plans to make BEACON available for transactions over the linkage. (*See* Release No. 34–26029 (August 25, 1988), 53 FR 27584). The Commission stated, however:

"Should the BSE * * * decide that it wants to make access to BEACON available over the Montreal linkage, a proposed rule change would have to be submitted to the Commission * * *"

Under the Linkage Rule, the BSE will be able to propose that BSE be allowed to route order flow between the BSE and ME via BEACON.

[8] *See* note 4, *supra.*

[9] 15 U.S.C. 78f(b) and 78k–1 (1982).

[10] 17 CFR 200.30–3(a)(12) (1988).

[Release No. 34–27073; File No. SR–NASD–89–32]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 12, 1989 the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD" or the "Association") hereby submits amendments to the examination specifications and study outline for the General Securities Principal ("Series 24") qualifications examination. The amendments consist of general revisions to update the rules presently covered by the examination, new material pertaining to recently adopted SEC and NASD Rules, updated material concerning retirement plans, and certain New York Stock Exchange and North American Securities Administrators Association regulations. The number of questions and the testing time are unchanged, but the number of test selection categories was modified.

The above-described amendments do not result in any textual changes to the NASD By-Laws, Schedules to the By-Laws, Rules, practices or procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to section 15A(g)(3) of the Securities Exchange Act of 1934 (the "Act"), the NASD is authorized to prescribe standards of training, experience, and competence for persons associated with NASD members. To this end, the NASD has developed examinations that it administers to establish that such persons have attained the requisite levels of knowledge and competence. The NASD

periodically reviews the content of the examinations to determine whether amendments are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The proposed rule change is consistent with the provisions of section 15A(g)(3) of the Securities Exchange Act of 1934, which authorizes the NASD to prescribe standards of training, experience, and competence for persons associated with NASD members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the amendments to the Series 24 examination specifications and study outline impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by August 28, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 220.30-3(a)(12).

Dated: July 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-18403 Filed 8-4-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27074; File No. SR-NSCC-89-04]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change

On March 31, 1989, the National Securities Clearing Corporation ("NSCC") filed a proposed rule change with the Commission pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act").[1] As discussed in detail below, the proposal provides for accelerated comparison of securities transactions. Notice of the proposal was published in the **Federal Register** on April 26, 1989.[2] No comments were received.[3] This order approves the proposal.

I. Description of the Proposal

The proposed rule change consists of modifications to Section I (captioned "Trade Input and Comparsion") of NSCC's Procedures.[4] The main purpose of the proposal is to redesign NSCC's Listed Equity Comparison System in order to accelerate the trade comparison process. This proposal is being made in conjunction with companion rule proposals by the American ("Amex") and New York Stock Exchanges ("NYSE") that mandate: (1) Automated trade correction systems, and (2) the comparison or close out of transactions on the day after the trade date (*i.e.*, "T+1").[5]

In general, NSCC's proposal would shorten the comparison cycle for all Amex and NYSE regular-way,[6] systematized and non-systematized equity trades.[7] It would implement an initial match routine on the night of trade date and move up the trade resolution process by one day. NSCC states in its filing that the proposal would apply only to NYSE and Amex transactions in equity securities (*i.e.*, stocks, rights, and warrants).[8]

Specifically, the proposal provides that NSCC clearing members must submit all transactions to NSCC no later than 2:00 a.m. on the day after the trade date (*i.e.*, on "T+1"), which is a proposed acceleration of 11 hours (from 1:00 p.m. on T+1).[9] Clearing members

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[1] 15 U.S.C. Sect. 78s(b).

[2] *See* Securities Exchange Act Release No. 26742 (April 18, 1989), 54 FR 18062.

[3] In addition, NSCC's Important Notice No. A3039, dated August 19, 1988, described the proposal, and NSCC received no comments.

[4] Trade comparison, or the matching of the buy and sell sides of a securities transaction, is the process after a trade has been executed by which broker-dealers or their agents confirm with each other the trade's terms (*e.g.*, security, number of units, and price) and the existence of a contract. This process results in a compared trade. Comparison is the first of the three basic steps in processing a securities transaction (the other two being clearance and settlement). *See* Division of Market Regulation, The October 1987 Market Break, 10-2 to 10-4, ("Division Report"); NSCC Procedures, Sect. II.A.

[5] The NYSE and Amex proposals call for phasing in these T+1 comparison programs over a period of about 14 more months (together with certain companion programs, some of which are now being implemented) and the gradual elimination of the comparable existing manual programs. NYSE and Amex expect to have the main elements of their T+1 programs phased in and operating by December 31, 1989 and to have the T+1 programs completely phased in by September 1990. *See* NYSE Rule 130, Order Approving Proposed Rule Change, Securities Exchange Act Release No. 26627 (March 14, 1989), 54 FR 11470 [File No. SR-NYSE-88-36]; Order Approving Proposed Rule Change, Release No. 26773 (May 1, 1989), 54 FR 20227 [File No. SR-NYSE-89-03]; Proposed Amex Rule 719, Notice of Proposed Rule Change, Release No. 26741 (April 18, 1989), 54 FR 18053 [File No. SR-Amex-89-05].

[6] A "regular-way" transaction means settlement on T+5, the ordinary time-frame for settlement of transactions in stocks, rights, and warrants, and certain other securities. *See, e.g.*, NYSE Rule 64(b).

[7] A "systematized" or "locked-in" trade refers to a trade in an automated system. Under the locked-in comparison method, the entity (*e.g.*, the exchange) that operates the system or its specialists become the contra-side to each half of the trade. A "non-systematized" trade refers to traditional two-sided comparison where trade input data come from the buying and selling brokers to the clearing agency. *See* Division Report, 10-3.

[8] The Commission notes that NSCC's use of the term "equity securities" to mean stocks, rights, and warrants is for the purposes of this rule proposal only and does not constitute a comprehensive definition of the term. *See* section 3(a)(11) of the Act.

The proposal, with technical variations, also would apply to regular way trades in equity securities listed on NYSE and Amex that occur over-the-counter ("OTC") or on the other exchanges. *See* proposed NSCC Procedures, Sect. II.C.

The Commission notes that by a previous rule filing, NSCC received authorization for similar accelerated comparison procedures that are applicable to non-systematized equity transactions executed in the OTC market and on securities exchanges other than NYSE and Amex. *See* Securities Exchange Act Release No. 26783 (May 4, 1989), 54 FR 20221.

[9] All times in the proposal refer to New York time.

could delete, through NSCC, uncompared trades only until 2:00 a.m., a proposed acceleration of 13 hours (from 3:00 p.m. on T+1). As information is received, NSCC will perform a series of matches, the results of which will be reflected on regular-way contract lists by 4:00 a.m. on T+1 for automated output and by 7:00 a.m. for printed output.[10]

NSCC will route the results of the comparison process to the exchanges where resolution of uncompared trades will occur. NYSE and Amex will transmit the results of their adjustment processing to NSCC by 5:00 p.m. on T+1.[11] These results will be reflected by NSCC on adjustment contracts that will be available to NSCC members by 8:00 p.m. on T+1.

II. Rationale

NSCC states in its filing that the proposal, by shortening the comparison cycle, would: (1) Increase the efficiency of the post trade comparison process, and (2) shorten the length of time that investors and NSCC clearing members are exposed to the risk of market fluctuations on uncompared trades. The NSCC states that, consequently, as required in section 17A(b)(3)(F) of the Act, the proposal would protect investors and the public interest.

III. Discussion

The Commission believes that this proposal is consistent with the Act. The proposal, by shortening the comparison cycle for NYSE and Amex equity trades, would reduce the risk exposure to investors and to NSCC clearing members as well as contribute to the prompt and efficient clearance and settlement of securities transactions. NSCC's proposal, together with its companion filing,[12] marks the first major overhaul to its comparison system since the 1970s.

The Commission notes, as a general matter, that the goal of prompt and efficient clearance and settlement of securities transactions (including the comparison of securities transactions) and the use of automated systems in pursuit of this goal are expressly contemplated in section 17A(a)(1) of the Act. Congress stated in that provision that inefficient procedures for the clearance and settlement of securities transactions impose unnecessary risks and costs on investors and that prompt and accurate clearance and settlement are necessary for investor protection.

Congress further stated in sections 6(b)(5) and 17A(b)(3)(F) that the rules of exchanges and clearing agencies, respectively, should be designed to promote the prompt and accurate clearance and settlement of securities transactions. Moreover, in section 17A(a)(2) of the Act, Congress directed the Commission to use its authority to facilitate a national system for the prompt and accurate clearance and settlement of securities transactions.

The risks posed by uncompared trades came under intense scrutiny following the Market Break of October 1987.[13] During the Market Break, uncompared trades on all securities markets (including the primary exchanges) increased substantially and, for several reasons, became a major stress point in the clearance and settlement process. First, uncompared trades required special labor-intensive treatment ("exception processing") under working conditions already rendered chaotic by record trading volume.[14] Second, the rate of uncompared trades did not remain at its usual percentage of trading volume, but as trading volume increased to 2½ times normal levels during the week of October 19–23, uncompared trades doubled as a percentage of total trades.[15] And, third, the record market volatility (primarily downward) threatened to impose financial penalties on those firms that could not resolve trade comparison errors quickly, or at any rate before settlement with their customers on T+5.[16]

Based on the experience of October 1987, with its unprecedented trading volume and price volatility, the Commission concluded that, among other things, effecient markets will require same-day, floor-derived trade comparison.[17] Thus, NSCC'S proposal (which will shrink the comparision cycle from T+2 to T+1), while it does not meet the Commission's final objective of same-day comparison, is consistent with the Commission's desire to shorten the comparision cycle. NSCC's proposal also furthers the recommendations of the Working Group Report, which concluded that the development of on-line trade matching systems would enhance the capacity of market participants to monitor their exposure.[18] The proposal, moreover, is consistent with the intermarket clearing and credit mechanisms espoused by the Brady Report to reduce market exposure to clearing corporations.[19] The Commission favors the efforts of this proposal to reduce the length of the comparison cycle. The Commission also expects that NSCC will consider its proposed comparision system not to be a final goal but only a near-term phase in its efforts toward the development and implementation of a same-day comparison system. In this regard, the Commission notes that clearing members rely on NSCC's two sided comparison system to process the

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[10] NSCC's "clearing member reports" (also known as "contract sheets" and "contract lists") list compared trades, uncompared trades, and advisory trades. Uncompared trades are trades by a clearing member that have not been matched. Advisory trades are trades submitted by the contra-side, against the member, that have not been matched. *See* NSCC Procedures, Sect. II.B; Division Report, 10–3.

[11] As part of this and related rule changes, the exchanges have developed their own automated trade correction systems that will eliminate the need for adjustment processing as currently performed by NSCC. *See, supra*, note 5 and accompanying text.

[12] *See, supra*, note 8.

[13] *See, e.g.*, Division Report, 10–5 to 10–13; Report of the Presidential Task Force on Market Mechanisms 51–52, Study VI at 48–49 (January 8, 1988) ("Brady Report"); Interim Report of the Working Group on Financial Markets, Appendix D at 6 (May 1988) ("Working Group Report").

[14] *See* Division Report, 10–5. During the Market Break, the exchanges and NSCC took unusual steps to resolve uncompared trades. During the week of October 19, 1987, NYSE required its member organizations and specialists to meet in the morning before trading opened, in the evening after trading closed, and on weekends to resolve uncompared trades. NYSE and Amex closed trading two hours early on Friday, October 23 through Friday, October 30 to allow firms to catch up with the their back office work. NSCC extended its 6:00 p.m. deadline to as late as 1:00 a.m. for its clearing members to report the resolution of uncompared trades, and NSCC was open on Saturday, October 23 to receive reports of compared trades for processing on the following Monday. *See id.* 10–9.

[15] For NYSE executions during the week of October 19, 1987, T+2 uncompared trades processed by two-sided comparison increased from an average rate of 4.6% to 9.7%. *See* Division Report, 10–7.

For NYSE executions on October 19 and 20 (the peak volume days with 604 million shares and 608 million shares, respectively), T+2 uncompared trades for two-sided input increased from an average of 4.6% to 12.6% and 10.2%, respectively. In artithmetic terms, however, uncompared trades on T+2 increased from a daily average of 8,000 to 56,626 and 49,413 for executions on October 19 and October 20, respectively. *See id.*, Table 10–1 at 10–59. *See also* Barady Report, Study IV at 48.

[16] *See* Division Report, 10–5 to 10–6. In terms of price volatility, on Monday, October 19, 1987, the Dow Jones Industrial Average ("DJIA") closing value had declined a record 508.32 points (22.6%, also a record) from its previous close, *i.e.*, from 2246.74 to 1738.41. After two more daily reversals of over 100 points, the DJIA closed out the week on Friday, October 23, 1987, at 1950.76 a net 5-day decline (from Friday, October 16)) of 253.98 points (13.2%). *See id.*, Appendix D at Tables 2 and 3.

[17] *See* Securities and Exchange Commission Recommendations regarding the October 1987 Market Break, contained in Testimony delivered by David S. Ruder, Chairman, SEC, before the Senate Committee on Banking, Housing and Urban Affairs, 23–24 (February 3, 1988). *See also* Division Report, 10–12; Working Group Report, Appendix D at 6.

[18] The Working Group Report called for same-day, floor-derived comparison of securities transactions. *See* Working Group Report, Appendix D at 6.

[19] *See* Brady Report at 64–65.

majority of their listed trades in corporate equity securities.

To summarize, the proposed rule change, by shortening the NSCC's comparison cycle, would make NSCC's comparison procedures: (1) safer with regard to the risks of market price volatility, and (2) more efficient in terms of the time and expense involved in trade processing. Further, the proposal would help protect investors and other persons that safeguard investors' funds and facilitate their transactions. Moreover, the Commission believes that the proposal is consistent with the Act, particularly sections 6(b)(5) and 17A of the Act, and that it warrants approval.

IV. Conclusion

For the reasons discussed in this order, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b) of the Act, that the above-mentioned proposed rule change (File No. SR–NSCC–89–04) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–18404 Filed 8–4–89; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27077; File No. SR–NYSE–89–16]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc. Relating to Amendments to the Exchange's Voting Rights Listing Standards

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1], notice is hereby given that on July 7, 1989, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE, pursuant to Rule 19b–4 of the Act[2], has proposed amendments to the Exchange's voting rights listing standards for domestic companies, as set forth in section 313.00 of the New York Stock Exchange Listed Company Manual, and has proposed amendments necessary to conform related sections 308.00 (the Exchange's policies relative to defensive tactics) and 103.00 (concerning listing standards for non-U.S. companies). The proposed rule change will (1) establish Rule 19c–4 ("Rule") under the Act as the foundation of the Exchange's voting rights standard; (2) permit the listing of non-voting common stock with certain safeguards for the holders of such stock; (3) allow a non-U.S. company to issue securities or take other corporate action that is consistent with Rule 19c–4 or which is not prohibited by the laws of its home country; (4) eliminate existing text concerning defensive tactics which are primarily addressed by Rule 19c–4; and (5) delete certain outdated and redundant information concerning non-U.S. companies.

The text of the proposed rule change, as set forth in Exhibits A, B & C of the Exchange's filing, is available at the principal office of the NYSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspect of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

On July 7, 1988, the Securities and Exchange Commission promulgated Rule 19c–4, under the Act, regarding shareholder voting rights.[3] The Rule prohibits national securities exchanges and associations from listing or quoting the common stock or other equity securities of a domestic company that has issued a class of securities or taken other corporate action that has the effect of nullifying, restricting or disparately reducing the per share voting rights of holders of an outstanding class of common stock.

The Rule specifically enumerates certain actions presumed to be prohibited. However, whether or not a particular action violates the Rule often depends on the particular facts and circumstances involved.

On July 6, 1989, the Exchange's Board of Directors voted to modify the existing voting rights policy so as to establish Rule 19c–4 as the foundation of the Exchange's voting rights standard, and to include the substantive provisions of Rule 19c–4, without change of language, in a rule of the Exchange.[4]

The Exchange's voting rights policies have been further amended to permit the listing of the voting common stock of a company which also has outstanding a non-voting common stock as well as the listing of non-voting common stock. However, certain safeguards must be provided to holders of a listed non-voting common stock.[5]

Finally, the Exchange will accept the voting rights structure of a non-U.S. company which is in compliance with the Exchange's requirements for domestic companies or which is not prohibited by the home country laws.[6]

(2) Statutory Basis

The proposed rule change is consistent with section 6(b)(5) of the Act. This section, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the

[2] 17 CFR 240.19b–4 (1988).

[3] *See* Securities Exchange Act Release No. 34–25891 (July 7, 1988), 53 FR 26376.

[4] *See* proposed section 313.00(A) of the Exchange Listed Company Manual.

[5] *See* proposed section 313.00(B) of the Exchange's Listed Company Manual. These safeguards require among other things, that such issuances must meet NYSE requirements for original listing and that holders of non-voting common stock must receive annual reports and other communications, including proxy materials.

[6] *See* proposed section 313.00(D) of the Exchange's Listed Company Manual. Conforming changes to the Exchange's Listed Company Manual would delete, among other things, provisions concerning restrictions on voting rights through voting trusts, creation of senior issues, increase in authorized amount or creation of a pari pasu issue, and requirements for altering the terms of preferred stock.

mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purpose of this title or the administration of the Exchange. Furthermore, the proposed rule change is consistent with section 11(A)(a)(1)(c)(ii) of the Act in that it will tend to assure fair competition among exchange markets and between exchange markets and markets other than exchange markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. The persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-89-16 and should be submitted by August 28, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-18405 Filed 8-4-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27078; File No. SR-PSE-89-13]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Verification of Compared Trades and Reconciliation of Uncompared Trades

On May 22, 1989, the Pacific Stock Exchange, Inc. ("PSE" 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 extend the minimum amount of time that members or their representatives must be available after the close of trading for the settlement of uncompared options trades.

The proposed rule change was published for comment in Securities Exchange Act Release No. 26902 (June 2, 1989), 54 FR 25521 (June 15, 1989). No comments were received on the proposed rule change.

The Exchange requires all members who execute options trades to be available for the settlement of uncompared trades throughout the trading day and for a period of time following the close of trading. The members must be available either in person or through a designated representative that is empowered to negotiate the settlement of any dispute in the member's name and for its account. For a given trading day, the time period after the close that members or their representatives must be present normally depends upon the number of options transactions that occurred during the day. Currently, for example, if less than 6,000 transactions occurred on the floor, the minimum time that members must remain on the floor after the close is only 15 minutes. Under the current proposal, however, the Exchange proposes to increase to 45 minutes the minimum amount of time that the members or their representatives must be present after the close. In addition, the Exchange proposes to require members or their representatives to be available for one hour and 15 minutes if greater than 8,000 options transactions occur on any trading day. Currently, members are required to be on the floor for only one hour after the close if more than 8,000 transactions occur.

The Exchange also proposes to delete Options Floor Procedure Advice G-3 ("OFPA"), which currently contains the above-mentioned procedures regarding the reconciliation of uncompared trades, and redesignate it as Commentary .01 to PSE Rule VI, section 23. This change in format is part of the Exchange's initiative to replace the OFPAs with commentaries to the appropriate rule sections.[3]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the national securities exchange, and in particular, the requirements of Section 6.[4] Specifically, by extending the minimum time period that persons must be present to reconcile uncompared options trades, the Commission finds that the proposed rule change is consistent with section 6(b)(5) in that it will foster cooperation and coordination among persons engaged in the clearing, settling and processing of securities transactions. In addition, the Commission believes that placing PSE member obligations regarding the reconciliation of uncompared trades in an Exchange Rule commentary, as opposed to an OFPA, will make such obligations more clear to members.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Dated: July 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-18406 Filed 8-4-89; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1) (1934).

[2] 17 CFR 240.19b-4 (1988).

[3] The proposed rule commentary does not include the portion of the OFPA that relates to disciplinary action because such provisions would be redundant as the disciplinary procedures already are covered in PSE Rule XX.

[4] 15 U.S.C. 78F (1982).

[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30-3(a)(12) (1986).

[Release No. 34-27075; File No. SR-CBOE-89-14]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc; Filing and Order Granting Accelerated Approval to Proposed Rule Change Relating to Margin Requirements for Equity and Index Options

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 24, 1989, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change is described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization ("SRO"). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to extend the current margin requirements for equity and index options until such time as the Commission approves a subsequent proposed rule change filed by the Exchange pursuant to section 19 of the Act in accordance with a joint options SRO margin monitoring program which is expected to be implemented in the future.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Items IV below. The SRO has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On May 17, 1988, the Commission approved proposals by the CBOE and the other options SROs to amend their rules to increase customer margin requirements for equity and index options.[1] Specifically, the current customer margin requirements are as follows. For broad-based index options, the margin requirement is 100% of the option premium plus 15% of the underlying aggregate index value, less any out-of-the-money amount, with a minimum requirement of the option premium plus 10% of the underlying aggregate index value. For equity options and narrow-based index options, the requirement is 100% of the option premium plus 20% of the underlying product value, less any out-of-the-money amount, with a minimum requirement of the option premium plus 10% of the underlying product value.

The CBOE, however, notes that, based on an analysis of the historical price changes in the underlying instruments, it believes both equity and index options currently are overmargined. Nevertheless, the CBOE proposes to extend the current margin requirements for equity and index options until a routine margin monitoring program expected to be instituted by the options SROs is implemented.[2] The CBOE believes that the proposed rule change is consistent with section 6(b)(5) of the Act because extending the current margin requirements until a routine margin monitoring program is implemented should assure both firms and investors reasonable financial protection, even if market volatility increases during this period.

(B) Self-Regulatory Organizations' Statement on Burden on Competition

The CBOE does not believe the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The CBOE has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act so that the current margin levels can continue uninterrupted.

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 and the rules and regulations thereunder.[3] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) because extending the current margin requirements until a routine margin monitoring program is implemented will assure the financial protection of both firms and investors, even if market volatility increases during this period, thereby protecting investors and the public interest.[4]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the proposal in the **Federal Register** so that the increased margin requirements can continue uninterrupted. The Commission previously has solicited comments on the proposed margin levels on three separate occasions and has not received any negative comments. Moreover, the proposal extends margin levels that have been in place for over one year and prevents the margins from reverting back to levels that may be inconsistent with the routine margin monitoring program that is being developed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing also will be available for inspection and copying at the principal office of the above-referenced self-regulatory organization.

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[1] Securities Exchange Act Release No. 25701 (May 17, 1989), 53 FR 20706, approving the margin increases for a six-month period. In Securities Exchange Act Release No. 26381 (December 21, 1988), 53 FR 52541, the CBOE's margin requirements were extended for an additional three-month period, and in Securities Exchange Act Release No. 26696 (April 4, 1989), 53 FR 14403, the margin requirements were extended until July 17, 1989.

[2] The CBOE also has requested that this approval order be applied retroactively to July 17, 1989, to avoid any lapse in the applicability of the higher margin requirements.

[3] 15 U.S.C. 78f(b)(5) (1982).

[4] The Commission also approves the rule change retroactively to July 17, 1989 to avoide any lapse in the applicability of the increased margin requirements.

All submissions should refer to the file numbers in the caption above and should be submitted by August 28, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (CBOE–89–14) is approved, nunc pro tunc as of July 17, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Dated: July 28, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–18399 Filed 8–4–89; 8:45 am]

BILLING CODE 8010-01-M

[34–27083 600–26]

Self-Regulatory Organizations; Filing of Amendments to the Application for Registration as a Clearing Agency by Clearing Corporation for Options and Securities, and Request for Comments

August 1, 1989.

On October 14, 1988, the Clearing Corporation for Options and Securities ("CCOS") filed with the Commission an application for temporary registration as a clearing agency under Section 17A of the Securities Exchange Act of 1934, ("Act") [1] and Rule 17Ab2–1 thereunder.[2] On November 23, 1988, the Commission published notice of the application in the **Federal Register,** requesting comment within 30 days on various issues, including: (1) Whether CCOS's application should be denied in favor of "common clearing"; (2) nine specific questions regarding the integration of multiple options clearing systems; and (3) the effect of CCOS's application on relationships among markets for derivative products.[3] At the request of one potential commentator,[4] the comment period was extended an additional 39 days on December 20, 1988.[5] Fifty letters of comment were received.[6]

During the last month, CCOS has filed amendments to its application. Those amendments include: (1) A letter describing a proposed a CCOS-Options Clearing Corporation ("OCC") interface and discussing the mechanics of such interface; [7] (2) an amendment to CCOS's By-laws and rules; [8] and (3) a letter addressing issues raised by the Division of Market Regulation ("Division") staff.[9] The Commission invites comment on CCOS's application in light of these amendments and correspondence. As explained at the conclusion of this release, comments are requested by September 21, 1989. The following discussion briefly outlines the amendments and correspondence, which are available from the Commission.

I. The Interface Letter

In the Interface Letter, CCOS emphasizes that it intends to clear cash settled index options issued by OCC. CCOS further notes that a firm could choose to clear index options at either CCOS or OCC (*i.e.,* the firm would not be required to maintain index option accounts at both clearing agencies) and, therefore, would not incur additional cost if it chose not to clear options with CCOS.

CCOS begins its discussion of interface mechanics by proposing methods of trade data submission by CCOS members to the Chicago Board Options Exchange ("CBOE"). CCOS members could submit trade data to CBOE through terminals used by BOTCC members or via their current data submission procedures. CCOS members who are not BOTCC members would be provided terminals for trade data submission upon request.[10]

CCOS proposes several alternatives for the transmission of matched trade data to CCOS. First, CBOE could transmit to CCOS matched trades CBOE submitted to OCC, and CCOS could extract those trades relevant to its members. Second, CBOE could extract CCOS member trades and submit only that data to CCOS, at, according to CCOS, *de minimis* cost. Third, OCC could transmit to CCOS either all trades it received from CBOE or extracted trades relevant to CCOS members. CCOS believes transmission of data between OCC and CCOS would be inexpensive and present no burdens.[11]

CCOS also proposes procedures for maintaining member positions. CCOS would maintain each member's positions in its records and create an offsetting, balancing position for OCC. OCC would maintain a balancing position in its records for CCOS. CCOS would clear member positions and provide all reports for on-line viewing or remote printing in member offices. CCOS represents that it would provide all relevant clearance and settlement information to members within a few hours of receipt from CBOE (*e.g.,* if relevant information is received from CBOE at 10:00 p.m., trade registers and clearance and settlement information generally would be available to members by 1:00 a.m.) and could transmit that information to any bookkeeping service, firm, or individual in the United States ("U.S.") or worldwide.

CCOS proposes procedures regarding margin collection, funds transfer, and member defaults. CCOS would make "margin calls" at approximately 10:00 a.m. daily, simultaneous with OCC.[12] Intra-day margin calls would be coordinated with OCC and would be made by displaying relevant margin information directly on computer terminals maintained in member offices.[13] Funds would transfer between OCC and CCOS on a daily basis representing options premium payments. CCOS proposes that OCC and CCOS post appropriate surety to enable each entity to assume related funds transfer risks. According to CCOS, a default by a

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[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30–3(a)(12) (1988).

[1] 15 U.S.C. 78q–1.

[2] 17 CFR 240.17Ab2–1 (1989).

[3] *See* Securities Exchange Act Release No. 26286 (November 16, 1988), 53 FR 47597.

[4] *See* letter from Burton R. Rissman, Schiff, Hardin & Waite to Jonathan G. Katz, Secretary, Commission, dated December 3, 1988. CCOS responded to the request and generally opposed the requested extension. *See* letter from Alan B. Cohen, Cleary, Gottlieb, Steen & Hamilton, to Jonathan Kallman, Assistant Director, Division of Market Regulation, dated December 20, 1988.

[5] *See* Securities Exchange Act Release No. 26380 (December 20, 1988), 53 FR 52282.

[6] *See* File No. 600–26.

[7] *See* letter from Roger D. Rutz, President & Chief Executive Officer, Board of Trade Clearing Corporation ("BOTCC"), to Jonathan G. Katz, Secretary, Commission, dated June 8, 1989 ("Interface Letter").

[8] *See* letter from Alan B. Cohen, Cleary, Gottlieb, Steen & Hamilton, to Jonathan Kallman, Assistant Director, Division of Market Regualtion, dated June 23, 1989 ("By-law/Rule Amendments").

[9] Letter from Dennis A. Dutterer, Senior Vice President and General Counsel, CCOS and BOTCC, to Richard G. Ketchum, Director, Division of Market Regulation, dated July 19, 1989 ("Response Letter"). *See,* letter from Richard G. Ketchum, Director, Division of Market Regulation, to Dennis A. Dutterer, Senior Vice President and General Counsel, CCOS and BOTCC, dated June 7, 1989, in which the Division raised issues addressed in the Response Letter.

[10] CCOS notes that this "one-terminal-submission concept" is the same procedure BOTCC uses to collect and provide trade data to the Chicago Mercantile Exchange ("CME").

[11] CCOS notes that BOTCC currently has an active computer-to-computer link with OCC for the transmission of data between the Intermarket Clearing Corporation and BOTCC. CCOS proposes to use this link to transmit data as well as exercise and assignment notices between CCOS and OCC.

[12] CCOS represents that it would consider making margin calls earlier than 10:00 a.m., if members common to CCOS and OCC are satisfying margin calls to other clearinghouses.

[13] CCOS notes that margin information also could be directly transmitted to relevant banks or other organizations.

CCOS member regarding its obligations to either CCOS or OCC would be cured by prompt coordination between CCOS and OCC to ensure orderly liquidation or transfer of positions. Such coordination would occur regardless of whether the member defaulted to one entity or both.[14]

With respect to exercises and assignments, CCOS assumes OCC, as options issuer, would assign notices for all exercised options. CCOS would receive, via computer transmission, exercises from its members and transmit those exercises in aggregate to OCC. OCC would assign applicable exercise notices to CCOS, who would assign, in turn, those exercises to CCOS members using a random assignment system.

CCOS concludes its discussion of interface mechanics by discussing potential cost. CCOS believes that costs associated with the proposed interface described above, in view of today's technology, would be minimal. CCOS details, based on costs BOTCC incurs in maintaining interfaces with other commodities clearinghouses, potential costs associated with data transmission between CCOS and OCC and the development of computer programs to format that data. CCOS anticipates that most costs associated with a proposed interface would be borne by CCOS.

In addition to defining the scope of CCOS activities and mechanics of a proposed CCOS–OCC interface, CCOS discusses other items relevant to its applicant. First, CCOS notes that it would have access to a sophisticated system to analyze and monitor member portfolio risk. CCOS also notes that BOTCC is preparing to develop a real-time risk analysis system that would enable CCOS to provide members with an analysis of their risk exposure as new trades enter the system. Second, CCOS describes BOTCC computer facilities and related safeguards applicable to CCOS operations pursuant to a CCOS/BOTCC facilities management agreement. Third, CCOS notes that BOTCC has the operational capacity to perform its obligations under the facilities management agreement without adversely impacting services provided by either entity. Fourth, CCOS notes that its margin system and clearing fund would be patterned after corresponding OCC systems, would be subject to full Commission oversight and review, and would protect CCOS clearing members. CCOS represents that it will not compete by establishing lower margin or clearing fund levels. Fifth, CCOS states that it will develop a cross-margining system, with Commission approval, if CCOS or other clearing organizations deem such appropriate. Finally, CCOS notes that it will admit as members all entities enumerated in section 17A(b)(3)(B) of the Act,[15] if they meet CCOS admission criteria.

II. The By-law/Rule Amendments

These amendments alter CCOS By-laws concerning the composition of CCOS's Board of Directors ("Board"). Originally, Article III, section 2 of the By-laws provided that CCOS's Board shall consist of three directors, with the initial Board comprised of individuals named in CCOS's certificate of incorporation. Under these amendments, CCOS's Board, commencing with its 1989 annual meeting of shareholders, shall consist of five directors, three to be selected from members of the Executive Committee of BOTCC's Board of Governors and two to be selected from CCOS officers.

These amendments also alter CCOS By-laws and rules regarding the composition of certain committees of the CCOS Board. Originally, Article III, section 12 of CCOS's By-laws permitted only CCOS directors to serve on Board committees. These amendments permit CCOS clearing members to serve on such committees. Originally, CCOS Rule 302 provided that the membership committee to CCOS's Board shall consist of three CCOS directors. Under the amendments, that committee shall consist of at least one CCOS clearing member and two CCOS directors. Originally, CCOS Rule 1103 provided that the margin committee to CCOS's Board shall consist of all CCOS directors. Under the amendments, that committee shall consist of at least one CCOS clearing member and two CCOS directors.

These amendments also add to CCOS Rule 1104 (*i.e.*, acceptable forms of margin) standards for the acceptance of a bank or trust company as a letter of credit issuer. Under those standards, U.S. institutions must: (1) Be organized under the laws of the U.S. or a state thereof and be regulated and examined by federal or state regulators; and (2) at the time of approval and continuously thereafter, have shareholders' equity of $100 million or more. Non-U.S. institutions must: (1) Be organized under the laws of a non-U.S. country with a federal or state branch or agency in the U.S.; and (2) at the time of approval and continuously thereafter, have shareholders' equity exceeding $200 million (U.S.). As described more fully in the amendments, a non-U.S. institution also must meet certain rating standards established by U.S. rating organizations. Furthermore, no more than 50% of a clearing member's deposited margin may include letters of credit issued by non-U.S institutions in the aggregate and no more than 20% may include letters of credit issued by any one non-U.S. institution. Any letter of credit issued by a non-U.S. institution must be issued and payable at a federal or state branch or agency located in Chicago, Illinois.

Certain letter of credit criteria must be met by both U.S. and non-U.S. institutions. First, the total amount of letters of credit used for the account of any one clearing member by any institution may not exceed 10% of that institution's shareholders' equity. Second, each institution must provide CCOS, initially and on an onging basis, with annual reports an quarterly financial statements. Third, each entity must provide, in a form satisfactory to CCOS, appropriate documentation regarding individual authority to sign letters of credit and the institution's authority to issue letters of credit. Fourth, CCOS will not accept a letter of credit issued for the account of a clearing member if the issuing institution, a parent, or an affiliate has an equity interest of 20% or more of that member's total capacity. Finally, CCOS reserves the right to refuse or revoke approval of any institution as a letter of credit issuer at any time.

These amendments also alter that portion of CCOS's CA–1 providing information on CCOS directors. Specifically, the amendments contain information on three new CCOS directors: John Gilmore, Jr., Thomas E. Neal, and Ralph I. Goldenberg.

III. The Response Letter

In the Response Letter, CCOS and BOTCC make several representations to the Commission. First, CCOS represents that it will be capitalized initially at $1 million by BOTCC. CCOS estimates this figure is three times the capital devoted by OCC to clearing 15% of CBOE index options, the percentage of CBOE index option volume CCOS estimates it will clear initially.[16] CCOS also represents

[14] CCOS proposes a CCOS/OCC agreement to provide for structured flow of funds between the two entities in the event of member default. According to CCOS, such an agreement could be similar to the OCC–CME agreement relating to defaults that may occur in the OCC–CME cross-margining program.

[15] Under Section 17A(b)(3)(B), a clearing agency must admit as members any: (1) Registered broker or dealer, (2) other registered clearing agency, (3) registered investment company, (4) bank, (5) insurance company, or (6) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate.

[16] The Division suggested that, because the initial composition of CCOS's membership is unknown

Continued

that it will conduct a monthly review of its capitalization. If CCOS clearing activity increases above the 15% benchmark, it will review with the Commission the amount of additional capital necessary and make appropriate adjustments in its capital, either through additional contributions by BOTCC or through the contribution of retained earnings.[17]

Second, CCOS represents that it is prepared to share member position information with other registered clearing agencies, such as OCC. CCOS proposes a CCOS/OCC agreement providing for a mutual exchange of position information on joint clearing members, to be effected via an existng communication link between OCC and BOTCC.

Third, CCOS and BOTCC represent that they will not treat CCOS positions differently than OCC positions for purposes of margin offset. CCOS and BOTCC further represent that any cross-lien arrangement between themselves will be offered on equal terms to other registered clearing agencies, such as OCC.

Fourth, CCOS represents that BOTCC will make its facilities, books, and records applicable to CCOS operations available to Commission staff for inspection and other regulatory purposes. Further, CCOS represents that BOTCC has the operational capability to handle instances of extreme market volume and volatility.

IV. Request for Comments

Commentators are invited to submit written data, views, and arguments concerning the amendments described above within 45 days of the date of publication of this notice in the **Federal Register**. Such written data, views, and arguments will be considered by the Commission in reviewing CCOS's application. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. 600–26.

Copies of the application and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–18400 Filed 8–4–89; 8:45 am]

BILLING CODE 8010–01–M

[34–27079 600–22]

Self-Regulatory Organization; MBS Clearing Corporation; Order Extending Registration as a Clearing Agency

July 31, 1989.

On February 2, 1987, the Securities and Exchange Commission granted the application of MBS Clearing Corporation ("MBSCC") for registration as a clearing agency, pursuant to sections 17A and 19(a) of the Securities Exchange Act of 1934 ("Act"), and Rule 17Ab2–1(c) thereunder, for a period of 18 months.[1] At that time, the Commission granted MBSCC an exemption from compliance with section 17A(b)(3)(C) of the Act.[2] On August 2, 1988, the Commission extended MBSCC's registration as a clearing agency and the exemption from compliance with section 17A(b)(3)(C) of the Act until August 2, 1989.[3]

The order granting MBSCC's application contemplated that on or before August 2, 1989, the Commission would consider whether to grant MBSCC registration as a clearing agency without exemptions from statutory standards or consider whether to grant MBSCC such exemption from statutory standards, as MBSCC may request, as appropriate under the Act. By letter dated July 18, 1989, MBSCC has consented to an extension of the time for action on its application for registration and has withdrawn its request for an exemption from compliance with section 17A(b)(3)(C).

It is therefore ordered, That MBSCC's registration as a clearing agency be, and hereby is, extended until September 28, 1990.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–18398 Filed 8–4–89; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before September 6, 1989. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653–8538.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7340.

Title: Disaster Business Loan Application.

Form Nos.: SBA Forms 5, 739A, 1368, 1632.

Frequency: On occasion.

Description of respondents: Small Businesses attempting to attain a business loan as a result of a disaster.

Annual Responses: 12,000

Annual Burden Hours: 51,336

Title: Executive Qualifications Questionnaire.

Form No.: 2014A.

Frequency: On occasion.

Description of respondents: Small businesses wishing to participate in overseas export promotion events.

Annual Responses: 60

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and may not immediately reflect a wide range of market participants, it would be prudent to maintain capital at a level exceeding that which would be appropriate for OCC on a relative basis. If CCOS members become representative of all participants in the index options market, CCOS represents that it will seek Commission approval to eliminate any surplus capital resulting from the initial tripling of estimated capital relative to OCC capitalization and subsequent additional capital contributions. *See* Response Letter.

[17] CCOS also represnts that BOTCC will ensure that no obligations relating to operational expenses will constitute an obligation of CCOS such that it effects CCOS's ability to fulfill obligations to its members. According to CCOS, BOTCC claims always will be subordinate to claims against CCOS by CCOS members. *See* Response Letter.

[1] Securities Exchange Act Release No. 24046 (February 2, 1987), 52 FR 4218.

[2] Section 17A(b)(3)(C) requires that MBSCC's rules assure fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs.

[3] Securities Exchange Act Release No. 25957 (August 2, 1988), 53 FR 29537.

Annual Burden Hours: 120
Title: Personal Financial Statement.
Form No.: SBA Form 413.
Frequency: On occasion.
Descriptions of Respondents: Applicants for an SBA loan.
Annual Responses: 76,500
Annual Burden Hours: 76,500
William Cline,
Chief, Administrative Information Branch.
[FR Doc. 89–18322 Filed 8–4–89; 8:45 am]
BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2372]

Declaration of Disaster Loan Area; Colorado

Boulder County and the contiguous counties of Adams, Gilpin, Grand, Jefferson, Larimer, and Weld, in the State of Colorado, constitute a disaster area as a result of damages from a wildfire which occurred between July 9 and July 14, 1989. Applications for loans for physical damage may be filed until the close of business on September 28, 1989 and for economic injury until the close of business on April 30, 1990 at the address listed below: Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95825 or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Businesses and non-profit organizations (EIDL) without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	9.125

The number assigned to this disaster for physical damage is 237205 and for economic injury the number is 680600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 28, 1989.

Susan Engeleiter,
Administrator.
[FR Doc. 89–18325 Filed 8–4–89; 8:45 am]
BILLING CODE 8025–01–M

Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of action subject to intergovernmental review under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to refund twenty-nine presently existent Small Business Development Centers (SBDCs) on January 1, 1990. Currently, there are 54 SBDCs operating in the SBDC program. The following SBDCs are intended to be refunded, subject to the availability of funds: Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Washington and Wisconsin. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the SBDCs to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed refunding in accord with the Executive Order and SBA's regulations found at 13 CFR part 135.

EFFECTIVE DATE: November 6, 1989.

ADDRESS: Comments should be addressed to Ms. Janice E. Wolfe, Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Same as above.

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR part 135, effective September 30, 1983.

In accord with these regulations, specifically § 135.4, SBA is publishing this notice to provide public awareness of the pending application of twenty-nine presently existent Small Business Development Centers (SBDCs) for refunding. Also, published herewith is an annotated program announcement describing the SBDC program in detail.

This notice is being published at least three months in advance of the expected date of refunding these SBDCs. Relevant information identifying these SBDCs and providing their mailing address is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to the affected State single point of contact which has been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. The SBDC proposal cannot be inconsistent with any area-wide plan providing assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Ms. Janice E. Wolfe, Associate Administrator for SBDC Programs, U.S. Small Business Administration, 1441 L Street NW., Washington, DC 20416. Comments will be accepted by the relevant SBDC and SBA for a period of 90 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 90 day period. If the comments cannot be accommodated by the relevant SBDC, SBA will, prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commenter prior to refunding the SBDC.

Description of the SBDC Program

The SBDC operates under the general management and oversight of SBA, but with recognition that a partnership exists between the Agency and the SBDC for the delivery of assistance to the small business community. SBDC services shall be provided pursuant to a negotiated Cooperative Agreement with full participation of both parties. SBDCs operate on the basis of a State plan to provide assistance within a State or designated geographical area. The initial plan must have the written approval of the Governor. As a condition to any financial award made to an applicant, non-Federal funds must be provided from sources other than the Federal Government. SBDCs operate under the provisions of Pub. L. 96–302, as amended by Pub. L. 98–395, a Notice of Award (Cooperative Agreement) issued by SBA, and the provisions of this Program Announcement.

Purpose and Scope

The SBDC Program is designed to provide quality assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. To accomplish these

objectives, SBDCs link resources of the Federal, State, and local governments with the resources of the educational system and the private sector to meet the specialized and complex needs of the small business community. SBDCs also coordinate with other SBA programs of business development and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the State, academic community and private sector to:

(a) Strengthen the small business community;

(b) Contribute to the economic growth of the communities served;

(c) Make assistance available to more small businesses than is now possible with present Federal resources;

(d) Create a broader based delivery system to the small business community.

SBDC Program Organization

SBDCs are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In States where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a full-time Director. SBDCs must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDCs provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDCs emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management, production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information and referral require the endorsement of the State Bar Association), exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State. The SBDC shall also ensure that a full range of business development and technical assistance services are made available to small businesses located in rural areas.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDCs should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDCs should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities:

(a) The SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) The SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) The SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small businesses that are not presently associated with the SBA district office.

(d) The SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) The SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

The Lead SBDC and all SBDC subcenters shall operate on a forty (40) hour week basis, or during the normal business hours of the State or Host Organization, throughout the calendar year. The amount of time allowed the Lead SBDC and subcenters for staff vacations and holidays shall conform to the policy of the Host organization.

Dated: July 27, 1989.

Susan Engeleiter,

Administrator.

Addresses of Relevant SBDC Directors

Mr. Dave Smith, State Director, Gateway Community College, 108 North 40th Street, Phoenix, Arizona 85034, (602) 392–5224

Mr. Paul McGinnis, State Director, University of Arkansas, 100 South Main, Suite 401, Little Rock, Arkansas 72201, (501) 371–5381

Dr. Richard E. Wilson, State Director, Colorado Community College, 600 Grant Street, Suite 505, Denver, Colorado 80203, (303) 894–2422

Ms. Nancy Flake, State Director, Howard University, 6th and Fairmount St., NW., Room 128, Washington, DC 20059, (202) 636–5150

Mr. Jerry Cartwright, State Director, University of West Florida, Building 38, Pensacola, Florida 32514, (904) 474–3016

Ms. Jennifer Horton, University of Georgia, Chicopee Complex, Athens, Georgia 30602, (404) 542–5760

Mr. Ronald Hall, State Director, Boise State University, 1910 University Drive, Boise, Idaho 83725, (208) 385–1640

Mr. Jeff Mitchell, State Director, Dept. of Commerce & Community Affairs, 620

East Adams Street, Springfield, Illinois 62701, (217) 524–5856
Mr. Steve Thrash, State Director, Indiana Economic Development Council, One North Capitol, Suite 200, Indianapolis, Indiana 46204, (317) 634–1690
Mr. Tom Hull, State Director, Wichita State University, Campus Box 148, 021 Clinton Hall, Wichita, Kansas 67208, (316) 689–3193
Mr. Robert Hird, State Director, University of Southern Maine, 246 Deering Avenue, Portland, Maine 04102, (207) 780–4420
Mr. Mike Miles, Acting State Director, Greater Minnesota Corporation, 1250 International Centre, 900 Second Avenue, South Minneapolis, Minnesota 55402, (612) 338–6666
Mr. Rodney Jorgensen, Acting State Director, Montana Department of Commerce, 1424 Ninth Avenue, Helena, Montana 59620, (406) 444–4780
Mr. Robert Bernier, State Director, University of Nebraska/Omaha, Peter Kiewit Center, Omaha, Nebraska 68182, (402) 554–2521
Mr. Samuel Males, State Director, University of Nevada/Reno, College of Business Admin., Reno, Nevada 89557–0016, (702) 784–1717
Mr. James Bean, State Director, University of New Hampshire, 400 Commercial St., Room 311, Manchester, NH 03101, (603) 625–4522
Ms. Janet Holloway, State Director, Rutgers University, Ackerson Hall, 3rd Floor, 180 University Street, Newark, New Jersey 07102, (201) 648–5950
Mr. Scott Daugherty, State Director, University of North Carolina, 820 Clay Street, Raleigh, North Carolina 27605, (919) 733–4643
Dr. Grady Pennington, State Director, SE Oklahoma State University, Station A, Box 4194, Durant, Oklahoma 74701, (405) 924–0277
Mr. Sandy Cutler, State Director, Lane Community College, 99 West 10th Avenue, Suite 216, Eugene, Oregon 97401, (503) 726–2250
Mr. Gregory Higgins, State Director, University of Pennsylvania, The Wharton School, 3201 Steinberg-Dietrich Hall/CC, Philadelphia, PA 19104, (215) 898–1219
Mr. Douglas Jobling, State Director, Bryant College, Smithfield, RI 02917, (401) 232–6111
Mr. William Littlejohn, State Director, University of South Carolina, College of Business Admin., Columbia, South Carolina 29208, (803) 777–4907
Mr. Donald Greenfield, State Director, University of South Dakota, 414 East Clark, Vermillion, SD 57069, (605) 677–5272
Dr. Leonard Rosser, State Director, Memphis State University, Memphis, Tennessee 38152, (901) 678–2500
Mr. Kumen Davis, State Director, University of Utah, 660 South 200 East, Suite 418, Salt Lake City, Utah 84111, (801) 581–7905
Mr. Lyle Anderson, State Director, Washington State University, College of Business and Economics, Pullman, Washington 99164, (509) 335–1576
Mr. William Pinkovitz, State Director, University of Wisconsin, 602 State Street, Second Floor, Madison, Wisconsin 53703, (608) 263–7794
Mr. Randy Grissom, State Director, Santa Fe Community College, P.O. Box 4187, Santa Fe, New Mexico 87502–4187

[FR Doc. 89–18321 Filed 8–4–89; 8:45 am]
BILLING CODE 8025–01–M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, will hold a public meeting at 8:00 a.m. on Monday, August 14, 1989, at the Days Inn, 900 East Main Street, Meriden, Connecticut, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others pesent.

For further information, write or call Henry A. Povinelli, District Director, U.S. Small Business Administration, 330 Main Street, 2nd Floor Hartford, Connecticut 06106, phone (203) 240–4670.

Dated: August 1, 1989.

R. William Crovella II,

Acting Director, Office of Advisory Councils.

[FR Doc. 89–18323 Filed 8–4–89; 8:45 am]
BILLING CODE 8025–01–M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting from 10:00 a.m. to 12:00 p.m. on Wednesday, August 30, 1989, at the Federal Reserve Bank Community Room, 10th and Grand, Kansas City, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Glenn Davis, District Director, U.S. Small Business Administration, 1103 Grand Avenue, 6th Floor, Kansas City, Missouri, 64106, phone (816) 374–6760.

Dated: July 28, 1989.

R. William Crovella II,

Acting Director, Office of Advisory Councils.

[FR Doc. 89–18324 Filed 8–4–89; 8:45 am]
BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Waivers of Compliance; Burlington Northern Railroad and Long Island Rail Road

In accordance with 49 CFR 211.9 and 211.41 and 45 U.S.C. 1–16 and 1013, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for waivers of compliance with certain requirements of the federal railroad safety laws and regulations. The individual petitions are described below, including the parties seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Burlington Northern Railroad

Waiver Petition Docket Numbers PB–89–4 and SA–89–8

The Burlington Northern Railroad (BN) seeks waivers of compliance to permit the operation of railroad/highway vehicles which are designated as "RoadRailer" units. The railroad proposes to operate RoadRailer units commingled in trains behind double-stack container cars. A double-stack container car is a deep-well articulated car comprised of five units permanently coupled together, on each unit of which two or more cargo containers are stacked on top of each other (a double-stack configuration). The RoadRailers are almost identical to the standard semi-trailer presently used to haul cargo over the highway, the only difference being that they are equipped with a special drawbar, railroad running wheels and a special railroad brake system. The RoadRailer model Mark IV has the railroad wheels mounted on a single axle between the tandem highway wheels of the semi-trailer, and the RoadRailer model Mark V semi-trailer is supported on a standard 70-ton freight car truck. The RoadRailer vehicles, by design, cannot be subjected to traditional switching procedures that are conducted in railroad classification yards. The coupler assembly will only couple to another RoadRailer vehicle or to a specially designed adaptor car between the locomotive and a RoadRailer train, and the drawbar height is nonstandard.

Several railroads have conditional waivers that permits them to operate trains consisting wholly of RoadRailers. The conditional waivers permit noncompliance with all the provisions of the Safety Appliance Standards (49 CFR part 231). These regulatory standards include provisions for the number, location and dimensional specifications for the handholds, ladders, sill steps and hand brakes that are required for each railroad freight car. The waivers also permit noncompliance with a provision of the Railroad Power Brakes and Drawbars Regulations (49 CFR part 232), § 232.2, which sets the requirements for the height of drawbars in cars used in freight service. The waivers granted to the several railroads generally include the following conditions:

(1) That the RoadRailer units may not be interchanged with any other railroads;

(2) That train length is restricted to 75 units maximum;

(3) That RoadRailer units may not be commingled with conventional railroad rolling equipment (**Note:** For the purpose of this waiver "not be commingled" means that RoadRailer units may only be operated in trains consisting exclusively of RoadRailer units, adaptor car and locomotives);

(4) That an adaptor unit must be used between the hauling locomotive and the first car in the RoadRailer train;

(5) That FRA will permit the hauling of hazardous materials in RoadRailer vehicles provided: (1) That the particular commodities are limited to those listed in Table 2 of 49 CFR 172.504; and (2) that the shipment of such hazardous materials complies with the other relevant provisions of the hazardous materials regulations. Additionally, the FRA will permit the operation of the RoadRailers under the placarding provisions of 49 CFR 172.504(c) during rail movement of these vehicles;

(6) That the railroad shall issue operating rules and safety rules for its employees which warn them that they must not attempt to mount or dismount RoadRailer semi-trailers because they are not equipped with safety appliances;

(7) When brake cylinder piston travel is in excess of 1½ inches on the Mark IV RoadRailers, the air brake cannot be considered in effective operating condition; and

(8) All Federal safety regulations except those exemptions listed in this waiver must be complied with.

BN Waiver Petition Docket No. SA–89–8 seeks a waiver of compliance with the Safety Appliance Standards (49 CFR part 231) to the extent that the RoadRailers may be operated without handholds, ladders, sill steps and hand brakes that are required for each railroad freight car. BN Waiver Petition Docket No. PB–89–4 seeks a waiver of compliance with a provision of the Railroad Power Brakes and Drawbar Regulations, 232.2, to the extent that the RoadRailers may be operated with coupler heights that exceed the regulatory maximum of 34½ inches above the top of the rail, having a height of approximately 49½ inches to achieve compatibility between highway and rail operation.

The waivers granted by FRA to the railroads operating the RoadRailers prohibit the commingling of the vehicles in trains with any other freight cars, and it is this condition that the BN wishes to have eliminated. The BN's justification that it be permitted to operate RoadRailers behind double-stack cars is based upon the findings of tests performed at the Transportation Test Center (TTC) in Pueblo, Colorado in the fall of 1988. These tests, which were patterned after the Association of American Railroads (AAR) Chapter XI certification for new and untried cars, included high speed stability, stop distance, curving, and tests over perturbed track, such as rock and roll, pitch and bounce, yaw and sway, and bunched spiral. Additional tests, not required by the AAR but considered necessary by the BN, included longitudinal train forces, crossovers, turnouts, grade braking simulations, and braking in curves and crossovers. To accommodate the coupling of the RoadRailer unit to the doublestack car, a newly designed connector on the double-stack car was utilized and tested at the same time. In pitch and bounce tests, the last double-stack truck springs consistently bottomed out at high speed during the bounce test when connected to a loaded Mark IV RoadRailer, and it was concluded that an upgraded spring group was needed for the double-stack car to prevent this from occurring.

The carrier states that, "Based upon the findings of these tests, the BN has recommended the following criteria for integrated operation:

1. Trains will be limited to three (3) six-axle locomotives, up to five (5) double-stack cars (25 units) followed by up to forty (40) RoadRailer units.

2. Empty RoadRailer units will be blocked together behind loaded RoadRailer units at the rear of the train. Double-stack and RoadRailer units will not be interspersed.

3. New double-stack cars will be used in captive service ard equipped with a connector at both ends, a second brake pipe and fully automatic, modified brake equipment (load/empty device).

4. The connector will require design refinements that are to be overseen by Trailer Train for production model versions.

5. Double-stack cars used in captive, integrated service will have the end 70-ton trucks equipped with fully rated spring groups."

Long Island Railroad

Waiver Petition Docket Number PB–89–5

The Long Island Rail Road (LI), on behalf of the New York Cross Harbor Railroad Terminal Corporation (NYCH) and Intermodal Concepts, Inc. (ICI), requests that the Federal Railroad Administration (FRA) grant a permanent waiver of compliance with FRA's coupler height regulation (49 CFR 232.2) to permit the bogie equipment manufactured by ICI to be operated and scheduled as often as traffic dictates. The LI petition is based upon the assertion that the bogies have passed all tests in the FRA-approved test program, Docket Number H–88–1, without interference or difficulty under the most stringent conditions. See description of proposed test program in **Federal Register**, Vol. 53, p. 10581 (April 1, 1988).

The ICI System vehicle is a bogie 22 feet, 4 inches in length between end sills, with two axles and 28-inch diameter wheels. The carless system uses a bogie with both a depressed deck that holds the rear tandem wheels of one semi-trailer and a hitch that connects with the kingpin of the adjacent semi-trailer. This system utilizes the semi-trailer vehicle as the structure through which longitudinal train forces are transmitted. Sluing of the bogie under the semi-trailers is accomplished by a swivel support under the tandem wheels allowing 7.5 degrees maximum rotation and rotation between the semi-trailer kingpin and the bogie hitch.

The current model of the bogie is in compliance with the requirements of the Safety Appliance Standards (49 CFR part 231). The bogie is equipped with AB type air brake valves. The brake pipe or train line is a ¾-inch hose connected between the bogies. These flexible hoses are retained in a retractable reel located on each bogie, which allows for variations in length of the semi-trailers being hauled, and also for moving only the bogies coupled together.

A train comprised of bogies and semi-trailers will have automatic couplers at the hauling locomotive and at the rear end of the train of a standard height as required by 49 CFR 232.2 (center line of knuckle 31½ to 34½ inches above the

top of the rail); however, the intermediate automatic couplers are not in compliance, and the center line of the knuckles is 27 inches above the top of the rail. This coupler arrangement was designed to be only 27 inches above the top of the rail to guard against the bogies being interspersed with any other type of freight car equipment. The bogies with 27-inch coupler heights are stenciled, "Nonstandard Coupler Height."

The ICI bogie train began operations on December 22, 1988, between Greenville Yard, Jersey City, New Jersey, and Farmingdale, New York. Semi-trailers are loaded on the bogies in Greenville Yard with a gantry-type loader. NYCH places the bogie/semi-trailers on a car float barge at Greenville Yard for movement across New York Harbor to Brooklyn, New York. The bogies are interchanged to the LI for delivery to Farmingdale, a distance of approximately 35 miles. The speed of the operation does not exceed 30 mph.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number PB–89–4) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before September 20, 1989 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m. to 5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC on July 31, 1989.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 89–18338 Filed 8–4–89; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 31, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2409, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Departmental Offices

OMB Number: New

Form Number: FPI–1 (formerly TD F 90–19.1) and FPI–2 (formerly TD F 90–19.2)

Type of Review: New Collection

Title: Foreign Portfolio Investment Survey Forms and Instructions

Description: The purpose of the survey is to determine the magnitude and aggregate value of portfolio investment, form of investments, types of investors, nationality of investors and recorded residence of foreign private holders, diversification of holdings by economic sector, and holders of record. Affected public consists of issuers and holders of record of securities.

Respondents: Businesses or other for-profit, Federal agencies or employees

Estimated Number of Respondents/Recordkeepers: 1,950

Estimated Burden Hours Per Response/Recordkeeping:

Form FPI–1—30 hours

Form FPI–2—100 hours

Recordkeeping—10 hours

Frequency of Response: Other (Reports collected once every five years)

Estimated Total Reporting Burden: 88,500 hours

Clearance Officer: Dale A. Morgan (202) 566–2693, Departmental Offices, Room 2409, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

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. 89–18327 Filed 8–4–89; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 150
Monday, August 7, 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 11:37 a.m. on Tuesday, August 1, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider: (1) Administrative enforcement proceedings; (2) matters relating to the possible closing of certain insured banks; (3) matters concerning the Corporation's corporate activities; and (4) matters relating to assistance agreements pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C. C. Hope, Jr. (Appointive), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 2, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR. Doc. 89-18491 Filed 8-3-89; 11:11 am]

BILLING CODE 6714-01-M

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10:30 am Monday, September 25, 1989.

PLACE: The Army and Navy Club, 901 17th Street, NW., Washington, DC 20006.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Call meeting to order.
2. Adoption of proposed agenda.
3. Approval of minutes of April 17, 1989 meeting.
4. Report of the Chairman.
   a. Discussion of any proposed changes in 1990 scholarship program. Possible impact of Gramm-Rudman in 1991.
   b. Discussion of the Public Service Conference, Lexington, VA, on October 20-21, 1989.
   c. Report on Awards Ceremony, Independence, MO on May 6, 1990.
   d. Suggestions for future Awards Ceremony speakers.
   e. Retirement of Executive Secretary.
5. Report of Executive Secretary.
   a. Status of Trust Fund.
   b. Regional Review Panel update.
   c. Comments on 1989 Faculty Representatives.
   d. Outlook for 1989-90 nominations.
6. Resolution to empower the Chairman/Executive Secretary to enter/renew contracts, conclude agreements, and conduct other Foundation business.
7. New Business.
8. Discuss and set date, time and place of Spring Board Meeting, April, 1990.
9. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, Telephone (202) 395-4831.

Malcolm C. McCormack,

Executive Secretary.

[FR Doc. 89-18525 Filed 8-3-89; 2:40 pm]

BILLING CODE 9500-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

A majority of the Board determined by recorded vote that the business of the Board required holding this meeting on less-than-normal notice and that no earlier announcement was possible.

TIME AND DATE: 9:00 a.m. Thursday, August 3, 1989.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. NTSB Statement on Confidentiality of CVR Tapes.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Dated: August 2, 1989.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 89-18540 Filed 8-3-89; 1:33 pm]

BILLING CODE 7533-01-M

POSTAL RATE COMMISSION

Meeting

TIME AND DATE: 10:30 a.m., Thursday, August 10, 1989.

PLACE: Hearing Room, 1333 H Street, NW., Suite 300, Washington, DC 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: To discuss a final rule in Docket No. RM88-2, Express Mail Rulemaking.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

Charles L. Clapp,

Secretary.

[FR Doc. 89-18541 Filed 8-3-89; 1:33 pm]

BILLING CODE 7710-FW-M

Corrections

Federal Register
Vol. 54, No. 150
Monday, August 7, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. FV-89-200]

Pineapples; Grade Standards

Correction

In proposed rule document 89-17411 beginning on page 31338 in the issue of Friday, July 28, 1989, make the following corrections:

1. On page 31338, in the third column, under "Changes in Definition of Terms", in the second paragraph, in the third line, "straight" was misspelled.

2. On page 31342, in Table 1 footnote 2, "All" should read "AL".

3. On page 31343, in Table 2 footnote 1, "designation" should read "destination".

§ 51.1494 [Corrected]

4. On the same page, in § 51.1494, in the third line, "extent" should read "extend".

§ 51.1495 [Corrected]

5. On the same page, in § 51.1495, in the fourth line, "noticeable" should read "noticeably".

§ 51.1510 [Corrected]

6. On page 31344, in § 51.1510, in the table, under "Injury", in the 13th line, "inches" should read "inch"; in the 18th line "or" should be removed; and in the 22nd line, insert "slightly detracts from" after "than".

7. On the same page, in the same section, in the table, under "Damage", in the second line, "inches" should read "inch", and "when bruise" should read "when a bruise".

8. On the same page, in the same section, in the table, under "Serious damage", in the 16th line, "brow-black" should read "brown-black".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 89-128]

Receipt of a Permit Application for Release Into the Environment of Genetically Engineered Organisms

Correction

In notice document 89-17272, appearing on page 30913 in the issue of Tuesday, July 25, 1989, make the following correction:

On page 30913, in the table, in the fifth column, insert the entry "New York".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-050-4333-12]

Arizona: Resource Management Planning; Yuma District Resource Management Plan

Correction

In notice document 89-16788, beginning on page 30113 in the issue of Tuesday, July 18, 1989, make the following correction:

1. On page 30113, in the 3rd column, under **SUPPLEMENTARY INFORMATION**, in designated paragraph 1, in the 15th line, after "section", add "(Issue #4) and Recreation section".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110, 162, and 165

[CGD 05-88-17]

Special Anchorage Areas, Anchorage Grounds, and Regulated Navigation Area, Hampton Roads, VA

Correction

In rule document 89-347 beginning on page 604 in the issue of Monday, January 9, 1989, make the following correction:

§ 110.168 [Corrected]

On page 606, in the second column, in § 110.168(a)(4)(i), the second paragraph designated "(A)" should be designated "(B)".

BILLING CODE 1505-01-D

federal register

Monday
August 7, 1989

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 44

Federal Acquisition Regulation (FAR); Subcontract Consent Requirement Clarification; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 44

Federal Acquisition Regulation (FAR); Subcontract Consent Requirement Clarification

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to clarify contracting officer responsibilities with respect to consent to subcontract actions in the event a prime contract designates performance of certain work elements by specific subcontractors. In these cases, unless consent requirements contained in the clauses at 52.244–1, 52.244–2, or 52.244–3 are satisfied at the time of contract award and so stated in the prime contracts, the Administrative Contracting Officer is responsible for ensuring consent to subcontract actions are completed when prime contracts are assigned for contract administration.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 6, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 89–59 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523–4755. Please cite FAR Case 89–59.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entites within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the proposed change does not impose any new requirements on contractors, large or small, and serves only to clarify existing regulations. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 89–610 (FAR Case 89–59) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et. seq.

List of Subjects in 48 CFR Part 44

Government procurement.

Dated: August 1, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, 48 CFR Part 44 is amended as set forth below:

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

1. The authority citation for 48 CFR Part 44 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; And 42 U.S.C. 2473(c).

2. Section 44.202–1 is amended by adding paragraph (c) to read as follows:

44.202–1 Responsibilities.

* * * * *

(c) Designation of a specific subcontractor by the Government or evaluation of subcontracts during contract negotiations does not in itself satisfy the requirements for advance notification or consent pursuant to the clauses at 52.244–1, 52.244–2, 52.244–3. However, if, in the opinion of the contracting officer, the advance notification or consent requirements were satisfied for certain subcontracts evaluated during negotiations, the contracting officer shall include a statement in the contract that those requirements have been satisfied. The statement shall identify the specific subcontracts and contain appropriate information concerning the extent to which such requirements are satisfied and/or limited with respect to future changes or revisions in work statement, specifications, or other applicable aspects of the contract that may be subject to change. For fixed-price contracts see 44.204(a)(3).

[FR Doc. 89–18343 Filed 8–4–89; 8:45 am]

BILLING CODE 6820–JC–M

federal register

Monday
August 7, 1989

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 45, 51, and 52
Federal Acquisition Regulation (FAR); Contractors Authorized To Use Government-Provided Passenger Carriers; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 45, 51, and 52

Federal Acquisition Regulation (FAR); Contractors Authorized To Use Government-Provided Passenger Carriers

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to the Federal Acquisition Regulation (FAR) in 45.304, 51.103(d)(2), 51.200, 51.204, and the clause at 52.251–2 concerning contractors' use of Government-owned-or-leased vehicles.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 6, 1989 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 89–58 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523–4755. Please cite FAR Case 89–58.

SUPPLEMENTARY INFORMATION:

A. Background

The General Services Administration, which has the responsibility of promulgating regulations governing the use of Government vehicles, requested revisions to the Federal Acquisition Regulation to be consistent with the Federal Property Management Regulations (FPMR). Revisions to Part 45, Government Property, are necessary to provide further guidance to agencies that provide contractors with Government-owned-or-leased motor vehicles. Revisions to Part 51, Use of Government Sources by Contractors, are necessary to provide clarifications for the use of these resources. Related changes are proposed in Part 52, Solicitation Provisions and Contract Clauses.

B. Regulatory Flexibility Act

Analysis of the proposed revisions indicates that this proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule merely implements in the FAR the rule in 41 CFR 101–38.301–1 pertaining to contractors' use of Government motor vehicles. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 89–610 (FAR Case 89–58) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et. seq.

List of Subjects in 48 CFR Parts 45, 51, and 52

Government procurement.

Dated: August 1, 1989.

Harry S. Rosinski

Acting Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR Parts 45, 51, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 45, 51, and 52 continue to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 45—GOVERNMENT PROPERTY

2. Section 45.304 is amended by redesignating the introductory text as paragraph (a); by redesignating paragraphs (a), (b), (c), (d), and (e) as paragraphs (a) (1), (2), (3), (4), and (5); and by adding paragraph (b) to read as follows:

45.304 Providing motor vehicles.

* * * * *

(b) Agencies that provide contractors with Government-owned-or-leased motor vehicles are responsible for ensuring that such vehicles are used only for the performance of the contract. Contractors are prohibited from using such vehicles for home-to-work transportation, consistent with Pub. L. 99–550 amending 31 U.S.C. 1344. (See Subpart 51.2, Contractor Use of Interagency Fleet Management System (IFMS) Vehicles.)

PART 51—USE OF GOVERNMENT SOURCES BY CONTRACTORS

3. Section 51.103 is amended by revising paragraph (d)(2) to read as follows:

51.103 Ordering from Government supply sources.

* * * * *

(d) * * *

(2) Use only the Government activity address code obtained by the contracting officer in accordance with 51.102(e), along with the contractor's assigned access code, when ordering from GSA Customer Supply Centers.

51.200 [Amended]

4. Section 51.200 is amended by adding at the end of the paragraph following " 'subcontracts' " the words "(see 45.304)".

5. Section 51.204 is revised to read as follows:

51.204 Use of interagency fleet management system vehicles and related sources.

Contractors authorized to use interagency fleet management vehicles and related services shall comply with the requirements of 41 CFR 101–39 and 41 CFR 101–38.301–1, and the operator's packet furnished with each vehicle.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.251–2 [Amended]

6. Section 52.251–2 is amended by adding at the end of the clause following "41 CFR 101–39", the words "and 41 CFR 101–38.301–1".

[FR Doc. 89–18344 Filed 8–4–89; 8:45 am]

BILLING CODE 6820–JC–M

Federal Register

Monday
August 7, 1989

Part IV

Department of Housing and Urban Development

Office of the Secretary

Youth Sports Clubs To Combat Drugs at Public Housing Sites; Notice of Fund Availability

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-89-1993; FR-2661]

Youth Sports Clubs To Combat Drugs at Public Housing Sites

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of fund availability.

SUMMARY: Special Projects grants will be made available from the Secretary's Discretionary Fund to aid in establishing or enhancing youth sport clubs at public housing sites with identified severe drug problems. Each approved project, selected on a competitive basis, will be funded at a Federal funding level of up to a maximum of $25,000, with a required 100 percent cash match of local CDBG or private funds.

Eligible Applicants: Applicants eligible for funding under this NOFA are States and units of general local government.

Application Deadline: Applications are to be submitted by 3:00 p.m. October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Leroy P. Gonnella, Director, Secretary's Fund 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.) Application packages (Request for Grant Assistance) may be obtained at the same address 7 days after publication of this notice. Additional program requirements applicable to the receipt and use of Special Projects grants will be set forth in the application package.

DATE: This notice is effective August 7, 1989.

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980, and have been assigned OMB control number 2506-0108. Public reporting burden for this collection of information is estimated to include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the documents making up the collection of information. Information on the estimated public reporting burden is provided elsewhere in this document. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., Room 10276, Washington, DC 20410, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

As part of the Department's effort to promote a drug-free environment in public housing, the Secretary will make a minimum of $950,000 available to aid public housing youths in areas affected by drug problems. The funds are to be used in conjunction with local CDBG and other public or private funds to establish positive youth programs, with sports, cultural or other activities as alternatives to the drug environment. Applicants for these funds must be planning or undertaking vigorous efforts to rid public housing areas of the drug problem. Each applicant will be given discretion to design a youth sports club program that best addresses its local situation and most effectively leverages local resources. It is expected that each application will include the involvement of local sports organizations or major sports figures.

This document: (a) Notifies the public of the availability of funds for aiding in the establishment or enhancement of youth sports clubs to combat drugs at Public Housing Authority (PHA) sites; (b) identifies the objective of the program; (c) indicates the amount of funds available and matching requirements; (d) sets forth eligible activities; (e) sets forth application requirements for the funds; (f) identifies the evaluation criteria for the award of funds; and (g) specifies notification procedures.

Program Objective

The objective of this program is to aid public housing youths in areas affected by severe drug problems, by providing positive youth programs, with sports, cultural or other activities, as alternatives to the drug environment. Such programs will be developed in conjunction with vigorous efforts by State and local governments, local housing authorities, resident management associations, neighborhood organizations or others interested in making public housing developments drug free.

Eligible Activities

All activities eligible under the Community Development Block Grant (CDBG) Program, 24 CFR part 570, subpart C. These include the acquisition, construction or rehabilitation of community centers, parks and playgrounds to be used by the youth sports clubs. Eligible activities also include redesigning and modifying public spaces in assisted housing projects to permit increased utilization of the areas by the youth sports clubs. Public service activities (including salaries and expenses for staff for the youth sports clubs, cultural activities, educational programs related to drug abuse, the purchase of sports equipment, etc.), are also eligible, subject to the limitation that no more than 15 percent of the Special Projects grant may be for public services. The entire local match can be used for public services except that any portion thereof comprised of local CDBG funds is subject to the 15 percent limitation. (The 15 percent limitation and other information about the eligibility of public services is found at 24 CFR 570.201(e) of the CDBG entitlement regulations.)

Grantees will be subject to the requirements of 24 CFR 570.400, General (which sets out requirements associated with grants from the Secretary's Fund), and 24 CFR 570.410, Special Projects Program.

Prospective grantees should note that the Department is promulgating a rule change designed to ease regulatory limitations found in 24 CFR 570.201(e)(2), so that local governments will have the option of using a larger amount of the funds received under this program for public service activities. A final rule on this subject was published on August 1, 1989. (54 FR 31670.)

Section 105(a)(8) of the Housing and Community Development Act of 1974 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." HUD's regulation at 24 CFR 570.201(e)(2) implements this provision by applying the 15% limitation to each grant.

The Department believes that the statute can be interpreted to apply either to each grant or to the aggregate of grants received by a unit of general local government under Title I of the Act. Therefore, the Department is amending the Special Projects Program regulations to give local governments the option of calculating the amount of special projects grants funds that may be used for public services based upon 15 percent of either the special projects grant, or 15 percent of the aggregate of the special projects grant plus the local government's grant received in the same federal fiscal year under the Community Development Block Grant (CDBG) Entitlement or State Program.

This rule change will become effective on October 3, 1989, so grantees

responding to this Notice will enjoy the benefit of the above-described option.

Program administration and planning activities may not exceed 20 percent of the grant funds.

Amount of Funds Available: Not less than $950,000, with a maximum funding level not to exceed a total of $2,500,000.

Amount of Awards: A maximum of $25,000 per grant, with a required 100 percent cash match of local CDBG or other local public or private funds. This is a one time only grant.

Application Requirements: The application must include the following elements:

1. A Standard Form 424 signed by the chief executive officer of the State or unit of local government;

2. A description of how the youth sports club is or will be organized, the nature of the services to be provided, the number of youth involved, the extent to which local sports organizations or major sports figures are involved, the facilities to be utilized, plans to continue the youth sports club in the future, and other facets of the program;

3. Narrative statements as described in the application package that specifically address the evaluation criteria;

4. A work plan which describes the planned schedule and the financial and other resources committed to each task or activity; and

5. A budget showing the HUD share of the costs and other sources of funds, including the required 100 percent cash match of local CDBG or other local public or private funds supported by letters of commitment.

Information Collection: Burden-hour estimates for the collection of information requirements associated with the above-described application process are set out below:

Description of information collection	Number of respondents	Responses per respondent	Hours per response	Total
Application submission	175	1	40	7000

Evaluation Criteria: Each application will be reviewed against the following evaluation factors:

Total 100 Points

1. Unique or innovative methods, approaches or ideas originated or assembled by the applicant; (10 points)

2. Overall technical merits of the application; (5 points)

3. The qualifications, capabilities, and experience of the proposed key personnel who are critical to achieving the application objectives; (15 points)

4. The applicant's and any proposed subrecipient's capabilities, related experience, facilities, techniques, potential for continuing the youth sports club activities in the future, or unique combinations of these which are integral factors, for achieving the application objectives; (10 points)

5. The severity of the drug problem at the local public housing site or sites, and the extent of the planned or actual efforts to rid the site or sites of the drug problem; (20 points)

6. The extent to which local sports organizations or major sports figures are involved; (10 points)

7. The extent of the PHA's support of the project, coordination of proposed activities with local resident management groups or associations where such groups exist, and coordination of proposed activities with ongoing programs of the applicant which further the aims of this NOFA; (20 points)

8. The extent of private sector contributions which exceed the required 100 percent match of local CDBG or other local funds. (10 points)

The Department reserves the right to select application out of rank order to ensure an equitable geographical distribution.

Where to Apply: Submit an original and two copies of your application to: Department of Housing and Urban Development, Office of Community Planning and Development, Secretary's Fund Division, Room 7144, 451 7th Street, SW., Washington, DC 20410, Attention: Mr. Leroy P. Gonnella.

Notification: The applicant will be noified whether the project application will be funded or rejected.

Catalog of Federal Domestic Assistance (CFDA) No. 14.232.

Authority: Section 107(b)(4), Housing and Community Development Act of 1974, as amended, and 24 CFR 570.410, Special Projects Program Regulations, Subpart E, Secretary's Fund.

Dated: July 31, 1989.

Jack Kemp,

Secretary.

[FR Doc. 89-18363 Filed 8-4-89; 8:45 am]

BILLING CODE 4210-01-M

federal register

Monday
August 7, 1989

Part V

Environmental Protection Agency

Asbestos; Requirement to Submit Information to EPA; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62073A; FRL-3626-6]

Asbestos; Requirement To Submit Information to EPA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA published requirements for the submission of information under the Asbestos Information Act of 1988, Pub. L. 100-577, in the **Federal Register** of April 18, 1989. These requirements did not become effective until the Agency's information collection requirements were approved by the Office of Management and Budget (OMB). This notice establishes an effective date for the information collection requirements contained in the **Federal Register** notice of April 18, 1989.

DATES: The effective date for the information collection requirements contained in the **Federal Register** notice of April 18, 1989 is August 7, 1989. The deadline for former and current manufacturers and processors of certain asbestos products to submit information identifying their products to EPA is October 6, 1989.

ADDRESSES: Send all submissions, identified by the docket control number (OPTS-62073), in triplicate to: ATLIS Federal Services Inc., ATTN: EPA/AIA Clearinghouse, 6011 Executive Blvd., Rockville, MD 20852.

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 St., SW., Washington, DC 20460, (202) 382-3790, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 18, 1989 (54 FR 15622), EPA published a notice which explained how, when, and where former and current manufacturers and processors of certain asbestos products are to submit information identifying their products to EPA. The information collection requirements in the notice were mandated by the Asbestos Information Act of 1988, Pub. L. 100-577.

The **Federal Register** notice of April 18, 1989, stated that the information collection requirements contained in the notice had not been approved by the Office of Management and Budget (OMB) and would not be effective until OMB approved them. On May 25, 1989, OMB approved the information collection requirements. In light of OMB approval, this notice establishes an effective date for the information collection requirements in the **DATES** section above.

Dated: July 21, 1989.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 89-18384 Filed 8-4-89; 8:45 am]

BILLING CODE 6560-50-M

federal register

Monday
August 7, 1989

Part VI

Department of the Interior

Bureau of Land Management

Proposed Withdrawal and Opportunity for Public Hearing; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-930-09-4214-10; WYW 116382]

Proposed Withdrawal and Opportunity for Public Meeting; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw 9,538.99 acres of National Forest System lands for protection of the Clark's Fork Canyon Area proposed in a recommendation for inclusion in the National Wild and Scenic River System. This withdrawal would provide protection until Congress acts upon this recommendation.

DATE: Comments and requests for meeting should be received on or before November 6, 1989.

ADDRESS: Comments and meeting requests should be sent to the Wyoming State Director, BLM, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, BLM Wyoming State Office, 307–772–2072.

SUPPLEMENTARY INFORMATION: On July 5, 1989, the U.S. Department of Agriculture filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Sixth Principal Meridian

Shoshone National Forest

T. 55 N., R. 104 W.,
Sec. 3, N½ lot 3, lot 4;
Sec. 4, lot 1, N½ lot 2.
T. 56 N., R. 104 W.,
Sec. 12, S½SW¼SW¼, SE¼SW¼, S½N½SE¼, S½SE¼;
Sec. 13, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, W½SE¼SW¼;
Sec. 14, E½NE¼NE¼, SE¼NE¼, SE¼;
Sec. 19, W½NW¼, SE¼NW¼, SW¼, SW¼NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 20, SW¼SW¼SE¼;
Sec. 23, NE¼, E½E½NW¼, E¼NE¼SW¼, SE¼SW¼, SE¼;
Sec. 24, NW¼NW¼, W½SW¼NW¼;
Sec. 26, N½NE¼, SW¼NE¼, W½SE¼NE¼, E½NW¼, E½SW¼NW¼, SW¼, NW¼SE¼, W½SW¼SE¼;
Sec. 27, E½NE¼SE¼, SE¼SE¼;
Sec. 29, SW¼SW¼NE¼, SW¼NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼;
Sec. 30, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32, NE¼, NE¼NW¼, N½NW¼NW¼, N½SE¼NW¼, NE¼SE¼, N½NW¼SE¼;
Sec. 33, SW¼NE¼, S½SE¼NE¼, S½N½NW¼, S½NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼, SE¼;
Sec. 34, NE¼NE¼, S½NW¼NE¼, S½NE¼, S½NE¼, S½SW¼NW¼, SE¼NW¼, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 35, W½NE¼NW¼, W½NW¼, W½SE¼NW¼, N½NW¼SW¼.
T. 56 N., R. 105 W.,
Sec. 3, S½NW¼NW¼, S½N½NW¼NW¼, S½NW¼, SW¼, W½NE¼SE¼, NW¼SE¼, S½SE¼;
Sec. 4, NE¼, N½NW¼, N½SW¼NW¼, SE¼NW¼, NE¼SE¼, N½SE¼SE¼;
Sec. 5, N½NE¼, SW¼NE¼, N½SE¼NE¼, NW¼, N½NW¼SW¼;
Sec. 6, NE¼NE¼, S½NW¼NE¼, S½N½NW¼NE¼, S½NW¼, N½S½, N½SW¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼, N½SW¼SE¼, except that portion within HES 49;
Sec. 10, NE¼, NE¼NW¼, N½NW¼NW¼, NE¼SE¼;
Sec. 11, W½SW¼NE¼, NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 12, SW¼–Sw¼;
Sec. 13, W½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, W½NW¼SE¼, SW¼SE¼, W½SE¼SE¼;
Sec. 14, N½NE¼, E½SW¼NE¼, SE¼NE¼, NE¼NW¼, E½NW¼NW¼, NE¼SE¼, N½SE¼SE¼;
Sec. 24, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 56 N., R. 106 W.,
Sec. 1, S½SW¼NE¼, SE¼NE¼, S½ except that portion within HES 49;
Sec. 2, S½;
Sec. 3, lots 3–7, 9–12, NE¼SW¼, SE¼;
Sec. 4, lots 1–2, 7–10, except those portions of HES 40 and HES 177;
Sec. 10, N½NE¼NE¼;
Sec. 11, N½NE¼, NE¼NW¼, N½NW¼NW¼;
Sec. 12, N½N½N½.
T. 57 N., R. 105 W.,
Sec. 34, S½SE¼;
Sec. 35, S½SW¼.

The areas described contain 9,538.99 acres in Park County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that a public meeting will be held in connection with the proposed withdrawal. A notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are those uses within the statutory authorities pertinent to National Forest System lands and subject to discretionary approval.

The temporary segregation of the lands in connection with this withdrawal application shall not affect the administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Department of Agriculture.

Dated: July 24, 1989.

F. William Eikenberry,

Associate State Director.

[FR Doc. 89–18576 Filed 8–4–89; 11:05 am]

BILLING CODE 4310-22-M

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Federal Register

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Monday, August 7, 1989

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

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1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1988 Compilation and Parts 100 and 101)	21.00	[1] Jan. 1, 1989
4	15.00	Jan. 1, 1989
5 Parts:		
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700-1199	15.00	Jan. 1, 1988
1200-End, 6 (6 Reserved)	13.00	Jan. 1, 1989
7 Parts:		
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200-End	17.00	Jan. 1, 1988
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400-499	14.00	Jan. 1, 1989
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28	25.00	July 1, 1988

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100–499	6.50	July 1, 1988
500–899	24.00	July 1, 1988
900–1899	11.00	July 1, 1988
1900–1910	29.00	July 1, 1988
1911–1925	8.50	July 1, 1988
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0–199	20.00	July 1, 1988
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[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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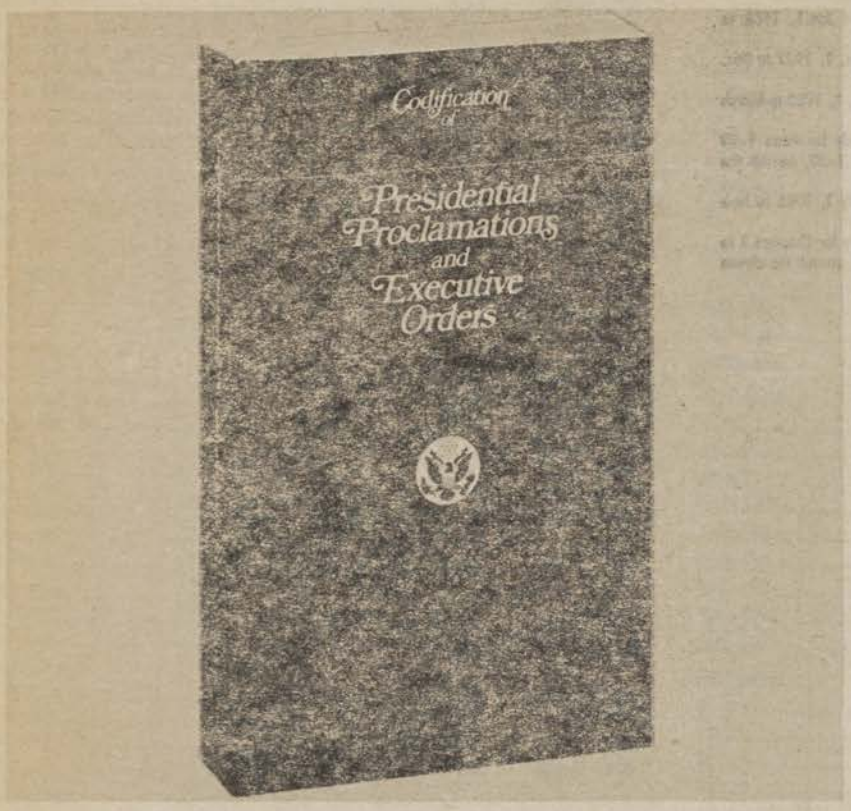

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