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Tuesday
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federal register

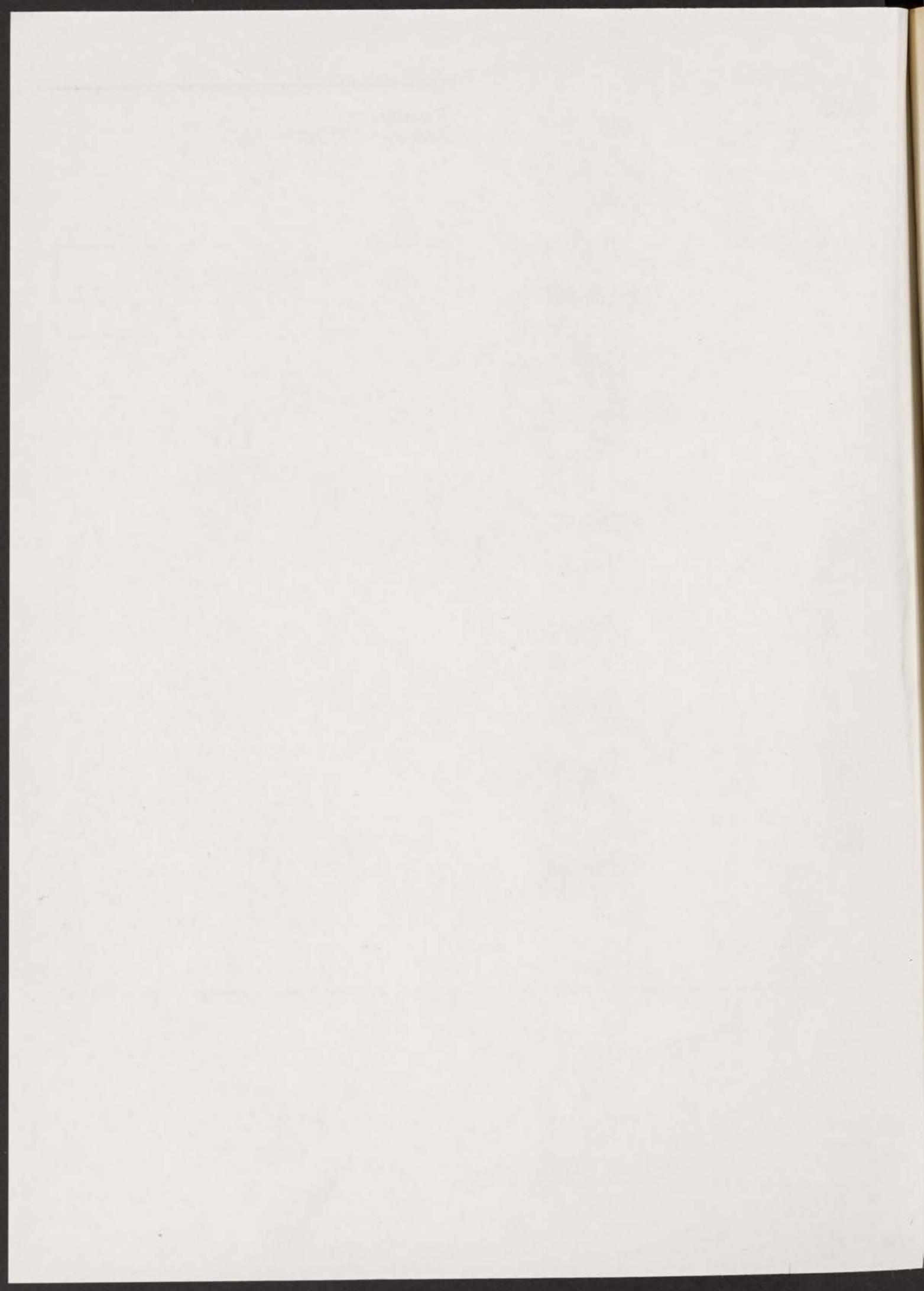
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Federal Register

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 2. The relationship between the Federal Register and Code of Federal Regulations.
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 4. An introduction to the finding aids of the FR/CFR system.
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Proclamation 6036 of October 4, 1989

The President

Raoul Wallenberg Day, 1989

By the President of the United States of America

A Proclamation

In January 1944, the United States War Refugee Board asked Sweden to send a representative to Hungary in order to organize efforts to rescue the Jewish population of that country from annihilation by occupying Nazi forces. During the 6 months he spent in Budapest, that courageous Swedish envoy, Raoul Wallenberg, saved some 100,000 men, women, and children from the gas chambers and crematoria of the Nazi death camps.

Raoul Wallenberg risked his own life many times in defying the Nazi authorities who were systematically condemning thousands of innocent Jews to death. He tirelessly pleaded, schemed, maneuvered—and even threw himself before rifle-wielding Nazi guards—in order to rescue their prisoners from extermination. His efforts were truly selfless and heroic. Amidst the horrors of war and Nazi atrocities, Raoul Wallenberg represented the noble and decent conscience of humanity.

On January 13, 1945, in violation of international standards concerning diplomatic immunity, Raoul Wallenberg was taken into custody by Soviet forces occupying Hungary. The Soviet government initially denied having arrested him, but later stated that a prisoner named Wallenberg died in a Soviet prison on July 17, 1947. Since that date, numerous eyewitness accounts have indicated that Raoul Wallenberg may have survived long after 1947. There is no proof that he is not still alive and imprisoned in the Soviet Union. The Soviet Union has yet to produce any evidence of Mr. Wallenberg's death and has refused to investigate reports that he may still be alive.

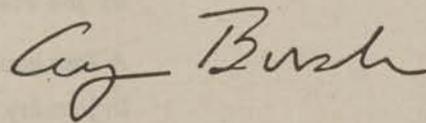
On October 5, 1981, the President of the United States signed into law a joint resolution making Raoul Wallenberg an honorary citizen of the United States, which signified the American people's recognition of his heroism and our refusal to forget him or his bravery in the face of tyranny.

We welcome as a positive sign the Soviets' invitation to Raoul Wallenberg's relatives to meet with them in the Soviet Union later this year. It is our hope that this meeting will produce long-awaited answers to the questions surrounding the fate of Raoul Wallenberg. This great and selfless man—and the thousands of people whose lives he saved—deserve no less.

The Congress, by Public Law 101-63, has authorized and requested the President to proclaim October 5, 1989, as "Raoul Wallenberg Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 5, 1989, as Raoul Wallenberg Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities, and I urge them to reaffirm their devotion to the just aspirations of all peoples for liberty and peace.

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



[FR Doc. 89-23983
Filed 10-5-89; 2:32 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 6037 of October 5, 1989

German-American Day, 1989

By the President of the United States of America

A Proclamation

In 1683, a small group of men, women, and children set out from their homes in Germany in search of religious freedom in the New World. These 13 families, who came ashore near Philadelphia more than 3 centuries ago, were the first of seven million German immigrants to come to this country. Today, almost 60 million Americans are the descendants of these brave and industrious people. Their proud ethnic heritage represents not only a great treasure passed to each generation, but also a rich source of strength and pride for the entire United States.

Throughout our Nation's history, German immigrants and their descendants have stood on the front lines in the defense of freedom. From the heroic efforts of General Friedrich von Steuben during the Revolutionary War to the courageous leadership of General Eisenhower during World War II, their courage and patriotism have been unquestionable. In times of peace, as well as times of strife, generations of German-Americans have faithfully upheld the principles upon which this Nation was founded.

Following the Second World War, the United States, together with its allies, helped to restore the conditions in which German democracy, guided by leaders such as Konrad Adenauer, could take root and flourish. Today, there can be no doubt that Europe is stronger—and the world is safer—because the Federal Republic of Germany is free, sovereign, and democratic.

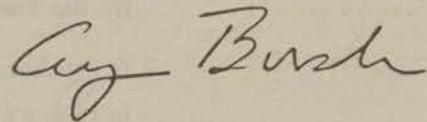
While we proudly acknowledge our friendship with the people of the Federal Republic of Germany, we also note with sadness that many Germans continue to be denied the right to self-determination. The United States thus remains firmly committed to promoting freedom and democratic government in all of Germany and all of Eastern Europe. We will not waver in our efforts to foster respect for human rights throughout Eastern Europe; to advance political reform; and to eliminate the barriers that still divide Berlin.

Our great Nation is strong because we Americans are united by our common belief in individual liberty and the rule of law, as well as by faith and family ties. Today, as we celebrate the many contributions that Americans of German descent have made to our country, let us rededicate ourselves to promoting that same kind of unity in their ancestral homeland.

In honor of all German-Americans, the Congress, by Senate Joint Resolution 118, has designated October 6, 1989, as "German-American Day" and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 6, 1989, as German-American Day. I urge all Americans to learn more about the contributions German-Americans have made to the life and culture of the United States and to observe this day with appropriate ceremonies and activities.

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



[FR Doc. 89-23984
Filed 10-5-89; 2:33 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of October 5 on signing Proclamation 6037, see the *Weekly Compilation of Presidential Documents* (vol. 25, no. 40).

Rules and Regulations

Federal Register

Vol. 54, No. 194

Tuesday, October 10, 1989

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 686]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 686 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 278,589 cartons during the period October 8 through October 14, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 686 (7 CFR part 910) is effective for the period October 8 through October 14, 1989.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order

that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on October 3, 1989, in Ontario, California, to consider the current and prospective conditions of supply and demand and, by an 11 to 1 vote, recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the

date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

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

2. Section 910.986 is added to read as follows:

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

§ 910.986 Lemon Regulation 686.

The quantity of lemons grown in California and Arizona which may be handled during the period October 8, 1989, through October 14, 1989, is established at 278,589 cartons.

Dated: October 4, 1989.

Robert C. Keeney,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 89-23865 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 920

[FV-89-051]

Kiwifruit Grown in California; Revision of Grade, Pack and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the minimum grade requirements for California kiwifruit by reducing the current allowance for misshapen fruit. It

also establishes minimum weight requirements for tray-packed fruit; revises the tray equivalent size designations used in packing volume-filled containers and requires such containers to be marked with those designations; and reduces the allowable size variance for the two smallest size designations of packed fruit. Changes to definitions are also made. These actions will tend to result in better quality fruit being provided to consumers, and a reduction in buyer confusion caused by the lack of uniformity in current kiwifruit packing practices.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone (202) 447-2431.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement No. 920 and Marketing Order No. 920 (7 CFR part 920), regulating the handling of kiwifruit grown in California. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (FRA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities orientation and compatibility.

There are approximately 145 handlers of California kiwifruit subject to regulation under the marketing order, and approximately 1,225 producers in the production area. The Small Business Administration (13 CFR 121.2) has defined small agricultural producers as those having annual gross revenue for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of

California kiwifruit may be classified as small entities.

The 1988 California kiwifruit fresh utilized production totaled 29,500 tons, 11 percent larger than 1987. For the past ten years, kiwifruit production has increased in California and is expected to increase again in 1989 to a total of about 10.7 million trays. Most of the crop is shipped to fresh markets, with only a small volume of fruit utilized by processors. About 60 percent of the fresh shipments is destined for domestic markets, and the remaining 40 percent is exported.

The handling requirements for fresh California kiwifruit are specified in 7 CFR 920.302 [as amended at 53 FR 34035, September 2, 1988, and 53 FR 48513, December 1, 1988]. The current requirements specify that kiwifruit must meet a minimum size of 49 and contain at least 6.5 percent soluble solids at the time of inspection. Also included in the current handling regulation are a minimum grade requirement and a number of pack and container requirements. At a meeting held on April 7, 1989, the Kiwifruit Administrative Committee (committee), the agency responsible for local administration of the marketing order, recommended changes in the existing grade, pack and container requirements to become effective on or about October 1, when shipments of the 1989 crop are expected to begin.

Upon the basis of the committee's recommendation, this rule revises the current minimum grade requirement for fresh shipments of kiwifruit by eliminating the 7 percent tolerance provided for misshapen fruit. This rule also establishes minimum weight requirements for kiwifruit packed in trays, including containers with cell compartments, cardboard fillers, or molded trays. Additionally, it revises the tray equivalent size designations used in packing bags, volume-fill, and bulk containers; requires containers to be marked with those designations; and reduces the allowable size variance for the two smallest size designations of packed fruit. Finally, this rule deletes certain definitions from the handling regulation and adds a general definition.

The current minimum grade requirement specifies that fresh shipments of kiwifruit shall grade at least 85 percent U.S. No. 2. However, the allowance for defects other than shape is limited to 8 percent for those causing damage. Included in the 8 percent tolerance for defects other than shape is 4 percent for defects causing serious damage, and 1 percent for fruit affected by internal breakdown or decay. An

additional 7 percent allowance is provided for fruit that fails to meet the shape requirements of a U.S. No. 2 grade. As a result, if no other defects are present in a given lot of kiwifruit, up to 15 percent of the fruit in that lot may be misshapen.

During the 1988-89 season, the committee examined sample trays packed with the maximum number of allowable defects. Based on this examination, it was determined that the current allowances for misshapen kiwifruit are excessive in view of current market demand for high quality kiwifruit. The committee therefore recommended, by a nine to one vote, that the current grade requirement be revised by eliminating the additional 7 percent tolerance provided for shape defects.

By far, the majority of the kiwifruit shipped from California exceeds a U.S. No. 2 grade. During the 1988-89 season, 52 percent of the total shipped was U.S. Fancy grade, and 44 percent was U.S. No. 1 grade. Only 4 percent graded U.S. No. 2. The committee attributes this small volume grading U.S. No. 2 to improved cultural techniques used by growers since the establishment of minimum quality standards under the marketing order. The committee has concluded that this action will result in further improvement in the quality of kiwifruit available from California, which is necessary to enable the industry to market additional volumes of fruit in the face of increasing competition.

About 77 percent of the 1988 crop was shipped to fresh market in trays, with the remainder packed in volume-filled containers, including bags (about 13 percent), volume-filled cartons (about 10 percent), and bulk containers or bins (less than 1 percent). While trays continue to be the dominant container used in packing kiwifruit, the use of volume-filled containers has increased in recent years.

Trays used to pack kiwifruit have cell compartments to hold individual pieces of fruit. All standard trays have the same dimensions, and the number of cell compartments varies according to the count being packed. The size of the fruit packed in these containers is denoted by count, i.e., the number of pieces of fruit packed in the tray. There are currently about 17 sizes packed in trays, ranging from Size 49 (the smallest size permitted to be shipped) to Size 21. The four most prevalent sizes are 33, 36, 39, and 42 which in 1988-89 accounted for about 84 percent of the trays packed.

The current requirements for fruit packed in trays specify that these types of containers be marked with a

numerical count to designate size, and that the number of fruit in the tray conform to the marked count. In addition, the kiwifruit must be "fairly uniform in size," as defined in the U.S. Standards for Grades of Kiwifruit. Such uniformity is in terms of an allowable variance in diameter among the individual pieces of fruit in a given container. Larger size fruit (Size 30 and larger) may not vary by more than 1/2-inch in diameter; intermediate size fruit (Sizes 31 to 38) may not vary by more than 3/8-inch in diameter; and smaller size fruit (Size 39 and smaller) may not vary by more than 1/4-inch in diameter. Finally, fruit packed in trays must be of proper size for the cell compartments in which they are packed.

The committee has determined that these requirements do not result in sufficient uniformity in tray packs, and unanimously recommended that minimum tray weights be established for fruit packed in trays. In making this recommendation, the committee considered the results of weight surveys it has conducted over the past three seasons. These surveys have shown a variation in the weight of trays packed with the same size fruit of as much as 3.6 pounds. For example, trays containing Size 36 (the most widely packed size last season) ranged from 6.00 to 9.56 pounds, and averaged 7.33 pounds.

This variation has resulted in numerous complaints by buyers in the United States and abroad who received trays that were lighter than expected, and were concerned that they had not received full value for the fruit purchased. Because of this, these buyers were less inclined to make additional purchases of California kiwifruit, unless the fruit was offered at a discounted price. Following a California kiwifruit grower survey (in which 71 percent of those participating supported tray weight requirements), the committee agreed that establishing minimum weights for fruit packed in trays would offer the most effective solution to eliminate light trays and undersizing. The minimum tray weights vary with the size of fruit packed, with the smaller fruit having the lowest minimum net weight. For example, fruit of size 44 or smaller packed in trays are required to weigh at least 6 1/2 pounds, and fruit of Size 34 and larger must weigh at least 7 1/2 pounds. This change will contribute to orderly marketing by eliminating the current wide variance in size packaging and improving buyer satisfaction with the product. This requirement may result in slightly higher inspection costs because of the extra time it will take for

inspectors to weigh the fruit packed in trays. However, the committee believes the added cost will be more than offset by improved returns resulting from increases in buyer satisfaction and sales.

Subsequent to the initial recommendation to establish minimum tray weight requirements, the committee met on July 19, 1989, to further discuss the implementation of this recommendation. At this meeting, the committee clarified its intent that the weight requirements be applied to trays of kiwifruit only at the time of initial inspection, and recommended a modification of the allowable tolerance for underweight trays.

Whenever grade, size, quality or maturity requirements are in effect for California kiwifruit, handlers are required to have their fruit inspected and certified as meeting those size and quality standards. Under the current inspection requirements (§ 920.155), the applicable inspection certificates are valid only until January 15 of each fiscal year or 21 days from the date of inspection, whichever is later. If a lot of kiwifruit is shipped after the applicable inspection certificate has become invalid, a second inspection is necessary. This requirement recognizes the fact that kiwifruit is perishable and may deteriorate in quality when stored for long periods of time. The second inspection is intended to assure the shipment of only acceptable quality fruit to consumers. The committee believes, however, that it is unnecessary to check the tray weights a second time, since studies indicate that kiwifruit gains weight in storage as starches convert to sugar. Section 920.302(a)(4)(ii) has therefore been revised to specify that trays are only required to be weighed once. This modification will reduce any additional inspection costs resulting from the establishment of this weight requirement.

The committee also recommended a modification of the allowance for underweight trays as an additional means of minimizing inspection costs. As proposed, fruit packed in an individual tray would not have been permitted to weigh more than 4 percent less than the specified minimum net weight. With this 4 percent tolerance, Size 38 fruit, with a required minimum net weight of 7 pounds, would have been required to weigh at least 6 pounds, 4.48 ounces. Since the scales currently utilized by the Federal-State Inspection Service do not measure fractions of an ounce, the 4 percent tolerance has been modified to provide that fruit may not weigh more than 1/4-

pound or 4 ounces less than the specified minimum net weight. Additionally, based upon information from the Federal-State Inspection Service, subparagraph (a)(4)(ii) of § 920.302 has been revised to provide that at least 90 percent of the sample units in a lot must meet the minimum net weight. This latter modification clarifies the method by which the minimum tray weight requirements will be applied, and is consistent with the current tolerance established in § 920.302(a)(4)(iv) with respect to pack requirements.

In addition to trays, kiwifruit is packed in volume-filled containers. The pack requirements established for fruit in such containers differ from those in effect for tray-packed fruit. Since volume-filled containers are not packed by count, the numerical size designations used for trays are not directly applicable to these containers. To provide a uniform basis for sizing fruit packed in these containers, the numerical counts used in tray packs have been translated into equivalent weight counts that can be applied to fruit in volume-filled containers. For example, fruit from 30-count trays were assembled into 8-pound samples. The number of pieces of fruit it took to form an 8-pound sample then became the criteria to determine the size of the fruit in containers other than trays. The current handling regulation includes a table which defines nine numerical count size designations in such a manner. If a volume-filled container is marked with a numerical count size designation, it must be packed in accordance with those definitions. However, marking the container with a size designation is not now required.

This rule revises these tray equivalency size designations, and requires that volume-filled containers be marked with an established size designation. These changes were recommended by the committee, by a nine to one vote.

At the present time, the labeling of volume-filled containers with respect to the size of the fruit is voluntary, and such labelling is far from uniform among handlers. Some handlers use the tray-equivalent count size designations, some use actual counts, and others do not label volume-filled containers with respect to size at all. Requiring the marking of tray equivalent sizes on volume-filled containers will serve to standardize packing practices and minimize confusion among buyers concerning the content of different packs.

This rule also revises the table set forth in subparagraph (a)(4)(iii) of § 920.302 which defines the numerical count designations in terms of the maximum number of fruit per 8-pound sample. Over the past four seasons, the industry has conducted surveys of the average number of fruit per sample unit in each of the different size categories. The revision of the size designation table is necessary to provide more accurate tray equivalencies, reflecting current packing practices.

Kiwifruit packed in volume-filled containers must meet a size uniformity requirement similar to that established for tray-packed fruit. In the case of volume-filled containers, larger size fruit (Size 30 and larger) may not vary by more than 1/2-inch in diameter, and fruit smaller than a Size 30 may not vary by more than 3/8-inch in diameter.

This rule revises the current size uniformity requirement by decreasing the allowable size variance for Sizes 45/46 and 49 (the two smallest sizes) from 3/8-inch to 1/4-inch in diameter. Thus, the revision requires that larger size fruit (Size 30 and larger) may not vary by more than 1/2-inch in diameter, intermediate size fruit (Sizes 33 to 42) may not vary by more than 3/8-inch in diameter, and small sized fruit (Size 45/46 and smaller) may not vary by more than 1/4-inch in diameter. This revision was recommended by the committee by an eight to two vote.

Reducing the allowable size variance makes the pack requirements for volume-filled containers more comparable to those established for trays. Therefore, this action will result in more uniform kiwifruit packing practices. By reducing the allowable variance for the smaller sized fruit, it will also provide a more uniform pack. This requirement could result in slightly higher packing costs because of the extra time required for sorting. However, the committee believes the added costs will be more than offset by improved returns resulting in increases in buyer satisfaction and sales.

Paragraph (b) of § 920.302 now includes definitions of Size 49 and Size 30 for volume-filled containers. Since all size designations are set forth in subparagraph (a)(4)(iii) of the regulation, and all sizes are defined in that subparagraph, all of these definitions should be referenced. Therefore the definitions for Size 49 and Size 30 are deleted from § 920.302(b), and a general definition referencing the table in paragraph (a)(4)(iii) is added.

In supporting its recommendation for a higher quality standard and more uniform packing requirements, the committee pointed to increasing world

production of kiwifruit, which has resulted in added competition in both domestic and export markets. In order to improve grower returns, the committee believes it is necessary to improve buyer perceptions of California kiwifruit relative to kiwifruit from other countries. These changes should help to improve buyer impressions of the product, and make the California industry more competitive in both domestic and foreign markets.

Based on the above, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Notice of this action in the form of a proposed rule was given in the July 26, 1989, issue of the Federal Register [54 FR 31042] affording interested persons until August 25, 1989, to file written comments. One written comment was received which was submitted on behalf of five kiwifruit growers and a kiwifruit handler. The comment opposed the changes set forth in the proposed rule because, in their view, the additional requirements would impose a financial hardship upon the California kiwifruit industry. While some of the changes in handling requirements may increase costs, any additional costs would be more than offset by improved returns resulting from increased sales for both producers and handlers. Accordingly, there would be no financial hardship imposed on the California kiwifruit industry by this action as suggested by the comment.

After consideration of all relevant information, including the proposal set forth in the notice and the comments filed with respect thereto, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act. It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register (95 U.S.C. 553) because shipments of kiwifruit have already begun, and this rule should apply to as many shipments as possible in order to be of maximum benefit during the season.

List of Subjects in 7 CFR Part 920

California, Kiwifruit, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 920 continues to read as follows:

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

2. Section 920.302 is amended by revising paragraphs (a)(1) up to the proviso, (a)(4) (ii) and (iii) and (b) to read as follows:

Note: This section will be published in the Code of Federal Regulations.

§ 920.302 Grade, size, pack and container regulations.

(a) * * *

(1) *Grade requirements.* Fresh shipments of kiwifruit shall grade at least U.S. No. 2: * * *

* * * * *

(4) *Pack requirements.*

(i) * * *

(ii) Kiwifruit packed in containers with cell compartments, cardboard fillers or molded trays shall be of proper size for the cells, fillers or molds in which they are packed. Such fruit shall be fairly uniform in size. When packed in closed containers, the size shall be indicated by marking the container with the numerical count, and the contents shall conform to the marked count. The fruit packed in such containers shall meet the following minimum weight requirements at the time of initial inspection:

Size designation of fruit	Minimum net weight of fruit (lbs.)
34 or larger.....	7.5
35 to 37.....	7.25
38 to 40.....	7.00
41 to 43.....	6.75
44 and smaller.....	6.50

At least 90 percent of the sample units, by count, in lot must meet the specified minimum net weight, but no sample unit may be more than 1/4-pound or 4 ounces less than such weight.

(iii) Kiwifruit packed in bags, volume fill or bulk containers may not vary more than 1/2-inch (12.7 mm) in diameter if Size 30 or larger; not more than 3/8-inch (9.5 mm) in diameter if Size 33, 36, 39, or 42; and not more than 1/4-inch in diameter (6.4 mm) is Size 45/46 or smaller. Such containers shall be marked with a numerical count size designation as shown in Column 1 of the following table, and the number of fruit per 8-pound sample shall not exceed the corresponding number shown in Column 2 of the table:

Column 1, numerical count size designation	Column 2, maximum number of fruit per 8-pound sample
25.....	37
27/28.....	30
30.....	32
33.....	35
36.....	40
39.....	45
42.....	50
45/46.....	57
49.....	60

(b) *Definitions.* (1) The terms "U.S. No. 2," "fairly uniform in size," and "diameter" mean the same as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335 through 51.2340).

(2) Size designations means the same as defined in the table in (a)(4)(iii) of this section.

Dated: October 3, 1989.

William J. Doyle,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-23736 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1137

[DA-89-035]

Milk in the Eastern Colorado Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the months of September 1989 through February 1990 the portion of the Eastern Colorado Federal milk order relating to the limit on the period of automatic pool plant status for a supply plant which met pool shipping standards during a previous September through February period. Suspended for the months of September 1989 through August 1990 is the "touch-base" requirement that each producer's milk be received at least three times each month at a pool distributing plant, and the percentage limits on diversions which will allow cooperative associations to divert to nonpool plants a volume of milk equal to the volume delivered to pool plants during the month. Through an inadvertent error, the notice of proposed suspension stated that this period should also be September 1989 through February 1990. The provisions being suspended have been suspended for the

same period during the previous three years. A correction of the error appearing in the notice is therefore being made in this final rule. These actions were requested by a cooperative association that represents producers who supply a significant amount of milk for the market. The suspension action is necessary to assure that the association's member dairy farmers, who have regularly supplied the market's fluid needs, will continue to share in the market's fluid milk sales without incurring the expense of uneconomic and inefficient movements of milk.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension; Issued August 23, 1989; published August 28, 1989 (54 FR 35498).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on August 28, 1989 (54 FR 35498) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. In addition to the proponents, one other dairy farmer cooperative submitted written comments in support of the proposed suspension action. The

proponent cooperative also pointed out that the notice of proposed suspension published August 28, 1989 (54 FR 35498) contained an inadvertent error in that it indicated that a portion of § 1137.12(a)(1) was proposed to be suspended for the months of September 1989 through February 1990. The purpose of the proposal, as noted in written comments in support of this suspension action filed by Mid-Am and Western Dairyman Cooperative, Inc., was to have the dates of suspension for a portion of § 1137.12(a)(1) be from September 1989 through August 1990, as had been done for the past three years. This error is corrected in this action by making the suspension effective for September 1989 through August 1990. No comments opposing the suspension were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. For the months of September 1989 through February 1990:

In the second sentence of § 1137.7(b), the words "plant which has qualified as a", and "of March through August"; and

2. For the months of September 1989 through August 1990:

In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received the month at a distributing pool plant"; and in the second sentence "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of," and the word "distributing."

Statement of Consideration

This action suspends for the months of September 1989 through February 1990 the portion of the Eastern Colorado Federal milk order relating to the limit on the period of automatic pool plant status for a supply plant which met pool shipping standards during a previous September through February period. Suspended for the months of September 1989 through August 1990 is the "touch-base" requirement that each producer's milk be received at least three times each month at a pool distributing plant. The suspension also relaxes the limit on the amount of producer milk that a cooperative association may divert from pool plants to nonpool plants. Currently the limits are 30 percent in the months of March, April, May, June, July, and December, and 20 percent in other months. The suspension allows up to 50

percent of a cooperative's member milk supply to be diverted to nonpool plants and remain eligible to share in the marketwide pool. The suspension action is necessary to assure that the association's member dairy farmers, who have regularly supplied the market's fluid needs, will continue to share in the market's fluid milk sales without incurring the expense of uneconomic and inefficient movements of milk. The suspended provisions were also suspended for the same period during the previous three years.

Mid-America Dairymen, Inc. (Mid-Am), an association of producers that supplies some of the market's fluid milk needs and handles some of the market's reserve milk supplies, requested the suspension. Information reviewed in connection with this request indicates that the volume of producer milk pooled on the Eastern Colorado order during the first seven months of 1989 increased 13.9 percent over year-earlier levels. During the same period, producer milk used in Class I increased only 0.7 percent over the previous year. Thus, there is less need for supply plant milk at pool distributing plants, and, therefore, less need to require each producer to "touch base" during the months that the suspension will be in effect. Moreover, Mid-Am has indicated that commitments have been made to make ample supplies of locally produced milk available to meet the fluid requirements of Eastern Colorado distributing plants.

Suspension of the order's "touch-base" delivery requirement and relaxing the limits of diversions to nonpool plants will not allow additional milk supplies to be pooled, but will provide for more efficient disposition on producer milk not needed for meeting the fluid requirements of Eastern Colorado distributing plants.

Comments filed by Western Dairymen Cooperative, Inc., a cooperative association representing a majority of the producers pooled under the order, supported the proposed suspension action.

Without the suspension action, Mid-Am would be required to ship milk from the western Nebraska and western Kansas area to Denver-area distributing plants, which would displace locally produced milk and would result in increased shipments from the Denver area to surplus handling plants.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions

in the marketing area in that without extensive unnecessary and expensive hauling and handling, substantial quantities of milk from producers who regularly supply the market would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**

List of Subjects in 7 CFR Part 1137

Dairy products, Milk, Milk marketing orders.

It is therefore ordered, That the following provisions in § 1137.7(b) and § 1137.12(a)(1) of the Eastern Colorado order are hereby suspended for the months of September 1989 through February 1990; and for the months September 1989 through August 1990, respectively.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. The authority citation for 7 CFR part 1137 continues to read as follows:

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

§ 1137.7 [Suspended in part]

2. In the second sentence of § 1137.7(b), the words "plant which was qualified as a", and "of March through August" are suspended.

§ 1137.12 [Suspended in part]

3. In the first sentence of § 1137.2(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant" and in the second sentence "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of," and the word "distributing."

Signed at Washington, DC, on October 30, 1989.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 89-23839 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-CE-23-AD; Amdt. 39-6351]

Airworthiness Directives; Beech Model 300 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech Model 300 airplanes which requires inspection and adjustment of the upper aft cowling access door latches, modification of the latch striker plate, and modification of the aft cowlings to improve cowling door retention. The FAA has learned of several instances where upper aft cowling access doors have opened in flight and separated from the airplane. This action will preclude further cowling door loss and resultant airframe damage.

EFFECTIVE DATE: November 8, 1989.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Bulletin Number 2329, dated August 1989, and Beechcraft Safety Communique Number 300-75, dated January 1987, applicable to this AD, may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 681-9111. This information may also be examined at the Rules Docket, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Peterson, Aerospace Engineer, Wichita Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4427.

SUPPLEMENTARY INFORMATION: The FAA determined that there have been thirteen instances of the upper aft cowling access doors on certain Beech Model 300 airplanes opening and separating in flight. The separated cowling doors have struck the fuselage, wing, and empennage, resulting in depressurization, fuel leaks and structural damage. As a result, Beech released Beechcraft Safety Communique Number 300-75, dated January 1987, which recommended a one-time inspection of the upper aft cowling access door upper latches to determine the degree of engagement between the latch bolts and the striker plates. If

inadequate engagement was discovered, a modified striker plate was to be installed prior to further flight.

Subsequently, other incidents of upper aft cowling access door separation occurred, and Beech has released Beechcraft Service Bulletin Number 2329, dated August 1989, which defines inspection of the aft cowl door upper latches to ensure they are in proper adjustment per the latch adjustment procedures of the Model 300 Maintenance Manual, chapter 71-10, and which specifies the latch engagement inspection/modification procedures of Safety Communique No. 300-75. Further, Service Bulletin No. 2329 specifies the modification of the cowling by the addition of nutplates and screws to provide more positive upper aft cowling access door retention.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued, applicable to certain Beech Model 300 airplanes, to require:

(a) Inspection of the upper aft cowling access door latches and adjustment if necessary to provide proper tension, (b) inspection for total engagement between the latch adjusting bolts and striker plates, and modification of any striker plates with inadequate engagement, and (c) modification of the cowlings to provide positive upper aft cowling access door retention.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

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

The FAA has determined that this regulation is an emergency regulation and that it is not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of part 39 of the FAR as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Beech: Applies to Model 300 (Serial Numbers FA-2 through FA-215, and FF-1 through FF-19) airplanes certified in any category.

Compliance: Required as indicated in the body of the AD, unless already accomplished.

To prevent the aft cowling doors from opening in flight and separating from the airplane, accomplish the following:

(a) Within the next 25 hours time-in-service (TIS) after the effective date of this AD, inspect the upper aft cowling access door latches, adjust if necessary and, if required, modify the striker plates, in accordance with the instructions in Part I of Beechcraft Service Bulletin No. 2329, dated August 1989. (Previous compliance with Beechcraft Safety Communique dated January 1987, does not constitute compliance with this paragraph.)

(b) Within the next 50 hours TIS after the effective date of this AD, modify the cowlings in accordance with the instructions in Part II of Beechcraft Service Bulletin No. 2329, dated August 1989.

(c) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An alternate method of compliance or adjustment of the compliance times, which provides an equivalent level of safety, may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the

Manager, Wichita Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085, or may examine these documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on November 8, 1989.

Issued in Kansas City, Missouri, on September 27, 1989.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-23790 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 769

Restrictive Trade Practices or Boycotts

AGENCY: Bureau of Export Administration, Department of Commerce.

ACTION: Interpretation.

SUMMARY: Questions have arisen concerning the application of the prohibitions of the regulations and the reporting requirement to certain clauses appearing in various documents received from boycotting countries. The Department wishes to clarify the application of the foreign boycott prohibitions and reporting requirements to certain clauses appearing in various documents received from boycotting countries. These clauses involve (1) acknowledgements that the import, customs and boycott laws apply to goods imported into a boycotting country and (2) the removal of a blacklist certificate requirement when specified vessels are used.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Jon Paugh, Director of Compliance Policy, Office of Antiboycott Compliance, U.S. Department of Commerce (202-377-4550).

SUPPLEMENTARY INFORMATION: The antiboycott regulations prohibit certain actions or agreements related to unsanctioned foreign boycotts (§ 769.2). The regulations also require that certain boycott-related requests be reported (§ 769.6(a)(1)). The regulations apply only to conduct relating to activities in U.S. commerce (§ 769.1(d)). Questions

have arisen concerning the application of the prohibitions of the regulations and the reporting requirement to certain clauses appearing in various documents received from boycotting countries. These clauses involve: (1) Acknowledgements that the import, customs and boycott laws apply to goods imported into a boycotting country; and (2) removal of a blacklist certificate requirement when specified vessels are used. The Department wishes to clarify how it treats these clauses under the law.

In addition, the Department wishes to clarify the circumstances in which the furnishing of information prohibited by § 769.2(c), (d) and (e) will be regarded as related to activities in U.S. commerce.

This rule is consistent with Executive Orders 12291 and 12661.

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

Section 13(a) of the Export Administration Act of 1979 (EAA), as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment and delay in effective date.

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

This interpretation involves a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694-0012.

The principal author of this interpretation is Jon Paugh, Director of Compliance Policy, Office of Antiboycott Compliance.

List of Subjects in 15 CFR Part 769

Boycotts, Foreign trade, Reporting and recordkeeping requirements, Restrictive trade practices, Trade practices.

For the reasons stated in the preamble, 15 CFR part 769 is amended as follows:

PART 769—[AMENDED]

1. The authority citation for part 769 continues to read as follows:

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

2. Supplement No. 15 is added to part 769 as follows:

Supplement No. 15

Interpretation

(a) *Contractual clause concerning import, customs and boycott laws of a boycotting country.* The following language has appeared in tender documents issued by a boycotting country:

Supplier declares his knowledge of the fact that the import, customs and boycott laws, rules and regulations of [name of boycotting country] apply in importing to [name of boycotting country].

Supplier declares his knowledge of the fact that under these laws, rules and regulations, it is prohibited to import into [name of the boycotting country] any products or parts thereof that originated in [name of boycotted country]; were manufactured, produced or imported by companies formed under the laws of [name of boycotted country]; or were manufactured, produced or imported by nationals or residents of [name of boycotted country].

Agreeing to the above contractual language is a prohibited agreement to refuse to do business, under § 769.2(a). The first paragraph requires broad acknowledgment of the application of the boycotting country's boycott laws, rules and regulations. Unless this language is qualified to apply only to boycott restrictions with which U.S. persons may comply, agreement to it is prohibited. See § 769.2(a), examples (v) and (vi) under "Agreement to Refuse to Do Business."

The second paragraph does not limit the scope of the boycott restrictions referenced in the first paragraph. It states that the boycott laws include restrictions on goods originating in the boycotted country; manufactured, produced or supplied by companies organized under the laws of the boycotted country; or manufactured, produced or supplied by nationals or residents of the boycotted country. Each of these restrictions is within the exception for compliance with the import requirements of the boycotting country (§ 769.3(a-1)). However, the second paragraph's list of restrictions is not exclusive. Since the boycott laws generally include more than what is listed and permissible under the antiboycott law, U.S. persons may not agree to the quoted clause. For example, a country's boycott laws may prohibit imports of goods manufactured by blacklisted firms. Except as provided by § 769.3(f), agreement to and compliance with this boycott restriction would be prohibited under the antiboycott law.

The above contractual language is distinguished from the contract clause determined to be permissible in Supplement 1, Part II, A, by its acknowledgment that the

boycott requirements of the boycotting country apply. Although the first sentence of the Supplement 1 clause does not exclude the possible application of boycott laws, it refers only to the import and customs laws of the boycotting country without mentioning the boycott laws as well. As discussed fully in Supplement 1, compliance with or agreement to the clause quoted there is, therefore, permissible.

The contract clause quoted above, as well as the clause dealt with in Supplement 1, Part II, A, is reportable, under § 769.6(a)(1).

(b) *Letter of credit terms removing blacklist certificate requirement if specified vessels used.* The following terms frequently appear on letters of credit covering shipments to Iraq:

Shipment to be effected by Iraqi State Enterprise for Maritime Transport Vessels or by United Arab Shipping Company (SAB) vessels, if available.

If shipment is effected by any of the above company's [sic] vessels, black list certificate or evidence to that effect is not required.

These terms are not reportable and compliance with them is permissible.

The first sentence, a directive to use Iraqi State Enterprise for Maritime Transport or United Arab Shipping vessels, is neither reportable nor prohibited because it is not considered by the Department to be boycott-related. The apparent reason for the directive is Iraq's preference to have cargo shipped on its own vessels (or, as in the case of United Arab Shipping, on vessels owned by a company in part established and owned by the Iraqi government). Such "cargo preference" requirements, calling for the use of an importing or exporting country's own ships, are common throughout the world and are imposed for non-boycott reasons. (See § 769.2(a) example (vii), AGREEMENTS TO REFUSE TO DO BUSINESS.)

In contrast, if the letter of credit contains a list of vessels or carriers that appears to constitute a boycott-related whitelist, a directive to select a vessel from that list would be both reportable and prohibited. Where such a directive appears in conjunction with a term removing the blacklist certificate requirement if these vessels are used, the Department will presume that beneficiaries, banks and any other U.S. person receiving the letter of credit know that there is a boycott-related purpose for the directive.

The second sentence of the letter of credit language quoted above does not, by itself, call for a blacklist certificate and is not, therefore, reportable. If a term elsewhere on the letter of credit imposes a blacklist certificate requirement, then that other term would be reportable.

(c) *Information not related to a particular transaction in U.S. commerce.* Under § 769.2 (c), (d) and (e), U.S. persons are prohibited, with respect to their activities in U.S. commerce, from furnishing certain information. It is the Department's position that the required nexus with U.S. commerce is established where the furnishing of information itself occurs in U.S. commerce. Even where the furnishing of information is not itself in U.S. commerce, however, the

necessary relationship to U.S. commerce will be established if the furnishing of information relates to particular transactions in U.S. commerce or to anticipated transactions in U.S. commerce. See, e.g., § 769.2(d), examples (vii), (ix) and (xii).

The simplest situation occurs where a U.S. person located in the United States furnishes information to a boycotted country. The transfer of information from the United States to a foreign country is itself an activity in U.S. commerce. See § 769.1(d)(1)(iv). In some circumstances, the furnishing of information by a U.S. person located outside the United States may also be an activity in U.S. commerce. For example, the controlled foreign subsidiary of a domestic concern might furnish to a boycotting country information the subsidiary obtained from the U.S.-located parent for that purpose. The subsidiary's furnishing would, in these circumstances, constitute an activity in U.S. commerce. See § 769.1(d)(8).

Where the furnishing of information is not itself in U.S. commerce, the U.S. commerce requirement may be satisfied by the fact that the furnishing is related to an activity in U.S. foreign or domestic commerce. For example, if a shipment of goods by a controlled-in-fact foreign subsidiary of a U.S. company to a boycotting country gives rise to an inquiry from the boycotting country concerning the subsidiary's relationship with another firm, the Department regards any responsive furnishing of information by the subsidiary as related to the shipment giving rise to the inquiry. If the shipment is in U.S. foreign or domestic commerce, as defined by the regulations, then the Department regards the furnishing to be related to an activity in U.S. commerce and subject to the antiboycott regulations, whether or not the furnishing itself is in U.S. Commerce.

In some circumstances, the Department may regard a furnishing of information as related to a broader category of present and prospective transactions. For example, if a controlled-in-fact foreign subsidiary of a U.S. company is requested to furnish information about its commercial dealings and it appears that failure to respond will result in its blacklisting, any responsive furnishing of information will be regarded by the Department as relating to all of the subsidiary's present and anticipated business activities with the inquiring boycotting country. Accordingly, if any of these present or anticipated business activities are in U.S. commerce, the Department will regard the furnishing as related to an activity in U.S. commerce and subject to the antiboycott regulations.

In deciding whether anticipated business activities will be in U.S. commerce, the Department will consider all of the surrounding circumstances. Particular attention will be given to the history of the U.S. person's business activities with the boycotting country and others, the nature of any activities occurring after a furnishing of information occurs and any relevant economic or commercial factors which may affect these activities.

For example, if a U.S. person has no activities with the boycotting country at present but all of its other international

activities are in U.S. commerce, as defined by the regulations, then the Department is likely to regard any furnishing of information by that person for the purpose of securing entry into the boycotting country's market as relating to anticipated activities in U.S. commerce and subject to the antiboycott regulations. Similarly, if subsequent to the furnishing of information to the boycotting country for the purpose of securing entry into its markets, the U.S. person engages in transactions with that country which are in U.S. commerce, the Department is likely to regard the furnishing as related to an activity in U.S. commerce and subject to the antiboycott regulations.

(Approved by the Office of Management and Budget under control number 0694-0012)

Dated: September 21, 1989.

William V. Skidmore,

Director, Office of Antiboycott Compliance,
[FR Doc. 89-23259 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 522, 540, 544, and 555

[Docket No. 87N-0078]

Animal Drugs, Feeds, and Related Products; Chloramphenicol, etc.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the regulations that reflect approval of new animal drug applications (NADA's) held by John D. Copanos & Co., Inc. FDA withdrew the NADA's for these products in a notice published in the *Federal Register* of August 6, 1987 (52 FR 29274), because the methods used in, and the facilities and controls used for, the manufacture, processing, and packaging of these products were inadequate to assure their identity, strength, quality, and purity, and were not made adequate within a reasonable time after receipt of a written notice specifying the inadequacies.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Philip J. Frappaolo, Center for Veterinary Medicine (HFV-240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4940.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of March 10, 1987 (52 FR 7311) FDA issued a notice of

opportunity for hearing proposing to withdraw approval of new drug applications (NDA's) and NADA's for sterile injectable products manufactured by John D. Copanos & Co., Inc., Fort Lauderdale, FL 33334, and Kanasco, Ltd., Baltimore, MD 21225. The basis for the proposal was that new information, evaluated together with the evidence when the applications were approved, showed that the methods used in, and the facilities and controls used for, the manufacture, processing, and packaging of such drugs were inadequate to assure their identity, strength, quality, and purity, and were not made adequate within a reasonable time after receipt of written notice from FDA specifying the inadequacies.

In a notice published in the *Federal Register* of August 6, 1987 (52 FR 29274), FDA withdrew approval of the NDA's and NADA's that had been the subject of the notice of opportunity for hearing. The agency withdrew approval of the following NADA's held by John D. Copanos & Co., Inc.:

NADA 12-571; Iron dextran; "Ferron-100"
NADA 12-627; Prednisolone; "Ramasone"
NADA 30-726; Iron dextran
NADA 47-646; Dexamethasone; "Dexasone"
NADA 49-554; Phenylbutazone; "Buta-Phen"
NADA 49-552; Oxytocin
NADA 65-105; Procaine penicillin G and dihydrostreptomycin sulfate; "Veticil"
NADA 65-120; Dihydrostreptomycin sulfate
NADA 65-136; Procaine penicillin G
NADA 65-144; Procaine penicillin G, dihydrostreptomycin sulfate, dexamethasone, and chlorpheniramine maleate; "Dexamycin"
NADA 65-277; Benzathene penicillin and procaine penicillin G; "Combipen"
NADA 65-365; Chloramphenicol; "Veticol"
NADA 93-578; Oxytetracycline
NADA 124-510; Dexamethasone

Upon withdrawal of approval of new animal drug applications, the agency is required by section 512(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(i)) to remove the regulations that reflect the approvals. This document amends 21 CFR 522.540(d)(2)(i) and (e)(2), 522.1182(a)(2), 522.1662a (f) and (j), 522.1680(b), 522.1720(b)(2), 540.255(c)(2) (i) and (ii), 540.274b(c)(4), 544.275(c)(2) and (c)(4)(iii), and 555.210(c)(2) by removing those portions that reflect the approvals being withdrawn. Additionally, 21 CFR 510.600(c) (1) and (2) is amended to remove John D. Copanos & Co., Inc., from the list of sponsors of approved applications because the firm is no longer the sponsor of any approved NADA's.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

21 CFR Part 540

Animal drugs, Antibiotics.

21 CFR Part 544

Animal drugs, Antibiotics.

21 CFR Part 555

Animal drugs, Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 522, 540, 544, and 555 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry "John D. Copanos & Co., Inc.," and in the table in paragraph (c)(2) by removing the entry "010271".

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

3. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

4. Section 522.540 is amended in paragraph (d)(2)(i) by removing "010271," and by revising paragraph (e)(2) to read as follows:

§ 522.540 *Dexamethasone injection.*

(e) * * *
(2) *Sponsor.* See No. 053617 in § 510.600(c) of this chapter.

§ 522.1182 [Amended]

5. Section 522.1182 *Iron dextran complex injection* is amended by removing and reserving paragraph (a)(2).

§ 522.1662a [Amended]

6. Section 522.1662a *Oxytetracycline hydrochloride injection* is amended by removing and reserving paragraphs (f) and (j).

§ 522.1680 [Amended]

7. Section 522.1680 *Oxytocin injection* is amended in paragraph (b) by removing "010271,".

§ 522.1720 [Amended]

8. Section 522.1720 *Phenylbutazone injection* is amended in paragraph (b)(2) by removing "010271,".

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

9. The authority citation for 21 CFR part 540 continues to read as follows:

Authority: Secs. 507, 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357, 360b).

10. Section 540.255c is amended in paragraph (c)(2)(i) by removing "010271," and by revising paragraph (c)(2)(ii) to read as follows:

§ 540.255c *Sterile benzathine penicillin G and procaine penicillin G suspension.*

(c) * * *
(2) * * *
(ii) See Nos. 000029 and 000856 in § 510.600(c) of this chapter for the conditions of use in paragraph (c)(4)(ii) of this section.

§ 540.274b [Amended]

11. Section 540.274b *Procaine penicillin G aqueous suspension* is amended by removing and reserving paragraph (c)(4).

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

12. The authority citation for 21 CFR part 544 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

13. Section 544.275 is amended by revising paragraphs (c)(2) and (c)(4)(iii) to read as follows:

§ 544.275 *Dihydrostreptomycin sulfate injection, sterile.*

(c) * * *
(2) *Sponsor.* See Nos. 000069 and 010719 in § 510.600(c) of this chapter.

(4) * * *
(iii) *Limitations.* Administer by deep intramuscular injection only. Treatment should be continued for 3 to 5 days or until the urine is free of leptospira for at

least 72 hours as measured by darkfield microscopic examination. Treatment with subtherapeutic dosages, excessive duration of therapy, or inappropriate use of this antibiotic may lead to the emergence of streptomycin or dihydrostreptomycin resistant organisms. The use of this drug must be discontinued for 30 days before treated animals are slaughtered for food. The drug is not for use in animals producing milk because use of the drug will result in contamination of the milk. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

14. The authority citation for 21 CFR part 555 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 555.210 [Amended]

15. Section 555.210 *Chloramphenicol injection* is amended in paragraph (c)(2) by removing "010271,".

Dated: September 28, 1989.

Ronald G. Chesemore,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 89-23777 Filed 10-6-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8265]

RIN 1545-AL16

Taxation of Gain or Loss From Certain Nonfunctional Currency Transactions (Section 988 Transactions); Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to Treasury Decision 8265, which was published in the *Federal Register* for Thursday, September 21, 1989, (54 FR 38816). The temporary regulations relate to the taxation of gain or loss from certain foreign currency transactions.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Dorfman or Charles T. Plambeck, 202-566-6284 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of corrections implement section 988 of the Internal Revenue Code of 1986, which defines such financial transactions and provides rules for timing (in certain cases), character, and source of gain or loss that generally is due to fluctuations in exchange rates. The temporary regulations also provide rules for certain integrated hedging transactions. These provisions were amended or added by the Tax Reform Act of 1986 (Pub. L. No. 99-514, 100 Stat. 2085).

Need for Correction

As published, T.D. 8265 contains typographical errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8265) which was the subject of FR Doc. 89-22017, is corrected as follows:

§ 1.267(f)-1T [Corrected]

1. On page 38823, column 2, § 1.267(f)-1T (h)(2), first and second line, the reference "paragraph (b)(2)(i) of this section" is removed and the reference "§ 1.988-2T (b)(2)(i)" is added in its place.

§ 1.988-1T [Corrected]

2. On page 38825, column 3, § 1.988-1T (a)(3) Example (11), seventh line, the reference "paragraphs (a)(1)(ii) and (iii)" is removed and the reference "paragraphs (a)(1)(ii) and (2)(iii)" is added in its place.

3. On page 38827, column 3, § 1.988-1T (a)(6)(ii) Example (1), eleventh line from the bottom of this paragraph, the date "January 3, 1983" is removed and the date "January 3, 1990" is added in its place.

§ 1.988-2T [Corrected]

4. On page 38838, column 3, § 1.988-2T (d)(4)(ii), fifth line from the bottom of

this column, the words "on such date." is removed and a "." is added in its place.

§ 1.988-5T [Corrected]

5. On page 38844, column 2, § 1.988-5T (a)(5)(iv), second line, the reference "paragraph (a)(5)" is removed and the reference "paragraph (a)(5)(v)" is added in its place.

6. On page 38849, column 2, § 1.988-5T (b)(4)(iv), last line, the reference "paragraph (b)(4)(vi)" is removed and the reference "paragraph (b)(4)(vi)" is added in its place.

Dale D. Goode,
Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 89-23719 Filed 10-6-89; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3657-7]

Plan for Vulcan Materials Company Geismar Chemicals Plant, Geismar, Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the Vulcan Materials Company Geismar Chemicals Plant Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana State Implementation Plan (SIP). The Bubble uses credits obtained from extra control of emissions from five volatile organic compound (VOC) storage tanks in lieu of controls on one process vent and one VOC storage tank. The emission reduction credits (ERCs) were determined to be valid consistent with the provisions for bubbles outlined in EPA's Emissions Trading Policy Statement (ETPS) of December 4, 1986 (51 FR 43814).

DATES: This rulemaking is effective November 9, 1989.

ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at:

Air Quality Division, Louisiana Department of Environmental Quality, Land and Natural Resources Building, 625 North 4th Street, P.O. Box 44096, Baton Rouge, Louisiana 70804-4096. Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street SW., Washington, DC 20460. Environmental Protection Agency, Region 6 Office, Air Programs Branch, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Bill Riddle, State Implementation Plan Section: Air Programs Branch: Air, Pesticides & Toxics Division: EPA Region 6 Office, 1445 Ross Ave., Dallas, Texas 75202, (214) 655-7214 or FTS 255-7214.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the Vulcan Bubble is provided here. For a more comprehensive description of the details of this Emissions Trade see the proposed approval, Plan for Vulcan Materials Company Geismar Chemicals Plant, Geismar, LA (54 FR 23672, June 2, 1989).

Vulcan Materials Company's Geismar Chemical Plant contains several chemical storage tanks regulated under Louisiana Air Quality Regulation (LAQR) 22.3 and waste gas vents under LAQR 22.8. The company has controlled five VOC storage tanks to a level beyond Reasonable Available Control Technology (RACT), as an alternative to placing controls on one other tank and one process vent. The credit the company is claiming results from the installation of a vapor recovery system on a tank farm. The entire trade is summarized below:

$$\begin{matrix} \text{Credits from control} \\ \text{of tanks (-163.26)} \\ \text{TPY} \end{matrix} + \begin{matrix} \text{Noncompliance} \\ \text{emissions} \\ \text{(117.76)(1.1) TPY} \end{matrix} = \begin{matrix} \text{Progress toward attainment (-33.7) TPY} \\ \text{(10 percent progress toward attainment)} \end{matrix}$$

Sources	Emissions (tons/year)					
	Actual			Allowable		
	Before bubble	After bubble	Change	Before bubble	After bubble	Change
CCI, storage tank 4C	13.52	13.52	0	67.16	13.52	-53.64
EDC storage tank 3A	4.61	4.61	0	32.22	4.61	-27.61

Sources	Emissions (tons/year)					
	Actual			Allowable		
	Before bubble	After bubble	Change	Before bubble	After bubble	Change
EDC storage tank 3B.....	4.64	4.64	0	33.22	4.64	-28.58
EDC storage tank 3C.....	4.64	4.64	0	33.22	4.64	-28.58
EDC storage tank 3D.....	10.63	10.63	0	35.48	10.63	-24.85
HCl vent.....	113.80	113.80	0	0.00	113.80	113.80
CH ₃ OH storage tank 3-73.....	4.58	4.58	0	0.60	4.58	3.98
10 percent progress toward attainment.....						11.78
Total.....	156.42	156.42	0	201.9	156.4	-33.7

B. Discussion

The Bubble was reviewed for compliance with the requirements of Section 110 of the Clean Air Act, 40 CFR part 51, EPA's Proposed Emissions Trading Policy Statement (ETPS) published in the *Federal Register* on April 7, 1982 (47 FR 15076) and the Final ETPS published in the *Federal Register* on December 4, 1986 (51 FR 43814).

In the proposed approval for Vulcan, an extensive background discussion was given on pending bubbles. Vulcan is a case wherein the geographic location of the plant was changed from nonattainment with a demonstration of attainment to nonattainment without a demonstration of attainment while the Bubble was being processed. Special assurances are required from the State to process a trade like this under the "Treatment of Pending Bubble Applications" section (51 FR 43840) of the final ETPS. These were given in the proposal on 54 FR 23675. These three State assurances were provided to EPA by the State during the comment period.

The State issued a permit to Vulcan, #1829T(M-1), for the trade on April 9, 1987. As stated in the proposal (54 FR 23674), several points of enforceability needed to be included in a revised permit before EPA gave final approval to the Bubble. EPA received the revised permit issued by the LDEQ on July 29, 1989, with these points of enforceability included, as follows:

1. A test method to determine vapor condenser efficiency was included under Specific Condition 5. A test method for the HCl scrubber vent was included under Specific Condition 4.
2. A method to verify compliance with emissions from tanks using EPA publication AP-42 was included under Specific Condition 1.
3. The methanol tank (3-73) has been added to Specific Condition 1 for recordkeeping.
4. All attachments included with the revised permit (#1829T(M-2)) have been referenced in Specific Condition 3 of the

permit as being enforceable components of the permit. All pages have been numbered (n of 17).

EPA received no public comments, beyond the responses from the State, on the June 2, 1989, proposed rulemaking.

C. Final Action

Because the State has fulfilled the requirements stipulated in the June 2, 1989, proposed approval, and because all other requirements have been met, EPA approves the Vulcan Materials Company Geismar Chemicals Plant Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana SIP. The approved LDEQ permit for this trade is #1829T (M-2) dated July 28, 1989.

Under 5 U.S.C. Section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

This action has been classified as a Table 3 Action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone.

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

Dated: September 8, 1989.

Joe D. Winkle,

Acting Regional Administrator (6A).

PART 52—[AMENDED]

40 CFR part 52 is amended as follows:
Subpart T—Louisiana

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.970 is amended by adding paragraph (c)(52) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(52) On October 31, 1983, the Governor submitted a request to revise the Louisiana SIP to include an Alternative Emission Reduction Plan for the Vulcan Materials Company facility located at Geismar, Ascension Parish. A permit was issued by LDEQ on March 24, 1983 (#1829T), but after several revisions, the final permit for the trade is #1829T (M-2), issued July 28, 1989. This Bubble uses credits obtained from installation of a vapor recovery system on a tank farm of five VOC storage tanks in lieu of controls on one process vent and one VOC storage tank.

(i) Incorporation by reference.

(A) LDEQ Permit number 1829T (M-2), Revision of Bubble Permit—Vulcan Chemicals Company, Geismar, Ascension Parish, Louisiana, issued July 28, 1989.

(ii) Additional material.

(A) Letter dated June 28, 1989, from the Administrator of the Louisiana Office of Air Quality, giving assurances that the State has resources and plans necessary to strive toward attainment and maintenance of the NAAQS for ozone taking into account the influence of this Bubble on air quality.

[FR Doc. 89-23774 Filed 10-6-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-455, RM-6397]

Radio Broadcasting Services; Dora and Warrior, Alabama

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 254A to Warrior, Alabama, as that community's first local FM service, in response to a counterproposal filed by Billy G. Hogan d/b/a Hogan Broadcasting System. Coordinates used for Channel 254A at Warrior are 33-50-13 and 86-48-36. With this action, the proceeding is terminated.

DATES: Effective November 16, 1989; The window period for filing applications on Channel 254A at Warrior, Alabama, will open on November 17, 1989, and close December 18, 1989.

FOR FURTHER INFORMATION CONTACT: Ordee Pearson, (202) 634-6530. Questions related to the window application filing process at Warrior, Alabama, should be addressed to the Audio Service Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket 88-455 adopted September 18, 1989 and released October 2, 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

Allotments, is amended by adding Warrior, Alabama, Channel 254A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-23795 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-55; RM-5161, RM-5400 and RM-5401]

Radio Broadcasting Services; Atmore, Chatom, and Bayou LaBatre, Alabama, and Pascagoula, Mississippi

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 290A to Atmore, Alabama, substitutes Channel 291C3 for Channel 291A at Chatom, Alabama, and substitutes Channel 290C3 for Channel 292A at Pascagoula, Mississippi. The reference coordinates for the Channel 290A allotment at Atmore, Alabama, are 30-55-05 and 87-26-47, for the Channel 291C3 allotment at Chatom, Alabama, 31-34-20 and 88-07-26, and for the Channel 290C3 allotment at Pascagoula, Mississippi, 30-22-05 and 88-44-35. This document also modifies the license of Station WGUD, Pascagoula, Mississippi, to specify operation on Channel 290C3. This document dismisses the counterproposal to allot Channel 292A to Bayou LaBatre, Alabama. With this action, this proceeding is terminated.

DATES: Effective November 17, 1989. The window period for filing applications for the Channel 290A allotment at Atmore, Alabama, and the Channel 291C3 allotment at Chatom, Alabama, will open on November 20, 1989, and close on December 20, 1989.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 86-55, adopted September 18, 1989, and released October 3, 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 Alabama by adding Channel 290A at Atmore.

3. Section 73.202(b), the Table of FM Allotments, is amended under Alabama by removing Channel 291A and adding Channel 291C3 at Chatom.

4. Section 73.202(b), the Table of FM Allotments, is amended under Alabama by removing Channel 292A and adding Channel 290C3 at Pascagoula.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-23796 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-600, RM-6468]

Radio Broadcasting Services; Colorado City, Arizona

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 296C1 to Colorado City, Arizona, as that community's first local broadcast service, in response to a petition filed by Diana L. Le Baron. The coordinates for Channel 296C1 are 36-59-24 and 112-58-36. With this action, the proceeding is terminated.

DATES: Effective November 17, 1989; The window period for filing applications on Channel 296C1 at Colorado City, Arizona, will open on November 20, 1989 and close on December 20, 1989.

FOR FURTHER INFORMATION CONTACT: Ordee Pearson, (202) 634-6530.

Questions related to the window application filing process at Colorado City, Arizona should be addressed to the Audio Service Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order in MM Docket No. 88-600, adopted September 11, 1989, and released October 3, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. § 73.202(b), the Table of Allotments, is amended by adding Colorado City, Arizona, Channel 296C1.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-23797 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-185; RM-6288, RM-6499, RM-6747]

Radio Broadcasting Services; Montgomery, Dunbar and Mount Gay-Shamrock, West Virginia and Paintsville, Kentucky

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 227A to Montgomery, West Virginia, as that community's first local FM service, at the request of Upper Kanawha Valley Broadcasters, Inc. [See 53 FR 17232, May 16, 1988; 54 FR 3627, January 25, 1989.] Additionally, this action allots Channel 234C3 to Paintsville, Kentucky, as that community's second local FM service at the request of Morehead State University. Also at the request of Mills Broadcasting Inc., this action substitutes Channel 233B1 for Channel 233A at Dunbar, West Virginia, and modifies its license for Station WBES-FM at Dunbar to specify operation on the higher class co-channel, as that community's first wide coverage area service; and deletes

Mount Gay-Shamrock, West Virginia, Channel 234A from the Table of Allotments. Channel 234C3 can be allotted to Paintsville in compliance with the section 73.207 of the Commission's Rules, at the city reference coordinates, which are 37-48-48 and 82-48-00. A site restriction of 6.5 kilometers (4 miles) is required for Channel 227A at Montgomery. The coordinates are 38-08-47 and 81-23-40. Channel 233B1 at Dunbar requires a site restriction of 4.9 kilometers (3.1 miles) north of the city, at coordinates 38-27-17 and 81-43-52. With this action, this proceeding is terminated.

DATES: Effective November 17, 1989. The window period for filing applications on Channel 227A at Montgomery, West Virginia, and Channel 234C3 at Paintsville, Kentucky, will open on November 20, 1989, and close on December 20, 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. 88-185, adopted September 18, 1989, and released October 3, 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 West Virginia, by adding Montgomery, Channel 227A; by adding Channel 233B1 and removing Channel 233A at Dunbar; by removing Mount Gay-Shamrock, Channel 234A; under Kentucky, by adding Channel 234C3 at Paintsville.

Karl A. Kensinger,

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

[FR Doc. 89-23798 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-49; RM-6541]

Radio Broadcasting Services; Baton Rouge, Louisiana

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 264C for Channel 264C1 at Baton Rouge, Louisiana, and modifies the license for Station WTGE-FM at Baton Rouge to specify operation on the higher class co-channel, at the request of Vetter Communications Company, Inc. See 54 FR 1071, March 10, 1989. Channel 264C can be sited 16.3 kilometers (10.1 miles) southwest of the community consistent with section 73.207 of the Commission's Rules. The coordinates are 30-19-35 and 91-16-36. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 20, 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. 89-49, adopted September 13, 1989, and released October 4, 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 Louisiana, by removing Channel 264C1 and adding Channel 264C at Baton Rouge.

Karl A. Kensinger,

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

[FR Doc. 89-23844 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 300

Incorporation by Reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Final rule.

SUMMARY: This final rule gives notice of the publication of the new May 1989 Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual) replacing the May 1986 issue. The printing of the NTIA Manual is on a triennial basis and will cover all changes in various government policies relating to the United States Government use of the radio frequency spectrum. These changes have been adopted by the Interdepartment Radio Advisory Committee (IRAC) AND approved by the National Telecommunications and Information Administration.

EFFECTIVE DATE: November 9, 1989.

FOR FURTHER INFORMATION CONTACT: Edwin E. Dinkle, National Telecommunications and Information Administration, Department of Commerce, Room H1605, 14th and Constitution Avenue, NW., Washington, DC 20230; (202) 377-0599.

SUPPLEMENTARY INFORMATION: The President by Reorganization Plan No. 1 of 1977 and Executive Order 12046 of March 27, 1978, delegated to the Secretary of Commerce authority to act for the President or under the President's authority in the discharge of certain Presidential telecommunication functions under the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962.

The Secretary of Commerce has delegated this Presidential authority to the Assistant Secretary of Commerce for Communications and Information (the Assistant Secretary). The Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual) is issued by the Assistant Secretary, and is specifically designed to detail the Assistant Secretary's frequency management responsibilities.

List of Subjects in 47 CFR Part 300

Incorporation by reference, Radio telecommunications.

For the reasons set out in preamble, title 47, chapter III, part 300 of the Code

of Federal Regulations is amended as set forth below.

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: E.O. 12046 (March 27, 1978), 43 FR 13349, 3 CFR 1978 Comp., p. 158.

2. Section 300.1(b) is revised to read as follows:

§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.

(b) The Federal agencies shall meet the requirements set forth in the May 1989 edition of the NTIA Manual, which is incorporated by reference with the approval of the Director, Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

Richard D. Parlow,
Associate Administrator, Office of Spectrum Management.

[FR Doc. 89-23753 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-50-M

in § 171.7 of the rule document is corrected.

List of Subjects in 49 CFR Part 171

Hazardous materials transportation, Incorporation by reference.

In consideration of the foregoing, 49 CFR part 171 is corrected as follows:

PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1808, 49 CFR part 1, unless otherwise noted.

§ 171.1 [Corrected]

2. In rule document 89-22498, on page 39326 (September 25, 1989), in the second column, in amendatory instruction 2 and § 171.7, the paragraph designations (c)(33) and (d)(29) are correctly designated as (c)(35) and (d)(32).

Verdell Simpkins,
Regulatory Document Information Specialist.

[FR Doc. 89-23733 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. HM-202; Amdt. No. 171-106]

Standards for Construction of Fireworks and Novelties; Approval for Transportation; Correction

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct an inadvertent error in the document published on Monday, September 25, 1989 regarding standards for construction of fireworks and novelties, approval for transportation.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Jacquelyn F. Smith, Standards Division, Office of Hazardous Materials Transportation, 400 Seventh Street, SW., Department of Transportation, Washington, DC 20590, Telephone (202) 336-4488.

SUPPLEMENTARY INFORMATION: On September 25, 1989, RSPA published a final rulemaking in the Federal Register under Docket HM-202. An inadvertent error in the amendatory instructions and

49 CFR Part 172

[Docket No. HM-189H, Amdt. No. 172-120]

Hazardous Materials Regulations; Editorial Correction and Clarifications

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct an inadvertent error in the document published on Friday, September 29, 1989 regarding hazardous materials regulations.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION: Jacquelyn F. Smith, Standards Division, Office of Hazardous Materials Transportation, Department of Transportation, 400 Seventh Street, SW., Washington, DC, Telephone (202) 336-4488.

SUPPLEMENTARY INFORMATION: On September 29, 1989, RSPA published a final rulemaking in the Federal Register under Docket HM-189H. An inadvertent error in the § 172.101 Table of the rule document is corrected.

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Hazardous materials tables.

In consideration of the foregoing, 49 CFR part 172 is corrected as follows:

PART 172—HAZARDOUS MATERIALS TABLES, HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1808; 49 CFR part 1.

§ 172.10 [Corrected]

2. In rule document 89-23086, on page 40068 (September 29, 1989), in the first column of the Hazardous Materials Table, the entry should be corrected to read: Sulfur, molten or Sulphur, molten. Verdell Simpkins,

Regulatory Document Information Specialist.
[FR Doc. 89-23734 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Independence Valley Speckled Dace and Clover Valley Speckled Dace

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines the Clover Valley speckled dace (*Rhinichthys osculus oligoporus*) and the Independence Valley speckled dace (*Rhinichthys osculus lethoporus*) to be endangered species pursuant to the Endangered Species Act of 1973, as amended (Act). The former is known from only three small springs in northeastern Nevada and the latter from only one spring in the same area. Both are in jeopardy because of their extremely limited distribution, the sensitivity of their habitats to perturbation by irrigation practices, and introductions of non-native aquatic species. These types of activities have negatively impacted populations of both subspecies of speckled dace and caused extinction of the Independence Valley tui chub (*Gila bicolor isolata*), formerly found in the spring inhabited by the Independence Valley speckled dace.

EFFECTIVE DATE: November 9, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Great Basin Complex, U.S.

Fish and Wildlife Service, 4600 Kietzke Lane, Building C, Reno, Nevada 89502.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard J. Navarre, Complex Manager, at the above address (702/784-5227 or FTS 470-5227).

SUPPLEMENTARY INFORMATION:

Background

The Clover Valley speckled dace was first collected on September 14, 1934, by Dr. C. L. Hubbs and his family (Hubbs *et al.* 1974). It was not recognized as a unique form of speckled dace until 1972 when Drs. Hubbs and Miller described it as a subspecies endemic to two springs in Clover Valley, Elko County, Nevada (Hubbs and Miller 1972). The Independence Valley speckled dace was not collected until August 25, 1965. It was also described by Drs. Rubbs and Miller in 1972 as a distinct subspecies of speckled dace found only in Independence Valley (Hubbs and Miller 1972, Hubbs *et al.* 1974).

Speckled dace are members of the minnow family of fishes (Cyprinidae) that occupy many waters of western North America. They are able to occupy a wide variety of habitats ranging from cold streams and rivers with rocky substrates to small thermal springs with silt substrates. Their adaptability to a broad range of environments has allowed them to persist in habitats too harsh for the survival of many other fish species. Isolation of populations has permitted genetic divergence and resulted in a number of morphologically distinct forms recognized as subspecies. Their diet consists primarily of insects, and their maximum length rarely exceeds 4 inches.

Speckled dace are distinguished from other minnows by, among other characters, the shape and arrangement of pharyngeal teeth (usually slightly curved and hooked in a 1, 4-4, 1 formula) and the presence of well developed radii completely around the scales. Coloration is typically olive-green on the back fading to silver/gold on the abdomen. As the vernacular name suggests, black spots may be randomly arranged over the body. A distinct black lateral stripe usually extends from the forebody to the caudal fin.

The Clover Valley speckled dace and Independence Valley speckled dace are believed to be derived from an ancestral form of speckled dace similar to the Lahontan speckled dace (*Rhinichthys osculus robustus*) presently occupying the Humboldt River system in northern Nevada. Both of these speckled daces are distinguished from the Lahontan speckled dace by their less developed

lateral line system on both the body and head. The Clover Valley speckled dace is further distinguished by the anterior location of its pectoral fins and a lower number of pelvic fin rays (6 versus typically 8 for speckled dace) (Hubbs and Miller 1972). The Independence Valley speckled dace is dwarfed with a more laterally compressed body than is characteristic of speckled dace. Its lateral line is less developed and its caudal peduncle is deeper and pectoral fin rays fewer than is typical of the Clover Valley speckled dace. It is also distinguished from the Clover Valley speckled dace by its straighter and more oblique mouth (Hubbs and Miller 1972).

Both of these speckled dace are restricted to small springs and their outflows. Vinyard (1984) and Hubbs *et al.* (1974) located the Clover Valley speckled dace in small irrigation impoundments and in ditches radiating from them into irrigated pasture land. Hubbs *et al.* (1974) also recorded the dace in isolated portions of spring-fed streams located upstream from these impoundments. Vinyard (1984) and Hubbs *et al.* (1974) recorded the Independence Valley speckled dace from shallow marshlands spreading away from deep pools associated with spring sources.

All habitats of both subspecies are situated on private land supporting ranch operations. Neither of these speckled dace have been widespread in historic times. Early (1934) collectors did not sample Independence Valley, and located only one Clover Valley speckled dace population (Hubbs *et al.* 1974). Subsequent surveys conducted in 1965, however, located the Independence Valley speckled dace and an additional population of Clover Valley speckled dace (Hubbs *et al.* 1974). Both dace were noticeably scarce when these surveys were conducted. In 1983, Vinyard (1984) located a third Clover Valley spring which contained speckled dace.

Hubbs *et al.* (1974) attributed the rarity of these speckled dace to habitat alterations to facilitate irrigation and the presence of rainbow trout (*Salmo gairdneri*) and largemouth bass (*Micropterus salmoides*) introduced for sport fisheries. Population sizes of these speckled dace have been known to fluctuate in response to the presence of these non-native fish species. For example, numerous Clover Valley speckled dace were present in a spring-fed impoundment in 1964 that had recently been stocked with rainbow trout; however, a subsequent survey of the same locality in 1965 found the dace scarce and restricted to a small portion

of stream near the spring source where they could best avoid rainbow trout (Hubbs *et al.* 1974). Vinyard (1984) failed to locate any dace at this site during several surveys in 1983, although a small number of dace were again observed in February 1988.

Hubbs *et al.* (1974) noted the scarcity of Independence Valley speckled dace in their sole habitat during 1965, the first time this dace was collected. Vinyard (1984) also observed their scarcity and recorded dace only in shallow water not inhabited by bass and bluegill (*Lepomis machrochirus*). That the presence of bass and bluegill threatens the Independence Valley speckled dace is evidenced by the extinction of the Independence Valley tui chub (*Gila bicolor isolata*) following introduction of these two sport fish. This chub was also endemic to this spring.

The Clover Valley speckled dace and Independence Valley speckled dace were included as Category 2 candidates for possible listing in a Notice of Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (47 FR 58454) published on December 30, 1982. Category 2 candidates are those for which additional status information is needed before their status can be evaluated. In an updated Notice of Review (50 FR 37958) published on September 18, 1985, the status of the two speckled dace was changed to Category 1 on the basis of new status information received. The category 1 classification means that sufficient status information is available to indicate the species may warrant listing. A proposed rule to list both subspecies as endangered was published in the *Federal Register* (52 FR 35282) on September 18, 1987.

Summary of Comments and Recommendations

In the September 18, 1987, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. On December 2, 1987, the original comment period, which closed on November 22, 1987, was extended to February 1, 1988 (52 FR 45976). Affected landowners and appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the *Elko Daily Freepress* on December 21, 1987, the *Ely Daily Times* on December 22, 1987, and the *High Desert Advocate* on December 30, 1987, which invited general public comment. Two requests for a public hearing were received and a separate meeting with two landowners was

scheduled for February 26, 1988. To accommodate this meeting and to allow for scheduling a public hearing, the comment period was reopened for 60 days on February 24, 1988 (53 FR 5434). A public hearing was held on April 7, 1988, and newspaper notices of the public hearing date, place, and written comment deadline were published in the *Elko Daily Freepress* on March 22, 1988, and in the *High Desert Advocate* on March 23, 1988. A total of 23 written comments were received and are discussed below. The nine comments received at the public hearing, held at Wells High School, 115 Lake Avenue, Wells, Nevada, on April 7, 1988, from 7:00 to 9:00 p.m., are also summarized.

A total of 23 written letters of comment were received. Of these, 11 comments of support were received, including the Nevada Department of Wildlife and 10 other individuals or groups. Letters voicing neither opposition nor support were received from 1 Federal Agency, 1 State Agency, a State Assemblyman, and 1 Nevada County. Eight written comment letters opposing listing, 3 of which were from affected landowners, and 5 from other individuals or groups, were received. All 9 speakers at the public hearing opposed listing.

An inquiry was received from Senator Chic Hecht concerning a letter he had received from a Clover Valley landowner who had recently purchased property which included one of the speckled dace localities. The landowner requested suggestions regarding the listing issue and the planned stocking of bass or catfish in the spring outflow. The Service responded by reiterating the reasons why the Clover Valley speckled dace was proposed for endangered status: limited distribution, vulnerability of habitat to change from irrigation or other water diversion practices, and its inability to persist in habitats where non-native species have been introduced. The Service's response also stated that the landowner should contact the Nevada Department of Wildlife for suggestions or assistance in establishing a fishery, that the Service did not normally provide direct assistance for such actions, and that it was hoped that such action would include measures to protect the dace.

Oral statements presented at the public hearing, and written comments received during the comment periods are covered in the following discussion. Comments of similar content are grouped into a number of general issues. These issues, and the Service's response to each, are discussed below.

Issue 1: Both subspecies of speckled dace are thriving in their respective habitats because of agricultural practices by the private landowners.

Response: The construction of small reservoirs for agricultural purposes at the spring outflows has provided an environment where predatory and/or completing fishes persist and may become abundant. Several comment letters supporting listing (including the Desert Fishes Council) cited the disappearance and presumed extinction of the Independence Valley tui chub (*Gila bicolor isolata*) as an example of the threat caused by introduced fishes. In the case of the tui chub, construction of a reservoir inundated its habitat and permitted exotic fish species to persist that were predators on the chub.

Historical records and field investigations by eminent ichthyologists Carl L. Hubbs and Robert R. Miller (Hubbs and Miller 1972; Hubbs, *et al.* 1974) documented the rarity of both subspecies of speckled dace, and the detrimental effects of habitat alteration and introduction of non-native fishes. Vinyard's field studies in 1983 (Vinyard 1984) further indicated the low numbers of both subspecies and the detrimental effects of irrigation structures and introduced game fish on the native dace populations. Degradation of dace habitat at one Clover Valley site was documented by Hubbs *et al.* (1974) by noting the reservoir in 1934 was " * * * 3 masters deep * * * clear water; rather firm, whitish bottom * * * ." By 1965, however the reservoir was " * * * largely silted in * * * very easily muddied; bottom now of deep mud * * * ." Portions of the present ditched and impounded habitats vary from watered to dry depending on irrigation schedules, and provides only limited habitat during much of the year. Neither the dace nor extent of its habitats were known before widespread agricultural modifications were completed. It is probable, however, that they occupied all of the streams and wetlands maintained by local spring discharge. None of the agricultural modifications to habitats have been done to benefit the native speckled dace. The fish have persisted, not because of irrigation practices by landowners, but despite radical modifications to their habitats. Under current management practices the continued survival of the fish cannot be guaranteed.

Issue 2: Collections of speckled dace by researchers and/or Service biologists have been significant and have constituted a serious threat to population numbers.

Response: Careful, scientific collection of some individual fish is required occasionally to document species occurrence and abundance. Several comment letters erroneously indicated that large numbers (up to 50) of dace from each of several different sites were collected and/or dissected during status survey field work in 1983. In fact, only a total of approximately 15 individuals were retained from all of the collection sites. These collections were important since almost 20 years had passed since the dace's occurrence had been documented in any habitats in Clover and Independence Valley. Small collections of this type are necessary on a periodic basis to document that the original native types are still present, and to determine whether any non-native types have been introduced. Based on the habitat areas actually sampled and the inherent difficulty of sampling marshes and swift streams using net and seines, researchers and Service personnel believe that there are several hundred dace present in each of three of the four localities sampled in the two valleys, and that the small number of dace retained for scientific purposes had no effect on population viability.

Issue 3: Listing the two speckled daces would constitute a violation of the 5th Constitutional Amendment prohibiting taking of property without due process and just compensation—(i.e., condemnation of land).

Response: The constitutional issue raised by the commenters cannot be addressed in this final rule because the Service's determination on whether to list these species cannot be influenced by non-biological factors. The listing procedure provided by Congress in section 4 of the Act requires the Service to base its decision solely upon biological criteria and trade information. See H.R. Conf. Rep. No. 835, 97th Cong., 2d Sess. 19 (1982). Once the listing process is completed, other procedures exist, either through section 7 or section 10 of the Act, to analyze impacts posed by economic activities to endangered or threatened species.

Issue 4: Because it has not been documented that numbers of dace have declined, there is no justification to list these species as endangered or threatened.

Response: Documentation of a decline in numbers of individuals or populations is not required for consideration of listing. The Service has reviewed prior scientific data and received comments which document that spring/marsh habitats where both dace subspecies occur have been radically altered by agricultural practices, and by

introduction of predatory species of trout, bass, and sunfish. The Endangered Species Act requires that five specific factors, one of which is the "present or threatened destruction, modification, or curtailment of its habitat or range" be evaluated to determine whether listing is appropriate. The identified threats to the dace's habitat, inherent small population size, and the limited extent of natural habitat are sufficient justification under the Act to list the two subspecies as endangered.

Issue 5: The Service should have worked with affected landowners to develop a cooperative agreement that would protect the dace and allow agricultural practices to continue.

Response: A meeting was held between Service representatives and two of the affected landowners to discuss development of such an agreement. Both landowners refused to sign any type of agreement and requested the Service withdraw the listing proposal based on their promise to continue to provide for the dace's well-being. One of the two landowners stated that he would like to develop additional irrigation of his ranch and direct the spring flow into two old ditches, which could seriously impact the historical stream channel where dace were present in 1983. It is not known if the fish is still extant at this location. On the second landowner's property, the fishes do continue to survive under present agricultural management; however, it is apparent that the threats to the long-term survival of these fish must be addressed in making a decision on whether to list these subspecies as endangered or threatened. Another landowner has indicated an intention to introduce game fish into the spring system despite being informed of the threats that this action would pose to the native speckled dace. Thus, the Service believes that considerable efforts to date to work with the landowners has not resulted in any guarantees to eliminate long-term threats to the daces or their habitats that would justify a decision to withdraw the listing proposal.

Issue 6: The Service has plans (or should, or should not) to move the dace into other waters.

Response: At the present time, the Service has no plans to transplant dace into additional habitats. In 1984, when dace were believed to be absent from one historical site in Clover Valley, a researcher suggested that dace be reintroduced into this habitat from existing populations. Because small numbers of dace were again observed in this historical site in 1988, reintroduction of dace is no longer being considered.

Transplanting dace into Snow Water Lake, as suggested by one commenter, would not provide any secure habitat since the lake occasionally dries completely. Additionally, the Act states that its purposes " * * * are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved * * *." Thus the primary emphasis in conserving the Clover Valley and Independence Valley speckled daces should be directed at insuring the maintenance of natural spring flows and aquatic habitats.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Clover Valley speckled dace and the Independence Valley speckled dace should be classified as endangered species. Procedures found at section 4 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and Regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Clover Valley speckled dace (*Rhinichthys osculus oligoporus*) and Independence Valley speckled dace (*Rhinichthys osculus lethoporus*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* As presented in the "Background" section, several factors have affected the decline of these speckled dace. Neither the daces nor their habitats were known before settlers moved into the area and began manipulating springs to facilitate irrigation. Therefore, precise limits of their historically occupied habitat are unknown. However, information gathered about other dace occupying other springs within northern Nevada indicates these speckled dace occupied all of the streams and wetlands maintained by local spring discharge. The quantity of habitat was probably never very large for these dace since the springs they inhabit are small; none of these habitats are supported by springs discharging more than 2,000 gallons per minute (Garside and Schilling 1979).

Manipulation of habitats downstream from reservoirs relegated dace populations to the reservoirs and the small section of stream between the impoundments and the springs. Initial surveys for the Clover Valley speckled

dace in 1934 noted that springs occupied by the dace had been altered at a much earlier date. The outflows were impounded in small reservoirs prior to being distributed to various irrigated pastures (Hubbs *et al.* 1974). The ditched habitats existing down gradient from these reservoirs varied from watered to dried depending on where irrigated lands were situated relative to the location of reservoirs. The variable water application regime which continues today (Vinyard 1984), prohibited the long term presence of dace and their habitat in areas downstream from the reservoirs and was probably responsible for the scarcity of dace in these streams.

Viability of dace populations has also been affected by introductions of non-native fishes. Hubbs *et al.* (1974) reported low dace populations when rainbow trout were introduced into reservoirs. Large dace populations were, however, reported at times when trout had not been stocked and were, therefore, scarce or absent. Courtenay and Stauffer (1984) reviewed the detrimental impacts of introduced fishes on native fish populations throughout the world.

The manipulation of reservoir levels may also adversely affect dace populations by effectively decreasing the amount of pond habitat and forcing the fish to take refuge in downstream irrigation ditches. While in these ditches dace are vulnerable to extirpation when their habitat is dried by water management practices that require continuous changes in the water flow in the ditches being used to irrigate different pastures.

The Clover Valley speckled dace presently occurs in three springs and outflows in Clover Valley (Hubbs *et al.* 1974, Vinyard 1984, McNatt 1988). Vinyard (1984) reported absence of dace at one site in 1983, but small numbers were again present by 1988. Existing populations are restricted to local habitats within impoundments and seasonally in their tributary streams (Vinyard 1984). The size of these populations is unknown, but two are believed to exceed several hundred individuals during the summer when they reach their maximum levels.

The Independence Valley speckled dace has never been known to be abundant and always has been known from a single spring system. Hubbs *et al.* (1974) reported the dace were so scarce during their attempts to collect it in 1965 that it was difficult to locate the number required for taxonomic analysis. Vinyard (1984) confirmed its existence in only one spring and noted that the dace were only in those areas not

occupied by largemouth bass and bluegill. Therefore, the dace presently occupies less habitat than it did in 1965. The limited distribution in habitat occupied by this speckled dace implies that any increase in ranch operations, which adversely affects its habitat, is likely to cause the population to decline.

B. Overutilization for commercial, recreational, scientific, or educational purposes. The small population size and limited distribution of these fishes makes them vulnerable to deleterious depletion by collection.

C. Disease or predation. Neither of these speckled daces have been examined for disease. A number of diseases are known to occur naturally in other speckled dace populations in the Great Basin; however, these are not believed to have a substantial impact on population viability. The establishment of non-native fishes in these habitats may have provided an avenue for foreign diseases to be introduced. Such introductions of disease have occurred in other portions of Nevada. Minckley and Deacon (1968) reported the introduction of foreign parasites into the Moapa River system in southern Nevada which apparently accompanied the establishment of exotic fishes in the local springs and streams. Analysis of native fishes in the Moapa Valley showed that these parasites have successfully infected the local fish community and may be depressing populations. No introduced parasites or diseases are known to infect these two speckled dace.

Sport fishes introduced into North America have frequently been reported as preying upon or competing with native fishes. In many instances, exotic species have caused the native fishes to be eliminated (Minckley 1973, Moyle 1976, Taylor *et al.* 1984). Extinction of the Independence Valley tui chub following introductions of largemouth bass and bluegill is strong evidence that such introductions have significantly impacted the native fishes occupying springs in northeastern Nevada. The presence of predatory species in springs occupied by these two speckled dace is noted as being a major factor depressing their populations (Hubbs *et al.* 1974, Vinyard 1984).

D. The inadequacy of existing regulatory mechanisms. These species are not protected by any known regulatory mechanism.

E. Other natural or manmade factors affecting its continued existence. Vandalous acts have never been known to affect rare aquatic species in Nevada; however, threats of vandalism were made that, if carried out, would have

reduced or eliminated populations of rare species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to issue this final rule. Based on this evaluation, the preferred action is to list both the Clover Valley speckled dace and Independence Valley speckled dace as endangered. The restricted distribution of these species, and the immediate and potential problems affecting their continued existence, indicate that endangered, rather than threatened, is the appropriate classification. Critical habitat is not being proposed for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. With regard to the two speckled dace, the Service finds that designation of critical habitat is not prudent at this time. As discussed under Factors A, B, and E, in the "Summary of factors affecting the species," these fishes are vulnerable to unlawful collection and vandalism acts. Designation of critical habitat would entail publication of precise habitat locations, delineating the distribution of these fishes and, therefore, would make the species more susceptible to unlawful collection and vandalism. All involved parties and landowners will be notified of the location and importance of protecting the habitat of these species. Protection of habitat will be addressed through the recovery process and through the section 7 consultation process, as explained below.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the State and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. Recovery actions that may be beneficial to these species

include: conservation easements and consequent effective management of the springs where the fish live, and protective measures to prevent vandalism, habitat disturbance, and introduction of predatory fish. Specific management actions that might be negotiated pursuant to conservation easements with private landowners would be leaving sufficient water in springs and outflows during irrigation work, maintaining some vegetation intact in the course of clearing irrigation canals, and not using herbicides. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The restriction of both dace species to private land indicates that the involvement of Federal activities regarding these species will be minimal. Prior to issuing a permit pursuant to section 404 of the Clean Water Act, the U.S. Army Corps of Engineers may be required to consult with the Service if there are proposed activities that will dredge and fill wetlands occupied by endangered or threatened species. No other potential Federal activities are known to be involved.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take,

import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

References Cited

- Courtenay, W.R., Jr. and J.R. Stauffer, Jr. (eds.). 1984. Distribution, biology, and management of exotic fishes. Johns Hopkins University Press, Baltimore.
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- Hubbs, C.L., and R.R. Miller. 1972. Diagnoses of new cyprinid fishes of isolated waters in the Great Basin of western North America. *Transactions of the San Diego Society of Natural History*, 7(8): 101-106.
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Vinyard, G. L. 1984. A status report about the Independence Valley speckled dace (*Rhinichthys osculus lethoporus*), Independence Valley tui chub (*Gila bicolor isolata*), and Clover Valley speckled dace (*Rhinichthys osculus oligoporus*); three fishes restricted to the northeastern portion of Nevada. Unpublished report to the U.S. Fish and Wildlife Service, Reno, Nevada.

Author

The primary author of this final rule is Dr. Randy M. McNatt, U.S. Fish and Wildlife Service, Great Basin Complex, 4800 Kietzke Lane, Reno, Nevada 89502 (702/784-5227 or FTS 470-5227).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by adding the following, in alphabetical order under FISHES, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes							
Dace, Clover Valley speckled	<i>Rhinichthys osculus oligoporus</i>	U.S.A. (Nevada).....	Entire	E	369	NA	NA
Dace, Independence Valley speckled	<i>Rhinichthys osculus oligoporus</i>	U.S.A. (Nevada)	Entire	E	369	NA	NA

Dated: October 3, 1989.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

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Proposed Rules

Federal Register

Vol. 54, No. 194

Tuesday, October 10, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T; Docket No. R-0675]

RIN: 7100-AA72

Credit by Brokers and Dealers; Accommodation of Settlement and Clearance of Foreign Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing for public comment amendments to Regulation T to accommodate the increasing internationalization of the securities markets. The amendments, suggested by the Securities Industry Association (SIA), would: (1) Permit foreign "world-class" equity and debt securities to be eligible for margin at broker-dealers on the same basis as margin securities; (2) permit recognition and isolation of debt denominated in foreign currencies and allow the foreign world-class securities denominated in that currency to be used as margin for the debt without conversion into dollars; (3) ease restrictions on payment and settlement for foreign securities to accommodate the practices of the market where the trade occurs; and (4) allow a broker-dealer subject to Regulation T to arrange credit on non-United States securities.

DATE: Comments should be received on or before November 30, 1989.

ADDRESS: Comments, which should refer to Docket R-0675, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street & Constitution Avenue, NW., Washington, DC 20551, or delivered at the C Street Entrance between 8:45 a.m. and 5:15 p.m. weekdays to Room B-2223. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. weekdays.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer,

or Scott Holz, Attorney, Division of Banking Supervision and Regulation, (202) 452-2781. For the hearing impaired only, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson, (202) 452-3544.

SUPPLEMENTARY INFORMATION:

I. Marginability of Certain Foreign Securities

At present many foreign equity securities are marginable directly, through trading on national securities exchanges or on NASDAQ, or indirectly, through the use of American Depositary Receipts (ADRs). All of these foreign securities are priced in dollars for trading purposes. This proposal contemplates adding a limited number of foreign equity securities as eligible for margin credit. Any security to be placed on a list to be published by the Board must be certified by a U.S. self-regulatory organization (SRO), such as the New York Stock Exchange (NYSE), which has adopted procedures for determining eligibility that have been approved by the Board. The NYSE has agreed to consider the adoption of such procedures. The securities would be designated "world-class" securities. In general, the eligibility requirements, as proposed by the SIA and modified by the Board, include listing on a securities exchange outside the United States for at least six months; continuous availability from that exchange to U.S. creditors of quotations of both bid and asked or last sale prices through an electronic quotation system; an aggregate market value for the shares of \$1 billion; a tradeable float of 1 million shares; an average weekly trading volume of either 200,000 shares or the equivalent of \$1,000,000; and the existence of the issuer or a predecessor in interest for at least five years. Lower standards for market value and trading volume criteria would be permitted for retention on the list. Comment is requested on additional or alternate criteria for determining the eligibility of both foreign securities exchanges and specific issues of securities.

The proposal would also make foreign corporate debt securities marginable if the original issue had outstanding a principal amount of at least \$100,000,000, the issue is not in default on interest or principal payments, and the issue is rated in one of the two highest rating categories by a nationally recognized

statistical rating service. The proposal also provides for the marginability of foreign debt unrated at the effective date of the proposed rule if a subsequent unsecured debt issue of at least \$100,000,000 of the same issuer receives the required high rating. The SEC presently recognizes five statistical rating organizations: Duff and Phelps; Fitch Investor Services; Moody's Investor Services; McCarthy, Crisanti & Maffei; and Standard & Poor's. Comment is requested on alternate criteria for marginability of foreign corporate debt securities.

II. Use of Foreign Currency

The present regulation requires, in relevant part, that all debits and credits be expressed in dollars. Loan value of securities denominated in other currencies must be translated into dollars when they are used to contribute loan value in a margin account. If payment for a margin call is received in foreign currency, it must be converted into dollars before deposit into the margin account. Under the proposal, "dollars only" accounting would no longer be required and foreign currency could be deposited and maintained in a margin account. By the use of a subaccount or other methods of record-keeping in the margin account, the proposal would permit separate computations for all debits denominated in a specific foreign currency and secured by separately identified foreign world-class securities denominated in that currency. Under the current practice of denominating all transactions in dollars, an increase in the value of any collateral can be applied to any other securities transactions in the margin account. By insulating transactions denominated in foreign currencies, the proposal contemplates that no equity for Regulation T purposes could be realized from this foreign currency or foreign-currency-denominated security against dollar deficiencies or deficiencies in other foreign currencies. However, the proposal should not prevent the combination of the foreign and dollar currency positions for maintenance rules of the SROs. In addition, the segregation of all transactions in foreign marginable securities and attendant debt would be optional. The current practice of denominating all transactions and debt in dollars in the margin account would still be available. The SIA proposal also

provides that foreign currency held in a bank account under the creditor's control could offset a debit or requirement denominated in such foreign currency. While the Board believes there should be no barrier to this procedure, the specific provision proposed by the SIA to clarify that foreign currency so held can be given value to reduce a foreign currency so held can be given value to reduce a foreign currency debit or requirement is not being proposed as the Board believes it is implicit in the regulatory language that is being proposed.

III. Settlement

There is a wide variety of settlement times and procedures throughout the financial markets of the world. In the United States the usual time for settling trades in equity securities under exchange rules is five business days. However, there are other settlement periods provided for trades in government securities and futures products. In the United Kingdom there is fortnightly settlement. In France a batch settlement system is used, with all trades on or after the beginning date of the month's settlement period due no later than the beginning date of the next month's published settlement date. Transactions on the Brussels Stock Exchange in Belgium are settled in a manner similar to the procedure in France. Most Japanese transactions settle on the third business day after execution.

An existing provision in Regulation T for cash transactions permits up to 35 days for settlement in a delivery against payment (DVP) system if the extra time is required because of the mechanics of the trade and is not related to the purchaser's willingness or ability to pay. This proposal contemplates cash settlement of all foreign securities transactions in a foreign market on the earlier of the date required by rules of a competent authority over that market or 35 days from trade date (which is the outside time for settlement in DVP transactions). It is expected that this proposal will accommodate the shortening of settlement periods for cash transactions (as has been suggested by most commenters in light of the implicit risks in the widely varying systems now in place in the world) without further amendment to the rule.

IV. Arranging

The "arranging" section of Regulation T, with several exceptions, prohibits a broker-dealer from arranging credit unless it is credit that the broker-dealer can itself extend. Since most foreign securities are not "margin securities" on

which a broker-dealer can extend or maintain credit, U.S. brokers and their overseas branches are prevented from assisting U.S. and foreign customers in obtaining any credit for their purchase. Because the securities are non-U.S. securities a borrower is not regulated under Regulation X as to the amount of credit he or she can obtain from foreign broker-dealers or foreign banks. In addition, U.S. banks are free to lend a "good faith" amount on these non-margin securities and can also arrange the credit. United States brokers are thus competitively disadvantaged in serving customers who might wish to borrow. The proposal would permit broker-dealers to arrange credit for any customer with a foreign lender to purchase non-U.S. securities. While the SIA proposed placing on U.S. broker-dealers the burden of ascertaining the legality of the credit being extended abroad, the Board believes this is a responsibility that the foreign lender will meet.

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted. Comments are invited on this statement.

Paperwork Reduction Act

No additional reporting requirements or modification to existing reporting requirements are proposed.

List of Subjects in 12 CFR Part 220

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

For the reasons set out in this notice, and pursuant to the Board's authority under sections 3, 7, 8, 17, and 23 of the Securities Exchange Act of 1934, as amended [15 U.S.C. 78c, 78g, 78h, 78q, and 78w], the Board proposes to amend 12 CFR part 220 as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

1. The authority citation for part 220 continues to read as follows:

Authority: 15 U.S.C. 78c, 78g, 78h, 78q, and 78w.

2. In § 220.2, "or" is removed at the end of paragraph (o)(4); the period is removed at the end of paragraph (o)(5) and "; or" is added; and new paragraphs (o)(6), (r)(5), and (z) are added to read as follows:

§ 220.2 Definitions.

* * * * *

(o) "Margin security" means:

* * * * *

(6) Any world-class security.

* * * * *

(r) "OTC margin bond" means:

* * * * *

(5) A foreign debt security that meets all of the following requirements:

(i) At the time of original issue, a principal amount of at least \$100,000,000 was outstanding;

(ii) At the time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments; and

(iii) At the time of the extension of credit, the issue is rated in one of the two highest rating categories by a nationally recognized statistical rating organization, except that an issue that has not been rated as of the effective date of this provision shall be considered an "OTC margin bond" if a subsequent unsecured issue of at least \$100,000,000 of the same issuer is rated in one of the two highest rating categories by a nationally recognized statistical rating organization.

* * * * *

(z) "World-class security" means:

(1) An equity security that is neither a registered security nor an OTC margin stock and that appears on the Board's periodically published List of Marginable Foreign Stocks, based on a certification by a self-regulatory organization under procedures approved by the Board; or

(2) A debt security convertible into an equity security that appears on the Board's List of Marginable Foreign Stocks.

3. In § 220.4, a new sentence is added to the end of paragraph (c)(1) to read as follows:

§ 220.4 Margin account.

* * * * *

(c) When additional margin is required—(1) Computing deficiency. * * * To the extent that debits in a margin account are denominated in foreign currency secured by specifically identified foreign margin securities as provided in section 220.5(g), each foreign currency debit position shall be considered separately for purposes of computing a deficiency and no credit shall be given to such specifically identified foreign margin securities for purposes of computing equity in the margin account either in United States dollars or in any other specific foreign currency.

* * * * *

4. In § 220.5, a new paragraph (g) is added to read as follows:

§ 220.5 Margin account exceptions and special provisions.

(g) *Credit denominated in foreign currency.* A creditor may extend credit denominated in a foreign currency secured by foreign margins securities denominated or traded in the same foreign currency and specifically identified on the creditor's books and records as securing the foreign currency debit.

5. In § 220.8, paragraph (b)(1) introductory text is revised; paragraphs (b)(1) (i) through (iv) are redesignated as shown below:

Old paragraph designation	New paragraph designation
(i)	(A)
(ii)	(B)
(iii)	(C)
(iv)	(D)
(A)	(7)
(B)	(2)
(C)	(3)

and new paragraphs (b)(1)(i) and (b)(1)(ii) are added to read as follows:

§ 220.8 Cash account.

(b) *Time periods for payment; cancellation or liquidation—(1) Full cash payment.* A creditor shall obtain full cash payment for customer purchases—

(i) Within seven business days of the date:

(ii) In the case of purchase of a foreign security, on the earlier of:

(A) The date on which settlement is required to occur by the rules of the foreign securities exchange or the date by which local brokers and dealers in the foreign market are required to settle trades; or

(B) The maximum time permitted by this part for delivery against payment transactions.

6. In § 220.13, "or" is removed at the end of paragraphs (a) and (b); the period is removed at the end of paragraph (c) and "; or" is added; and new paragraph (d) is added to read as follows:

§ 220.13 Arranging for loans by others.

(d) Credit extended by a foreign person to purchase non-United States securities.

7. In § 220.17, the section heading and the headings to paragraphs (a) and (b) are revised; the reference to paragraph

(d) in paragraphs (a) and (b) is changed to read paragraph (f); paragraphs (c), (d), and (e) are redesignated as paragraphs (e), (f), and (g) and revised; and new paragraphs (c) and (d) are added to read as follows:

§ 220.17 Requirements for lists of marginable OTC and foreign stocks.

(a) *Requirements for inclusion on the list of marginable OTC stocks.*

(b) *Requirements for continued inclusion on the list of marginable OTC stocks.*

(c) *Requirements for inclusion on the list of marginable foreign stocks.* Except as provided in paragraph (f) of this section, a marginable foreign stock shall meet the following requirements:

(1) The security is listed for trading on a foreign securities exchange and has been trading on such exchange for at least six months;

(2) Daily quotations for both bid and asked or last sale prices for the security provided by the foreign exchange on which the security is traded are continuously available to creditors in the United States pursuant to an electronic quotation system;

(3) The aggregate market value of shares, the ownership of which is unrestricted, is not less than \$1 billion;

(4) There are 1,000,000 or more shares of such security outstanding in addition to shares held beneficially by officers, directors or beneficial owners of more than 10 percent of the shares outstanding;

(5) The average weekly trading volume of such security during the preceding six months is either at least 200,000 shares or \$1 million; and

(6) The issuer or a predecessor in interest has been in existence for at least five years.

(d) *Requirements for continued inclusion on the list of marginable foreign stocks.* Except as provided in paragraph (f) of this section, a marginable foreign stock shall meet the following requirements:

(1) The security continues to meet the requirements specified in paragraphs (c) (1) and (2) of this section;

(2) The aggregate market value of shares, the ownership of which is unrestricted, is not less than \$500 million; and

(3) The average weekly trading volume of such security during the preceding six months is either at least 100,000 shares or \$500,000.

(e) *Removal from the lists.* The Board shall periodically remove from the lists any stock that:

(1) Ceases to exist or of which the issuer ceases to exist, or

(2) No longer substantially meets the provisions of paragraphs (b) or (d) of this section or § 220.2(s).

(f) *Discretionary authority of Board.* Without regard to other paragraphs of this section, the Board may add to, or omit or remove from the lists of marginable OTC and foreign stocks any equity security, if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(g) *Unlawful representations.* It shall be unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the lists of marginable OTC or foreign stocks is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein.

Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the lists or stocks on those lists shall be an unlawful representation.

8. In § 220.18, the phrase "or the percentage set by the regulatory authority where the trade occurs, whichever is greater" is added before the period at the end of paragraphs (a) and (b).

By order of the Board of Governors of the Federal Reserve System, September 29, 1989.
William W. Wiles,
Secretary of the Board.

[FR Doc. 89-23773 Filed 10-6-89; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-CE-24-AD]

Airworthiness Directives; Fairchild Aircraft Corporation Models SA226-T, SA226-T(B), SA226-AT, SA226-TC, SA227-TT, SA227-AT, and SA227-AC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) that would require the removal of the Battery Bus Relay Diode on Fairchild Models SA226-T, SA226-T(B), SA226-AT, SA226-TC, SA227-TT, SA227-AT, and SA227-AC airplanes. The proposed AD is needed to prevent deenergizing of the Battery Bus Relay, due to a defective or

failed diode, which could result in unrecoverable loss of electrical power to the airplane.

DATE: Comments must be received on or before November 24, 1989.

ADDRESSES: Fairchild Service Bulletins SA226-24-032 and SA227-24-013, both dated August 7, 1989, applicable to this AD may be obtained from the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-24-AD, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8:00 a.m. and 4:00 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Sam Lovell, Aerospace Engineer, Airplane Certification Office, Federal Aviation Administration, Fort Worth, Texas 76193-0150; telephone (817) 624-5159.

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

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-24-AD, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

On February 3, 1988, a Fairchild Model SA227-AC airplane, flying near Dusseldorf, West Germany, sustained a lightning strike. After the lightning strike, the airplane was observed from the ground on two occasions without any lights. The airplane crashed shortly thereafter. Subsequent to the crash, it was discovered that the Battery Bus Relay Diode was shorted. The electrical system is designed so that if all electrical power is unavailable to the airplane, then the Battery Bus Relay must be energized by the battery circuit to restore electrical power to the airplane. A shorted Battery Bus Relay Diode would conduct current thus prohibiting the relay from being energized. Tests at the Fairchild Aircraft Corporation on June 2, 1989, demonstrated that in an electrical circuit that simulated the circuit found in the accident airplane, a shorted diode would conduct electrical current, therefore, the relay was not energized. The shorted diode did not burn in two, or open up while conducting electrical current, for 5 minutes. Due to the shorted diode, the Battery Bus Relay could not be energized and electrical power could not be restored to the airplane.

The FAA has determined that failure of the Battery Bus Relay Diode in combination with loss or interruption of electrical power could result in unrecoverable loss of electrical power to the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require the removal of the Battery Bus Relay Diode on Fairchild Models SA226-T, SA226-T(B), SA226-AT, SA226-TC, SA227-TT, SA227-AT, and SA227-AC airplanes.

The FAA has determined that there are approximately 682 airplanes affected by the proposed AD. The cost of modifying each airplane as specified in the proposed AD is estimated to be \$8.00 per airplane. The total cost is estimated to be \$5,456. This cost is so small that it will not be a significant burden on any small entities operating those airplanes. The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Therefore, I

certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Fairchild Aircraft Corporation (formerly Swearingen Aviation Corporation): Applies to Models SA226-T (Serial Numbers (S/N) T201 thru T275, and T277 thru T291), SA226-T(B) (S/N T(B)276, and T(B)292 thru T(B)417), SA226-AT (S/N AT001 thru AT074), SA226-TC (S/N TC201 thru TC419), SA227-TT (S/N TT421 thru TT541), SA227-AT (S/N AT423 thru AT695), SA227-AC (S/N AC406, AC415, AC416, AC420 thru AC705, and AC707 thru AC733) airplanes.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent an inadvertent deenergized battery bus relay, which could result in unrecoverable loss of the airplane's electrical power, accomplish the following:

(a) Modify the electrical system using the following procedures:

- (1) Remove the access cover of the "J-Box", EP11.
- (2) Locate Battery Bus Relay K40 and remove the diode from across X1 and X2 terminals.
- (3) Reinstall the access cover.
- (4) Using the Battery Switches, verify that battery voltage is present on the LH Essential, RH Essential, and Nonessential busses.

Note 1.—Fairchild Service Bulletins SA226-24-032 and SA227-24-013, both dated August 7, 1989, pertain to the subject of this AD.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An alternate method or adjustment of the compliance time, which provides an equivalent level of safety, may be approved by the Manager, Airplane Certification Office, Federal Aviation Administration, Forth Worth, Texas 76103-0150.

Note 2.—The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Airplane Certification Office, Forth Worth, Texas.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490, or may examine these documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 27, 1989.

Barry D. Clements,
Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 89-23791 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AEA-18]

Proposed Revocation of Control Zone; Fort Meade, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Tipton Army Air Field (AAF) located at Fort Meade, MD, has operated in the past with a part time Control Tower, associated Airport Traffic Area, and Control Zone. Effective October 1, 1989, the Control Tower will be closed. The weather observers at the Tipton AAF will also leave on October 1, 1989. Since communications and weather reporting are the requirements for the continued establishment of a control zone, the Federal Aviation Administration finds it necessary to revoke the Control Zone for the Tipton AAF, Fort Meade, MD.

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

ADDRESSES: Send comments on the rule in triplicate to: Edward R. Trudeau, Manager, System Management Branch,

AEA-530, Docket No. 89-AEA-18, Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Systems Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-AEA-18."

The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with

FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of part 71 of the Federal Aviation Regulations to (14 CFR part 71) to revoke the Control Zone established for the Tipton AAF, Fort Meade, MD due to the fact that effective October 1, 1989, the Control Tower and weather observers for the airport will no longer be available. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E Dated January 3, 1989.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

By removing the description of the Fort Meade, MD Control Zone in its entirety as follows:

Fort Meade, MD [Remove]

Within a 5-mile radius of the center, lat. 39°05'04"N., long 76°45'37"W., of Tipton AAF, Fort Meade, and within 3 miles each side of a line bearing 091° from the Fort Meade RBN (lat. 39°05'37"N., 76°45'37"W.) extending from the 5-mile radius zone to 8 miles east of the RBN excluding that airspace that coincides with the Baltimore, MD, Control Zone and a 1-mile radius center on Beltsville, MD, (USDA), Airport (lat. 39°01'37"N., long. 76°49'21"W.). This control zone is effective from 0700 to 1600 hours, local time, Monday, Tuesday, Thursday and Friday; and from 0700 to 2200 hours, local time, Wednesday; and from 0800 to 1600 hours local time Saturday; closed Sundays and Federal legal holidays; or during the specific dates and times established in advance by a Notice to Airmen.

Issued in Jamaica, New York, on September 19, 1989.

John D. Canoles,

Manager, Air Traffic Division.

[FR Doc. 89-23792 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF STATE

22 CFR Part 50

[Public Notice 1129; SD-226]

Overseas Citizens Services, Bureau of Consular Affairs

Regulations Governing Procedures for the Issuance of a Consular Report of Birth as proof of the United States Nationality of a Person Abroad

AGENCY: Department of State.

ACTION: Notice of proposed rulemaking.

SUMMARY: Public Law 97-241 of August 24, 1982 (22 U.S.C. 2705) established the Consular Report of Birth Abroad of a Citizen of the United States of America as proof of U.S. citizenship. The Department of State proposes amendments to the regulations concerning the issuance of Consular

Reports of Birth. This rule provides for issuance of Consular Reports of Birth as well as amended and replacement Consular Reports of Birth. It also shifts the responsibility for the issuance of the secondary document, formerly the "Certification of Birth Abroad" now entitled the "Certification of Report of Birth", to an Authentication Officer in the Department rather than our consular posts abroad. There are, at present, no written regulations permitting amendment or replacement of Consular Reports of Birth. The Department is proposing these changes based on its experience in registering the U.S. citizenship of a child born abroad and on subsequent requests for documentation of the citizenship registration.

DATE: Comments on this proposed rulemaking must be received on or before November 1, 1989 to be assured of consideration.

ADDRESS: Written comments on the proposal should be submitted to Overseas Citizens Services (CA/OCS/CCS), Attention: Carmen A. DiPlacido, room 4817 N.S., Department of State, 2201 C Street, NW., Washington, DC 20520.

FOR FURTHER INFORMATION CONTACT: Carmen A. DiPlacido, (202) 647-3666.

SUPPLEMENTARY INFORMATION: Over the last 25 years the Department of State has received requests from U.S. citizen registrants and their parent(s) or guardian(s) for a simple but official-looking, error-free document attesting to a citizenship determination of the registrant. There have been requests for issuance of a "citizenship at birth" document when application is made more than 5 years after a child's birth, instead of the current policy of no issuance of a Consular Report of Birth after a child's fifth birthday. The Department also has received requests every year for amendment or replacement of the Department's Consular Report of Birth Abroad of a U.S. citizen.

To meet these needs, the Department has developed a new Consular Report of Birth that attests to a citizenship determination of the registrant. The following factors are reflected in this proposed rule:

1. Antifraud Features

To safeguard the document and minimize the potential for fraud, each Consular Report of Birth issued will be assigned an identifying number. It will be typed error-free on specially designed safety paper.

2. Documentation After Age 5

To maintain a child's right to a citizenship document when the birth is reported after the child's fifth birthday, usually for reasons over which the child has no control, the document may be issued until the child's eighteenth birthday. This will prevent short-changing the child for delays caused by others. The Report of Birth will have to be approved and issued by the consular post having jurisdiction over the place of the child's birth unless otherwise specified by the Department.

3. Certification of Report of Birth

The Department will also issue a Certification of Report of Birth upon request. The certification can be issued only when a Consular Report of Birth has been issued and will be issued at the Department, not abroad. This document, which can be issued in multiple copies, can be used for purposes of school registration and to support an application for local services and privileges (such as obtaining a driver's license, voting registration, and registration for the draft), thus avoiding unnecessary handling of the original consular report of birth.

4. Amendment and Replacement of the Consular Report of Birth

In addition, the Department has developed procedures for the amendment or replacement, by its Authentication Office, of the original Report of Birth, incorporating the issuance number of the original document, but clearly showing that it is not the original document issued.

5. Requests for Copies of the Application

Any persons who require access to or copies of information not shown on the Consular Report of Birth, but included on the application to register the U.S. citizenship of a child born abroad, may be directed to request it under the Department's regulations governed by the Freedom of Information and Privacy Acts.

List of Subjects in 22 CFR Part 50

Citizenship and naturalization.

The Proposed Amendments

The Department proposes to amend title 22, Part 50, Code of Federal Regulations, as follows:

PART 50—[AMENDED]

1. The authority citation for part 50 is

revised to read as follows:

Authority: 8 U.S.C. 1104, 22 U.S.C. 2658 and 22 U.S.C. 2705.

2. Section 50.5 is revised to read as follows:

§ 50.5 Application for consular report of birth abroad of a citizen of the United States of America.

Upon application of the parents or their legal guardian, a consular officer may, for the purpose of documenting a claim to U.S. citizenship, record the birth of a U.S. citizen child in his/her consular district. In specific instances, the Department may authorize such recordation outside the consular district wherein the child was born. The officer shall require the applicant to submit proof of the child's birth and citizenship meeting the evidence requirements of subpart C of part 51 of this chapter.

3. Section 50.7 is revised to read as follows:

§ 50.7 Consular report of birth abroad of a citizen of the United States of America.

(a) Upon submission of satisfactory proof of birth and citizenship, and at the time of the recording of the U.S. citizenship of a child born abroad, the consular officer may issue to the parents or legal guardian, upon payment of the prescribed fee, a Consular Report of Birth.

(b) Amended and replacement Reports of Birth may be issued by the Authentication Office of the Department of State upon written request and payment of the required fee. No fee will be charged for Reports of Birth amended due to Department error.

(c) When it issues a Report of Birth under § 50.6, the Department shall furnish the Report of Birth without fee to the parent or legal guardian.

4. Section 50.8 is revised to read as follows:

§ 50.8 Certification of birth.

At any time subsequent to the issuance of a Consular Report of Birth, when requested and upon payment of the required fee, the Authentication Officer of the Department of State may issue to the parent or person in interest certificates entitled "Certification of Report of Birth."

Dated: August 21, 1989.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 89-22487 Filed 10-6-89; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-370]

RIN 1218-AB15

Occupational Exposure to Bloodborne Pathogens

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; notice of additional hearing site.

SUMMARY: With this notice, OSHA is adding a hearing site, Miami, Florida, to the bloodborne pathogens informal hearings schedule and changing the meeting room for the Chicago hearing.

DATES: The Miami hearing will commence on December 19, 1989. Notices of Intention to Appear at the Miami hearing must be postmarked on or before November 1, 1989. Statements and any documentary evidence to be presented at this hearing must be postmarked on or before November 15, 1989. Dates for submission of notices and evidence applicable to the other hearing sites are listed in the **Federal Register** at 54 FR 23133 and 54 FR 31858. The hearings will commence at 10 a.m. The beginning day and the location where each will be held are listed in the "SUPPLEMENTARY INFORMATION."

ADDRESSES: Notices of Intention to Appear at the hearings, statements and documentary evidence should be submitted to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket H-370, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-8615. A Notice of Intention to Appear also may be transmitted by facsimile to (202) 523-5046 or, for FTS, to 8-523-5046, provided the original and 4 copies of the Notice are sent to the above address thereafter.

Notices of Intention to Appear at the public hearings, as well as any other information gathered by the Agency during this rulemaking, will be available for inspection and copying at the OSHA Technical Data Center Docket Office, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, U.S. Department of Labor, OSHA, Office of Public Affairs, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

Date hearing begins	Location
1. Oct. 17, 1989.....	Indiana Room Auditorium, Amoco Building, 200 East Randolph Drive, Chicago, IL 60603.
2. Oct. 24, 1989.....	The Crystal Ballroom, San Franciscan Hotel, 1231 Market Street, San Francisco, CA 94103.
3. Nov. 13, 1989.....	The Oval Room, Roosevelt Hotel, 45 E. 45th Street, New York, New York 10017.
4. Dec. 19, 1989.....	The Sandringham/Windsor Room, Hotel Inter-Continental Miami, 100 Chopin Plaza, Miami, FL 33131.

Meeting Room Change

The location of the Chicago hearing has been changed to the Indiana Room Auditorium, Amoco Building, 200 East Randolph Drive, Chicago, Illinois.

Additional Hearing Site

On May 30, 1989, OSHA published a Notice of Proposed Rulemaking (NPRM) on Occupational Exposure to Bloodborne Pathogens in the **Federal Register** (54 FR 23042). Included in the Notice was the scheduling for public hearings. The locations announced for the hearings were Washington, DC, Chicago, IL, and San Francisco, CA. The selection of these sites was based primarily on geographical considerations. On August 2, 1989, an additional hearing was announced for New York City (54 FR 31858).

The South Florida Hospital Association and the American Nurses' Association have requested a hearing in the Miami area to facilitate participation of individuals in that vicinity. OSHA has agreed to this recommendation and is hereby announcing that a hearing will take place in Miami at the time and address indicated above. The purpose of this additional hearing is to allow persons who have not previously testified the opportunity to appear.

Notice of Intention to Appear

All persons desiring to participate at the Miami, Florida, hearing must file in quadruplicate a Notice of Intention to Appear, addressed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket H-370, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 523-8615.

The Notices of Intention to Appear, must contain the following information:

- (1) The name, address, and telephone number of each person to appear;
- (2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

(4) The specific issues that will be addressed;

(5) A statement of the position that will be taken with respect to each issue addressed;

(6) Whether the party intends to submit documentary evidence, and if so a brief summary of that evidence; and

(7) The hearing site, in this instance Miami, Florida, where the party wishes to testify.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of his or her testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material will be available for inspection and copying at the Technical Data Center Docket Office. Each such submission will be reviewed in light of the amount of time requested in the Notice of Intention to Appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10-minute presentation. Any party who has not filed a Notice of Intention to Appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

OSHA emphasizes that the hearing is open to the public, and that interested persons are welcome to attend. However, only persons who have filed a proper Notice of Intention to Appear at the hearing will be entitled to ask questions and otherwise participate fully in the proceeding. Information on the nature of the hearing is in the NPRM, 54 FR 23133.

Authority: Secs. 6(b), 8(c), and 8(g). Pub L. 91-596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 9-83 (48 FR 35736).

Signed at Washington, DC this 3rd day of October 1989.

Alan C. McMillan,

Acting Assistant Secretary of Labor.

[FR Doc. 89-23764 Filed 10-6-89; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1910

[Docket No. S-019]

RIN 1218-AA51

Permit Required Confined Spaces

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; notice of informal public hearing; extension of written comment period.

SUMMARY: This notice schedules informal public hearings concerning the notice of proposed rulemaking which OSHA issued on June 5, 1989 (54 FR 24080) on permit required confined spaces.

DATES: All informal public hearings will begin at 9:30 a.m. on the first day of the hearing and at 9:00 a.m. on each succeeding day. The two informal public hearings are scheduled to begin on the following dates:

Washington, DC: November 14, 1989.

Houston, TX: December 5, 1989.

OSHA is considering the utility of scheduling a third hearing in Los Angeles, CA for early in 1990. The Agency encourages interested parties to submit their views and suggestions regarding this matter. In the event that OSHA decides to hold a third hearing, in Los Angeles or elsewhere, the Agency will publish a notice which details the location, date, time and subject matters for that hearing. A tentative schedule of appearances will be prepared and distributed to parties who have submitted notices of intention to appear, so parties will know more specifically when issues which concern them are to be raised at the hearing.

Notices of intention to appear at the informal public hearing must be postmarked by October 25, 1989. Testimony and all evidence which will be offered into the hearing record must be postmarked by November 1, 1989 for the Washington, DC hearing and by November 17, 1989 for the Houston, TX hearing. Written comments on the proposed standard must be postmarked by November 1, 1989.

ADDRESSES: Four copies of the notice of intention to appear, testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615. The locations of the informal public hearings are as follows:

Washington, DC: The Auditorium of the Frances Perkins Building, U.S.

Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Houston, TX: Doubletree Hotel at Post Oak, 2001 Post Oak Boulevard, Houston, Texas 77056.

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615. For additional information on how to submit notices of intention to appear, see the section on public participation, below.

Proposal and Hearing Issues: Mr. James Foster, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION: On June 5, 1989, OSHA published a Notice of Proposed Rulemaking (NPRM) which proposed to supplement the safety standards in 29 CFR part 1910 for permit required confined spaces [54 FR 24080]. Interested persons were initially given until August 4, 1989, to comment on the proposal and to request a hearing.

The comment period and the time for requesting an informal public hearing has already been extended to October 4, 1989 [54 FR 30557]. OSHA has received several requests for an informal public hearing. Accordingly, pursuant to section 6(b)(3) of the OSH Act, OSHA has scheduled informal public hearings to begin on November 14, 1989 in Washington, DC and on December 5, 1990 in Houston, TX. Through those hearings, the Agency expects to obtain testimony and other information pertinent to the issues which are raised in the hearing requests, in the notices of intention to appear, and at OSHA's initiative. In particular, OSHA solicits testimony, with supporting information, on the issues presented below.

Issue #1: Regulation of Permit Spaces in Industries for which Industry-Specific Standards have been Issued

Certain commenters [Exs. 14-7 and 14-20] have stated that industry-specific standards which address permit space hazards would supersede the proposed generic standard. In particular, those commenters state that employers whose confined space entry operations are addressed by industry-specific standards, such as the telecommunications standard, should not be required to implement the permit system set out in the proposed generic standard. OSHA solicits testimony, with supporting information, on the extent to

which the generic standard need not apply where industry-specific regulations (please identify) address permit space hazards. What provisions, if any, of the proposed standard should apply where OSHA has existing industry-specific standards? What criteria should OSHA use in determining where to apply the generic standard when the industry-specific standard has gaps in coverage for confined space entry? What would be the anticipated costs and benefits of applying the generic standard to employment otherwise regulated by industry-specific standards?

Issue #2: Coverage of Construction, Agriculture and Maritime Employment

Some commenters [Exs. 14-38 and 14-44] have suggested that the scope of the proposed rule be expanded to cover all construction, agriculture and maritime employment because, they state, employees in those industries are exposed to permit space hazards but are not protected from those hazards by the existing standards. OSHA solicits testimony and supporting information regarding the extent to which increased regulation of permit space work in construction, agriculture and maritime employment would be appropriate. Should any such additional protection be provided through this rulemaking or through separate rulemakings which cover the other industries? What criteria should OSHA apply in determining how to regulate confined space entry in those industries? What would be the anticipated costs and benefits of applying the provisions of the proposed standard to those industries? What provisions of the proposed standard should be applied to these industries? What provisions should not be applied?

Issue #3: Employee Participation

A commenter [Ex. 14-38] has requested that OSHA revise the proposed standard to require active employee participation in the design and implementation of permit space programs. OSHA seeks testimony and supporting information regarding this suggestion. The Agency is especially interested in information on those permit entry programs where employees have active roles in program design or implementation and in those programs which have procedures for taking into account employee feedback and suggestions. What mechanisms for employee participation seem to work? What is it about those employee participation programs that has made them successful? What has been the experience with employee participation in the development and implementation

of confined space entry programs? What are the costs and benefits of employee participation programs?

Issue #4: Accuracy of Monitoring and Testing Devices

OSHA is concerned that the accuracy of atmospheric monitoring and testing devices may be adversely affected by humidity or other factors. The Agency seeks testimony, with supporting information, on the extent to which monitoring and testing devices have proven to be unreliable, or reliable, in adverse conditions. What types of devices pose the greatest difficulties? What are the specific problems and situations where those problems occur. What types of devices provide the best results when exposed to various adverse conditions? Which features cause those devices to be better? To what extent is operator training or skill a factor in monitoring and testing results? How can employers ensure that monitoring and testing devices are properly used, maintained and calibrated?

Issue #5 Permit Space Identification Guidelines

A commenter (Ex. 14-44) has suggested that OSHA provide nonmandatory guidelines which would help "small employers" to identify permit-required confined spaces, identify and evaluate hazards and either develop effective entry procedures, or decide to contract out permit space entry work. Should OSHA develop such guidelines? OSHA requests testimony with supporting information, on this question. In addition, OSHA requests that hearing participants who support the publication of guidelines submit testimony, with supporting information, which addresses what the contents of any such guidelines should be.

Issue #6 Review of Entry Permit Programs

As noted in the preamble to the proposed rule [54 FR at 24091 and 24092], OSHA anticipates that employers will generate information in the course of implementing their entry permit programs, and will revise their programs, based on that information, to ensure that entrants are protected appropriately. OSHA has not explicitly required that employers review their permit entry programs, because the Agency believes that compliance with the proposed rule will necessitate ongoing evaluation of program effectiveness. Should OSHA specifically require that employers review their programs and revise them, as necessary? Should the Agency set criteria for the review of entry permit

programs? Should OSHA, for example, specify how frequently employers shall review their programs? Should the Agency require that employers implement administrative mechanisms for evaluation of programs? What criteria should OSHA set for the operation of those mechanisms?

Issue #7 Reevaluation of a Work Space

Based on concerns raised by a comment, (Ex. 14-45) OSHA is considering if it should provide guidelines (or examples of typical circumstances) which indicate when work spaces would be reevaluated to comply with proposed § 1910.146(c). OSHA seeks testimony, with supporting information, on this issue. In particular, the Agency would welcome examples of guidelines and suggested criteria for reevaluation. The Agency would be especially interested in receiving information about the circumstances which commenters expect would necessitate reevaluation of a space.

Issue #8 Number of Spaces or Entrants to be Monitored by a Single Attendant

Based on concerns raised by a comment (Ex. 14-15), OSHA is considering if it should limit the number of entrants, entry portals or permit spaces an employer may assign a single attendant to monitor, at any one time. OSHA seeks testimony, with supporting information, responding to the following questions: What limits would be appropriate? What criteria should OSHA set to guide employers in deciding how many attendants are needed to monitor entries and in determining where the attendant must be stationed in relation to the space monitored. How far should OSHA allow attendants to be from the entrant(s), entry portal(s) or space(s) they are monitoring?

Issue #9 Attendant Reliance on Remote Radios

A commenter [Ex. 14-34] has suggested that OSHA specifically permit the use of radios so that a single attendant could monitor as many as 32 entrants. OSHA notes that if attendants are not permitted to enter permit spaces for rescue purposes, an attendant's chief responsibility in a rescue situation could be to summon the rescue team. In that case, the Agency recognizes that the attendant's ability to detect that entrants need help and to summon the rescue team, not the attendant's proximity to the entrants, could be of critical importance. To what extent should OSHA permit reliance on monitoring equipment in place of direct

observation of entrants by attendants? OSHA seeks testimony, with supporting information, responding to the following questions: In what circumstances should this equipment be allowed? How frequently should attendants be required to check with the entrants? How quickly should entrants be required to respond? Is television surveillance sufficiently protective? Would a Personal Alarm Safety System be sufficiently protective? What criteria should OSHA set for selection, use, maintenance, testing, repair or replacement of communication equipment?

Issue #10 Rescue by Attendant

Commenters [Ex. 14-47, 14-80] have stated that the proposed prohibition of attendants entering permit spaces to rescue entrants is "ill-advised" and "not realistic." The commenter notes that most rescuer-fatalities were due to "untrained, ill-prepared, emotional response on the part of by-standers, friends, etc." The commenter notes that an attendant trained and equipped in accordance with the standard is in the best position to rescue an entrant quickly and that "time is of the essence." Are there circumstances where OSHA should permit attendants to enter permit spaces for rescue purposes? OSHA seeks testimony, with supporting information, on this question.

Issue #11 Rescue Team Qualifications and Training

A commenter (Ex. 14-45) has suggested that at least two members of each rescue team be trained in First Aid and be CPR-certified, that entry not be allowed unless the in-house rescue is at full strength, and that an in-plant rescue team "should not be credited as available" if either member trained in first aid and CPR is unavailable. How many members of existing rescue teams have first aid and CPR training? What incremental burden would fire brigades bear in order to comply with the rescue team criteria under consideration by OSHA? How many members do outside or in-plant rescue teams have? How many members are available at any given time? To what extent are rescue team resources tied up by a single rescue? What criteria should OSHA set to indicate what a rescue team must do in order to function effectively?

Issue #12 Use of Outside Rescue Team

A commenter [Ex. 14-45] has stated that OSHA should not allow the use of outside rescue teams unless it can be demonstrated that an outside team can and does arrive at workplace within four minutes of being summoned. OSHA notes that atmospheric hazards which

deprive entrants of a safe air supply generally pose life-threatening situations after about five minutes, though some hazards incapacitate or kill entrants even faster. OSHA seeks testimony, with supporting information, on the relative merits and disadvantages of using outside or in-plant rescue teams. What criteria should OSHA set to guide employers in choosing between use of outside rescue teams and in-plant rescue teams? What should an employer provide to an outside rescue team in the way of guidance, information, training, access to the workplace or resources so that the outside rescue team has the necessary familiarity with the employer's rescue needs and the ability to satisfy those needs? What kind of training should members of outside rescue teams have? How can the employer ensure that the outside rescue team's training, equipment and performance are adequate to satisfy the rescue provisions of the proposed standard? How quickly do outside rescuers generally arrive at accident scenes and begin rescue efforts? How do outside rescue team and in-plant rescue team reaction times compare? Is it reasonable to bar use of an outside rescue team which is more than four minutes away?

Issue #13 Low-Hazard Permit Spaces

Under proposed § 1910.146(i), employers can authorize employee entry into low hazard permit spaces without stationing an attendant outside the spaces. Based on concerns raised by a commenter (Ex. 14-45), OSHA seeks testimony, with supporting information, on how employers would document the decision that a certain permit space was a low-hazard space. OSHA also asks for testimony indicating where documentation would be kept, how long a period the documentation would cover, how long documentation would be kept and what provisions of proposed paragraphs (c) and (d) would apply to low-hazard permit spaces. What criteria should OSHA set to guide employers in determining if a given space could be treated as a low-hazard permit space? What are the costs and benefits of applying proposed paragraph (i)? To what extent do the burdens imposed by the proposed paragraph offset the advantage of dispensing with the use of an attendant?

Issue #14 Employee Information

Some commenters [Exs. 14-76, 14-77] have objected to the requirement in proposed § 1910.146(c)(4) that employers post informational signs near permit spaces because they consider such a requirement to be prohibitively

expensive and an invitation to unauthorized entries, particularly by teenagers, and to vandalism. How should such spaces be identified to protect employees? OSHA solicits testimony, with supporting information, on this question. The Agency encourages hearing participants to submit suggestions and information on alternative approaches, as well as information on actual and projected costs of informing employees that a workplace contains permit spaces.

Issue #15 Access to MSDSs and Other Information

Based on concerns raised by a comment [Ex. 14-11], OSHA is considering if it should require that a copy of the MSDS for any chemical substance involved in employee injury accompany the injured permit space entrant who is given emergency medical service, in order to provide medical personnel with guidelines for proper care. Is such a requirement appropriate? The commenter has also suggested that permits contain the names and telephone numbers of responsible individuals who may be called on to make important decisions regarding a permit space rescue. What names and telephone numbers should be included in an entry permit?

OSHA solicits testimony, with supporting information, on these questions. The Agency would be especially interested in receiving examples of permits which contain MSDS data or which provide the names and telephone numbers (with back-ups) of "responsible individuals."

Public Participation-Notice of Hearing

Pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the proposed standard, including economic and environmental impacts, will be provided at two informal public hearings scheduled to begin at 9:30 a.m. at places and on dates as follows:

Washington, DC: November 14, 1989. The Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, DC 20210.

Houston, TX: December 5, 1989. Doubletree Hotel at Post Oak, 2001 Post Oak Boulevard, Houston, Texas 77056

Notice of Intention to Appear

All persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before October 25, 1989, addressed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket S-

019, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 523-8615. A notice of intention to appear also may be transmitted by facsimile to (202) 523-5046 or (for FTS) to 8-523-5046, provided the original and 4 copies of the notice are sent to the above address thereafter.

The notices of intention to appear, which will be available for inspection and copying at the OSHA Technical Data Center Docket Office, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523-7894, must contain the following information:

- (1) The name, address, and telephone number of each person to appear;
- (2) The capacity in which the person will appear;
- (3) The approximate amount of time requested for the presentation;
- (4) The specific issues that will be addressed;
- (5) A statement of the position that will be taken with respect to each issue addressed;
- (6) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence; and
- (7) At which hearing or hearings the party wishes to testify.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of his testimony, including any documentary evidence to be presented at the hearing, to the OSHA Division of Consumer Affairs. This material must be postmarked by November 1, 1989, for the Washington, DC hearing and November 17, 1989, for Houston, TX hearing, and it will be available for inspection and copying at the Technical Data Center Docket Office. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10-minute presentation. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge.

OSHA emphasizes that the hearing is open to the public, and that interested persons are welcome to attend.

However, only persons who have filed proper notices of intention to appear at the hearing will be entitled to ask questions and otherwise participate fully in the proceeding.

Conduct and Nature of Hearing

The hearing will commence at 9:30 a.m., on November 14, 1989. At that time, any procedural matters relating to the proceeding will be resolved.

The nature of the informal rulemaking hearings to be held is established in the legislative history of section 6 of the Act and is reflected by the OSHA hearing regulations (see 29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge and questioning by interested persons is allowed on crucial issues, it is clear that the proceeding shall remain informal and legislative in type. The intent, in essence, is to provide an opportunity for effective oral presentation by interested persons which can be carried out expeditiously and in the absence of rigid procedures which might unduly impede or protract the rulemaking process.

The hearings will be conducted in accordance with 29 CFR part 1911. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR part 1911 including the powers:

- (1) To regulate the course of the proceedings;
- (2) To dispose of procedural requests, objections and comparable matters;
- (3) To confine the presentation to the matters pertinent to the issues raised;
- (4) To regulate the conduct of those present at the hearing by appropriate means;
- (5) In the Judge's discretion, to question and permit the questioning of any witness and to limit the time for questioning; and
- (6) In the Judge's discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Written Comments

Interested persons are invited to submit written comments on the issues raised in the proposal. Written comments must be postmarked by November 1, 1989, and submitted in quadruplicate to the Docket Office, Docket Number S-019, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. The telephone number of the Docket Office is (202) 523-7894, and its hours of operation are 8:15 a.m. to 4:45

p.m. Monday through Friday except Federal holidays. Comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 523-5046 or (for FTS) to 8-523-5046, provided the original and 4 copies of the comment are sent to the Docket Officer thereafter. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken on each issue.

All materials submitted will be available for inspection and copying at this address. All timely submissions will be part of the record of the proceeding.

Certification of Record and Final Determination After Hearing

Following the close of the hearing the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The Administrative Law Judge does not make or recommend any decisions as to the content of the final standard.

The proposed standard will be reviewed in light of all testimony and written submissions received as part of the record and a standard will be issued based on the entire record of the proceeding, including the written comments and data received from the public.

Authority and Signature

This document was prepared under the direction of Alan C. McMillan, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 9-83 (48 FR 35736) and 29 CFR part 1911.

Signed at Washington, DC, on this 3rd day of October 1989.

Alan C. McMillan,

Acting Assistant Secretary of Labor.

[FR Doc. 89-23816 Filed 10-6-89; 8:45 am]

BILLING CODE 4510-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[Gen. Docket No. 89-354]

Spread Spectrum Systems; Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of time.

SUMMARY: The Chief Engineer, in response to a request for an extension of time, grants a 10-day extension to the period for the filing of comments to the Notice of Proposed Rule Making (NPRM), published at 54 FR 35008, August 23, 1989 in Docket 89-354. The time for the filing of reply comments is extended 10 days also. These time extensions should give all interested parties sufficient time to file meaningful comments and reply comments to the NPRM.

DATES: Comments are to be filed on or before October 12, 1989 and reply comments are to be filed on or before October 27, 1989.

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

FOR FURTHER INFORMATION CONTACT: Dr. Joseph F. McNulty, Engineering Evaluation Branch, Office of Engineering and Technology, (301) 725-1585.

SUPPLEMENTARY INFORMATION: The full text of the Notice of Proposed Rule Making 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 the NPRM may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Order Extending Time to File Comments

In the matter of amendments of parts 2 and 15 of the rules with regard to the operation of spread spectrum systems; order extending time to file comments.

Adopted: September 29, 1989.

Released: October 2, 1989.

By the Chief Engineer:

1. A Notice of Proposed Rule Making (NPRM) in this proceeding, FCC 89-254, was adopted by the Commission on August 9, 1989 and released on August 16, 1989. Comments and reply comments to the NPRM were due on October 17, 1989, respectively.

2. On September 21, 1989, Metricom, Inc. (Metricom) and Southern California Edison Company (SoCal Edison) filed a joint petition with the Commission requesting that the time for the filing of comments to the NPRM be extended from October 2, 1989 to November 2, 1989. They request this extension of time to address the effects of the proposed rule changes on the systems which Metricom is currently developing for SoCal Edison.

3. The Commission recognizes that the issues involved in this proceeding are complex and highly technical. The

Commission is also aware that several parties are in the process of developing spread spectrum systems and would desire early resolution of this proceeding. In order to balance these competing considerations we will provide an additional, but more limited, period of time for filing comments. Therefore, we will extend the time for filing comments and replies by 10 days.

4. Accordingly, *it is ordered*, pursuant to the delegated authority contained in 47 CFR 0.241(a)(5), That the period of time for the filing of comments in the above proceeding is extended until October 12, 1989, and the time for the filing of reply comments is extended until October 27, 1989.

Thomas P. Stanley,
Chief Engineer.

[FR Doc. 89-23799 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-438, RM-6804]

Radio Broadcasting Services; Citronelle, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Fuller Broadcasting Company of Mobile County, Inc., permittee of Station WKQR(FM), Channel 270A, Citronelle, Alabama, seeking the substitution of FM Channel 271C3 for Channel 270A and modification of its license accordingly. Coordinates for this proposal are 31-06-08 and 88-22-28.

DATES: Comments must be filed on or before November 24, 1989, and reply comments on or before December 11, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: M. Scott Johnson and Catherine M. Grofer, Esqs., Gardner, Carton & Douglas, 1001 Penn. Ave., NW., Suite 750-N, Wash., DC 20004.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-438, adopted September 18, 1989, and released October 2, 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. 89-23800 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-440, RM-6763]

Radio Broadcasting Services; Texarkana, Arkansas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by State Line County Broadcasting Company, seeking substitution of Channel 292C2 for Channel 292A, and modification of the station license to specify operation on the higher class channel. Reference coordinates used for the proposal are 33-18-05 and 93-57-10.

DATES: Comments must be filed on or before November 27, 1989 and reply comments on or before December 12, 1989.

ADDRESSES: 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: John A. Borsari, Esq., Borsari & Kump, 900 Seventeenth Street, NW., Suite 900, Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-440 adopted September 18, 1989 and released October 4, 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.

Provision 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. 89-23845 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-484; RM-5948 and RM-6241]

Radio Broadcasting Services; Dennis Port and Harwich Port, Massachusetts

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses the petition filed by Brian Dodge to add Channel 230A to Dennis Port, Massachusetts, and substitute Channel 226A for Channel 228A, Harwich Port, Massachusetts. Petitioner did not state his willingness to reimburse the permittee for Channel 228A, Harwich Port, for reasonable expenses incurred in changing channels in his petition for rule making or in comments in response

to the Notice. The counterproposal filed by Joan Orr and Marshfield Broadcasting, Inc. to add Channel 232A to Dennis or Dennis Port, substitute Channel 236B for Channel 235B at West Yarmouth, Massachusetts, and allot Channel 230A to Provincetown, Massachusetts, was withdrawn on November 21, 1988.

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. 87-484, adopted September 12, 1989, and released October 4, 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 Transportation Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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. 89-23846 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-433, RM-6833]

Radio Broadcasting Services; Arthur, North Dakota

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Regina Timmerman and Valotta Hazel Seibel seeking the allotment of Channel 244A to Arthur, North Dakota, as the community's first local FM service. Channel 244A can be allotted to Arthur in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 47-06-24 and West Longitude 97-13-06. Canadian concurrence is required.

DATES: Comments must be filed on or before November 27, 1989, and reply comments on or before December 12, 1989.

ADDRESSES: 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: Regina Timmerman and Valotta Hazel Seibel, P.O. Box 194, Arthur, North Dakota 58006 (Petitioners).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-433, adopted September 12, 1989, and released October 4, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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* contacts.

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. 89-23847 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-431, RM-6817]

Radio Broadcasting Services; Alamo, Tennessee

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Charles C. Allen, proposing the substitution of

Channel 226C3 for Channel 226A at Alamo, Tennessee, and the modification of his construction permit for Station WNBE (FM) at Alamo to specify operation on the higher class co-channel. Channel 226C3 can be allotted to Alamo consistent with the Commission's minimum distance separation requirements at the station's current transmitter site. The coordinates are 35-43-31 and 89-03-25, which is 8.6 kilometers (5.4 miles) southeast of the city.

DATES: Comments must be filed on or before November 27, 1989, and reply comments on or before December 12, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or its counsel or consultant, as follows: Eugene T. Smith, Esquire, 715 G Street, SE., Washington, DC 20003 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-433, adopted September 12, 1989, and released October 4, 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, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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* contacts.

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. 89-23848 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-430, RM-6778]

Radio Broadcasting Services; Lost Creek, West Virginia

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by William and Patricia Allman, d/b/a AEL Broadcasting of West Virginia, proposing the allotment of Channel 242A to Lost Creek, West Virginia, as that community's first local FM service. The allotment can be made at the city reference coordinates, which are 39-09-36 and 80-21-06.

DATES: Comments must be filed on or before November 27, 1989, and reply comments on or before December 12, 1989.

ADDRESSES: 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: Forbes W. Blair, Esquire, Marjorie K. Conner, Esquire, Blair, Joyce and Silva, 1825 K Street NW., Suite 510, Washington, DC 20006 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-430, adopted September 12, 1989, and released October 4, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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. 89-23849 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-439, RM-6805]

Radio Broadcasting Services; Ozark, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Morgan Broadcasting Limited Partnership, licensee of Station WNER(FM), Ozark, Alabama, seeking the substitution of FM Channel 280C3 for Channel 280A and modification of its license accordingly. Coordinates for this proposal are 31-26-25 and 85-33-49.

DATES: Comments must be filed on or before November 24, 1989, and reply comments on or before December 11, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Howard J. Braun and Shelley Sadowsky, Esqs., Rosenman & Colin, 1300-19th St., NW., Suite 200, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-439 adopted September 18, 1989, and released October 2, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800.

2100 M Street, NW., Suite 140,
Washington, DC 20037.

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. 89-23802 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-436, RM-6794]

Radio Broadcasting Services; Chester and Shingletown, CA

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition for rule making
filed by Michael Robert Birdsill,
permittee of Station KRKQ(FM),
Channel 287C2, Chester, California,
seeking to change the community of
license for Channel 287C2 from Chester
to Shingletown, California, and to
modify his permit accordingly.
Coordinates used for this proposal are
40-29-36 and 121-53-12.

DATES: Comments must be filed on or
before November 24, 1989, and reply
comments on or before December 11,
1989.

ADDRESSES: Federal Communications
Commission, Washington, DC 20554. In
addition to filing comments with the
FCC, interested parties should serve the
petitioner, as follows: Michael Robert
Birdsill, P.O. Box 1921, Chico, CA 95927.

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

SUPPLEMENTARY INFORMATION: This is a
synopsis of the Commission's Notice of
Proposed Rule Making, MM Docket No.
89-436 adopted September 18, 1989, and
released October 2, 1989. The full text of

this Commission decision is available
for inspection and copying during
normal business hours in the FCC
Docket Branch (Room 230), 1919 M
Street, NW, 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.

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 involves 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. 89-23803 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-127; RM-5674]

Radio Broadcasting Services; Mokelumne Hill, CA

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule; denial of
proposal.

SUMMARY: This document denies a
petition filed by Eric R. Hilding (52 FR
18933, May 20, 1987), seeking the
allotment of FM Channel 259A to
Mokelumne Hill, California, for failure
to establish its status as a community
for allotment purposes. With this action,
the proceeding is terminated.

DATES: Petition denied on September 18,
1989.

ADDRESSES: Federal Communications
Commission, Washington, DC 20556.

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

SUPPLEMENTARY INFORMATION: This is a
synopsis of the Commission's Report
and Order, MM Docket No. 87-127,
adopted September 18, 1989, and
released October 2, 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.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-23804 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-434, RM-6866]

Radio Broadcasting Services; Naples, FL

AGENCY: Federal Communications
Commission.

ACTION: Proposed rule.

SUMMARY: This document requests
comments on a petition by Sterling
Communication Corp. requesting the
substitution of Channel 276C3 for
Channel 276A at Naples, Florida, and
modification of its license for Station
WSGL(FM) to specify the higher
powered channel. Channel 276C3 can be
allotted to Naples in compliance with
the Commissions minimum distance
separation requirements with a site
restriction of 6.6 kilometers (5.3 miles)
east, and can be used at Station
WSGL(FM)'s present transmitter site.
The coordinates for this allotment are
North Latitude 26-07-34 and West
Longitude 81-43-18. In accordance with
§ 1.420(g) of the Commission's Rules, we
shall not accept competing expressions
of interest in the higher powered
channel at Naples or require the
petitioner to demonstrate the
availability of an additional equivalent
channel for use by interested parties.

DATES: Comments must be filed on or
before November 24, 1989, and reply
comments on or before December 11,
1989.

ADDRESSES: 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:

Chester F. Naumowicz, Ward &
Mendelsohn, P.C., 1100 17th Street,
NW., Suite 900, Washington, DC
20036.

FOR FURTHER INFORMATION CONTACT:

Nancy J. Walls, Mass Media Bureau
(202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-434, adopted September 13, 1989, and released October 3, 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. 89-23805 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-435, RM-6810]

Radio Broadcasting Services; Fuquay-Varina, North Carolina

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Cedar Raleigh Limited Partnership seeking the substitution of Channel 280C3 for Channel 280A at Fuquay-Varina, North Carolina, and the modification of its license for Station WNND to specify operation on the higher powered channel. Channel 280C3 can be allotted to Fuquay-Varina in compliance with the Commission's minimum distance separation requirements with a site

restriction of 9.6 kilometers (6.0 miles) east to avoid a short-spacing to Station WTQR, channel 281C, Winston-Salem, North Carolina. In accordance with § 1.420 of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 280C3 at Fuquay-Varina or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before November 24, 1989, and reply comments on or before December 11, 1989.

ADDRESSES: 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: Brian M. Madden, Esq., Robert Clifford Burns, Esq., Cohn and Marks, 1333 New Hampshire Avenue, NW., Suite 600, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-435, adopted September 12, 1989, and released October 3, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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* contacts.

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. 89-23806 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-432, RM-6795]

Radio Broadcasting Services; Denmark, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Denmark Communications seeking the allotment of Channel 239A to Denmark, South Carolina, as the community's first local FM service. Channel 239A can be allotted to Denmark in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 33-19-24 and West Longitude 81-08-30.

DATES: Comments must be filed on or before November 24, 1989, and reply comments on or before December 11, 1989.

ADDRESSES: 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: Hugh David Jett, 243 Bayview Drive, Mt. Pleasant, South Carolina 29464 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-432, adopted September 12, 1989, and released October 3, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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* contacts.

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. 89-23807 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-437, RM-6803]

Radio Broadcasting Services; Jackson, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Radio Station WHOD, Inc., licensee of Station WHOD(FM), Jackson, Alabama, seeking the substitution of FM Channel 233C3 for Channel 233A and modification of its license accordingly. Coordinates for this proposal are 31-32-38 and 87-52-30.

DATES: Comments must be filed on or before November 24, 1989, and reply comments on or before December 11, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Bennie E. Hewett, President, Radio Station WHOD, Inc., P.O. Box 518, Jackson, AL 36545.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-437, adopted September 18, 1989, and released October 2, 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. 89-23801 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB31

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant, *Isodendron hosakae* (Aupaka)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to determine a plant, *Isodendron hosakae* (aupaka), to be endangered pursuant to the Endangered Species Act of 1973, as amended (Act). This species grows on three privately-owned cinder cones between 2,800 and 3,400 ft. (850 and 1040 m) in elevation in the Waikoloa area of the South Kohala District, Hawaii. The greatest immediate threats to the survival of this species are the destruction of the plant or the degradation of its habitat by domestic cattle grazing in the area, and the potential of fires during the dry season. A determination the *Isodendron hosakae* is endangered would implement the Federal protection and recovery provisions provided by the Act. Critical habitat is not proposed for this plant. Comments and materials related to this proposal are solicited.

DATES: Comments from all interested parties must be received by December 11, 1989. Public hearing requests must be received by November 24, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Pacific Islands Administrator, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ernest F. Kosaka, Field Supervisor, at the above address (808/541-2749 or FTS 551-2749).

SUPPLEMENTARY INFORMATION:

Background

Isodendron hosakae was first collected by Edward Y. Hosaka on November 4, 1984, near the summit of an unnamed cinder cone, Waikoloa, Hawaii. He made another collection from the same locality 3 months later. In 1952, Harold St. John published a revision of the genus in which he named the new species in honor of its discoverer (St. John 1952). The species was not seen again until 1980 when it was rediscovered on a cinder cone in the Waikoloa area. The species subsequently was found on two other cinder cones during surveys made in 1981 and 1982. Today the population is estimated at about 275 individuals growing on three privately-owned cinder cones in the Waikoloa area.

Isodendron hosakae is a small, erect shrub about 18 to 30 inches (46 to 76 cm) tall. It has narrow, lance-shaped leaves about an inch (2.5 cm) long; the upper portion of the stem is nearly concealed by the persistent leaf stipules. The flowers are about 1/2 inch (1.3 cm) long and are yellowish-green to whitish in color. The fruit is a capsule, elliptical in shape, about 3/8 inch (1 cm) long and 1/4 inch (0.6 cm) wide (Nagata 1982). Evidence suggests that it has always been highly restricted in distribution and small in numbers. *Isodendron*, a genus of four species in the violet family, is endemic to the Hawaiian Islands. Probably the greatest immediate threat to the continued survival of this plant is predation and habitat disturbance by domestic cattle. The potential of destruction by range fires during the dry seasons also is a major threat. Low numbers of individuals also could be considered a potential threat through a reduction in reproductive vigor. A cooperative effort between Federal and State agencies and the private landowner

is needed to protect the remaining plants and to provide for the conservation of the species.

The Secretary of the Smithsonian Institution, as directed by section 12 of the Act, prepared a report on those plants considered to be endangered, threatened, or extinct in the United States. This report (House Document No. 94-51) was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) accepting the report as a petition within the context of section 4(c)(2) of the Act (petition acceptance provisions are now contained in section 4(b)(3)(A)), and giving notice of its intention to review the status of the plant taxa named therein, including *Isodendron hosakae*, which at that time was considered extinct. As a result of this review, on June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species, including *Isodendron hosakae* to be endangered pursuant to section 4 of the Act. In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the *Federal Register* (44 FR 70796) of the withdrawal of that portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published an updated Notice of Review for plants on December 15, 1980 (45 FR 82480), including *Isodendron hosakae* as a Category 1 candidate, meaning that the Service had substantial information indicating that listing was appropriate.

Section 4(b)(3)(B) of the Act, as amended, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments to the Act further requires all petitions pending on October 1, 1982, be treated as having been newly submitted on that date. The latter was the case for *Isodendron hosakae* because the Service had accepted the 1975 Smithsonian report as a petition. On October 13, 1983, a further finding was made that listing of *Isodendron hosakae* was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in October of

1984, 1985, 1986, 1987, and 1988. Publication of the present proposal constitutes the final 1-year finding.

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1533) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Isodendron hosakae* St. John are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Cattle have been responsible for the modification or destruction of much of the native vegetation in Hawaii. Disturbance by their trampling or grazing continues to exist as a potential threat to the integrity of the populations of *Isodendron hosakae*. Feral pigs have been observed in the area and, although there is no documented evidence, disturbance by their rooting is a potential threat. Drought conditions exist throughout the area during much of the year and range fires have threatened the species in the past. On several occasions in the past, the entire area has been leased on a temporary basis to the U.S. military for ground troop training exercises. Disturbance by troop movement and other training activities and the subsequent possibility of fires also are potential threats to the species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Several cinder cones in the area, including one with a small population of *Isodendron*, are being quarried for their cinder.

C. *Disease or predation.* Predation by cattle and feral pigs is probable.

D. *The inadequacy of existing regulatory mechanisms.* There are no existing regulatory mechanisms to protect this plant. However, Federal listing would automatically invoke listing under Hawaii State law, which prohibits taking and encourages conservation by State government agencies. Funds for activities required for the conservation, management, enhancement, or protection of the species could be made available under section 6 of the Act (State Cooperative Agreements). Additional protection would be extended to the species by a 1988 amendment to the Act which prohibits removing, cutting, digging up, damaging, or destruction in knowing violation of State law or regulation or in

the course of any violation of a State criminal trespass law.

E. *Other natural or manmade factors affecting its continued existence.* The small, extant populations remaining (estimated at 275 individuals) make *Isodendron hosakae* vulnerable to any catastrophe, natural or man-caused, that may impact its habitat. Reduction of the gene pool and genetic variability, resulting from a small population size, potentially could have detrimental effects on the continued existence of the species. Although seedling are present within the population, seed production appears to be very nominal. The plant is reproducing successfully, but probably only marginally. However, evidence indicates that the taxon has always been highly restricted and small in numbers, so the low reproductive rate may not be due to repressed reproductive viability.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Isodendron hosakae* as endangered. Only about 275 individuals remain in the wild, and these face threats from browsing by cattle, habitat degradation, and fires, as well as other lesser factors. Given these circumstances, the determination of endangered status seems warranted. Critical habitat is not being proposed for the reasons discussed in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Isodendron hosakae* at this time. Such a determination would result in no known benefit and may be detrimental to the species. Publishing a detailed description and map of this species' habitat would stimulate public interest and make this species more vulnerable to vandalism and taking by collectors or curiosity seekers. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Consequently, no critical habitat is being proposed at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or

threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. Since *Isodendrion hosakae* occurs on privately owned land, cooperation between Federal and State agencies and the private landowner is necessary to provide for its conservation. The protection required of Federal agencies and the prohibitions against trade and collecting are discussed, in part, below:

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of proposed species or result in destruction or adverse modification of proposed habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a list species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The area that includes the habitat of *Isodendrion hosakae* has been leased to the U.S. military in the past for temporary use for ground troop training exercises. If the species is listed as endangered, the Department of Defense would be required to enter into consultation with the Service before undertaking or permitting any action that may affect the plants.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Isodendrion hosakae* all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to

the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction of listed plants on Federal lands, and the removal, cutting, digging up, or damaging or destroying of these plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. It is anticipated that few, if any, trade permits would ever be sought or issued, since the species is not common in cultivation nor in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203 (703/358-2104).

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning the following:

- (1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Isodendrion hosakae*;
- (2) The location of any additional populations of *Isodendrion hosakae* and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;
- (3) Additional information concerning the range and distribution of this species; and
- (4) Current or planned activities in the subject area and the possible impacts on *Isodendrion hosakae*.

The final decision on this proposed rule will take into consideration the comments and any additional information received by the Service, and such communications may lead to

adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of publication of the proposal in the Federal Register. Such requests must be made in writing to the Service's Pacific Islands Administrator (see ADDRESSES section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined pursuant to the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

Literature Cited

- Nagata, K. 1982. Unpublished status survey of *Isodendrion hosakae*. St. John (aupaka). U.S. Fish and Wildlife Service. 31 pp.
 St. John, H. 1952. Monograph of the genus *Isodendrion* (Violaceae). Hawaiian plant studies 21. Pac. Sci. 6:213-255.

Author

The primary author of this proposed rule is Dr. Derral R. Herbst, Office of Environmental Services, U.S. Fish and Wildlife Service, Pacific Islands, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-2749 or FTS 551-2749).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1549; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Violaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *
 (h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Violaceae—Violet family:						
<i>Isodendron hosakae</i>	Aupaka	U.S.A. (HI)	E		NA	NA

Dated: September 13, 1989.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89-23724 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

RIN 1018-AB36

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Aristida portoricensis* (pelos del diablo)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Aristida portoricensis* (pelos del diablo) to be an endangered species pursuant to the Endangered Species Act (Act) of 1973, as amended. *Aristida portoricensis* is a grass endemic to serpentine slopes and red clay soils of southwestern Puerto Rico. It is presently found on only two sites in this area and is threatened by the expansion of residential and commercial development and by proposals for the mining of copper and gold. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for *Aristida portoricensis*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by December 11, 1989. Public hearing requests must be received by November 24, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. Comments and materials received will be available for public inspection, by appointment, at this office during normal business hours, and at the Service's Southeast Regional Office, Suite 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander at the Caribbean Field Office address (809/851-7297) or Mr. Tom Turnipseed at the Atlanta

Regional Office address (404/331-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

Aristida portoricensis (pelos del diablo) was first collected in 1903 from Cerro Las Mesas, Mayaguez, in southwestern Puerto Rico. In 1927 this endemic grass was reported by José I. Otero from the nearby Guanajibo area and later from Hormigueros; however, these collection sites have not since been relocated. Both populations appear to have been eliminated as a result of urban and commercial development (Department of Natural Resources 1989, McKenzie et al. 1989).

Today *Aristida portoricensis* is known from only two locations on serpentine slopes and red clay soils of southwestern Puerto Rico: Cerro Las Mesas and the Sierra Bermeja. Recent expansion of residential areas has eliminated portions of the Cerro Las Mesas population and very few plants remain at this site. In both areas *Aristida portoricensis* is threatened by residential and agricultural expansion; however, in the Sierra Bermeja a proposal for the mining of copper and gold threatens the species as well. In the Sierra Bermeja, a small range of coastal hills in the extreme southwestern corner of the island, the species is scattered along the upper slopes where it is found growing on exposed rock crevices (Liogier and Martorell 1982; McKenzie et al. 1989).

The tufted culms of *Aristida portoricensis* may reach 30 to 50 centimeters (12 to 20 inches) in height. These culms occur in large bunches and are slender, erect or spreading at the base. The blades are involute, somewhat curved or flexuous and from 5 to 10 centimeters (2 to 4 inches) long and scarcely 1 millimeter (less than 1/16 inch) wide when rolled. The panicles, from 3 to 8 centimeters (1 to 3 inches) in length, are narrow, loose, and few-flowered. The few, distant branches are stiffly ascending and mostly floriferous from the base. The glumes are awn-pointed, the first about 7 millimeters (3/4 inch) long, the second approximately 10 millimeters (3/8 inch) in length. The lemma is from 10 to 12 millimeters (3/8 to 1/2 inch) long, including the 1 millimeter

(less than 1/16 inch) long callus and the 2 to 3 millimeters (1/16 to 1/8 inch) long, slightly twisted, scabrous neck. The awns are almost equal, divergent or horizontally spreading, 2 to 3 centimeters (3/4 to 1 1/4 inches) long and slightly contorted at the base (Hitchcock 1936).

Aristida portoricensis was recommended for Federal listing by Smithsonian Institution (Ayensu and DeFilipps 1978). The species was included among the plants being considered as endangered or threatened species by the Service, as published in the *Federal Register* (45 FR 82480) dated December 15, 1980; the November 28, 1983, update (48 FR 53680) of the 1980 notice; and the September 27, 1985, revised notice (50 FR 39526). The species was designated Category 1 (species for which the Service has substantial information supporting the appropriateness of proposing to list them as endangered or threatened) in each of the three notices.

In a notice published in the *Federal Register* on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently made petition findings in each October from 1983 through 1988 that listing *Aristida portoricensis* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. This proposed rule constitutes the final 1-year finding in accordance with section 4(b)(3)(B)(iii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their

application to *Aristida portoricensis* Pilger (pelos del diablo) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Destruction and modification of habitat have been, and continue to be, significant factors reducing the number of *Aristida portoricensis*. Once more widely distributed throughout the southwestern part of Puerto Rico, it is now known to occur on only two sites. The expansion of residential development threatens to eliminate the few remaining individuals on Cerro Las Mesas. The Sierra Bermeja area is one of several areas currently included in the copper and gold mining proposal under consideration by the Commonwealth of Puerto Rico. The area is also subject to intense pressure for residential development. Land clearing to enhance cattle grazing operations has already destroyed some habitat formerly occupied by *Aristida portoricensis* in the Sierra Bermeja (McKenzie et al. 1989).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking for these purposes has not been a documented factor in the decline of this species.

C. *Disease or predation.* Disease and predation have not been documented as factors in the decline of this species.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides some protection for certain Commonwealth listed species. However, *Aristida portoricensis* is not yet on the Commonwealth list. Federal listing would provide certain protection and, if the species is ultimately placed on the Commonwealth list, will further enhance its protection and possibilities for funding needed research.

E. *Other natural or manmade factors affecting its continued existence.* One of the most important factors affecting the continued survival of *Aristida portoricensis* is its limited distribution. Only two populations are known to exist and one of these has been almost totally eliminated. Introduced grasses, widely planted for grazing purposes, may have excluded this endemic grass from parts of its past range (McKenzie et al. 1989).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Aristida portoricensis* as endangered. The species is restricted to only two locations in southwestern Puerto Rico,

both of which are imminently threatened by habitat destruction and modification. Therefore, endangered rather than threatened status seems an accurate assessment of the species' condition. The reasons for not proposing critical habitat for this species are discussed below in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. The number of individual of *Aristida portoricensis* is sufficiently small that vandalism could seriously affect the survival of the species. Publication of critical habitat descriptions and maps in the Federal Register would increase the likelihood of such activities. The Service believes that Federal involvement in the areas where this plant occurs can be identified without the designation of critical habitat. All involved parties and landowners have been notified of the location and importance of protecting this species' habitat. Protection of this species' habitat will also be addressed through the recovery process and through the Section 7 jeopardy standard. Therefore, it would not now be prudent to determine critical habitat for *Aristida portoricensis*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, Commonwealth, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision

of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No critical habitat is being proposed for *Aristida portoricensis*, as discussed above. Federal involvement is not expected where the species is known to occur.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export any endangered plant, transport it in interstate or foreign commerce in the course of commercial activity, sell or offer it for sale in interstate or foreign commerce, or remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for listed plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of listed plants in knowing violation of any State (Commonwealth) law or regulation, including State (Commonwealth) criminal trespass law. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits for *Aristida portoricensis* will ever be sought or issued, since the species is not known to be in cultivation and is uncommon in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203-3507 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Aristida portoricensis*;

(2) The location of any additional populations of *Aristida portoricensis*; and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject areas and their possible impacts on *Aristida portoricensis*.

Final promulgation of the regulation on *Aristida portoricensis* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within

45 days of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Ayensu, E.S., and R.A. Defilipps. 1978. Endangered and threatened plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, D.C. xv + 403 pp.
 Department of Natural Resources. 1989. Natural Heritage Program status information on *Aristida portoricensis*. San Juan, Puerto Rico.
 Hitchcock, A.S. 1936. Manual of the grasses of the West Indies. U.S. Department of Agriculture, Miscellaneous Publication No. 243. Washington, D.C. 439 pp.
 Liogier, H.A., and L.F. Martorell. 1982. Flora of Puerto Rico and adjacent islands: a systematic synopsis. University of Puerto Rico, Rio Piedras, Puerto Rico. 342 pp.

McKenzie, P.M., R.E. Noble, L.E. Urbatsch, and G.R. Proctor. 1989. Status of *Aristida* (Poaceae) in Puerto Rico and the Virgin Islands. In press.

Author

The primary author of this proposed rule is Ms. Susan Silander, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Poaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *
 (h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Poaceae—Grass family:						
<i>Aristida portoricensis</i>	Pelos del diablo	U.S.A. (PR)	E	NA	NA

Dated: September 21, 1989.
 Richard N. Smith,
 Acting Director, Fish and Wildlife Service.
 [FR Doc. 89-23725 Filed 10-6-89; 8:45 am]
 BILLING CODE 4310-55-M

50 CFR Parts 17 and 23

Proposed Panda Permit Policy

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of proposed panda import permit policy; extension of comment period.

SUMMARY: The Service extends for 30 days the public comment period on its

proposed policy for issuance of permits for the import of giant pandas.

DATES: The Service now will consider comments received through November 5, 1989, before announcing a final decision on this proposed policy.

ADDRESSES: Comments may be submitted to the Office of Scientific Authority; Mail Stop: Arlington Square Building, Room 725; U.S. Fish and Wildlife Service; Washington, DC 20240. Materials received will be available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Office of Scientific Authority; Arlington Square Building, Room 750; 4401 Fairfax Drive; Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Scientific Authority Findings—Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-1708.

Management Authority Findings—Mr. Marshall P. Jones, Office of Management Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-2093.

Permit Issuance—Mr. Richard K. Robinson, Office of Management Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-2093.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 5, 1989

(54 FR 36823-36827), the Service announced a proposed policy for issuance of permits for the import of giant pandas. Existing regulations and guidelines would be clarified with respect to new information for situations involving issuance of permits for giant pandas. Specifically, restrictions on animals intentionally removed from the wild for exhibition loans would continue. Only female pandas 2 years to under 4 years and males 2 years to under 5 years at the start and conclusion of a loan period, respectively, and those over 18 years old would typically be considered for temporary exhibition loans, and then only if funds committed in the loan agreement are used for specific projects designed primarily to enhance the survival of the giant panda. The Service would be supportive of the

use of captive animals when the loan or permanent transfer is likely to enhance the captive-breeding population. Furthermore, the basis for findings required by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) on "primarily commercial purposes" and the "suitability of facilities" are clarified and conditioned in the proposed policy.

In its announcement of the proposed policy, the Service requested that all comments on the matter be submitted by October 5, 1989. However, in a letter of September 7, 1989, the American Association of Zoological Parks and Aquariums, which has considerable interest in the matter, stated that many of its members would be involved in meetings through late September, and

therefore would not be able to prepare a substantive response to the Service by the original deadline. A 30-day extension of the comment period was requested. The Service considers this request reasonable, and therefore now announces that comments from any interested party will be accepted through November 5, 1989.

This notice was prepared by Dr. Charles W. Dane, Chief, Office of Scientific Authority, and Mr. Marshall P. Jones, Chief, Office of Management Authority, under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 30, 1989.

Richard N. Smith,
Acting Director.

[FR Doc. 89-23767 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 54, No. 194

Tuesday, October 10, 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

Types and Quantities of Agricultural Commodities To Be Made Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 in Fiscal Year 1990

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice sets forth the determination of the Secretary of Agriculture of the types and quantities of agricultural commodities to be made available for donation overseas under section 416(b) of the Agricultural Act of 1949, as amended, during fiscal year 1990.

FOR FURTHER INFORMATION CONTACT: Mary Chambliss, Director, Program Analysis Division, Office of the General Sales Manager, FAS, USDA (202) 447-3573.

SUPPLEMENTARY INFORMATION: Section 416(b) of the Agricultural Act of 1949, as amended, 7 U.S.C. 1431(b) ("section 416(b)"), requires the Secretary of Agriculture to make available for donation overseas for each of the fiscal years 1986-1990 not less than certain minimum quantities of Commodity Credit Corporation ("CCC") uncommitted stocks. The minimum quantity of grains (wheat, rice, and feed grains) and oilseeds required to be made available shall be the lesser of 500,000 metric tons of CCC's uncommitted stocks or 10 percent of the estimated year-end levels of CCC's uncommitted stocks. The minimum quantity of dairy products shall be 10 percent of CCC's uncommitted stocks of dairy products, but not less than 150,000 metric tons to the extent that uncommitted stocks are available. The minimum quantity requirements may be waived by the Secretary if the Secretary determines and reports to Congress there are insufficient valid requests for eligible commodities under section 416(b) for

any fiscal year, or if the Secretary determines the restrictions in furnishing of commodities under section 416(b)(3) prevent the making available of commodities in such quantities.

Section 416(b) also requires the Secretary to estimate the expected year-end levels of CCC's uncommitted stocks of grains, oilseeds, and dairy products for each of the fiscal years 1986-1990.

The Secretary is required to publish in the Federal Register his determination of the quantities of commodities that shall be made available for each fiscal year, along with a breakdown by kind of commodity and the quantity of each commodity.

Determination

In accordance with section 416(b), I have determined that 2,000,000 metric tons of grains and 34,000 metric tons of butter (frozen form only) shall be made available for donation overseas pursuant to section 416(b) during fiscal year 1990.

The kinds and quantities of commodities that shall be made available for donation are as follows:

Commodity	Quantity (metric tons)
Grains and oilseeds:	
Corn.....	1,000,000
Sorghum.....	1,000,000
Total.....	2,000,000
Dairy products:	
Butter (frozen form only).....	34,000
Total.....	34,000

Done at Washington, DC this 1st day of October 1989.

Clayton Yeatter,

Secretary.

[FR Doc. 89-23735 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-10-M

Animal and Plant Health Inspection Service

[Docket No. 89-172]

General Conference Committee of the National Poultry Improvement Plan; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan.

PLACE, DATES, AND TIMES OF MEETING:

The meeting will be held at the United States Department of Agriculture, Conference Room 4302, South Building, 14th and Independence Avenue SW., Washington, DC, on November 14, 1989, from 9 a.m. to 4 p.m. The meeting will reconvene the following day, November 15, from 9 a.m. to noon.

FOR FURTHER INFORMATION CONTACT:

Dr. Irvin L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 771, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7768.

SUPPLEMENTARY INFORMATION: The General Conference Committee of the National Poultry Improvement Plan (Committee) makes recommendations to the Department concerning the poultry industry and the poultry improvement regulations contained in 9 CFR parts 145 and 147.

Tentative topics to be discussed at the meeting include:

1. Departmental Policy Concerning *Salmonella enteritidis*.
 - (a) Role of the Agricultural Marketing Service.
 - (b) Role of the Animal and Plant Health Inspection Service.
2. Status of *Salmonella enteritidis*.
 - (a) Public health—1989 outbreaks summary.
 - (b) Poultry and livestock—1989 summary.
 - (c) Epidemiologic investigations summary.
3. Model State *Salmonella enteritidis* Quality Assurance Program Summary: Maryland, New York, and Pennsylvania Programs.
4. U.S. Sanitation Monitored Program Participation and Summary.
5. *Salmonella enteritidis* Research Update.
6. National Renderers' Animal Protein Products Industry Salmonella Education/Reduction Program: Status Report.
7. Food Safety and Inspection Service Activities.
8. Other Salmonella Programs on the National Poultry Improvement Plan.
 - (a) U.S. Sanitation Monitored, Turkeys.

- (b) U.S. Pullorum-Typhoid Clean.
 (c) U.S. Pullorum-Typhoid Clean State.
 9. The Model State Poultry Disease Prevention Program.
 10. Avian influenza and Exotic Newcastle Disease Surveillance.
 (a) Emergency Programs Activities.
 (b) Import/Export Activities.
 11. Update: National Veterinary Services Laboratories.
 12. Update: Biologics Activities within the Animal and Plant Health Inspection Service.
 13. Plans for Biennial Conference.
 14. Proposed Changes to the National Poultry Improvement Plan.

The meeting will be open to the public. Those interested in expressing their views concerning the above topics or other aspects of the National Poultry Improvement Plan should send their written comments, prior to or following the meeting, to Dr. Irvin L. Peterson at the address listed under "FOR FURTHER INFORMATION CONTACT". The Committee will also accept written comments at the time of the meeting. Please refer to Docket Number 89-172 when submitting your comments.

Written comments received by Dr. Peterson may be inspected in Room 771 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463).

Done in Washington, DC this 4th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-23813 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Intermountain Region; Exemption of Fire Recovery Projects from Appeal

AGENCY: Forest Service, USDA.

ACTION: Notification that certain fire recovery projects are exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: This is a notification that the decision to implement certain projects pertaining to recovery from the Uinta Flat fire on the Dixie National Forest are exempted from appeal. This is in conformance with provisions of 36 CFR part 217.4(a)(11) as published January 23, 1989, in the Federal Register, Vol. 54, No. 13, pages 3342-3370.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Hugh C. Thompson, Forest Supervisor,

Dixie National Forest, P.O. Box 580, Cedar City, UT 84721-0580.

Background

On July 15, 1989, lightning ignited the Uinta Flat on the Cedar City Ranger District, Dixie National Forest. The fire burned 4050 acres of the National Forest System land before it was controlled on July 22, 1989.

In late July of 1989, an emergency rehabilitation interdisciplinary team surveyed much of the burned area to determine emergency rehabilitation needs. From this survey it was found that in many places, this fire burned hot enough to cause severe damage to vegetation, soil and water resources. The damage to soils is of greatest concern because this will affect the length of time necessary to achieve natural revegetation as well as quantity and quality of water run-off from the area.

The emergency rehabilitation interdisciplinary team concluded that there was a high risk of unacceptable levels of soil loss and reduced water quality that may be caused by this wildlife. If left "untreated", these problems would persist for several years allowing for unacceptable levels of soil loss and stream sedimentation within the watershed affected.

Immediately following the fire, the Forest Service accomplished watershed stabilization activities as recommended by the emergency rehabilitation interdisciplinary team. These activities included seeding a grass/forb mixture on areas determined to be high risk to erosion. It also included the construction and seeding of waterbars along firelines and roads within and adjoining the fire area. It was felt that these activities met the emergency need to stabilize the watershed within the shortest time possible. Monitoring of the success of these activities will be conducted on a continuous basis. If, through monitoring, it is determined that additional measures will be required they will be implemented immediately.

In August of 1989, the Forest Supervisor formed a second interdisciplinary team to determine additional short and long term recovery needs, as well as potential timber salvage opportunities within the Uinta Flat fire area. The team determined that there was a need to continue with recovery efforts, primarily reforestation and revegetation. (It was determined that artificial tree planting was the best option on several acres within the burn to assure recovery of the forested habitat in the shortest time possible. Natural regeneration was only possible where a suitable seed source still

remained. On most acres in this burn, trees that would have provided this seed source were destroyed.)

The team also determined that there was an opportunity to salvage some of the timber destroyed within the fire area. Priority for use of the burned timber was given to needs for site amelioration and watershed protection. After trees were reserved for these needs, the remainder was considered for salvage. Salvage within the burn would include the harvest of fire killed timber as well as some of the surviving trees within the fire that are of low vigor and health and not essential as a source of seed for natural regeneration.

In addition, the team determined that restrictions on use in the area would have to be implemented to assure the greatest potential for success of the grass seeding, the erosion control structures and the proposed reforestation. These restrictions would involve limitations placed both on public use as well as livestock use.

Because of the drought leading up to this fire in 1989, trees were damaged by the fire more than anticipated and are losing their sawlog value quickly. Insects that attack both dead and live trees have moved into the area, causing a concern for a potential buildup and a threat to adjacent live trees, as well as causing the deterioration of wood product quality of the fire killed timber.

Due to the loss in wood product quality, as well as the need to assure that heavy equipment is off the site by early summer of 1990 when the grass seeding begins to germinate, salvage operations need to be completed before the summer of 1990. Other site amelioration, reforestation and watershed stabilization activities will begin during the summer of 1990 and continue for several years.

Planned Actions

In August of 1989, the Dixie National Forest Supervisor proposed the development of additional recovery activities and salvage of burned timber within the Uinta Flat fire area. The environmental analysis of this action was begun in August of 1989. The interdisciplinary team assigned to the analysis began with an initial scoping session on August 4, 1989. After public notification, press releases, and contacts with individuals and State and Federal agencies, nine major issues were identified. These were:

1. Soil stabilization.
2. Stream sedimentation in Asay and Mammoth Creek.
3. Revegetating/reforesting the burn area to species consistent with the

appropriate Forest Plan management area.

4. Salvaging the valuable timber resource lost to the fire.

5. Reducing the risk of insect infestation in remaining live timber inside the fire perimeter and stands immediately surrounding the fire area.

6. Minimizing the negative impacts on the recreating public.

7. Minimizing any additional negative impacts on wildlife. The primary species of concern in this area are mule deer, Rocky Mountain elk, and Merriam's turkey.

8. Minimizing the negative economic impacts created by reduced productivity and subsequent grazing levels on the affected grazing permittees.

9. Minimizing adverse cumulative effects to all resources.

The interdisciplinary team developed five alternatives to analyze, including the No Action Alternative. The effects of these alternatives are disclosed in an Environmental Assessment which was prepared for the proposal.

Based on the analysis and evaluation in the Uinta Fire Rehabilitation Environmental Assessment (EA), Alternative D was determined to be the preferred alternative. Alternative D would: (1) Reforest an estimated 1500 acres; (2) Restrict livestock grazing for watershed restoration over the entire area burned on National Forest land for 1-3 years, or longer if the need is identified during monitoring; (3) Prohibit livestock grazing on 1500 acres of the burn for reforestation plantation protection for 5-7 years, or longer if the need is identified during monitoring; (4) Complete site amelioration activities over the 1500 acres to be reforested for seedling protection; (5) Complete additional watershed protection measures, as determined by monitoring needs; and (6) Salvage approximately 2900 MBF over an estimated 1160 acres.

To complete the salvage operations it is anticipated that 1.3 miles of new, permanent, road construction will be needed, 5.5 miles of reconstruction of existing roads will be needed, 1.0 mile of reconditioning of existing roads will be needed and 3.7 miles of local standard-long term intermittent use roads will be constructed. The local standard-long term intermittent use roads will be closed prior to the completion of the salvage sale contracts. Favorable long-term consequences of this activity include improved travel safety, access to National Forest land, road alignment and drainage. Mitigation measures will be placed in effect to minimize impacts to soil, watershed, and wildlife resources. These mitigation measures would include seeding, road closures

and development of watershed structures to assure proper drainage and overland flow dispersal. With implementation of mitigation measures identified in the Environmental Assessment it was determined that no management activity implemented during salvage would significantly impact the resource.

Analysis shows that this alternative is the most cost effective for meeting the objectives of salvage and recovery when all resource needs were considered.

I have determined that good cause exists to exempt from appeal the proposed decision by the Forest supervisor to proceed with the Uinta Flat fire rehabilitation project, as defined by 36 CFR 217.4(a)11:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena such as wildfires * * * when the Regional Forester * * * determines and gives notice in the Federal Register that good cause exists to exempt such decisions from review under this part.

Upon publication of this notice in the Federal Register, implementation of the Uinta Flat Fire Rehabilitation project, including timber salvage, is authorized to proceed.

Dated: October 3, 1989.

Patrick J. Sheehan,

Acting Regional Forester.

[FR Doc. 89-23776 Filed 10-6-89; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-402]

Certain Dried Heavy Salted Codfish From Canada; Initiation and Preliminary Results of Changed Circumstances Administrative Review; Consideration of Revocation; and Intent To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances administrative review; consideration of revocation; and intent to revoke antidumping duty order.

SUMMARY: We preliminarily determine that parties are no longer interested in the antidumping duty order on certain dried heavy salted codfish from Canada. We therefore intend to revoke the order.

The revocation will apply to all shipments entered, or withdrawn from warehouse, for consumption on or after July 1, 1987, in addition to shipments of Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986. We invite interested parties to comment on these preliminary results and intent to revoke.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Chip Hayes, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/1130.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1989, the Department of Commerce (the "Department") published in the Federal Register (54 FR 12467) the final results of the second administrative review of the antidumping duty order on certain dried heavy salted codfish from Canada (50 FR 27836, July 8, 1985).

By letter dated August 31, 1989, Codfish Corporation, the petitioner in this administrative proceeding, stated that it was no longer interested in maintaining the antidumping duty order covering the subject merchandise. Pursuant to sections 751(b) and (c) of the Tariff Act of 1930 (the "Tariff Act"), as well as § 353.25(d) of the Department's regulations, (54 FR 12780, March 28, 1989, to be codified at 19 CFR § 353.25(d)), the Department may revoke an antidumping duty order that is no longer of interest to domestic interested parties.

Scope of Review

Imports covered by this review are shipments of certain dried heavy salted codfish, including soft-dried codfish, from Canada. The term "certain dried heavy salted codfish" covers dried heavy salted codfish, including soft-dried, whole or processed by removal of heads, fins, viscera, scales, vertebral columns, or any combination thereof, but not otherwise processed, and not in airtight containers. During the review period, such merchandise was classified under item 111.2200 of the Tariff Schedules of the United States Annotated ("TSUSA"). This merchandise is currently classified under HTS items 0305.30.60 and 0305.51.00. TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

This "changed circumstances" administrative review covers all Canadian producers/exporters of the subject merchandise and all shipments of this merchandise entered on or after July 1, 1987, in addition to shipments of Bay Harbour entered on or after July 1, 1986.

Preliminary Results of Review and Intent To Revoke Antidumping Duty Order

We preliminarily determine that the petitioner's affirmative statement of no interest to continue the antidumping duty order covering certain dried heavy salted codfish from Canada provides the Department with a reasonable basis to suspend the current section 751(a) review and initiate a section 751(b) "changed circumstances" administrative review to revoke the order. Petitioner's affirmative statement of no interest also provides the Department with a reasonable basis to believe that the requirements for revocation, based on changed circumstances, have been satisfied. Therefore, we preliminarily determine to revoke the order covering certain dried heavy salted codfish from Canada.

This revocation will apply to all shipments of the merchandise entered, or withdrawn from warehouse, for consumption on or after July 1, 1987, in addition to shipments of Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986. We selected these dates as the effective dates of the revocation in accordance with section 751(c) of the Tariff Act (19 U.S.C. section 1675(c)), because these entries are the only ones that have not been liquidated and are not subject to final results of an administrative review.

We, therefore, intend to instruct the U.S. Customs Service to liquidate all unliquidated entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 1, 1987, in addition to shipments of Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986, without regard to antidumping duties. We will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to those entries. The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this administrative review.

Interested parties may request a hearing within 10 days of the date of publication of this notice. Any hearing, if requested, will be held no less than 44 days after the date of publication of this notice. Pre-hearing briefs and/or written

comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. 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 this administrative review and its decision on revocation, after the hearing, if any, and after its analysis of any written comments.

This review, intent to revoke, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. sections 1675 (b) and (c)) and §§ 353.22(f), and 353.25(d) of the Department's regulations (54 FR 12778-12781, 12784-12785, March 28, 1989, to be codified at 19 CFR 353.22(f), 353.25(d), and 353.38).

Dated: October 3, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-23842 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-601]

Tapered Roller Bearings From the People's Republic of China; Rescission of Initiation of Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of rescission of initiation of administrative review.

SUMMARY: On July 25, 1989, the Department initiated an administrative review of the exports of tapered roller bearings ("TRB's") by China National Machinery and Equipment Import and Export Company ("CMEC") and nine Chinese factories that produced tapered roller bearings for CMEC (54 FR 30915). We are rescinding that initiation of administrative review because CMEC and the factories from which CMEC purchased TRB's are not covered by the antidumping duty order (52 FR 22667, June 15, 1987).

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Chip Hayes, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-4195/1130.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1989, the Department of Commerce published a notice of initiation of administrative review of the antidumping duty order on tapered roller bearings from the People's Republic of China (54 FR 30915). Included among the companies to be reviewed were China National Machinery and Equipment Import and Export Corporation ("CMEC") and nine factories: Harbin Bearing Factory, Luoyang Bearing Factory, Yantai Bearing Factory, Xiang Yang Bearing Factory, Guiyang Bearing Factory, Northwest Bearing Plant, Hai Lin Bearing Factory, Haihong Bearing Factory, and Yishan Bearing Factory.

In its initial investigation, the Department found that CMEC was not selling the subject merchandise to the United States at less than fair value, excluded that company from the antidumping duty order on TRB's and instructed Customs to liquidate CMEC's entries without regard to antidumping duties. (52 FR 19748, 19750, May 27, 1987). The Department's determination excluding CMEC from the order was appealed to the Court of International Trade ("CIT"), which remanded the determination back to the Department. Upon remand, the Department found a dumping margin for CMEC. However, the CIT's decision has been appealed to the United States Court of Appeals for the Federal Circuit. Therefore, pursuant to sections 516A (c) and (e) of the Tariff Act of 1930, as amended (19 U.S.C. section 1516a (c) and (e) (1988)), pending a final decision by the Federal Circuit, the original determination by the Department excluding CMEC must continue to govern the liquidation of entries of TRB's exported by CMEC.

Therefore, we are rescinding our initiation of administrative review with respect to CMEC because the Department currently lacks authority to conduct an administrative review. Section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. section 1675(a)(1)) and 19 CFR section 353.22(a), as amended, allow for an administrative review of an antidumping duty order, but the Department has not yet published an antidumping order regarding CMEC. In addition, we are rescinding our initiation of review of the nine factories because CMEC is by Chinese law the sole Chinese exporter of the merchandise produced by these factories.

This rescission of initiation and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and § 353.22(c) of the Commerce Department's antidumping regulations

published in the **Federal Register** on March 28, 1989 (54 FR 12742) (to be codified at 19 CFR 353.22(c)).

Dated: October 3, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-23843 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Announcement of Washington State Nearshore (Northern Puget Sound) as an Active Candidate for National Marine Sanctuary Designation; Intent To Prepare a Draft Environmental Impact Statement and Management Plan; Intent To Hold Public Scoping Meetings

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: By direction of Congress (Pub. L. No. 100-627 section 205), NOAA is naming the Washington State Nearshore (Northern Puget Sound) as an Active Candidate for designation as a National Marine Sanctuary and will proceed with the subsequent steps in the evaluation process to prepare a Congressional prospectus. The proposed study area includes, in general, the waters surrounding the islands of San Juan County; waters off Cherry Point and Lummi Bay in Whatcom County; waters surrounding Cypress Island in Skagit County; waters surrounding Cypress Island in Skagit County; waters surrounding Smith and Minor Islands and Partridge Banks in Island County; waters surrounding Protection Island in Jefferson County; up to the high water mark in Discovery Bay, Sequim Bay and Dungeness Bay and surrounding Dungeness Spit in Clallam County; and a western boundary along longitude 123°10' to the Canadian border. All treaty rights, where applicable, will be respected.

Selection of a site as an Active Candidate formally begins the National Environmental Policy Act (NEPA) process; NOAA will prepare an environmental impact statement and management plan which will examine the management, boundary and regulatory alternatives associated with Sanctuary designation. To initiate this process, NOAA will hold scoping meetings in Washington State to solicit information and comments on the range

and significance of issues related to Sanctuary designation and management. Individuals and representatives of interested organizations and government agencies, including Tribal governments, are invited and encouraged to attend.

Scoping meetings will be held on November 8, 9, 10, 13, 14, 15, 16, and 17, 1989. The first meeting will be held on November 8, 1989, at 7:00 p.m., in the County Commissioners Meeting Room, Courthouse Annex, 350 Court Street, Friday Harbor, San Juan Island, Washington. The second meeting will be held on November 9, 1989, at 10 a.m. at the Orcas Fire Hall, Eastsound, Orcas Island, Washington. The third meeting will be held on November 10, 1989, at 7 p.m. at the Bellingham Public Library, 210 Central Avenue, Bellingham, Washington. The fourth meeting will be held on November 13, 1989, at 7 p.m., at the City Hall Community Center, 6th and Q, Anacortes, Washington. The fifth meeting will be held on November 14, 1989, at 7 p.m. at the Hearing Room, Courthouse Annex, 7th and Main, Coupeville, Washington. The sixth meeting will be held on November 15, 1989, at 7 p.m., at the John Wayne Marina, Old Blynn Highway, East of town off Highway 101, Sequim, Washington. The seventh meeting will be held on November 16, 1989, at 7 p.m., at the City Council Chambers, City Hall, 540 Water Street, Port Townsend, Washington. The eighth meeting will be held on November 17, 1989, at 7 p.m., in the NOAA Auditorium, Conference Room A, 7600 Sand Point Way, N.E., Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Joseph A. Uravitch, Chief, or Franklin Christhilf, Pacific Regional Manager, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, N.W., Suite 714, Washington, DC 20235, (202/673-5126).

SUPPLEMENTARY INFORMATION:

Selection Procedures

Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431 *et seq.*, (the "Act") authorizes the Secretary of Commerce to designate discrete areas of the marine environment as National Marine Sanctuaries to protect their special conservation, recreational ecological, historical, research, educational, or esthetic qualities. The Act is administered by the National Oceanic and Atmospheric Administration (NOAA) through the Office of Ocean

and Coastal Resource Management (OCRM), Marine and Estuarine Management Division (MEMD).

Public Law Number 100-627 (November 7, 1988) reauthorized, and amended, Title III of the Act. Section 205 of Public Law No. 100-627 directs the Secretary of Commerce to submit to Congress a prospectus pursuant to the requirements of section 304 (a)(1)(C), and (a)(5) of the Act (16 U.S.C. 1434 (a)(1)(c) and (a)(5)) with respect to the feasibility of designating Washington State Nearshore (Northern Puget Sound) as a National Marine Sanctuary not later than March 31, 1991. Selection of a site as an Active Candidate formally triggers the National Environmental Policy Act (NEPA) environmental impact analysis process.

In preparing the prospectus, MEMD will develop a draft environmental impact statement and draft management plan which will include any proposed regulations needed to implement the terms of the proposed designation. Subsequent steps include public hearings; preparation of a final environmental impact statement, final management plan, and final regulations; preparation of Designation Documentation and Findings; and designation by the Secretary of Commerce. Opportunities for comment exist throughout this process and will be announced in the **Federal Register**, the local media, and other appropriate channels.

In the development of the Sanctuary designation materials, NOAA will evaluate the suitability of Northern Puget Sound as a National Marine Sanctuary in accordance with the criteria established by section 303(a) of the Act, 16 U.S.C. 1433(a), namely whether:

(1) The area is of special national significance due to its resource or human-use values;

(2) Existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

(3) Designation of the area as a National Marine Sanctuary will facilitate coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education; and

(4) The area is of a size and nature that will permit comprehensive and coordinated conservation and management.

Further, pursuant to section 303(b) of the Act, 16 U.S.C. 1433(b) NOAA shall consider:

(1) The area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

(2) The area's historical, cultural, archeological, or paleontological significance;

(3) The present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses, other commercial and recreational activities, and research and education;

(4) The present and potential activities that may adversely affect the factors identified in considerations number 1-3 listed above;

(5) The existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of the Act;

(6) The manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

(7) The public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources that generate tourism;

(8) The negative impacts produced by management restrictions on income-generating activities such as living and non-living resource development; and

(9) The socioeconomic effects of Sanctuary designation. NOAA will also include an assessment of its fiscal capability to manage the area as a National Marine Sanctuary.

In preparing the environmental impact statement and management plan (EIS/MP) to examine the management and regulatory alternatives associated with Sanctuary designation, NOAA will solicit comments from interested persons, groups and organizations, the appropriate Congressional committees, heads of interested Federal agencies, the responsible officials of the State, local and Tribal governments and the appropriate officials of the affected Regional Fisheries Management Council. This will be done during scoping meetings to be held in the State of Washington prior to preparation of the EIS/MP, during public hearings to

receive comments on the draft EIS/MP, and throughout the EIS/MP preparation period.

History

The Washington State Nearshore (Northern Puget Sound) site was first recognized for its high natural resource potential and human-use values by placement on the National Marine Sanctuaries Program Site Evaluation List (SEL) on August 4, 1983 (48 FR 35575). In 1988, when Congress reauthorized and amended the Act, it specified in section 205 of Public Law No. 100-627 that NOAA submit, not later than March 31, 1991, a prospectus to the Committee on Merchant Marine and Fisheries of the House of Representatives and to the Committee on Commerce, Science and Transportation in the Senate with respect to the proposal to designate Northern Puget Sound as a National Marine Sanctuary.

Natural Resources

Oceanographic Characteristics

The Northern Puget Sound study area can be categorized as a two layered estuarine type circulation system. This system consists of a predominant upper layer of fresh water, reflecting major discharges from the Fraser and Skagit Rivers, as well as contributions from lesser rivers and streams in Puget Sound. The second bottom component is a denser more saline layer of water that flows landward from the Pacific Ocean through the Strait of Juan De Fuca.

Other physical properties are then superimposed on this estuarine-type system and contribute to the complexity of the oceanographic characteristics of the area. The daily ebb and flow of the tides, and their associated tidal currents, add another dimension to the circulation pattern. Spring tide heights ranging from 10 to 13 feet and tidal currents of 1½ to 2½ knots are common in this area.

The combination of fresh and seawater causes turbulent mixing by the tidal currents found in the area. As a result, the net water found within the Sound is variable and is constantly seeking equilibrium from the fresh water input and ocean water supplies that change seasonally. Water in Puget Sound is most diluted in February, after the landward sources have received the maximum precipitation, and is most saline around late October when contributing river flow is at its lowest point.

While the oceanography of Northern Puget Sound will be dealt with as a defined unit, research shows that because of the complexity of the

topographic and bathymetric features of this area, this water body can be divided into distinct water units depending on its location and the intended use within the system.

Geologic Features

Northern Puget Sound has been geologically defined by a combination of plate tectonic stresses and glacial processes that have occurred in the area over time. These geologic activities have created a series of deep U-shaped, interconnected channels such as the Haro and Rosario Channels that surround the San Juan Islands, and the Juan De Fuca and Georgia Straits which are typical of glacially scoured channels. The bathymetry of the deep water passages, that average 150 meters in depth within the study area, is characterized by shoals and banks.

Glacial activity is also responsible for the predominantly rounded shape of the San Juans and surrounding smaller islands and for the numerous rock deposits found along the shoreline of the Sound.

The shoreline of the study area also shows evidence of historical glacial activities with its combination of rocky shores, gravel, cobble and sand types as well as mudflats and mixed mud bottom areas.

Flora and Fauna

The study area lies within the transitional biogeographical zones of the Oregonian and Skatian sub-provinces with waters extremely rich in plant and animal life. As a result, Northern Puget Sound supports a wide selection of marine life that directly contributes to the complex foodweb and supports the economically and culturally important fisheries industries as well as the varied mammal and bird populations found within the area.

Several species of birds migrate through or reside permanently within the proposed study area. It is recognized as one of the most important wintering areas of the Pacific Flyway with over 100 species of birds identified. Marine bird species are also abundant within the area, with as many shorebirds repeatedly sited. Foremost among the bird population is the bald eagle. The area supports the largest concentration of bald eagles in the contiguous United States with several documented nesting sites and a wintering population of over 200 eagles. Other predominant bird species include the Rhinoceros Auklets, Ring-billed gulls, Caspian Terns, and American Black Oystercatchers.

Several hundred species of invertebrates and algae are abundant in

the waters of Northern Puget Sound. This resource is a direct contributor to the productive fish and shellfish industry in the study area. Dominant migratory fish species include, but are not limited to, salmon, trout, anchovy, pollack, herring and halibut. Abundant resident species common to the area include the cabezon, lingcod and rockfish. The study area also sustains several species of crabs, clams and oysters, and a productive shellfish industry exists.

Marine mammals including seals, sea lions, porpoises, river otters and five types of whales, two of which are on the Federal endangered species list inhabit Northern Puget Sound at various times of the year.

As evidenced by the diversity of animals found in Northern Puget Sound, several species depend on this area as an important feeding and breeding site critical to their continued existence. Examples of these species include the harbor seal, river otter, false killer whale, herring, trout, and five species of salmon. In addition, Protection, Smith and Colville islands have been identified as three of the largest breeding locations for marine birds on the Pacific coast in North America.

Human use

The waters of Northern Puget Sound have traditionally supported multiple use activities. Currently, because of the size and number of population centers located on land surrounding the Sound, the study area is subjected to direct and secondary effects of these land based activities.

The natural beauty of Northern Puget Sound and surrounding waters is visited by thousands of tourists annually to enjoy the natural resources of the area. The proximity of this proposed sanctuary to Seattle, the fastest growing metropolitan city in Washington, has increased the demand for recreational facilities in Northern Puget Sound and as a result, boating, sport fishing, shellfish harvesting, whale watching tours, national historic parks, the Whale Museum, and the Padilla Bay National Estuarine Research Reserve all serve as recreational activities available to tourists in the area.

Commercial and subsistence fisheries also play a critical role in the economy and culture of Northern Puget Sound. Many Indian Tribes utilize the waters of the study area as part of their traditional fishing grounds. These tribes maintain and operate separate fishing industries, including aquaculture facilities, that are cooperatively managed with the State of Washington. Both Tribal and non-Tribal user groups depend on the clean waters

of the Sound to continue commercial fishing activities and to support increasing aquaculture operations.

The diversity of species found in Northern Puget Sound has provided a natural laboratory for the scientific research conducted by the University of Washington's Friday Harbor Lab since 1904. Critical base line data and surveys have been compiled over the years and the Lab is internationally recognized for its research facilities and contributions to marine science.

Numerous archeological sites have been identified in Northern Puget Sound that are of historical value; evidence of past settlement including tools, harpoons, and shell middens have been found along coastal boundaries. Twenty-three historic shipwrecks have been identified in the waters of the study area. Work continues in the field to examine historical relics of past cultures.

Oil and gas exploration is prohibited within the proposed sanctuary under the provisions of the State Shoreline Act. However, the area is heavily utilized by oil tankers that enter the Sound from the Strait of Juan De Fuca to transfer oil products at the four refineries located landward of the study area.

The U.S. Navy maintains a military air base on Whidbey Island, landward of the study area and, as a result, continuous overflights occur within the range of the proposed sanctuary area.

Existing Protection of Marine Resources

Since this proposed marine sanctuary is located entirely within State controlled waters, Federal, State, Tribal and local agencies all have concurrent program responsibilities to manage and protect selected marine resources and to provide education and recreation opportunities within Northern Puget Sound. Only agencies with major marine protection responsibilities will be identified in this notice.

The San Juan County National Wildlife Refuge encompasses 83 refuge islands within the San Juan archipelago. It serves as a breeding ground and nesting colony for several species of seabirds, including puffins and winged gulls.

San Juan Island, Dungeness Spit and Protection Island National Wildlife Refuges are all managed by the U.S. Fish and Wildlife Service. These areas provide breeding and nesting colonies for several species of birds and mammals that inhabit the waters within the study area.

The waters surrounding San Juan County were designated a Biological Preserve by the State of Washington in 1923. This designation requires

individuals to obtain collecting permits from the Director of the University of Washington's Friday Harbor Lab to remove biological materials, other than for personal use, from the waters of San Juan County and Cypress Island.

Both commercial and recreational fisheries are cooperatively managed by the Pacific Fisheries Management Council, the Treaty Tribes of Western Washington, the Pacific Salmon Commission, the Washington Department of Wildlife, the Department of Natural Resources, the National Marine Fisheries Service, and the Washington Department of Fisheries. Aquaculture within the study area is managed by the State of Washington Departments of Ecology, Fisheries, and Agriculture, as well as the Treaty Tribes of Western Washington. Water quality in Northern Puget Sound is monitored and managed by the Puget Sound Water Quality Authority, the U.S. Environmental Protection Agency and the Washington State Department of Ecology. The U.S. Coast Guard regulates vessel traffic, including boating safety, within the Sound. Scheduled maintenance of harbors, ports and channels, including dredge and fill disposal, is under the jurisdiction of the U.S. Army Corps of Engineers, Seattle District.

The Department of Commerce, NOAA, National Marine Fisheries Service, is responsible for the protection of whales, dolphins and other pinnipeds, while the U.S. Fish and Wildlife regulations provide protection for all other marine mammals within the study area.

The Designation Process

The draft management plan to be prepared for the proposed Sanctuary will specify the goals and objectives of Sanctuary designation and describe programs for resource protection, research, education, and interpretation. The various administrative and regulatory alternatives for sanctuary management will be analyzed in the draft environmental impact statement.

Opportunities for public participation in NOAA's development of a draft environmental impact statement and management plan will be provided through scoping meetings, solicitation of comments on the draft environmental impact statement/management plan and proposed regulations, and public hearings.

The November scoping meetings will identify issues regarding the designation of the Washington State Nearshore (Northern Puget Sound) National Marine Sanctuary and generate suggestions for

addressing them. The following are examples of discussion topics:

- (1) Boundary alternatives;
- (2) Management alternatives;
- (3) Resource protection;
- (4) Research opportunities; and
- (5) Interpretive opportunities.

Dated: October 3, 1989.

John J. Carey,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 89-23720 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-08-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of the Louisiana/Mississippi Habitat Protection Advisory Panel on October 26, 1989, from 9 a.m. to 4 p.m. The meeting will be held at the Sheraton Baton Rouge Hotel, 4728 Constitution Avenue, Baton Rouge, LA. The panel will discuss the Cameron Creole Watershed Project and its operation, the Cal-Sabine River Basin Study, Louisiana's coastal restoration efforts, Louisiana's oil spill emergency response regulations, the Louisiana Department of Natural Resources marsh management study, problems with oil field wastes and produced waters, effects of produced waters on wetlands, and problems with Gulfport Harbor, Mississippi, dredging.

For more information contact Wayne F. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: October 3, 1989.

David S. Crestin,

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

[FR Doc. 89-23759 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will hold a public meeting on October 25-26, 1989, at the Radisson Hotel Hampton, 700 Settlers Landing Road, Hampton, VA; telephone:

(804) 727-9700. The Council will begin the meeting on October 25 at 8 a.m., and will adjourn during the afternoon of October 26.

The Council will meet to adopt Amendment #8 to the Surf Clam and Ocean Quahog Fishery Management Plan (FMP), the Bluefish FMP, and the optimum yield definition for the Surf Clam and Ocean Quahog and the Squid/Mackerel/Butterfish FMPs. It will also discuss other fishery management matters. The public meeting may be lengthened or shortened depending upon progress on the agenda. The Council may hold a closed session (not open to the public) to discuss personnel and/or national security matters.

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: October 3, 1989.

David S. Crestin,

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

[FR Doc. 89-23760 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

Members of the Pacific Fishery Management Council's Salmon Advisory Subpanel (SAS), representing recreational and charter fishing interests north of Cape Falcon, OR, will hold a public meeting on October 23, 1989, at 9:30 a.m., at the Metro Center, Room 145, 2000 S.W. First Avenue, Portland, OR. The SAS will develop fishery management plan amendment alternatives for the geographic distribution of the recreational harvest allocation north of Cape Falcon. The amendment alternatives developed by the group will be reviewed by the Pacific Council in November 1989 and January 1990, and could be incorporated in the next annual amendment cycle, resulting in the implementation of a preferred alternative in 1991.

Comments pertaining to the geographic distribution of the recreational ocean salmon harvest allocation north of Cape Falcon will be accepted at appropriate times. If necessary, a second public meeting will be scheduled for November 6, 1989, at the Pacific Council's office (address below), to complete drafting of preliminary allocations.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2000 S.W. First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: October 3, 1989.

David S. Crestin,

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

[FR Doc. 89-23761 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Rescheduling of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The joint public meeting of the South Atlantic Fishery Management Council's Law Enforcement Committee and Advisory Panel, on September 20-21, 1989, in Savannah, GA, previously published at 54 FR 37968, was postponed due to the possibility of severe weather conditions resulting from Hurricane Hugo.

The meeting has been rescheduled for November 6-7, 1989, at the same location at the Club House Inn, 6800 Abercorn Street, Savannah, GA. The meeting will begin at 1 p.m., on November 6 and will adjourn at 5 p.m., on November 7.

The Committee/Advisory Panel will discuss Cooperative Law Enforcement Agreements between state agencies and the National Marine Fisheries Service. It will also discuss a permit requirement for spiny lobster, review and make recommendations for modifications of proposed regulations to implement Amendment #5 to the Coastal Migratory Pelagics (mackerels) Fishery Management Plan (FMP), and to implement Amendment #1 to the FMP for Atlantic Swordfish. A detailed agenda will be available to the public upon request.

For more information contact Carrie R. F. Knight, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407, telephone: (803) 571-4366.

Dated: October 3, 1989.

David S. Crestin,

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

[FR Doc. 89-23762 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Rescheduling of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council's Scientific and Statistical Committee (SSC) will hold a public meeting on October 17-19, 1989. The meeting will begin at 1 p.m., on October 17 at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC. The meeting will adjourn at noon on October 19.

The SSC will review the swordfish and red drum assessments, the Bluefish Fishery Management Plan, Mackerel Amendment #5, and the SEAMAP Shallow Water Trawl Study. A detailed agenda will be available to the public upon request.

For more information contact Carrie R. F. Knight, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407, telephone: (803) 571-4366.

Dated: October 3, 1989.

David S. Crestin,

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

[FR Doc. 89-23763 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textile Products Produced or Manufactured in the People's Republic of China

October 4, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 5, 1989.

FOR FURTHER INFORMATION CONTACT:

Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority

Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories in Group I and the Group III limit are being adjusted variously, for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 50276, published on December 14, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 4, 1989.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 6, 1988 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1989 and extends through December 31, 1989.

Effective on October 5, 1989, the directive of December 6, 1988 is amended further to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China:

Category levels	Adjusted 12-Month limit ¹
Group I:	
239.....	2,548,110 kilograms.
300/301.....	2,641,126 kilograms.
313.....	33,546,221 square meters.
314.....	36,990,397 square meters.
317/326.....	13,839,913 square meters of which not more than 3,104,374 square meters shall be in Category 326.
341.....	477,682 dozen of which not more than 352,316 dozen shall be in Category 341-y. ²
347/348.....	2,194,918 dozen.

Category levels	Adjusted 12-Month limit ¹
410.....	1,597,591 square meters of which not more than 1,508,715 square meters shall be in Category 410-A ³ and not more than 1,501,593 square meters shall be in Category 410-B. ⁴
613.....	5,546,200 square meters.
614.....	9,189,123 square meters.
615.....	16,501,304 square meters.
641.....	1,259,388 dozen.
659-C ⁵	296,246 kilograms.
845.....	2,223,564 dozen.
Group III:	
201, 220, 222-225, 229, 362, 369-0 ⁶ , 400, 414, 464-469, 600, 603, 604-0 ⁷ , 606, 618-622, 624-627, 628, 629, 665, 686, 669-0 ⁸ and 670-0 ⁹ , as a group.	294,909,231 square meters equivalent.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1988.

² In Category 341-Y, only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

³ In Category 410-A, only HTS numbers

5111.11.1000, 5111.11.6030, 5111.11.6060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.8000, 5111.30.8000, 5111.90.3000, 5111.90.6000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

⁴ In Category 410-B, only HTS numbers

5007.10.6030, 5007.90.6030, 5112.11.0030, 5112.11.0060, 5112.19.6010, 5112.19.6020, 5112.19.6030, 5112.29.6040, 5112.28.6060, 5112.19.6060, 5112.20.0000, 5112.30.0000, 5112.90.3000, 5112.90.6010, 5112.90.6090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

⁵ In Category 659-C, only HTS numbers

6103.23.0055, 6103.43.2020, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.69.1000, 6104.69.3014, 6114.30.3040, 6114.30.3050, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

⁶ In Category 369-0, all HTS numbers except 6302.60.0010 6302.91.0005 and 6302.91.0045 in Category 369-D; 4202.22.4020, 4202.22.4500 and 4202.22.8030 in Category 369-H; 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000 in Category 369-L; and 6307.10.2005 in Category 369-S.

⁷ In Category 604-0, all HTS numbers except 5509.32.0000.

⁸ In Category 669-0, all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 in Category 669-P.

⁹ In Category 670-0, only HTS numbers 4202.22.4030, 4202.22.8050 and 4202.32.9550.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.
 [FR Doc. 89-23784 Filed 10-6-89; 8:45 am]
 BILLING CODE 3510-OK-M

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan

October 4, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 5, 1989.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-8791. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories in Groups I and II and the limit for Group II are being adjusted, variously, for swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see *Federal Register* notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 49345, published on December 7, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 4, 1989

Commissioner of Customs,
 Department of the Treasury, Washington,
 D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 2, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Effective on October 5, 1989, the directive of December 2, 1988 is amended to adjust the limits for the following categories, as provided under the terms of current bilateral agreement of November 18, 1982, as amended and extended:

Category	Adjusted twelve-month limit ¹ :
Sublevels in Group I	
200.....	585,033 kilograms.
218.....	17,246,128 square meters.
225/317/326.....	28,927,765 square meters.
229-F ²	560,259 kilograms.
369-L ³	1,260,192 kilograms.
604.....	244,010 kilograms.
613/614/615/617.....	16,185,450 square meters.
625/626/627/628/629..	13,657,777 square meters.
670-H ⁴	15,553,084 kilograms.
670-L ⁵	36,259,335 kilograms.
Group II	
237, 239, 330-354, 359, 431-448, 459, 630-654 and 659, as a group.	819,316,677 square meters equivalent.
Sublevels in Group II	
239.....	2,503,769 kilograms.
338/339.....	794,572 dozen.
347/348.....	1,095,815 dozen of which not more than 540,353 dozen shall be in Category 347 and not more than 866,647 dozen shall be in Category 348.
351.....	361,416 dozen.
359-H ⁶	2,142,916 kilograms.
631.....	4,445,453 dozen pairs.
632.....	4,842,427 dozen pairs.
636.....	366,058 dozen.
638.....	1,834,092 dozen.
639.....	5,019,161 dozen.
647.....	2,783,228 dozen.
648.....	3,236,296 dozen.
650.....	52,070 dozen.
651.....	453,241 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1988.

² In Category 229-F, only HTS numbers 5608.11.0000, 5608.19.1010 and 5608.19.1020.

³ In Category 369-L, only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6000.

⁴ In Category 670-H, only HTS numbers and 4202.22.4030 and 4202.22.8050.

⁵ In Category 670-L, only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3030 and 4202.92.9020.

⁶ In Category 359-H, only HTS numbers 6505.90.1530 and 6505.90.2060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to

the rulemaking provisions of 5 U.S.C. 533(a)(1).

Sincerely,
Auggie D. Tantillo,
Chairman, Committee for the Implementation of Textile Agreements.
 [FR Doc. 89-23841 Filed 10-10-89; 8:45 am]
 BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

Action: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Acquisition Management Systems and Data Requirements Control List (AMSDL); Numerous Forms; and OMB Control 0704-0188.

Type of Request: Revision.

Average Burden Hours/Minutes Per Response: 110 hours.

Frequency of Response: On occasion; Weekly; Monthly; Quarterly; Semiannually; Annually; and Biennially.

Number of Respondents: 763.

Annual Burden Hours: 133,029,050.

Annual Responses: 1,209,355.

Needs and Uses: DoD Standardization Area assignments provide an ongoing and continuing effort to purge duplicative information collection requests from the system. Since 1978, over 5,000 discrete information request have been deleted from the Acquisition Management Systems and Data Requirements Control List (AMSDL). The burden for FY 1990 has been reestimated due to significant decrease in the number of information collection request (ICR). The significant decrease in ICR's experienced in FY 1989 was the result of an intensive review by DoD of all ICR's listed in the AMSDL.

Affected Public: Individuals or households; Businesses or other for profit; and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer,

Room 3235, New Executive Office Building, Washington, DC 20503.
DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: October 2, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-23747 Filed 10-6-89; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of revised rates.

SUMMARY: This notice provides the updated adjusted standardized amounts, DRG relative weights, outlier thresholds, and beneficiary cost-share per diem rates to be used for FY 1990 under the CHAMPUS DRG-based payment system. It also describes the non-regulatory changes made to the CHAMPUS DRG-based payment system in order to conform to the changes made to the Medicare Prospective Payment System.

EFFECTIVE DATE: The rates and weights contained in this notice are effective for admissions occurring on or after October 1, 1989.

ADDRESS: Office of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045-6900.

For copies of the *Federal Register* containing this final rule, contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

The charge for the *Federal Register* is \$1.50 for each issue payable by check or money order to the Superintendent of Documents.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Office of Program Development, OCHAMPUS, telephone (303) 361-4005.

To obtain copies of this document, see the "ADDRESS" section above. Questions regarding payment of specific claims under the CHAMPUS DRG-based payment system should be addressed to the appropriate CHAMPUS contractor.

SUPPLEMENTARY INFORMATION: The final rule published on September 1, 1987 (52

FR 32992) set forth the basic procedures used under the CHAMPUS DRG-based payment system. This was subsequently amended by final rules published on August 31, 1988 (53 FR 33461), October 21, 1988 (53 FR 41331) and December 16, 1988 (53 FR 50515). An explicit tenet of these final rules, and one based on the statute authorizing use of DRGs by CHAMPUS, is that the CHAMPUS DRG-based payment system is modeled on the Medicare Prospective Payment System (PPS), and that, wherever practicable, the CHAMPUS system will follow the same rules that apply to the Medicare PPS.

We are not initiating any changes to the CHAMPUS DRG-based payment system, but this notice describes certain changes effective for the third year of its operation and which are necessary in order to conform to statutory or regulatory changes to the Medicare PPS which we have previously committed to follow. In addition, this notice updates the weights and rates in accordance with our previous final rules. The actual changes we are making, along with a description of their relationship to the Medicare PPS, are detailed below.

I. Medicare PPS Changes Which Affect the CHAMPUS DRG-Based Payment System

Following is a discussion of the changes the Health Care Financing Administration (HCFA) has made to the Medicare PPS which affect the CHAMPUS system. These are contained in HCFA's September 1, 1989 final rule (54 FR 36452).

A. Grouper Changes

The Grouper used for the CHAMPUS DRG-based payment system is the same as the current Medicare Grouper program with two modifications. The CHAMPUS system has replaced Medicare DRG 435 with two age-based DRGs (900 and 901), and we have implemented thirty-four (34) neonatal DRGs in place of Medicare DRGs 385 through 390. Grouping for all other DRGs under the CHAMPUS system is identical to the Medicare PPS.

For FY 1990 HCFA will implement a number of classification changes and coding changes in the Grouper. The CHAMPUS Grouper will duplicate all changes made to the Medicare Grouper.

B. Recalibration of Weights

For FY 1990 we will recalibrate the CHAMPUS weights just as HCFA has proposed to do with the PPS weights. This recalibration will be based on claims data for the period July 1, 1988, through June 30, 1989. There are several differences in this respect between the

Medicare PPS and the CHAMPUS DRG-based payment system, and these differences will continue. That is, under the CHAMPUS DRG-based payment system, heart transplants (DRG 103) are exempt, and we will continue to reimburse kidney acquisition costs based on billed charges.

For any DRG (except neonatal DRGs) for which there are fewer than ten (10) occurrences in the CHAMPUS database, we will continue to use the Medicare weight.

HCFA will make an across-the-board reduction of 1.22 percent in the PPS weights to normalize for the increased case-mix index Medicare has experienced due to various Grouper changes. Since we have not analyzed CHAMPUS data to determine the effect of the Grouper changes, we will not make a similar reduction in CHAMPUS weights, although we will examine this aspect for applicability in future years. We welcome any comments in this regard.

C. Wage Index

The CHAMPUS DRG-based payment system will use the same wage index which HCFA included in its September 1, 1989, final rule (54 FR 36527).

D. Sole Community Hospitals

CHAMPUS will continue to recognize sole community hospitals which are designated as such under the Medicare PPS, including any changes implemented by HCFA. Our payment methodology for these hospitals also will remain unchanged—that is, they will continue to be exempt from the CHAMPUS DRG-based payment system.

E. Indirect Medical Education Adjustment Factor

The CHAMPUS DRG-based payment system will use the same formula for calculating these adjustment factors in FY 1990 as was used during FY 1989.

F. Annual Update Factor

Just as we have in the past, CHAMPUS will use the same annual update factors as are used for the Medicare PPS. According to HCFA's September 1, 1989, final rule the factor will be 5.5 percent based on the market basket. Of course, if this is legislatively changed for Medicare, we will duplicate any change.

G. Cost-to-Charge Ratio

In calculating the adjusted standardized amounts for FY 1990, we will use the same cost-to-charge ratio we used for FY 1989 (.63).

II. Updated Weights and Rates

Tables 1 and 2 provide the weights and rates to be used under the CHAMPUS DRG-based payment system during FY 1990 and which are a result of the changes described above. The implementing regulations for the CHAMPUS DRG-based payment system are in 32 CFR part 199.

III. Pediatric-Modified DRG Weights

The Weights we have been using for the PM-DRGs (DRGs 600-636) were not developed from CHAMPUS data, as explained in previous Federal Register notices (53 FR 20580 and 53 FR 50515). We are currently calculating updated PM-DRG weights from CHAMPUS data, and we will publish them within the next few weeks. In the meantime, we

will make no change to the current PM-DRG weights. If the new weights indicate that the previous weights were unreasonably low, we will make the necessary retroactive adjustments to previously-paid claims.

Dated: October 2, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Editorial Note.—This table will not appear in the Code of Federal Regulations.

Table 1.—National Urban and Rural Adjusted Standardized Amounts, Labor/Nonlabor, and Cost-Share Per Diem

Effective for admissions occurring on or after October 1, 1989.

The following summary provides the adjusted standardized amounts and the

cost-share per diem for beneficiaries other than dependents of active-duty members.

National Large Urban Adjusted Standardized Amount	\$2,911.01
Labor portion	2,149.49
Nonlabor portion	761.52
National Other Urban Adjusted Standardized Amount	2,897.85
Labor portion	2,139.77
Nonlabor portion	758.08
National Rural Adjusted Standardized Amount	2,739.27
Labor portion	2,021.86
Nonlabor portion	717.41
Cost-Share per diem for beneficiaries other than dependents of active-duty members	235.00

Editorial Note.—This table will not appear in the Code of Federal Regulations.

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY

Effective for admissions occurring on or after October 1, 1989.

The following summary shows the final CHAMPUS DRG weights as well as the arithmetic and geometric average lengths of stay and outlier thresholds for all CHAMPUS DRGs. Long stay threshold (A) is applicable to all hospitals except children's hospitals, and long stay threshold (B) is applicable to children's hospitals.

CRG Description	CHAMPUS Weight	Arithmetic Mean LOS	Geometric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
1 Craniotomy age >17 except for trauma	3.9117	14.5	10.7	1	38	27
2 Craniotomy for trauma age >17	4.9964	12.3	8.5	1	36	25
3 Craniotomy age 0-17	2.6625	9.5	5.8	1	33	22
4 Spinal procedures	2.0968	9.7	7.2	1	35	24
5 Extracranial vascular procedures	1.6369	5.4	4.6	1	24	13
6 Carpal Tunnel release	0.5914	2.4	1.8	1	13	6
7 Periph & cranial nerve & other nerv syst proc w cc	3.2575	18.2	9.1	1	37	26
8 Periph & cranial nerve & other nerv syst proc w/o cc	0.9754	4.1	2.6	1	30	14
9 Spinal disorders & injuries	2.2487	14.6	7.1	1	35	24
10 Nervous system Neoplasms w CC	1.4025	9.5	6.0	1	34	23
11 Nervous system Neoplasms w/o CC	0.9888	6.7	4.1	1	32	21
12 Degenerative nervous system disorders	1.6825	12.5	6.9	1	34	23
13 Multiple Sclerosis & Cerebellar Ataxia	1.0273	7.9	5.9	1	33	22
14 Specific cerebrovascular disorders except tia	1.4878	8.3	5.6	1	33	22
15 Transient ischemic attack & precerebral occlusions	0.7480	4.0	3.1	1	25	12
16 Nonspecific cerebrovascular disorders w CC	1.6445	9.6	5.7	1	33	22
Nonspecific cerebrovascular disorders w/o CC	0.8949	5.4	3.5	1	31	19
18 Cranial & peripheral nerve disorders w CC	1.4896	7.8	5.0	1	32	21
19 Cranial & peripheral nerve disorders w/o CC	0.6346	4.5	3.0	1	31	15
20 Nervous system infection except viral meningitis	1.8521	9.7	7.5	1	35	24
21 Viral meningitis	0.6170	4.0	3.4	1	19	10
22 Hypertensive encephalopathy	0.6831	4.5	3.6	1	26	13
23 Nontraumatic stupor & coma	0.8234	4.2	2.7	1	30	15
24 Seizure & headache age >17 w CC	0.8411	4.8	3.6	1	31	14
25 Seizure & headache age >17 w/o CC	0.5553	3.7	2.8	1	24	11
26 Seizure & headache age 0-17	0.4841	3.0	2.3	1	17	8
27 Traumatic stupor & coma, coma >1 hr	2.7881	11.3	5.1	1	33	22
28 Traumatic stupor & coma <1 hr age >17 w CC	1.6164	8.0	4.6	1	32	21
29 Traumatic stupor & coma <1 hr age >17 w/o CC	0.6277	4.7	2.5	1	30	15
30 Traumatic stupor & coma, coma <1 hr	0.5786	3.1	1.9	1	22	9
31 Concussion Age <17 W CC	0.6806	3.9	2.5	1	30	14
32 Concussion age 17 W/O CC	0.4362	2.5	1.8	1	14	7
33 Concussion age 0-17	0.2602	1.4	1.2	1	4	2
34 Other Disorders of Nervous system w CC	1.8872	10.8	5.3	1	33	22
35 Other disorders of nervous system w/o CC	0.7097	4.6	2.9	1	30	15
36 Retinal procedures	0.7870	2.6	2.2	1	11	6
37 Orbital procedures	0.9392	2.9	1.9	1	19	8
38 Primary iris procedures	0.6194	3.7	3.3	1	17	9
39 Lens procedures with or without vitrectomy	0.6393	1.5	1.3	1	4	3
40 Extraocular procedures except orbit age <17	0.6336	2.4	1.6	1	16	7
41 Extraocular procedures except orbit age 0-17	0.4961	1.6	1.3	1	6	3
42 Intraocular procedures except retina, iris & lens	0.8105	2.7	2.2	1	14	7
43 Hyphema	0.2842	3.6	3.2	1	16	9
44 Acute major eye infections	0.4809	3.9	3.4	1	17	9
45 Neurological eye disorders	0.5787	3.4	2.8	1	20	9
46 Other disorders of the eye age <17 w CC	0.8586	4.7	3.7	1	31	14
47 Other disorders of the eye age <17 w/o CC	0.5446	3.4	2.4	1	27	11

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAMPUS Weight	Arithmetic Mean LOS	Geometric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
48 Other disorders of the eye age 0-17	0.4717	3.0	2.0	1	20	9
49 Major head & neck procedures	3.2054	11.2	7.9	1	35	24
50 Sialoadenectomy	0.6966	2.0	1.8	1	6	4
51 Salivary gland procedures except sialoadenectomy	0.5787	1.5	1.3	1	5	3
52 Cleft lip & palate repair	0.6767	2.7	2.3	1	13	7
53 Sinus & mastoid procedures age <17	0.6661	1.9	1.5	1	8	4
54 Sinus & mastoid procedures age 0-17	0.7697	2.3	1.6	1	13	6
55 Miscellaneous ear, nose, mouth & throat procedures	0.5387	1.5	1.3	1		3
56 Rhinoplasty	0.5274	1.6	1.4	1	6	3
57 T&A proc, except tonsillectomy &/94 adenoidectomy only, age <17	0.5810	2.2	1.7	1	11	5
58 T&A proc, except tonsillectomy &/or adenoidectomy only, age 0-17	0.3939	1.2	1.1	1	2	2
59 Tonsillectomy &/or adenoidectomy only, age <17	0.3741	1.3	1.1	1	3	2
60 Tonsillectomy &/94 adenoidectomy only, age 0-17	0.3387	1.1	1.1	1	2	1
61 Myringotomy w tube insertion age <17	0.6280	1.8	1.4	1	8	4
62 Myringotomy w tube insertion age 0-17	0.5400	2.1	1.5	1	12	5
63 Other ear, nose, mouth & throat O.R. procedures	1.2236	4.2	2.7	1	30	12
64 Ear, nose, mouth & throat malignancy	1.4352	8.2	4.7	1	32	21
65 Dysequilibrium	0.4682	3.0	2.5	1	14	7
66 Epistaxis	0.5041	3.5	2.8	1	20	10
67 Epiglottitis	1.0445	4.1	3.5	1	21	11
68 Otitis media & uri age <17 w CC	0.6371	4.2	3.5	1	20	10
69 Otitis media <17 w/o CC	0.9544	3.7	3.0	1	19	10
70 Otitis media & uri age 0-17	0.3917	3.0	2.5	1	13	7
71 Laryngotracheitis	0.3474	2.4	2.0	1	11	6
72 Nasal trauma & deformity	0.4996	2.5	1.8	1	16	7
73 Other ear, nose, mouth & throat diagnoses age <17	0.6045	3.4	2.4	1	24	10
74 Other ear, nose, mouth & throat diagnoses age 0-17	0.5639	3.1	2.2	1	23	10
75 Major chest procedures	3.1904	11.5	9.5	1	37	26
76 Other resp system O.R. procedures w CC	2.3656	10.8	7.1	1	35	24
77 Other resp system O.R. procedures w/o CC	1.2797	5.7	3.7	1	31	20
78 Pulmonary embolism	1.6438	9.2	8.3	1	36	21
79 Respiratory infections & inflammations age <17 w CC	2.6356	11.2	8.6	1	36	25
80 Respiratory infections & inflammations age <17 w/o CC	1.4651	8.3	6.5	1	34	22
81 Respiratory infections & inflammations age 0-17	2.4921	10.8	6.1	1	34	23
82 Respiratory neoplasms	1.5168	8.4	5.8	1	33	22
83 Major chest trauma w CC	1.6657	7.3	5.6	1	33	22
84 Major chest trauma w/o CC	0.6141	3.1	2.4	1	20	9
85 Pleural effusion w CC	1.7790	10.3	7.6	1	35	24
86 Pleural effusion w/o CC	0.8896	5.4	4.4	1	31	15
87 Pulmonary edema & respiratory failure	2.4140	8.7	6.5	1	34	23
88 Chronic obstructive pulmonary disease	1.2102	6.8	5.4	1	33	19
89 Simple pneumonia & pleurisy age <17 w CC	1.4117	7.3	6.1	1	34	19
90 Simple pneumonia & pleurisy age <17 w/o CC	0.8567	5.2	4.5	1	23	13
91 Simple pneumonia & pleurisy age 0-17	0.6132	4.0	3.4	1	17	9
92 Interstitial lung disease w CC	1.6444	7.8	5.5	1	33	22
93 Interstitial lung disease w/o CC	0.9309	5.0	3.4	1	31	19
94 Pneumothorax w CC	1.2767	6.8	5.4	1	33	20
95 Pneumothorax w/o CC	0.6444	5.0	4.2	1	27	14
96 Bronchitis & asthma age <17 w CC	1.1132	6.1	5.0	1	31	16
97 Bronchitis & asthma age 0-17	0.6968	4.3	3.6	1	22	11
98 Bronchitis & asthma age 0-17	0.5176	3.3	2.8	1	15	8
99 Respiratory signs & symptoms w CC	0.9284	4.5	3.4	1	29	13
100 Respiratory signs & symptoms w/o CC	0.5962	3.2	2.4	1	19	9
101 Other respiratory system diagnoses w CC	1.5720	7.1	4.9	1	32	21
102 Other respiratory system diagnoses w/o CC	0.7793	4.2	2.9	1	30	14
103 Heart transplant	—	—	—	—	—	—
104 Cardiac valve procedure w pump & w cardiac cath	8.0735	16.0	13.7	2	41	30
105 Cardiac valve procedure w pump & w/o cardiac cath	6.4719	12.6	10.5	1	38	27
106 Coronary bypass w cardiac cath	5.9430	12.2	11.2	3	38	24
107 Coronary bypass w/o cardiac cath	4.8067	10.0	9.2	2	30	19
108 Other cardiothoracic or vascular procedures, w pump	5.2607	10.0	8.7	1	36	25
109 Other cardiothoracic procedures w/o pump	4.3247	10.5	7.5	1	35	24
110 Major reconstructive vascular proc w/o pump w cc	3.6828	11.2	9.5	1	37	26
111 Major reconstructive vascular proc w/o pump w/o cc	2.3330	7.9	7.1	1	28	17
112 Vascular procedures except major reconstruction w/o pump	2.1673	5.4	4.2	1	32	16
113 Amputation for circ system disorders except upper limb & toe	2.8657	15.6	12.9	2	40	29
114 Upper limb & toe amputation for circ system disorders	1.9071	12.5	7.7	1	35	24
115 Perm cardiac pacemaker implant w ami, heart failure or shock	6.5297	13.8	12.2	2	40	29
116 Perm cardiac pacemaker implant w/o ami, heart failure or shock	3.0127	5.3	4.0	1	32	16
117 Cardiac pacemaker revision except device replacement	2.5961	6.1	4.5	1	32	21
118 Cardiac pacemaker device replacement	2.3427	4.2	2.9	1	30	14
119 Vein ligation & stripping	0.7060	2.6	2.0	1	15	7
120 Other circulatory system O.R. procedures	3.0299	12.3	7.4	1	35	24
121 Circulatory disorders w ami & c.v. comp disch alive	2.1885	8.4	7.2	1	35	22
122 Circulatory disorders w ami w/o c.v. comp disch alive	1.5242	6.0	5.0	1	33	17
123 Circulatory disorders w ami, expired	2.1714	4.3	2.5	1	30	16
124 Circulatory disorders except ami, w card cath & complex diag	1.2640	4.6	3.4	1	31	15
125 Circulatory disorders except ami, w card cath w/o complex diag	0.8364	2.7	2.0	1	17	8
126 Acute & subacute endocarditis	2.8641	16.4	12.5	1	40	29

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAMPUS Weight	Arithmetic Mean LOS	Geometric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
127 Heart failure & shock.....	1.3149	6.7	5.3	1	33	20
128 Deep vein thrombophlebitis.....	0.8735	7.5	6.4	1	34	19
129 Cardiac arrest, unexplained.....	2.5452	6.4	3.0	1	31	20
130 Peripheral vascular disorders w cc.....	1.0998	6.8	5.2	1	33	22
131 Peripheral vascular disorders w/o cc.....	0.7289	5.2	3.7	1	31	19
132 Atherosclerosis w cc.....	1.6897	5.4	3.8	1	31	20
133 Atherosclerosis w/o cc.....	1.2362	4.1	3.0	1	31	14
134 Hypertension.....	0.6438	3.8	3.0	1	24	11
135 Cardiac congenital & valvular disorders age > 17 w cc.....	1.1477	4.5	3.0	1	31	15
136 Cardiac congenital & valvular disorders age > 17 w/o cc.....	0.7167	3.6	2.1	1	18	8
137 Cardiac congenital & valvular disorders age 0-17.....	1.0744	3.3	2.1	1	21	9
138 Cardiac arrhythmia & conduction disorders w cc.....	0.9735	4.5	3.3	1	31	14
139 Cardiac arrhythmia & conduction disorders w/o cc.....	0.6282	3.1	2.4	1	17	8
140 Angina pectoris.....	0.7838	3.3	2.7	1	18	9
141 Syncope & collapse w cc.....	0.6712	3.7	2.9	1	23	11
142 Syncope & collapse w/o cc.....	0.5514	3.0	2.4	1	17	8
143 Chest pain.....	0.6135	2.6	2.2	1	12	6
144 Other circulatory system diagnoses w cc.....	1.4166	6.4	4.6	1	32	21
145 Other circulatory system diagnoses w/o cc.....	0.8218	3.8	2.8	1	26	11
146 Rectal resection w cc.....	3.1160	12.9	11.5	2	39	27
147 Rectal resection w/o cc.....	1.9060	9.2	8.4	2	31	19
148 Major small & large bowel procedures w cc.....	3.4971	13.5	11.5	2	39	28
149 Major small & large bowel procedures w/o cc.....	1.9871	9.4	8.3	1	36	21
150 Peritoneal adhesiolysis w cc.....	2.4176	11.7	9.6	1	37	26
151 Peritoneal adhesiolysis w/o cc.....	1.4153	7.3	6.2	1	34	20
152 Minor small & large bowel procedures w cc.....	2.0014	9.6	7.7	1	35	24
153 Minor small & large bowel procedures w/o cc.....	1.1077	6.4	5.6	1	31	17
154 Stomach, esophageal & duodenal procedures age > 17 w cc.....	3.7402	12.8	10.2	1	38	27
155 Stomach, esophageal & duodenal procedures age > 17 w/o cc.....	1.7192	7.8	7.1	1	25	16
156 Stomach, esophageal & duodenal procedures age 0-17.....	1.2039	6.6	4.9	1	32	20
157 Anal & stomal procedures w cc.....	0.9373	4.9	3.7	1	31	14
158 Anal & stomal procedures w/o cc.....	0.5714	2.8	2.3	1	14	7
159 Hernia procedures except inguinal & femoral age > 17 w cc.....	1.3938	6.1	4.7	1	32	17
160 Hernia procedures except inguinal & femoral age > 17 w/o cc.....	0.7490	3.3	2.7	1	17	9
161 Inguinal & femoral hernia procedures age > 17 w cc.....	0.7323	3.0	2.4	1	17	8
162 Inguinal & femoral hernia procedures age > 17 w/o cc.....	0.5269	1.9	1.6	1	7	4
163 Hernia procedures age 0-17.....	0.4705	1.6	1.4	1	6	3
164 Appendectomy w complicated principal diag w cc.....	1.9312	9.2	8.3	2	31	19
165 Appendectomy w complicated principal diag w/o cc.....	1.2479	6.4	5.8	1	22	13
166 Appendectomy w/o complicated principal diag w cc.....	1.2447	5.4	4.5	1	24	13
167 Appendectomy w/o complicated principal diag w/o cc.....	0.6733	3.2	2.9	1	10	6
168 Mouth procedures w cc.....	1.0559	4.9	3.4	1	31	19
169 Mouth procedures w/o cc.....	0.7599	3.1	2.1	1	21	9
170 Other digestive system o.r. procedures w cc.....	2.9512	13.4	9.4	1	37	26
171 Other digestive system o.r. procedures w/o cc.....	1.0061	5.1	3.8	1	31	17
172 Digestive malignancy w cc.....	1.5666	8.9	6.3	1	34	23
173 Digestive malignancy w/o cc.....	0.7991	6.0	3.9	1	31	20
174 G.I. hemorrhage w cc.....	1.0529	5.3	4.3	1	27	14
175 G.I. hemorrhage w/o cc.....	0.6544	3.6	3.0	1	17	9
176 Complicated peptic ulcer.....	0.9539	5.9	4.7	1	32	16
177 Uncomplicated peptic ulcer w cc.....	0.7943	4.4	3.6	1	24	12
178 Uncomplicated peptic ulcer w/o cc.....	0.6147	3.7	3.1	1	18	9
179 Inflammatory bowel disease.....	0.9767	6.7	5.3	1	33	19
180 G.I. obstruction w cc.....	1.0432	6.3	5.0	1	32	19
181 G.I. obstruction w/o cc.....	0.5774	4.1	3.3	1	24	11
182 Esophagitis, gastroent & misc digest disorders age > 17 w cc.....	0.7193	4.4	3.5	1	27	13
183 Esophagitis, gastroent & misc digest disorders age > 17 w/o cc.....	0.5410	3.4	2.7	1	20	9
184 Esophagitis, gastroent & misc digest disorders age 0-17.....	0.3576	2.9	2.4	1	15	7
185 Dental & oral dis except extractions & restorations, age > 17.....	0.8427	4.1	3.1	1	29	13
186 Dental & oral dis except extractions & restorations, age 0-17.....	0.4307	3.3	2.5	1	21	10
187 Dental extractions & restorations.....	0.5572	2.0	1.6	1	10	5
188 Other digestive system diagnoses age > 17 w cc.....	1.0530	5.7	4.0	1	32	19
189 Other digestive system diagnoses age > 17 w/o cc.....	0.5618	3.5	2.6	1	24	11
190 Other digestive system diagnoses age 0-17.....	0.3999	2.3	1.7	1	12	6
191 Pancreas, liver & shunt procedures w cc.....	6.6447	18.3	14.0	1	42	31
192 Pancreas, liver & shunt procedures w/o cc.....	4.1148	13.9	11.0	1	38	27
193 Biliary tract proc except only tot cholecyst w or w/o c.d.e. w cc.....	3.9654	13.5	11.0	1	39	28
194 Biliary tract proc except only tot cholecyst w or w/o c.d.e. w/o.....	2.1299	9.9	8.5	1	36	24
195 Total cholecystectomy w c.d.e. w cc.....	1.7854	8.2	7.4	1	29	18
196 Total cholecystectomy w c.d.e. w/o cc.....	1.3674	6.9	6.5	2	17	12
197 Total cholecystectomy w/o c.d.e. w cc.....	1.3811	6.5	5.8	1	23	14
198 Total cholecystectomy w/o c.d.e. w/o cc.....	0.9930	5.0	4.6	1	15	10
199 Hepatobiliary diagnostic procedure for malignancy.....	2.8350	12.2	9.8	1	37	26
200 Hepatobiliary diagnostic procedure for non-malignancy.....	2.1257	8.4	6.2	1	34	23
201 Other hepatobiliary or pancreas o.r. procedures.....	1.9588	7.7	5.4	1	33	22
202 Cirrhosis & alcoholic hepatitis.....	1.6444	9.1	6.5	1	34	23
203 Malignancy of hepatobiliary system or pancreas.....	1.3965	7.9	5.4	1	33	22
204 Disorders of pancreas except malignancy.....	1.1547	6.7	5.3	1	33	19
205 Disorders of liver except malig.cirr,alc hepa w cc.....	1.5825	8.1	5.5	1	33	22

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAM- PUS Weight	Arithme- tic Mean LOS	Geomet- ric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
206 Disorders of liver except malign. cirr. alc. hepa w/o CC	0.6766	4.5	2.7	1	30	16
207 Disorders of the biliary tract w/o CC	0.9314	5.3	4.0	1	32	17
208 Disorders of the biliary tract w/o CC	0.5752	3.3	2.6	1	19	9
209 Major joint & limb reattachment procedures	2.7755	9.9	9.3	2	29	19
210 Hip & femur procedures except major joint age >17 w CC	2.7846	13.1	11.2	2	39	28
211 Hip & femur procedures except major joint age >17 w/o CC	1.9229	9.3	7.1	1	35	24
212 Hip & femur procedures except major joint age 0-17	1.3735	6.9	4.8	1	32	21
213 Amputation for musculoskeletal system & conn tissue disorders	1.5458	9.8	5.5	1	33	22
214 Back & neck procedures w CC	2.1049	9.3	7.5	1	35	24
215 Back & neck procedures w/o CC	1.2199	5.9	5.1	1	25	14
216 Biopsies of musculoskeletal system & connective tissue	1.5363	8.6	5.0	1	32	21
217 Wnd debrid & skn grft except hand, for muscskelet & conn tiss dis	2.5842	11.3	6.3	1	34	23
218 Lower extrem & humer proc except hip, foot, femur age >17 w CC	1.7805	8.0	6.1	1	34	23
219 Lower extrem & humer proc except hip, foot, femur age >17 w/o CC	1.0219	4.3	3.5	1	23	11
220 Lower extrem & humer proc except hip, foot, femur age 0-17	0.8000	3.0	2.3	1	19	9
221 Knee procedures w CC	1.5756	6.1	4.4	1	32	21
222 Knee procedures w/o CC	0.9490	3.3	2.7	1	18	9
223 Major shoulder/elbow proc, or other upper extremity proc w CC	0.8474	3.3	2.6	1	18	9
224 Shoulder, elbow or forearm proc, exc major joint proc, w/o CC	0.7237	2.5	2.0	1	11	6
225 Foot procedures	0.7067	2.7	2.1	1	14	7
226 Soft tissue procedures w CC	1.0833	4.7	3.4	1	31	17
227 Soft tissue procedures w/o CC	0.7292	2.8	2.2	1	15	7
228 Major thumb or joint proc, or oth hand or wrist proc w CC	0.7723	2.3	1.9	1	10	5
229 Hand or wrist proc, except major joint proc, w/o cc	0.8612	2.4	1.7	1	13	6
230 Local excision & removal of int fix devices of hip & femur	0.8904	3.5	2.1	1	29	11
231 Local excision & removal of int fix devices except hip & femur	0.9305	3.8	2.4	1	30	12
232 Arthroscopy	0.9736	3.4	2.0	1	27	10
233 Other musculoskelet sys & conn tiss o.r. proc w CC	2.0303	11.0	9.3	1	37	26
234 Other musculoskelet sys & conn tiss o.r. proc w/o CC	1.9052	6.9	5.1	1	33	22
235 Fractures of femur	1.2251	13.0	6.7	1	34	23
236 Fractures of hip & pelvis	1.3313	10.7	7.4	1	35	24
237 Sprains, strains, & dislocations of hip, pelvis & thigh	0.7109	5.5	3.4	1	31	20
238 Osteomyelitis	1.5511	11.1	8.7	1	36	25
239 Pathological fractures & musculoskeletal & conn tiss malignancy	1.3387	9.0	6.2	1	34	23
240 Connective tissue disorder w CC	1.7277	8.7	5.9	1	33	22
241 Connective tissue disorders w/o CC	0.7982	5.9	4.0	1	32	20
242 Septic arthritis	1.1335	8.1	6.3	1	34	23
243 Medical back problems	0.6173	4.5	3.2	1	31	16
244 Bone diseases & specific arthropathies w CC	1.1070	6.2	4.4	1	32	21
245 Bone disease & specific arthropathies w/o CC	0.7033	4.8	3.5	1	31	17
246 Non-specific arthropathies	0.6759	4.6	3.8	1	26	13
247 Signs & symptoms of musculoskeletal system & conn tissue	0.5795	4.0	3.0	1	27	12
248 Tendonitis, myositis & bursitis	0.5531	3.8	2.8	1	25	11
249 Aftercare, musculoskeletal system & connective tissue	0.7241	5.0	2.8	1	30	19
250 Fx, sprn, strn & disl of forearm, hand, foot age >17 w CC	0.9518	4.5	3.4	1	31	15
251 Fx, sprn, strn & disl of forearm, hand, foot age >17 w/o CC	0.5489	2.5	1.9	1	15	7
252 Fx, sprn, strn & disl of forearm, hand, foot age 0-17	0.3787	1.8	1.3	1	6	3
253 Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 w CC	1.0838	7.8	5.2	1	33	22
254 Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 w/o CC	0.5401	3.6	2.7	1	25	11
255 Fx, sprn, strn & disl of uparm, lowleg ex foot age 0-17	0.4024	2.4	1.7	1	13	6
256 Other musculoskeletal system & connective tissue diagnoses	0.6493	3.6	2.5	1	27	11
257 Total mastectomy for malignancy w CC	1.0537	4.8	4.3	1	16	10
258 Total mastectomy for malignancy w/o CC	0.9254	4.0	3.6	1	15	9
259 Subtotal mastectomy for malignancy w CC	1.1262	4.0	3.0	1	28	12
260 Subtotal mastectomy for malignancy w/o CC	0.7141	2.7	2.3	1	12	6
261 Breast proc for non-malignancy except biopsy & local excision	0.8871	2.4	2.0	1	11	6
262 Breast biopsy & local excision for non-malignancy	0.5160	1.8	1.5	1	7	4
263 Skin graft &/or debrid for skn ulcer or cellulitis w CC	3.0046	17.9	11.8	1	39	28
264 Skin graft &/or debrid for skn ulcer or cellulitis w/o CC	1.3774	7.7	5.8	1	33	22
265 Skin graft &/or debrid except for skin ulcer or cellulitis w CC	2.2321	9.5	5.6	1	33	22
266 Skin graft &/or debrid except for skin ulcer or cellulitis w/o C	0.9031	3.8	2.7	1	30	13
267 Perianal & pilonidal procedures	0.4816	1.9	1.6	1	8	4
268 Skin, subcutaneous tissue & breast plastic procedures	0.7099	2.5	1.9	1	15	7
269 Other skin, subcut tiss & breast poroc w CC	1.7278	8.4	5.2	1	33	22
270 Other skin, subcut tiss & breast proc w/o CC	0.6845	3.1	2.3	1	21	9
271 Skin ulcers	0.9865	7.3	5.6	1	33	22
272 Major skin disorders w CC	1.5756	7.8	6.1	1	34	23
273 Major skin disorders w/o CC	0.6007	4.9	3.7	1	31	16
274 Malignant breast disorders w CC	1.3695	7.7	5.0	1	33	22
275 Malignant breast disorders w/o CC	0.8398	5.0	3.9	1	31	15
276 Non-malignant breast disorders	0.5911	3.2	2.5	1	20	9
277 Cellulitis age >17 w CC	1.0237	6.8	5.7	1	32	17
278 Cellulitis age >17 w/o CC	0.6316	4.7	3.9	1	23	12
279 Cellulitis age 0-17	0.4686	3.7	3.2	1	16	9
280 Trauma to the skin, subcut tiss & breast age >17 w CC	0.6941	4.1	2.8	1	30	14
281 Trauma to the skin, subcut tiss & breast age >17 w/o CC	0.4864	2.9	2.1	1	20	8
282 Trauma to the skin, subcut tiss & breast age 0-17	0.3919	2.2	1.7	1	12	6
283 Minor skin disorders w CC	0.7785	5.4	3.6	1	31	17
284 Minor skin disorders w/o CC	0.4708	3.3	2.5	1	23	10

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAMPUS Weight	Arithmetic Mean LOS	Geometric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
285 Amputat of lower limb for endocrine, nutrit, & metabol disorders.....	3.0689	17.3	12.2	1	40	29
286 Adrenal & pituitary procedures.....	2.7767	10.2	8.6	1	36	25
287 Skin grafts & wound debrid for endoc, nutrit & metab disorders.....	2.9059	19.1	11.8	1	39	28
288 O.R. procedures for obesity.....	1.7049	5.7	5.3	1	15	10
289 Parathyroid procedures.....	0.8573	3.4	3.0	1	12	7
290 Thyroid procedures.....	0.7497	2.6	2.3	1	10	6
291 Thyroglossal procedures.....	0.4254	1.5	1.3	1	5	3
292 Other endocrine, nutrit & metab o.r. proc w CC.....	3.0042	13.4	10.1	1	38	27
293 Other endocrine, nutrit & metab o.r. proc w/o CC.....	1.3450	6.7	5.5	1	33	21
294 Diabetes age >35.....	0.7471	5.6	4.7	1	26	14
295 Diabetes age 0-35.....	0.6015	4.2	3.5	1	22	11
296 Nutritional & misc metabolic disorders age >17 w CC.....	1.0624	6.9	4.7	1	32	21
297 Nutritional & misc metabolic disorders age >17 w/o CC.....	0.6425	4.6	3.2	1	31	14
298 Nutritional & misc metabolic disorders age 0-17.....	0.4536	3.5	2.7	1	21	10
299 Inborn errors of metabolism.....	0.9071	5.9	4.3	1	32	21
300 Endocrine disorders w CC.....	0.8962	5.2	4.2	1	31	15
301 Endocrine disorders w/o CC.....	0.5547	3.5	2.5	1	24	10
302 Kidney transplant.....	6.1736	15.5	14.1	3	42	31
303 Kidney, ureter & major bladder procedures for neoplasm.....	2.5716	10.0	9.0	2	33	21
304 Kidney, ureter & major bladder proc for non-neopl w CC.....	2.0182	8.9	7.7	1	35	22
305 Kidney, ureter & major bladder proc for non-neopl w/o cc.....	1.3911	6.3	5.1	1	33	20
306 Prostatectomy w CC.....	1.2722	6.7	5.2	1	33	22
307 Prostatectomy w/o CC.....	0.7481	3.5	3.0	1	15	8
308 Minor bladder procedures w CC.....	1.7868	8.5	5.7	1	33	22
309 Minor bladder procedures w/o CC.....	0.8640	3.9	3.0	1	26	12
310 Transurethral procedures w CC.....	0.9821	3.8	3.0	1	21	10
311 Transurethral procedures w/o CC.....	0.7366	2.8	2.2	1	15	7
312 Urethral procedures, age >17 w CC.....	0.9134	4.0	2.8	1	30	15
313 Urethral procedures, age >17 w/o CC.....	0.5920	2.5	2.1	1	13	6
314 Urethral procedures, age 0-17.....	0.4592	1.7	1.3	1	8	4
315 Other kidney & urinary tract o.r. procedures.....	2.3145	9.3	6.2	1	34	23
316 Renal failure.....	1.7109	8.5	5.5	1	33	22
317 Admit for renal dialysis.....	0.3814*	0.0	2.3	1	22	22
318 Kidney & urinary tract neoplasms w CC.....	1.3417	7.3	4.7	1	32	21
319 Kidney & urinary tract neoplasms w/o CC.....	0.9732	5.6	3.3	1	31	19
320 Kidney & urinary tract infections age >17 w CC.....	0.9125	5.6	4.7	1	27	14
321 Kidney & urinary tract infections age >17 w/o CC.....	0.6104	4.2	3.6	1	18	10
322 Kidney & urinary tract infections age 0-17.....	0.5584	4.0	3.4	1	18	10
323 Urinary stones w CC, &/or esw lithotripsy.....	0.8311	2.9	2.1	1	17	8
324 Urinary stones w/o CC.....	0.4680	2.2	1.8	1	10	5
325 Kidney & urinary tract signs & symptoms age >17 w CC.....	0.9197	4.8	3.5	1	31	16
326 Kidney & urinary tract signs & symptoms age >17 w/o CC.....	0.5387	3.2	2.4	1	21	9
327 Kidney & urinary tract signs & symptoms age 0-17.....	0.4104	2.1	1.9	1	8	5
328 Urethral stricture age >17 w CC.....	0.6445*	0.0	3.9	1	32	32
329 Urethral stricture age >17 w/o CC.....	0.4020*	0.0	2.3	1	19	19
330 Urethral stricture age 0-17.....	0.2754*	0.0	1.6	1	9	9
331 Other kidney & urinary tract diagnoses age >17 w CC.....	1.2728	7.1	4.7	1	32	21
332 Other kidney & urinary tract diagnoses age >17 w/o CC.....	0.7089	4.1	2.9	1	30	13
333 Other kidney & urinary tract diagnoses age 0-17.....	0.6035	3.8	2.8	1	27	12
334 Major male pelvic procedures w CC.....	2.3332	9.9	9.1	2	30	19
335 Major male pelvic procedures w/o CC.....	1.8027	7.6	7.3	3	17	12
336 Transurethral prostatectomy w CC.....	1.0247	4.8	4.2	1	18	11
337 Transurethral prostatectomy w/o CC.....	0.7417	3.7	3.4	1	10	7
338 Testes procedures, for malignancy.....	0.7775	4.1	2.3	1	30	14
339 Testes procedures, non-malignancy age >17.....	0.5358	1.7	1.4	1	7	4
340 Testes procedures, non-malignancy age 0-17.....	0.5130	1.6	1.4	1	6	3
341 Penis procedures.....	0.9564	3.3	2.5	1	22	10
342 Circumcision age >17.....	0.4806*	0.0	2.1	1	23	23
343 Circumcision age 0-17.....	0.4398	1.3	1.2	1	3	2
344 Other male reproductive system o.r. procedures for malignancy.....	1.3390	6.1	5.3	1	29	16
345 Other male reproductive system o.r. proc except for malignancy.....	0.7572	4.6	3.5	1	31	14
346 Malignancy, male reproductive system, w CC.....	1.2368	8.0	5.4	1	33	22
347 Malignancy, male reproductive system, w/o CC.....	0.8627	4.6	3.1	1	31	18
348 Benign prostatic hypertrophy w CC.....	0.6228	3.1	2.6	1	20	9
349 Benign prostatic hypertrophy w/o CC.....	0.5178	2.3	1.9	1	12	6
350 Inflammation of the male reproductive system.....	0.6165	4.0	3.4	1	19	10
351 Sterilization, male.....	0.3293*	0.0	1.3	1	5	5
352 Other male reproductive system diagnoses.....	0.4838	3.3	2.1	1	28	11
353 Pelvic evisceration, radical hysterectomy & radical vulvectomy.....	1.7251	8.3	7.6	2	27	17
354 Uterine, adnexa proc for non-ovarian/adnexal malig w CC.....	1.4771	7.1	6.2	1	25	15
355 Uterine, adnexa proc for non-ovarian/adnexal malig w/o CC.....	0.9369	4.7	4.4	1	11	8
356 Female reproductive system reconstructive procedures.....	0.8560	4.4	4.1	1	15	9
357 Uterine & adnexa proc for ovarian or adnexal malignancy.....	1.6853	8.0	7.0	1	31	18
358 Uterine & adnexa proc for non-malignancy w CC.....	1.1804	5.4	5.0	1	15	10
359 Uterine & adnexa proc for non-malignancy w/o CC.....	0.9062	4.3	4.0	1	11	7
360 Vagina, cervix & vulva procedures.....	0.6711	3.0	2.2	1	21	9
361 Laparoscopy & incisional tubal interruption.....	0.6814	2.9	2.2	1	19	9
362 Endoscopic tubal interruption.....	0.3464	1.1	1.1	1	2	1
363 D&C, conization & radio-implant, for malignancy.....	0.6631	3.1	2.6	1	16	8

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAM- PUS Weight	Arithme- tic Mean LOS	Geomet- ric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
364 D&C, conization except for malignancy	0.5004	2.0	1.6	1	9	5
365 Other female reproductive system o.r. procedures	1.1177	5.7	4.8	1	25	14
366 Malignancy, female reproductive system w CC	1.5648	9.1	4.8	1	32	21
36721 Malignancy, female reproductive system w/o CC	0.6546	3.5	2.5	1	28	11
368 Infections, female reproductive system	0.6109	4.0	3.5	1	15	9
369 Menstrual & other female reproductive system disorders	0.4448	2.7	2.2	1	15	7
370 Cesarean section w CC	0.9604	5.4	4.9	1	16	10
371 Cesarean section w/o CC	0.7595	4.2	4.0	1	9	6
372 Vaginal delivery w complicating diagnoses	0.5876	3.5	2.9	1	15	8
373 Vaginal delivery w/o complicating diagnoses	0.3892	2.3	2.1	1	6	4
374 Vaginal delivery w sterilization &/or D&C	0.6206	2.7	2.5	1	7	5
375 Vaginal delivery w o.r. proc except steril &/or d&c	0.6414	3.2	2.8	1	14	8
376 Postpartum & post abortion diagnoses w/o o.r. procedure	0.4266	3.0	2.5	1	14	7
377 Postpartum & post abortion diagnoses w o.r. procedure	0.6258	2.8	2.2	1	18	8
378 Ectopic pregnancy	0.7793	3.7	3.4	1	11	7
379 Threatened abortion	0.3361	2.7	2.0	1	17	7
380 Abortion w/o d&c	0.2981	1.6	1.4	1	6	3
381 Abortion w d&c, aspiration curettage or hysterotomy	0.3935	1.3	1.2	1	4	2
382 False labor	0.1574	1.4	1.2	1	4	2
383 Other antepartum diagnoses w medical complications	0.3452	3.1	2.5	1	16	8
384 Other antepartum diagnoses w/o medical complications	0.3253	2.6	1.9	1	16	7
385 No longer valid						
386 No longer valid						
387 No longer valid						
388 No longer valid						
389 No longer valid						
390 No longer valid						
391 Normal newborn	0.1246	2.5	2.2	1	8	5
392 Splenectomy age >17	3.2732	10.5	8.6	1	36	25
393 Splenectomy age 0-17	2.0851	8.9	6.7	1	34	21
394 Other o.r. procedures of the blood and blood forming organs	1.2115	5.0	3.3	1	31	18
395 Red blood cell disorders age >17	0.8802	5.4	3.9	1	31	19
396 Red blood cell disorders age 0-17	0.6442	4.1	2.9	1	30	14
397 Coagulation disorders	0.9506	4.9	3.3	1	31	16
398 Reticuloendothelial & immunity disorders w CC	1.4610	7.3	5.7	1	33	22
399 Reticuloendothelial & immunity disorders w/o CC	0.7966	5.0	3.8	1	31	15
400 Lymphoma & leukemia w major o.r. procedure	3.6818	11.9	7.8	1	35	24
401 Lymphoma & non-acute leukemia w other o.r. proc w CC	2.5169	10.3	8.2	1	36	25
402 Lymphoma & non-acute leukemia w other o.r. proc w/o CC	1.1690	4.7	3.3	1	31	17
403 Lymphoma & non-acute leukemia w CC	2.1872	10.6	6.9	1	34	23
404 Lymphoma & non-acute leukemia w/o CC	1.1867	6.1	4.1	1	32	21
405 Acute leukemia w/o major o.r. procedure age 0-17	2.8535	9.3	5.6	1	33	22
406 Myeloprolif disord or poorly diff neopl w maj o.r. proc w CC	2.7943	11.7	8.7	1	36	25
407 Myeloprolif disord or poorly diff neopl w maj o.r. proc w/o CC	1.9828	8.8	7.3	1	35	24
408 Myeloprolif disord or poorly diff neopl w other o.r. proc	1.0927	4.8	3.4	1	31	15
409 Radiotherapy	0.8863	6.4	3.9	1	31	30
410 Chemotherapy	0.6762	2.9	2.4	1	16	8
411 History of malignancy w/o endoscopy	0.5547	2.3	1.9	1	11	6
412 History of malignancy W endoscopy	0.4046 *	0.0	2.1	1	20	20
413 Other Myeloprolif Dis or poorly diff neopl diag w cc	1.8943	9.5	5.9	1	33	22
414 Other myeloprolif dis or poorly diff neopl diag w/o cc	1.1732	7.6	4.5	1	32	21
415 O.R. procedure for infectious & parasitic diseases	3.0686	13.6	9.0	1	36	25
416 Septicemia age >17	1.9942	8.6	6.6	1	34	23
417 Septicemia age 0-17	0.8230	5.6	4.5	1	32	16
418 Postoperative & post-traumatic infections	0.9547	5.9	4.8	1	32	17
419 Fever of unknown origin >17 w cc	1.1020	6.3	5.3	1	28	15
420 Fever of unknown origin age >17 w/o cc	0.8086	4.8	3.9	1	28	13
421 Viral illness age >17	0.5673	3.6	3.0	1	20	10
422 Viral illness & fever of unknown origin age 0-17	0.4254	3.1	2.7	1	12	7
423 Other infectious & parasitic diseases diagnoses	1.4709	8.6	5.4	1	33	22
424 O.R. procedure w principal diagnoses of mental illness	1.7427	13.8	9.7	1	37	26
425 Acute adjust react & disturbances of psychosocial dysfunction	0.7532	6.1	3.5	1	31	20
426 Depressive neuroses	1.9988	12.0	7.0	1	34	23
427 Neuroses except depressive	1.6716	11.2	6.2	1	34	23
428 Disorders of personality & impulse control	3.3955	18.8	11.3	1	39	28
429 Organic disturbances & mental retardation	1.5729	14.5	8.5	1	36	25
430 Psychoses	1.7922	13.5	9.3	1	37	26
431 Childhood mental disorders	4.2143	20.2	13.3	1	41	30
432 Other mental disorder diagnoses	2.4544	24.9	16.6	1	44	33
433 Alcohol/drug abuse or dependence, left ama	0.7875	8.5	5.5	1	33	22
434 Alc/drug abuse or depend, detox or oth sympt treat w cc	1.1937	12.2	7.1	1	35	24
435 No longer valid						
436 Alc/drug dependence w rehabilitation therapy	1.8675	25.2	23.1	5	51	40
437 Alc/drug dependence, combined rehab & detox therapy	1.6302	23.4	21.9	6	49	38
438 No longer valid						
439 Skin grafts for injuries				1		
440 Wound debridement for injuries	2.0342	9.7	6.5	1	34	23
441 Hand procedures for injuries	1.9284	8.2	4.8	1	32	21
442 Other O.R. procedures for injuries w cc	0.7090	2.6	2.0	1	17	8
	2.5272	9.4	6.1	1	34	23

TABLE 2—CHAMPUS WEIGHTS AND THRESHOLD SUMMARY—Continued

CRG Description	CHAM-PUS Weight	Arithme-tic Mean LOS	Geomet-ric Mean LOS	Short Stay Threshold	Long Stay Threshold (A)	Long Stay Threshold (B)
443 Other O.R. procedures for injuries w/o cc	1.1303	4.4	2.8	1	30	16
444 Multiple trauma age >17 w cc	1.1584	6.0	3.8	1	31	20
445 Multiple trauma age >17 w/o cc	0.7573	4.9	3.1	1	31	17
446 Multiple trauma age 0-17	0.4830	2.7	2.1	1	16	8
447 Allergic reactions age >17	0.4310	2.6	2.0	1	15	7
448 Allergic reactions age 0-17	0.2338	1.8	1.5	1	8	4
449 Poisoning & toxic effects of drugs age >17 w cc	0.9356	4.6	2.9	1	30	16
450 Poisoning & toxic effects of drugs age >17 w/o cc	0.5260	3.2	2.0	1	24	10
451 Poisoning & toxic effects of drugs age 0-17	0.4302	2.5	1.7	1	15	7
452 Complications of treatment w cc	1.0013	5.6	3.9	1	31	19
453 Complications of treatment w/o cc	0.5541	3.5	2.3	1	28	11
454 Other injury, poisoning & toxic effect diag w cc	1.2067	4.7	2.7	1	30	17
455 Other injury, poisoning & toxic effect diag w/o cc	0.3595	1.8	1.4	1	7	4
456 Burns, transferred to another acute care facility	3.1114*	0.0	5.6	1	34	34
457 Extensive Burns w/o O.R. procedure	3.6851	11.7	6.2	1	34	23
458 Non-extensive burns w skin graft	3.5459	16.4	11.2	1	39	28
459 Non-extensive burns w wound debridement or other O.R. proc	1.7181	9.4	6.5	1	34	23
460 Non-extensive burns w/o O.R. procedure	1.3197	6.8	4.3	1	32	21
461 O.R. proc w diagnoses of other contact w health services	0.9221	4.8	2.4	1	30	16
462 Rehabilitation	2.9942	23.8	16.4	1	44	33
463 Signs & symptoms w cc	1.0092	7.1	4.3	1	32	21
464 Signs & symptoms w/o cc	0.5286	3.6	2.8	1	21	10
465 Aftercare w history of malignancy as secondary diagnosis	0.3282*	0.0	1.8	1	12	12
466 Aftercare w/o history of malignancy as secondary diagnosis	0.6294	3.8	2.3	1	30	13
467 Other factors influencing health status	0.4149	2.6	1.9	1	15	7
468 Extensive O.R. procedure unrelated to principal diagnosis	2.2076	8.9	5.1	1	33	22
469 Principal diagnosis invalid as discharge diagnosis	-	-	-	-	-	-
470 Ungroupable	-	-	-	-	-	-
471 Bilateral or multiple major joint procs of lower extremity	4.8560	13.3	12.3	3	40	27
472 Extensive burns w O.R. procedure	12.7129*	0.0	19.1	1	47	47
473 Acute Leukemia w/o major O.R. procedure age <17	4.6535	16.9	9.9	1	37	26
474 Respiratory system diagnosis with tracheostomy	10.4534	25.5	19.3	1	47	36
475 Respiratory system diagnosis with ventilator support	4.2176	12.9	9.0	1	36	25
476 Prostatic O.R. procedure unrelated to principal diagnosis	2.5507	12.6	10.1	1	38	27
477 Non-extensive O.R. procedure unrelated to principal diagnosis	1.1686	6.5	3.7	1	31	20
600 Neonate, died w/in one day of birth	0.2046#	0.0	2.2	1	1	1
601 Neonate, transferred >5 days old	0.2136#	0.0	1.4	1	1	1
602 Neonate, birthwt >750G, discharged alive	6.6400#	0.0	52.0	4	69	69
603 Neonate, birthwt >750g, died	2.2736#	0.0	7.4	1	24	24
604 Neonate, birthwt 750-999G, discharged alive	6.0740#	0.0	71.2	20	88	88
605 Neonate, birthwt 750-999G, died	2.9237#	0.0	9.3	1	26	26
606 Neonate, birthwt 1000-1499G, w signif or proc, discharged alive	5.8513#	0.0	62.7	14	80	80
607 Neonate, birthwt 1000-1499G, w/o signif or proc, discharged alive	3.0242#	0.0	42.8	12	60	60
608 Neonate, birthwt 1000-1499G, died	2.8813#	0.0	9.4	1	26	26
609 Neonate, birthwt 1500-1999G, w signif or proc, w mult major prob	4.7487#	0.0	40.9	8	58	58
610 Neonate, birthwt 1500-1999G, w signif or proc, w/o mult major pr	1.8088#	0.0	19.6	3	37	37
611 Neonate, birthwt 1500-1999G, w/o signif or proc, w mult major pr	2.1175#	0.0	24.8	6	42	42
612 Neonate, birthwt 1500-1999G, w/o signif or proc, w major prob	1.1013	0.0	18.5	4	36	36
613 Neonate, birthwt 1500-1999g, w/o signif or pro, w minor prob	0.7344#	0.0	15.8	3	33	33
614 Neonate, birthwt 1500-1999G, w/o signif or proc, w other prob	0.7344#	0.0	15.8	3	33	33
615 Neonate, birthwt 2000-2499G, w signif or proc, w mult major prob	3.7853#	0.0	28.2	6	45	45
616 Neonate, birthwt 2000-2499G, w signif or proc, w/o mult major pr	1.671#	0.0	14.2	4	31	31
617 Neonate, birthwt 2000-2499G, w/o signif or proc, w mult major pr	1.4389#	0.0	13.5	3	31	31
618 Neonate, birthwt 2000-2499G, w/o signif or proc, w major prob	0.7488#	0.0	10.5	3	28	28
619 Neonate, birthwt 2000-2499G, w/o signif or proc, w minor prob	0.4699#	0.0	8.4	1	25	25
620 No longer valid	-	-	-	-	-	-
621 Neonate, birthwt 2000-2499G, w/o signif or proc, w other prob	0.3532#	0.0	5.7	1	19	19
622 Neonate, birthwt >2499G, w signif or proc, w mult major prob	2.9785#	0.0	19.2	4	36	36
623 Neonate, birthwt >2499G, w signif or proc, w/o mult major prob	0.8844#	0.0	8.9	2	26	26
624 Neonate, birthwt >2499G, w minor abdom procedure	0.1987#	0.0	2.8	1	8	8
625 No longer valid	-	-	-	-	-	-
626 Neonate, birthwt 2499G, w/o signif or proc, w mult major prob	1.3401#	0.0	9.4	1	26	26
627 Neonate, birthwt 2499G, w/o signif or proc, w major prob	0.5166	0.0	5.8	1	20	20
628 Neonate, birthwt 2499G, w/o signif or proc, w minor prob	0.2347#	0.0	3.8	1	10	10
629 No longer valid	-	-	-	-	-	-
630 Neonate, birthwt 2499G, w/o signif or proc, w other prob	0.1364#	0.0	3.2	1	7	7
631 BPD and OTH chronic respiratory diseases arising in perinatal pe	-	-	-	-	-	-
632 Other respiratory problems after birth	-	-	-	-	-	-
633 Multiple, other and unspecified congenital anomalies, w cc	-	-	-	-	-	-
634 Multiple, other and unspecified congenital anomalies, w/o cc	-	-	-	-	-	-
635 Neonatal aftercare for weight gain	-	-	-	-	-	-
636 Neonatal diagnosis, age >28 days	1.7778#	0.0	3.9	1	20	20
900 ALC/Drug abuse or depend, detox or oth sympt treat w/o cc age <	2.2317	25.2	18.4	1	46	35
901 ALC/Drug abuse or depend, detox or oth sympt treat w/o cc age >	1.3593	15.4	9.9	1	37	26

NOTE: Long stay threshold 8 is used for childrens hospital discharges.

* CHAMPUS weight is the same as the Medicare weight due to a low number of observations.

CHAMPUS weights for these DRG's may be revised.

Defense Science Board Task Force on Review of the B-2**ACTION:** Notice of Advisory Committee Meetings.**SUMMARY:** The Defense Science Board Task Force on Review of the B-2 will meet in closed session on October 16-17, 1989 at Edwards Air Force Base, California; November 7, 1989, December 6, 1989, and January 18, 1990, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will review the B-2 program with emphasis on the flight test program and reductions of program costs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1962)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: October 2, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-23748 Filed 10-6-89; 8:45 am]

BILLING CODE 3510-01-M

Department of the Air Force**USAF Scientific Advisory Board; Meeting**

October 2, 1989.

The USAF Scientific Advisory Board Munition Systems Division Advisory Group will meet on 31 Oct 89 from 8:00 a.m. to 5:00 p.m. at Eglin AFB, Florida.

The purpose of this meeting is to review developments in the field of tactical missiles. This meeting 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) 697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-23785 Filed 10-6-89; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 3, 1989.

The USAF Scientific Advisory Board Division Advisory Group (AG) for Aeronautical Systems Division (ASD) will meet on 6 November 89 from 8:00 a.m. to 5:00 p.m. and on 7 November 89 from 8:00 a.m. to 3:00 p.m. at Wright-Patterson AFB, OH, Area B, Building 14, Conference Rooms 222 and 203.

The purpose of this meeting is to receive classified briefings and hold classified discussions on selected Air Force Programs. This meeting 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) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-23766 Filed 10-6-89; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

October 3, 1988.

The USAF Scientific Advisory Board Fall General Board Meeting will meet on 26-27 October 1989, from 8:00 a.m. to 5:00 p.m., at Ft. Lesley J. McNair, Washington, DC.

The purpose of this meeting is to provide briefings on the results of the SAB studies conducted in fiscal year 1989. This meeting 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) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 89-23787 Filed 10-6-89; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy**Privacy Act of 1974; Proposed New Record System****AGENCY:** Department of the Navy, DOD.**ACTION:** Notice of new system of records subject to the Privacy Act.

SUMMARY: The Department of the Navy proposes to add a system of records in its inventory of record systems subject

to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATE: This proposed action will be effective without further notice on or before November 9, 1989, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Mrs. Gwen Aitken, Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Room 5E521, Department of the Navy, The Pentagon, Washington, DC 20350-2000. Telephone (202) 697-1459, Autovon: 227-1459.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices inventory subject to the Privacy Act of 1974 have been published in the Federal Register as follows:

51 FR 12908 Apr. 16, 1986
 51 FR 18086 May 16, 1986 (Compilation, changes follow)
 51 FR 19884 June 3, 1986
 51 FR 30377 Aug. 26, 1986
 51 FR 30393 Aug. 26, 1986
 51 FR 45931 Dec. 23, 1986
 52 FR 2147 Jan. 20, 1987
 52 FR 2149 Jan. 20, 1987
 52 FR 8500 Mar. 13, 1987
 52 FR 15530 Apr. 29, 1987
 52 FR 22671 Jun. 15, 1987
 52 FR 45846 Dec. 2, 1987
 52 FR 17240 May 18, 1988
 53 FR 21512 Jun. 8, 1988
 53 FR 22028 Jun. 13, 1988
 53 FR 25363 Jul. 6, 1988
 53 FR 39499 Oct. 7, 1988
 53 FR 41224 Oct. 20, 1988
 54 FR 8322 Feb. 28, 1989
 54 FR 14377 Apr. 11, 1989
 54 FR 32682 Aug. 9, 1989

The new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on September 27, 1989, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: October 2, 1989.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NO4600-1

SYSTEM NAME:

Portable Asset Control Environment (PACE).

SYSTEM LOCATION:

Commander, Naval Supply Systems Command (Code 05, Washington, DC 20376-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and reserve naval personnel, Department of the Navy civilian employees, contractor personnel, or foreign nationals transiting an airhead during a military exercise or deployment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain name, rank, Social Security Number, pieces of baggage, baggage weight, passenger weight, and comments (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and E.O. 9397.

PURPOSE(S):

To maintain a data base to track the passengers moving in and out of the mobile airhead. As part of this system, an automated passenger manifest is produced for each flight. The manifest provides the names of passengers and weight and cubic dimensions of their baggage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM**STORAGE:**

Maintained on computer disk or on hard copy.

RETRIEVABILITY:

PACE users retrieve information by name, rank, and Social Security Number.

SAFEGUARDS:

The user ID/password for access control to the PACE system limits access to authorized users with a need to know. Marking and labeling of media/output products is accomplished. Security Standard Operating Procedures are established and followed as part of PACE.

RETENTION AND DISPOSAL:

The records are maintained during the accomplishment of a particular mission or exercise. Once completed, the records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376-5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376-5000.

Requests should contain the name, rank, Social Security Number, date of mission, and address of the individual concerned.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Naval Supply Systems Command, Deputy Commander for Transportation (Code 05A1), Washington, DC 20376-5000.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual's travel orders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 89-23746 Filed 10-6-89; 8:45 am]
BILLING CODE 3810-01

DEPARTMENT OF EDUCATION**Fund for the Improvement and Reform of Schools and Teaching Board; Meeting**

AGENCY: Fund for the Improvement and Reform of Schools and Teaching Board, Education.

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda of an open meeting of the Fund for the Improvement and Reform of Schools and Teaching Board. This notice also describes the functions of the council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: October 19, 1989, 9:00 a.m.-5:30 p.m. October 20, 1989, 9:00 a.m.-12:00 noon.

ADDRESS: U.S. Department of Education, 555 New Jersey Avenue NW., Room 326, Washington, DC 20208-5524.

FOR FURTHER INFORMATION CONTACT: Richard T. LaPointe, Director, Fund for the Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue NW., Room 522, Washington, DC 20208-5524, (202) 357-6496.

SUPPLEMENTARY INFORMATION: The Fund for the Improvement and Reform of Schools and Teaching (FIRST) Board is established under section 3231 of the Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. Law 100-297). The Board is established to advise the Secretary concerning developments in education that merit his attention; identify promising initiatives to be supported under the authorizing legislation; and advise the Secretary and the Director of the Fund on the selection of projects under consideration for support, and on planning documents, guidelines and procedures for grant competitions carried out by the Fund. On October 19, 1989 the Board will introduce its new Board members, have a briefing on the Department's standards of conduct and committee management, approve the minutes of the July meeting, and discuss any subcommittee activities. The Board will also have a presentation of projects funded for fiscal year 1990, discuss the process for monitoring those projects, discuss the process for disseminating whatever results there are from the funded projects, and determine the agenda for and date of the next meeting.

On October 19, 1989 and again on October 20, the Board will be discussing priorities for the 1990 competitions of the Family-School Partnership Program and the Schools and Teachers Program. Individuals or groups unable to attend the meeting are encouraged to request a summary of the activities at this meeting.

A summary of the activities at the meeting and related matters, which are informative to the public consistent with policy of title 5 U.S.C. 552b will be available to the public within fourteen days after the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for Improvement and Reform of Schools and Teaching, U.S. Department of Education, 555 New Jersey Avenue NW., Room 522, Washington, DC 20208-

5524 from the hours of 8:30 a.m. to 5:00 p.m.

Bruno V. Manno,

Acting Assistant Secretary, Educational Research and Improvement.

[FR Doc. 89-23985 Filed 10-6-89; 8:45 am]

BILLING CODE 4000-01-M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: October 17, 1989.

Time: 11:00 a.m. (EDT) until adjournment.

Location: U.S. Department of Education, National Assessment Governing Board, Suite 4060, Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20202-7583.

FOR FURTHER INFORMATION CONTACT:

Roy Truby, Executive Director, National Assessment Governing Board, U.S. Department of Education, Suite 4060, Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20202-7583. Telephone: (202) 732-1824.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provision Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title 2111-C of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 21988 (Pub. L. 100-297); (20 USC 1221E-1).

The Board is established to advise the Commissioner for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and

procedures for interstate and national comparisons.

The Executive Committee on the National Assessment governing Board will meet via teleconference in Washington, DC on October 17, 1989 from 11:00 a.m. EDT until the completion of business. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. The proposed agenda includes a discussion of the following issues: NAGB/NCES Press Conference to release the Reading and Writing reports; proposed NAGB meeting dates; post Summit review; update on appropriations—NAGB budget; public hearings report; personnel matters; and procedures for Board member nominations.

Records are key of all Board proceedings, and are available for public inspection at the National Assessment Governing Board office, U.S. Department of Education, Suite 4060, Mary E. Switzer Buildings, 330 C Street, Washington, DC 20202-7583, from 8:30 a.m. to 5:00 p.m.

Dated: 3 October 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89-23726 Filed 10-6-89; 8:45 am]

BILLING CODE 4000-01-M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Analysis and Dissemination Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a) (2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: October 23, 1989.

Time: 10:00 a.m. (EDT) until adjournment.

Location: U.S. Department of Education, National Assessment Governing Board, Suite 4060, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202-7583.

FOR FURTHER INFORMATION CONTACT:

Roy Truby, Executive Director, National

Assessment Governing Board, U.S. Department of Education, Suite 4060, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202-7583. Telephone: (202) 732-1824.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provision Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title 2111-C of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 21988 (Pub. L. 100-297); (20 USC 1221E-1).

The Board is established to advise the Commissioner for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons.

The Analysis and Dissemination Committee of the National Assessment Governing Board will meet via teleconference in Washington, DC on October 23, 1989 from 10:00 a.m. EDT until the completion of business. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. The proposed agenda includes a discussion of NAGB's role in the NAGB/NCES Press Conference which is tentatively scheduled for December 5, 1989 for release of the Reading and Writing trend reports.

Records are kept of all Board proceedings, and are available for public inspection at the National Assessment Governing Board office, U.S. Department of Education, Suite 4060, Mary E. Switzer Buildings, 330 C Street SW., Washington, DC 20202-7583, from 8:30 a.m. to 5:00 p.m.

Dated: October 3, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89-23727 Filed 10-6-89; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3669-6]

Science Advisory Board Environmental Engineering Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that the Science Advisory Board's Environmental Engineering Committee (EEC), will meet October 24-25, 1989 in the North Conference Room number 1 of the Waterside Mall, 401 M Street, SW., Washington, DC 20460. The meeting will begin at 9:00 a.m. on Tuesday and 8:30 a.m. on Wednesday and adjourn no later than 5:00 p.m. on Tuesday and 12:30 p.m. on Wednesday.

The purpose of the meeting is to review several draft reports, discuss progress with on-going projects and to develop the Fiscal 1990 meeting schedule of the EEC. The draft reports in progress include the SAB comments on EPA's research in progress for toxics treatability and toxicity reduction research for wastewater, the SAB comments on the EPA's Office of Solid Waste Saturated Zone Model for surface impoundments and the SAB comments on the EPA's research in progress on the municipal waste combustion ash solidification/stabilization program. Other topics include the following as time permits: a recap of the SAB's recently completed comments on EPA's draft pollution prevention research plan, and a follow-up action strategy to the SAB recommendations on pollution prevention, a recap of the SAB's recently completed comments on EPA's sludge incineration regulation, and discussion of a recently prepared general guide by the EEC for conducting research-in-progress reviews. Planned future studies for Fiscal Year 1990 will be discussed. In particular, these will include upcoming additional reviews on the waste combustion ash research program, an upcoming municipal solid waste research review, discussion of a committee-generated resolution on generic leachability issues, asbestos engineering research, an upcoming review of cleanup models for soils, and overview of the risk reduction strategies effort of the SAB. As time permits, other emerging issues will be discussed.

The meeting is open to the public. Any member of the public wishing further information on the meeting or those who wish to submit written comments should contact Dr. K. Jack Kooyoomjian, Executive Secretary, or Mrs. Marie Miller, Secretary, Science Advisory

Board, (A101-F), U.S. Environmental Protection Agency, Washington, 20460, at 202/382-2552 by October 13, 1989. Seating at the meeting will be on a first come basis.

Dated: September 29, 1989.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 89-23835 Filed 10-6-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3669-8]

Science Advisory Board Environmental Health Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the Environmental Health Committee of the Science Advisory Board will be held on October 26-27, 1989 in the Versailles 1 room at the Holiday Inn, 8120 Wisconsin Ave., Bethesda MD 20814. The hotel telephone number is (301) 652-2000.

The meeting will start at 9:00 a.m. on October 26, and will adjourn no later than 5 p.m. October 27, and is open to the public. The main purpose of this meeting is to review revisions to the Developmental Toxicological Guidelines developed by the Agency's Office of Research and Development, to discuss the use of uncertainty and modifying factors in developing reference dose estimates, and to review and comment on the operations of the Agency Integrated Risk Information System (IRIS).

An Agenda for the meeting is available from Mary Winston, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, Washington, DC 20460 (202-383-2552). Members of the public desiring additional information should contact Mr. Samuel Rondberg, Executive Secretary, Environmental Health Committee, by telephone at the number noted above or by mail to the Science Advisory Board (A101F), 401 M Street, SW., Washington, DC 20460 no later than c.o.b. October 16, 1989. Anyone wishing to make a presentation at the meeting should forward a written statement to Mr. Rondberg by the date noted above. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: September 29, 1989.

Donald Barnes,

Director, Science Advisory Board.

[FR Doc. 89-23836 Filed 10-6-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3669-7]

Open Meeting Technical Steering Committee Gulf of Mexico Program

Date: October 18, 1989 (8:30 a.m.-5:30 p.m.)

Place: Mote Marine Laboratory, 1600 City Island Park, Sarasota, FL 34236.

Agenda Items

- Gulf Program Committee and Subcommittee Reports
- Federal/State Coordinating Workshop Report
- 1990 Status-of-the-Gulf Symposium
- Technical Steering Committee Bylaws
- Long-Range Goals and Planning
- Coastal Erosion Task Force Report
- Oil Spill Response in the Gulf
- National Estuary Programs in the Gulf

Contract: William R. Whitson, Assistant Director for Operations, Gulf of Mexico Program, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529, (601) 688-3726.

Al J. Smith,

Acting Director, Water Management Division.

[FR Doc. 89-23834 Filed 10-6-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

October 2, 1989.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-3785.

OMB Number: 3060-0022

Title: Application of Alien Amateur Radio Licensee for Permit to Operate in the United States

Form No.: FCC 610-A

Action: Revision

Respondents: Individual or households

Frequency of Response: On occasion

Estimated Annual Burden: 2,000

Responses; 166 Hours

Needs and Uses: The FCC 610-A must be filed with the Commission by aliens who hold an amateur operator and station license issued by his/her government and who wish to apply for a permit to operate an amateur radio station in the United States. The data is used by FCC personnel to determine eligibility for radio station authorization and to issue a radio station/operator permit. The data is also use in conjunction with Field Engineers for enforcement and interference resolution purposes.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

FR Doc. 89-23850 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

October 3, 1989.

The Federal Communications Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501-3520).

Copies of the submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. Persons wishing to comment on these information collections should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-3785. Copies of these comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, (202) 632-7513.

OMB Number: 3060-0174

Title: Section 73.1212—Sponsorship identification; list retention; related requirements

Action: Extension

Respondents: Businesses (including small businesses)

Frequency of Response: Recordkeeping requirement

Estimated Annual Burden: 13,070 recordkeepers; 52,280 hours total

annual burden; 4 hours average burden per recordkeeper

Needs and Uses: The information is used by members of the public to help them identify who is sponsoring an announcement or advertisement.

OMB Number: 3060-0216

Title: Section 73.3538, Application to make changes in an existing station

Action: Extension

Respondents: Businesses (including small businesses) and non-profit institutions

Frequency of Response: On occasion

Estimated Annual Burden: 85 responses;

409 hours total annual burden; 4.81 hours average burden per response

Needs and Uses: Broadcast station licensees must file information applications to specify new AM sttion directional antenna field monitoring points or to modify or discontinue the obstruction marking or lighting of antenna supporting structures. This information is used by Commission staff to establish monitoring points or to ensure that there is no menance to air naviation.

OMB Number: 3060-0211

Title: Section 73.1940, Broadcasts by candidates for public office

Action: Extension

Respondents: Businesses (including small businesses) and non-profit institutions

Frequency of Response: Recordkeeping requirement

Estimated Annual Burden: 13,070

recordkeepers; 81,688 hours total annual burden; 6.25 hours average burden per recordkeepers

Needs and Uses: Licensees of broadcast stations are required to keep complete records of all requests for broadcast time made on behalf of political candidates, together with a notation showing disposition of request, and must also allow public inspection of these records. This imformation is used by the public to access money expended, time allotted to political candidates, and to ensure equal access was afforded to other qualified candidates.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-23851 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1798]

Petitions for Reconsideration and Application for Review and Petition for Stay in Rulemaking Proceedings

October 4, 1989.

Petitions for reconsideration, application for review and petition for stay have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor International Transcription Service (202-857-3800). Oppositions to these petitions must be filed within 15 days of the date of public notice of the petitions in the **Federal Register**. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b) Table of Allotments, FM Broadcast Stations. (Scottsboro, Alabama, Trenton, Georgia, Signal Mountain Tennessee) (MM Docket No. 87-591, RM Nos. 5845, 5935 & 5992), Number of Petitions Received: 1

Subject: Amendment of § 73.202(b) Table of Allotments FM Broadcast Stations. (Gosnell and Osceola, Arkansas, Germantown, Tennessee) (MM Docket No. 87-619, RM Nos. 5907, 6132, & 6322) Number of Petitions Received: 1

Subject: Amendment of § 73.202(b) Table of Allotments FM Broadcast Stations. (Fort Valley and Wrightville, Georgia) (MM Docket No. 88-221, RM-6177) Number of Petitions Received: 1

Subject: Amendment of part 90 of the Commission's Rules to Permit Business Radio Use of Certain Channels in the 150 MHz Band. (PR Docket No. 88-373, RM-6276) Number of Petitions Received: 3

Subject: Amendment of part 73 of the Rules to Provide for an Additional FM Station Class (Class C3) and to Increase the Maximum Transmitting Power for Class A FM Stations. (MM Docket No. 88-375, RM Nos. 6236 & 6237) Number of Petitions Received: 2

Application for Review

Subject: Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Corinth, Hadley and Queensbury, New York. (MM Docket No. 86-331, RM Nos. 5471 & 5614) Number of Petitions Received: 1

Petition for Stay

Subject: Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Scottsboro, Alabama, Trenton, Georgia, Signal Mountain, Tennessee) (MM Docket No. 87-591, RM Nos. 5845, 5935 & 5992) Number of Petitions Received: 1

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-23808 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

Comments Invited on Colorado Regional Public Safety Plan

October 3, 1989.

The Commission has received the public safety radio communications plan for the Colorado area (Region 7).

In accordance with the Commission's Report and Order in General Docket No. 87-112 implementing the Public Safety National Plan, parties are hereby given thirty days from the date of Federal Register publication of this public notice to file comments and fifteen days to reply to any comments filed. (See Report and Order, General Docket No. 87-112, 3 FCC Rcd 905 (1987), at paragraph 54.)

In accordance with the Commission's Memorandum Opinion and Order in General Docket No. 87-112, Region 7 consists of the State of Colorado. General Docket No. 87-112, 3 FCC Rcd 2113 (1988).

Comments should be clearly identified as submissions to General Docket 89-452, Colorado Area—Region 7, and commenters should send an original and five copies to the Secretary, Federal Communications Commission, Washington, DC 20554.

Questions regarding this public notice may be directed to Maureen Cesaitis, Private Radio Bureau, (202) 632-6497 or Fred Thomas, Office of Engineering and Technology, (202) 653-8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-23852 Filed 10-6-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Maryland Port Administration Terminal Agreement et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for

comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-011051-001

Title: Maryland Port Administration Terminal Agreement.

Parties: Maryland Port Administration (MPA); Guthrie Latex, Inc. (GL).

Synopsis: The Agreement amends the basic agreement (Agreement No. 224-011051). The amendment provides GL with an additional 945 square feet of shed space at MPA's North Locust Point Marine Terminal.

Agreement No.: 224-200290

Title: Port of Oakland Terminal Agreement.

Parties: Port of Oakland (Port), Italia S.p.A. di Navigazione and d'Amico Societa di Navigazione per Azioni operating as a joint service under the name of Italia—d'Amico Line (Italia/d'Amico).

Synopsis: The Agreement provides Italia/d'Amico the nonexclusive right to certain premises at the Port's Seventh Street Public Container Terminal for the berthing of its vessels and the loading and discharging of cargo and related operations. Italia/d'Amico will use the Port as its regularly scheduled Northern California port of call and pay the Port reduced dockage and wharfage charges. The Agreement will terminate September 30, 1994.

By Order of the Federal Maritime Commission.

Dated: October 3, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-23751 Filed 10-6-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; Maryland Port Administration Terminal Agreement et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in §572.603 of Title 46 of the Code of Federal Regulations.

Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 224-200293

Title: Maryland Port Administration Terminal Agreement.

Parties: Maryland Port Administration (MPA); Hale Container Line, Inc. (Hale).

Synopsis: The Agreement provides for Hale to use the Dundalk Marine Terminal for its liner barge service at the Port of Baltimore. Hale with pay dockage at a flat rate of \$100 per barge call per twenty four hour day and wharfage at twenty five percent of MPA's tariff wharfage rates.

Agreement No: 224-010684-001

Title: Port Authority of New York & New Jersey Terminal Agreement.

Parties: Port Authority of New York & New Jersey; Maher Terminals, Inc.

Synopsis: The agreement extends the terms of the basic lease agreement for terminal premises at Port Newark to March 31, 1990. The Agreement provides for the parties' right to terminate the lease and its extended term under certain conditions. All other terms and provisions of the basic lease remain unchanged.

Agreement No: 224-004161-005

Title: San Francisco Port Commission Terminal Agreement.

Parties: San Francisco Port Commission; Marine Terminals Corporation.

Synopsis: The Agreement extends the term of the parties Non-Exclusive Management Agreement (Agreement No. 224-004161) for one month from September 30, 1989 through October 31, 1989.

Agreement No: 224-010774-008

Title: Georgia Ports Authority Terminal Agreement.

Parties: Georgia Ports Authority; Evergreen Marine Corporation (Taiwan), Ltd.; Costa Container Line SPA (Costa); Italia di Navigazione S.P.A.; Compagnie General Maritime.

Synopsis: The Agreement amendment adds four additional services to the field services consolidated rate applicable to Costa only.

By Order of the Federal Maritime Commission.

Dated: October 4, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-23769 Filed 10-6-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; Port of Anacortes Terminal Agreement et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200291

Title: Port of Anacortes Terminal Agreement.

Parties: Port of Anacortes (Port); Dakota Creek Industries (DCI).

Synopsis: The Agreement provides for the Port to grant DCI, a nonexclusive right to use certain premises at Pier I for its berth operation. The Port retains control, use and operation of the premises for the berthing of vessels and for the handling of lumber and general cargo. Wharfage, dockage, and service and facilities charges will be assessed and retained by the Port.

Agreement No.: 224-200292

Title: Port Authority of New York and New Jersey Terminal Agreement.

Parties: Port Authority of New York and New Jersey Sea-Terminal, Inc. (STI)

Synopsis: The Agreement provides STI with a 15 year lease of a 58 acre terminal facility at the Howland Hook Marine Terminal to be used for the berthing of vessels and the handling, loading, unloading and storage of cargo. STI has the exclusive right to collect dockage and wharf usage charges subject to the terms of the Agreement.

Agreement No.: 224-010877-003

Title: Tampa Port Authority Terminal Agreement.

Parties: Tampa Port Authority; Tampa Bay International, Inc. (TBIT).

Synopsis: The Agreement provides that if the basic agreement's final three year option to renew is exercised by TBIT, an amendment to the basic agreement must be filed with the Commission.

By Order of the Federal Marine Commission.

Dated: October 3, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-23752 Filed 10-6-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; Spain-Italy/Puerto Rico Island Pool Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212-011213-010

Title: Spain-Italy/Puerto Rico Island Pool Agreement

Parties: Compania Trasatlantica Espanola, S.A. Nordana Line AS Sea-Land Service, Inc.

Synopsis: The proposed modification would postpone the pending resignation of Nordana Line AS as a party to the agreement from October 14, 1989, to November 13, 1989.

By Order of Federal Maritime Commission.

Dated: October 4, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 23770 Filed 10-6-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM**Fulton Financial Corp., et al.; Applications to Engage de novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or

through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 27, 1989.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fulton Financial Corporation*, Lancaster, Pennsylvania; to engage *de novo* in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Riggs National Corporation*, Washington, D.C.; to engage *de novo* in making or acquiring commercial loans and participation interests therein such as would be made by a commercial financial company pursuant to § 225.25(b)(1)(iv) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 2, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-23660 Filed 10-6-89; 11:15 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires

persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 09-18-89 AND 09-29-89

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
John W. Kluge, c/o Metromedia Company, NAC Re Corporation, NAC Re Corporation	89-2576	09/18/89
John J. Rigas, Joseph S. Gans, Sr. and Irene F. Gans, Joseph S. Gans, Inc.	89-2606	09/18/89
Glenn R. Jones, Cable TV Joint Fund 11, Total TV of Kenosha	89-2619	09/18/89
Bowater Industries plc, The Mead Corporation, Mead Release Products, Inc.	89-2637	09/18/89
Oy Wartsila AB, PacificCorp, Cardkey Systems Inc. and Cardkey Government Sys. Inc.	89-2638	09/18/89
The Berkshire Fund, A Limited Partnership, Dayton Hudson Corporation, Lechmere, Inc.	89-2656	09/18/89
Berkshire Hathaway Inc., The Coca-Cola Company, The Coca-Cola Company	89-2661	09/18/89
Shoji Kanazawa, Charter Communities-Hacienda De Monterey, Charter Communities-Hacienda De Monterey	89-2667	09/18/89
LDI, Ltd., Robert A. Nickell, Ed Tucker Distributor, Inc.	89-2681	09/18/89
Masaru Tsuzuki, Fieldcrest Cannon, Inc., Swift Spinning Mills Division	89-2683	09/18/89
Alexander & Baldwin, Inc., Thomas B. Crowley, SS Atlantic Spirit	89-2691	09/18/89
Triton Group Ltd., Liquor Barn Northern CA, Inc. & Southern CA, Inc., LBI Holdings, Inc., a Delaware Corporation	89-2692	09/18/89
Carena Holdings Inc., JC Penney Company, Inc., Ridgmar Associates	89-2725	09/18/89
Rosenkranz and Company, Dresser Industries, Inc., Reliance Standard Life Insurance Company	87-2232	09/19/87
Michael George DeGroote, Blockbuster Entertainment Corporation, Blockbuster Entertainment Corporation	88-2533	09/19/88
General Electric Company, Lear Siegler Holdings Corporation, Lear Siegler Seating Corp., et. al.	88-2541	09/19/88
Commercial Credit Group, Inc., Primerica Corporation, Primerica Corporation	88-2548	09/19/88
General Electric Company, LSS Holdings Corp., LSS Holdings Corp.	88-2556	09/19/88
Pennsylvania Blue Shield, Plan Investment Fund, Inc., Plan Investment Fund, Inc.	88-2570	09/19/88
Kenneth E. Behring, Professional Football Limited Partnership, The Seattle Professional Football Club	88-2602	09/19/88
Kenneth E. Behring, Seattle Seahawks, Inc., Seattle Seahawks, Inc.	88-2608	09/19/88
Philips N.V., Island Settlement Trust, Island Entertainment Group, Inc.	89-2578	09/19/89
Corporate Capital Limited, Carvel Corporation, Carvel Corporation	89-2684	09/19/89
Jungfrau Trust, R & J Realty Corp. Modemage Furniture, Inc.	89-2703	09/19/89
Aon Corporation, Adams & Porter International, Inc., Adams & Porter International, Inc.	87-2387	09/1w/87
Household International, Inc., Gulf & Western Inc., Associates Financial Services Company of Oregon, Inc.	87-2255	09/20/87
Fiat S.p.A., INCSTAR Corporation, INCSTAR Corporation	89-2549	09/20/89
David P. Miller, c/o Columbia National Corporation, LeeMar Steel Co., Inc., LeeMar Steel Co., Inc.	89-2571	09/20/89
Jeffrey H. Smulyan, George L. Argyros, Seattle Mariners	89-2690	09/20/89
Robert A. Kathary, USX Corporation, Marathon Properties, Inc.	88-2390	09/21/88
The Neiman-Marcus Group, Inc., Mr. S. Roger Horchow, Horchow Mail Order, Inc.	88-2467	09/21/88
Siemens AG, Allied-Signal, Inc., Bendix Electronics Division of Allied-Signal, Inc.	88-2468	09/21/88
Dietrich M. Gross, Winton M. Blount, Kramo Corp. & Washington Steel Corp.	88-2479	09/21/88
Norwest Corporation, General Electric Company, Gelco Corporation/Gelco Payment System Division	88-2525	09/21/88
Alberto-Culver Company, Windmere Corporation, Windmere Corporation	88-2538	09/21/88
Fuddrucker, Inc., daka, Inc., daka, Inc.	88-2557	09/21/88
The Fulcrum III Limited Partnership, Foodmaker, Inc., Foodmaker, Inc.	88-2561	09/21/88
The Fulcrum III Limited Partnership, Foodmaker, Inc., Foodmaker, Inc.	88-2562	09/21/88
daka, Inc., Fuddrucker, Inc., Fuddrucker, Inc.	88-2563	09/21/88
Brunswick Corporation, Starcraft Corporation, Starcraft Power Boat Corporation	88-2567	09/21/88
Wingate Partners, L.P., Redman Industries, Inc., Redman Industries, Inc.	88-2587	09/21/88
Mobil Corporation, Newmont Mining Corporation, Newmont Oil Company	88-2603	09/21/88
Colonial Commercial Corp., Ronald O. Perelman, Devon Capital Corp.	88-2605	09/21/88
David B. McKane, c/o McKane Robbins & Co., Frye Acquisition Partners, Frye Acquisition Inc.	89-2585	09/21/89
Peter G. Robbins, c/o McKane Robbins & Co., Frye Acquisition Partners, Frye Acquisition Inc.	89-2586	09/21/89
PPG Industries, Inc., the Clorox Company, Olympic HomeCare Products Company, Lucite HomeCare	89-2597	09/21/89
Wellman, Inc., Fiber Industries, Inc., Fiber Industries, Inc.	89-2617	09/21/89
UCC Investors Holding, Inc., Avery, Inc., Uniroyal Chemical Holding Company	89-2630	09/21/89
Lafarge Coppee S.A., Standard Slag Holding Company, Standard Slag Holding Company	89-2671	09/21/89
David F. Bolger, Cleveland-Cliffs Inc., Cleveland-Cliffs Inc.	87-2287	09/22/87
Texas Eastern Corporation, Arthur M. Goldberg, TPG, Inc.	88-2480	09/22/88
Leucadia National Corporation, Seven Oaks International, Inc., Seven Oaks International, Inc.	88-2545	09/22/88
The Dow Chemical Company, Essex Chemical Corporation, Essex Chemical Corporation	88-2568	09/22/88
H. Wayne Huizenga, Blockbuster Entertainment Corporation, Blockbuster Entertainment Corporation	88-2596	09/22/88
BankAmerica Corporation, Mobil Corporation, Clayton Bank and Trust Company	88-2600	09/22/88
Unilever N.V. and Unilever PLC, Alco Industries, Inc., Alco Chemical Corporation	89-2556	09/22/89
Chiyoada Finance, Inc. The Park at Coronado, Ltd., The Park at Coronado Ltd.	89-2559	09/22/89

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 09-18-89 AND 09-29-89—Continued

Name of acquiring person, Name of acquired person, Name of acquired entity	PMN No.	Date terminated
Frontenac Venture V Limited Partnership, Marks Bros. Jewelers, Inc., Marks Bros. Jewelers, Inc.	89-2610	09/22/89
Marks Bros. Jewelers, Inc., Frontenac Venture V Limited Partnership, Marks Holding Company	89-2611	09/22/89
Daniel J. Sullivan, Unitel Video, Inc., Unitel Video, Inc.	89-2631	09/22/89
John J. Rigas, Centel Corporation, Centel Cable Television Company	89-2662	09/22/89
MAPCO Inc., Robert E. Perkinson, Sr., REP Sales, Inc.	89-2676	09/22/89
MAPCO Inc., Jno. McCall Coal Company, Inc., Jno. McCall Coal Export Corp., Frazee-McCall Joint	89-2677	09/22/89
Tele-Communications, Inc., Heritage Cablevision Associates of Dallas, L.P., Heritage Cablevision Associates of Dallas, L.P.	89-2687	09/22/89
Bowater Industries plc, Norton Opax plc, Norton Opax plc	89-2710	09/22/89
NCNB Corporation, First RepublicBank Corporation, First RepublicBank Trust Company	89-2711	09/22/89
John J. Rigas, Jack Kent Cooke, Cooke Communications of Syracuse, Inc., Cooke	89-2715	09/22/89
Westinghouse Electric Corporation, Goldome, Goldome Strategic Investments & Coast Manufacturing, Inc.	89-2717	09/22/89
Daniel J. Sullivan, Howard Burch, Manhattan Transfer/Edit, Inc.	89-2721	09/22/89
Marrriott Corporation, Bank of Boston Corporation, BOCA 106 Corporation	89-2723	09/22/89
Carena Holdings, Inc., Whitemak Associates, Whitemak Associates	89-2726	09/22/89
Carena Holdings Inc., Kravco Management, Inc., Kravco Company (a partnership)	89-2728	09/22/89
Carena Holdings Inc., Kravco, Inc., Kravco Company (a partnership)	89-2729	09/22/89
The Tokio Marine and Fire Insurance Co., Ltd., Legend Capital Group, L.P., Delaware Management Holdings, Inc.	89-2730	09/22/89
Masami Kato, Caroline Hunt Trust Estate, Rosewood Property Company	89-2731	09/22/89
SunGard Data Systems Inc., Dyatron Corporation, Dyatron Corporation	89-2732	09/22/89
Vendex International N.V., Bookstop, Inc., Bookstop, Inc.	89-2736	09/22/89
Michael C. Hall, Don Tyson, Dixie Portland Flour Mills, Inc., Diana Fruit	89-2740	09/22/89
Citation Investment Trust, Mobil Corporation, Mobil Exploration and Producing North America Inc.	89-2744	09/22/89
Leonard Riggio, Bookstop, Inc., Bookstop, Inc.	89-2746	09/22/89
Helmerich & Payne, Inc., Freeport-McMoRan Inc., FMP Operating Company, LP	89-2754	09/22/89
Giant Group, Ltd, Aspen Airways, Inc., Aspen Airways, Inc.	89-2762	09/22/89
John W. Kluge, Benale Holdings Corporation, Benale Holdings Corporation	89-2767	09/22/89
Ohbayashi Corporation, Erik Sande, E.W. Construction Group, Inc.	89-2788	09/22/89
Integrated Resources, Inc., The Gates Corporation, Gates Learjet Corporation	87-2205	09/23/87
National Education Corporation, Mr. Kamal Alsultany, SCS Business & Technical Institute, Inc.	87-2321	09/23/87
GATX Corporation, Mobil Corporation, Wyco Pipe Line Company	87-2322	09/23/87
North American Housing Corp., Marley Company The, Continental Home Division of The Marley Company	87-2370	09/23/87
Exxon Corporation, Mesa Limited Partnership & Mesa Operating Ltd. Ptnrship, Mesa Limited Partnership & Mesa Operating Ltd. Ptnrship	88-2299	09/23/88
United Cable Television Corporation, Blockbuster Entertainment Corporation, Blockbuster Entertainment Corporation	88-2463	09/23/88
Integrated Resources, Inc., Philips N.V., The Selmer Company	88-2497	09/23/88
Pearson plc, TRW Inc., Reda Pump Division and the Oilwell Cable Division	88-2518	09/23/88
The Statesman Group, Inc., Castle & Cooke, Inc., C & C—Kohala	88-2526	09/23/88
Pacific Telesis Group, ABI American Businessphones, Inc., ABI American Businessphones, Inc.	88-2537	09/23/88
Jeffrey H. Smulyan, Milton Maltz, Malrite Communications Group, Inc.	88-2612	09/23/88
Nestle S.A., The Prudential Insurance Company of America, The Prudential Insurance Company of America	88-2621	09/23/88
The Quaker Oats Company, Sysco Corporation, Continental Coffee Company of Houston	88-2623	09/23/88
Presidio Oil Company, The British Petroleum Company plc, Sohio Petroleum Company, d/b/a/ Standard Oil Prod. Comp	88-2627	09/23/88
IFINT S.A., Fireman's Fund Corporation, Fireman's Fund Corporation	88-2630	09/23/88
Lomas & Nettleton Financial Corporation, Bright Banc Savings Association, Bright Banc Savings Association	88-2640	09/23/88
Tele-Communications, Inc., Blockbuster Entertainment Corporation, Blockbuster Entertainment Corporation	88-2658	09/23/88
Cargill, Incorporated, The Quaker Oats Company, ACCO Feeds Holding Corp., ACCO Feeds, Inc.	87-2279	09/24/87
N.V. Koninklijke Nederlandsche Petroleum Maatschappij, General Bio-Synthetics B.V., General Bio-Synthetics B.V.	87-2315	09/24/87
Koninklijke Gist-brocades, N.V., General Bio-Synthetics B.V., General Bio-Synthetics B.V.	87-2316	09/24/87
American Home Products Corporation, VLI Corporation, VLI Corporation	87-2318	09/24/87
Kubota, Ltd., Dana Computer, Inc., Dana Computer, Inc.	87-2332	09/24/87
Crossland Savings, Donald L. Modglin, SMS Entitles, The	87-2345	09/24/87
K Mart Corporation, American Stores Company, Osco Drug, Inc.	87-2366	09/24/87
Tonka Corporation, Kenner Parker Toys Inc., Kenner Parker Toys Inc.	87-2386	09/24/87
Tonka Corporation, Kenner Parker Toys Inc., Kenner Parker Toys Inc.	87-2388	09/24/87
BBA Group Plc., Joy Technologies Inc., Ozone Industries Division	87-2393	09/24/87
Ronald O. Perelman, Medical Laboratory Associates, Inc., Medical Laboratory Associates, Inc.	87-2394	09/24/87
Kirk Kerkorian, Estate of Howard R. Hughes, Jr., The, Estate of Howard R. Hughes, Jr., The	87-2396	09/24/87
Hooker Corporation Limited, Domenico De Sole, B.A. Holdings, Inc.	87-2398	09/24/87
Mellon Bank Corporation, American Savings and Loan Association of Florida, American Savings and Loan Association of Florida	87-2402	09/24/87
Prudential-Bache Energy Income Ltd. Partnership VP-18, Edwin L. Cox, Sr., Edwin L. Cox, Sr.	87-2404	09/24/87
Canadian National Railway Company, Alco Standard Corporation, Relco Financial Corp.	87-2410	09/24/87
Warburg, Pincus Capital Company, L.P., Herbert N. Somekh and Denise D. Somekh, Hosiery Manufacturing Corp. of Morgantown	87-2415	09/24/87
General American Life Insurance Company, Sanus Corp. Health Systems, Sanus Health Plan, Inc.	87-2421	09/24/87
New York Life Insurance Company, Sanus Corp. Health Systems, Sanus Corp. Health Systems	87-2422	09/24/87
Grolier Incorporated, Lawrence A. Krames, M.D., Krames Communications	87-2430	09/24/87
Warburg, Pincus Capital Company, L.P., Communications Satellite Corporation, Communications Satellite Corporation	87-2297	09/25/87
IC Industries, GenCorp Inc., RKO Enterprises, Inc.	87-2335	09/25/87
Macro 4 plc, The Atlantic Foundation, Goal Systems International, Inc.	87-2341	09/25/87
"Investing in Success" Equities PLC, Munford, Inc., Munford, Inc.	87-2376	09/25/87
Konishiroku Photo Industry Co., Ltd., Powers Chemco, Inc., Powers Chemco, Inc.	87-2389	09/25/87
716107 Ontario Limited, Cadillac Fairview Corporation Limited, The, Cadillac Fairview Corporation Limited, The	87-2397	09/25/87
Landis & Gyr AG, Mark Controls Corporation, Mark Controls Corporation	87-2399	09/25/87
Prudential-Bache Energy Income Ltd. Partnership VP-19, Mr. Edwin L. Cox, Sr., Mr. Edwin L. Cox, Sr.	87-2403	09/25/87
Trafalgar House Public Limited Company, NHP, Inc., Capital Homes, Inc.	87-2439	09/25/87
F.W. Woolworth Co., Armel, Inc., Armel, Inc.	87-2448	09/25/87
Meredith Corporation, Garrett Scollard, MMT Sales, Inc.	87-2461	09/25/87
F.W. Woolworth Co., Armel, Inc., Armel, Inc.	87-2486	09/25/87
Dowty Group PLC, CASE Group plc, CASE Group plc	88-2448	09/25/88
Wyman-Gordon Company, Allied-Signal Inc., KDI Composite Technology, Inc.	89-2668	09/25/89
Robert Bosch Industrietreuhand KG, Joint Venture Corporation, Joint Venture Corporation	89-2707	09/25/89

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 09-18-89 AND 09-29-89—Continued

Name of acquiring person; Name of acquired person, Name of acquired entity	PMN No.	Date terminated
Nippondenso Co., Ltd., Joint Venture Corporation, Joint Venture	89-2708	09/25/89
The Penn Central Corporation, Tyco Laboratories, Inc., Allied Tube Conduit Corporation	88-2498	09/26/88
W.R. Grace Co., Canonie Environmental Services Corp., Canonie Environmental Services Corp	88-2559	09/26/88
AMAX Inc., Quantum Chemical Corporation, SPG Exploration Corp	88-2569	09/26/88
Columbia Pictures Entertainment, Inc., J.F. Theatres, Inc., J.F. Theatres, Inc	88-2579	09/26/88
Damson Income Energy Limited Partnership, Crescent Master Limited Partnership, Crescent Master Limited Partnership	88-2597	09/26/88
Damson Energy Company, L.P., Crescent Master Limited Partnership, Crescent Master Limited Partnership	88-2598	09/26/88
INFINT S.A., General Electric Company, LSS Holdings Corporation	88-2631	09/26/88
Healthcare Services Group, Inc., Southmark Corporation, American Services Company	88-2635	09/26/88
Vincent J. Ryan, Bell & Howell Company, Bell & Howell Records Management, Inc	88-2642	09/26/88
Pitney Bowes Inc., Pandick Holding, Inc., Pandick Technologies, Inc	89-2645	09/26/89
Mitsui Co., Ltd., Michael W. Wilsey, Wilsey Foods, Inc	89-2648	09/26/89
Generale Occidentale S.A., James River Corporation of Virginia, James River Timber Corporation	89-2649	09/26/89
Paramount Communications Inc., Allen J. Becker, SRO/Pace Promotions	89-2659	09/26/89
Asahi Glass Company, Ltd., Asahi Glass Company, Ltd., AP Technoglass Co	89-2685	09/26/89
Thomas Schmidheiny, Newell Co., Anchor Hocking Corporation	89-2694	09/26/89
St. Ives Group plc, Eagle-Picher Industries, Inc., A.D. Weiss Lithograph Company, Inc	89-2698	09/26/89
General Electric Company, Telefonaktiebolaget L.M. Ericsson, Ericsson North America Inc	89-2699	09/26/89
Telefonaktiebolaget L.M. Ericsson, General Electric Company, General Electric Company	89-2700	09/26/89
Markel Corporation, Rhulen Agency, Inc., Rhulen Agency, Inc	89-2702	09/26/89
Mr. Nelson Peltz, Avery Inc., Avery Inc	89-2704	09/26/89
Mr. Peter W. May, Avery Inc., Avery Inc	89-2705	09/26/89
Esterline Corporation, Charles H. and Margaret M. Dyson, Korry Electronics Co., TA Mfg Co.	89-2735	09/26/89
Bessemer Securities Corporation, Zapata Gulf Marine Corporation, Zapata Gulf Marine Corporation	89-2752	09/26/89
James H. Possehl, Gibraltar Financial Corporation, GFC Leasing Corporation	89-2763	09/26/89
Mitsubishi Kasei Corporation, Boston University, Seradyn, Inc	89-2772	09/26/89
Kohler Co., USG Corporation, USG Industries, Inc	88-2369	09/27/88
Johnson Controls, Inc., Nelson Peltz, American National Can Company	88-2543	09/27/88
Johnson Controls, Inc., Peter W. May, American National Can Company	88-2544	09/27/88
PepsiCo, Inc., UniBev Inc., UniBev Inc	88-2549	09/27/88
PepsiCo, Inc., John A. Robertshaw, Jr., Laurel Group Limited	88-2550	09/27/88
PepsiCo, Inc., John E. Britton, Erie Bottling Corporation	88-2551	09/27/88
PepsiCo, Inc., Wilchart, Ltd., Wilchart, Ltd	88-2552	09/27/88
PepsiCo, Inc., Richard H. Confair, Confair Bottling Co., Inc	88-2553	09/27/88
James M. Goldsmith, c/o General Oriental Investment Ltd, James M. Goldsmith, c/o General Oriental Investment Ltd, GU Acquisition Corporation	88-2580	09/27/88
American Continental Corporation, James M. Goldsmith, General Oriental Investment Limited	88-2581	09/27/88
The Laird Group Public Limited Company, Panel Prints, Inc., Panel Prints, Inc	88-2582	09/27/88
Steven M. Rales, GenCorp, Inc., GRADH-104 Inc	88-2613	09/27/88
Mitchell P. Rales, GenCorp, Inc., GRADH-104 Inc	88-2614	09/27/88
Merrill Lynch & Co., Inc., Bain Capital Fund Limited Partnership, Calumet Acquisition Corp	88-2632	09/27/88
Gerald Tsai, Jr., Commercial Credit Group, Inc., Commercial Credit Group, Inc	88-2644	09/27/88
Columbus Holdings Limited, Stone Container Corporation, Stone Container Corporation	89-2633	09/27/89
SouthernNet, Inc., Southland Communications Corporation, Southland Communications Corporation	87-2306	09/28/872306
Holmes Protection Group, Inc., Sovereign Group, Inc., Guardian Industries, Inc	88-2511	09/28/88
Ladbroke Group PLC, Pacific Racing Association, Pacific Racing Association	88-2622	09/28/88
Weiss, Peck & Greer Corporate Development Assoc., LP, Baker Industries Corp., Baker Industries Corp	88-2654	09/28/88
The Sherwin-Williams Company, Whittaker Corporation, Whittaker Corporation	89-2636	09/28/89
AGA Aktiebolag, UGI Corporation, AmeriGas, Inc	89-2701	09/28/89
Magna Copper Company, Addington Resources, Inc., Addwest Gold, Inc	89-2733	09/28/89
MA Associates, L.P., McGraw-Hill, Inc., Electrical Group of McGraw-Hill Inc	89-2771	09/28/89
Mr. Alan Bond, Fluor Corporation, St. Joe Gold Corporation, et al	87-2299	09/29/87
General Investments Australia Limited, Forstmann & Company, Inc., Forstmann & Company, Inc	87-2334	09/29/87
Nitto Electric Industrial Co., Ltd., Rohm & Haas Company, Hydranautics	87-2367	09/29/87
Weyerhaeuser Company, Timberland Industries, Inc., Timberland Industries, Inc	87-2392	09/29/87
Cook Inlet Region, Inc., Richard E. and Nancy P. Marriott, First Media Corporation	87-2420	09/29/87
Trust created under Article Seven-John Hay Whitney The, Richard E. and Nancy P. Marriott, First Media Corporation	87-2426	09/29/87
Laird Group P.L.C. The, Bailey Corporation, Bailey Corporation	87-2429	09/29/87
Arthur Goldberg, Timpte Industries, Inc., Timpte Industries, Inc	88-2433	09/29/88
McDonnell Douglas Corporation, Frank Giordano, Emerald Industrial Leasing Corp	88-2535	09/29/88
McDonnell Douglas Corporation, Harold Neiman, Emerald Industrial Leasing Corp	88-2536	09/29/88
Houston Industries, Incorporated, Edward S. Rogers, RCA Cablesystems Holdings Co	88-2554	09/29/88
Stoneridge Resources, Inc., Stoneridge Resources, Inc., Orange-co, Inc	88-2577	09/29/88
Sophus Berendsen A/S, Gerard F. Leider, The Leider Companies, Inc	88-2610	09/29/88
Sophus Berendsen A/S, M. James Leider, The Leider Companies, Inc	88-2611	09/29/88
The Walt Disney Company, James M. Henson, Henson Associates, Inc	89-2759	09/29/89
Atlas Copco AB, PACCAR, Inc., Wagner Mining Equipment Co. and Russel Brothers	89-2775	09/29/89
The Retail Property Trust, British Coal Staff Superannuation Scheme Trustees Ltd., Pan-American Properties, Inc	89-2777	09/29/89
The Retail Property Trust, Cmte. of Management of the Mineworkers Pension Scheme, Pan-American Properties, Inc	89-2778	09/29/89
Colorado National Bankshares, Inc., Central Bank, Cenval of Colorado Corporation d/b/a Cenval Leasing Co	89-2781	09/29/89
Pearson plc, WH Smith Group plc, WH Smith Publishers, Inc	89-2791	09/29/89
Jon M. Huntsman, Hoechst Aktiengesellschaft, Hoechst Celanese Corporation	89-2794	09/29/89
Elders IXL Limited, Thinking Machines Corporation, Thinking Machines Corporation	89-2795	09/29/89
Joseph J. Zilber, Everything's A Dollar, Inc., Everything's A Dollar, Inc	89-2798	09/29/89
Charles H. & Margaret M. Dyson, The Dyson-Kissner, Muncy Homes, Inc., Muncy Homes, Inc., Muncy Homes Corp.	89-2803	09/29/89
Colorado National Bankshares, Inc., Western Savings and Loan Association, F.A., Western Savings and Loan Association, F.A	89-2810	09/29/89
W.R. Grace & Co., Gulf Resources & Chemical Corporation, Pend Oreille Oil & Gas Company	89-2812	09/29/89
Paul Schutt, Helix Limited, General Homes Corporation, GHX, Inc	89-2818	09/29/89

FOR FURTHER INFORMATION CONTACT:
Sandra M. Peay, Federal Trade
Commission, Contact Representative,
Premerger Notification Office, Bureau of
Competition, Room 303, Washington, DC
20580, (202) 326-3100.

By Direction of the Commission.
Donald S. Clark,
Secretary.

[FR Doc. 89-23809 Filed 10-6-89; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89F-0395]

E.I. Du Pont De Nemours and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. du Pont de Nemours and Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *N,N*-dioleylethylenediamine as a release agent in films made of ethylene-vinyl acetate copolymers and certain ionomeric resins for use in contact with food.

FOR FURTHER INFORMATION CONTACT:
Vir D. Anand, 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) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4170) has been filed by E.I. du Pont de Nemours and Co., 1007 Market St., Wilmington, DE 19898, proposing that § 178.3860 *Release agents* (21 CFR 178.3860) be amended to provide for the safe use of *N,N*-dioleylethylenediamine as a release agent in films of ethylene-vinyl acetate copolymers complying with § 177.1350 (21 CFR 177.1350) and certain ionomeric resins (polymers of ethylene and methacrylic acid and their partial metal salts) complying with § 177.1330 (21 CFR 177.1330) for use in contact with 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: September 29, 1989.
Fred R. Shank,
Acting Director, Center for Food Safety and Applied Nutrition.
[FR Doc. 23778 Filed 10-6-89; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 89F-0396]

Milliken and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Milliken and Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of di(*p*-tolylidene) sorbitol as a clarifying agent for propylene homopolymer and copolymers intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT:
Rudolph Harris, 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) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4167) has been filed by Milliken and Co., c/o 1150 17th St. NW., Washington, DC 20036, proposing that § 178.3295 *Clarifying agents for polymers* (21 CFR 178.3295) be amended to provide for the safe use of di(*p*-tolylidene) sorbitol for use as a clarifying agent in propylene homopolymer and copolymers intended for use in contact with 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: September 29, 1989.
Fred R. Shank,
Acting Director, Center for Food Safety and Applied Nutrition.
[FR Doc. 89-23779 Filed 10-6-89; 8:45 am]
BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meetings: Baltimore District Office, chaired by Leonard Genova, Consumer Affairs Officer. The topic to be discussed is food labeling.

DATES: Once each week beginning October 10, 1989, for 3 consecutive weeks at a site selected for a meeting of the Eating Together Program (for the elderly and disabled). Contact Leonard Genova for the date, time, and place of each meeting.

ADDRESSES: Sites to be selected for the Eating Together Program in the Baltimore metropolitan area.

FOR FURTHER INFORMATION CONTACT:
Leonard Genova, Consumer Affairs Officer, Food and Drug Administration, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 3, 1989.
Alan L. Hoeting,
Acting Associate Commissioner for
Regulatory Affairs.
[FR Doc. 89-23780 Filed 10-6-89; 8:45 am]
BILLING CODE 4160-01-M

Health Care Financing Administration Privacy Act of 1974; Systems of Records

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice of proposed new routine uses for existing systems of records.

SUMMARY: One of the top priorities of the Department of Health and Human Services is to assure high quality and effective health care while pursuing strategies to contain or moderate health care costs and Medicare program expenditures. One such program to limit Medicare program expenditures was the Medicare Secondary payer (MSP) provisions (42 U.S.C. 1395y(b)).

The purpose of this routine use is to enable HCFA and other "entities responsible for payment" to engage in exchanges of information concerning primary or secondary responsibility for

a Medicare beneficiary's health care expenses. This notice is not the basis for a mandatory reporting requirement for "entities responsible for making payment" as required by 42 U.S.C. 1395y(b). Currently no statute mandates this type of exchange of information, therefore, these exchanges of information are strictly voluntary.

The Health Care Financing Administration (HCFA) is amending systems notices for (1) Carrier Medicare Claims Records HHS/HCFA/BOP No. 09-70-0501; (2) Health Insurance Master Record HHS/HCFA/BOP No. 09-70-0502 and (3) Intermediary Medicare Claims Records HHS/HCFA/BPO No. 09-70-0503, to add a new routine use. The proposed routine use will enhance our capability for identifying Medicare Secondary Payer situations where Medicare can assume a position of reduced liability due to the presence of other entities responsible for making primary payment in accordance with 42 U.S.C. 1395y(b).

EFFECTIVE DATES: The proposed new routine use shall take effect without further notice November 9, 1989, unless comments received on or before that date would warrant changes.

ADDRESS: Please address comments to: Richard A. Demeo, HCFA Privacy Act Officer, Health Care Financing Administration, G-M-1 East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207. We will make comments received available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Herb Shankroff, Division of Operational Initiatives, 367 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone (301) 966-7171.

SUPPLEMENTARY INFORMATION: The notice for Carrier Medicare Claims Records, HHS/HCFA/BPO No. 09-07-0501, was most recently published at 53 FR 52792, December 29, 1988; for Health Insurance Master Record, HHS/HCFA/BPO No. 09-07-0502, was most recently published at 54 FR 1000, January 11, 1989; and for Intermediary Medicare Claims Records, No. 09-07-0503, was most recently published at 53 FR 52792, December 29, 1988, System notice No. 09-07-0501, Carrier Medicare Claims Records, contains records of beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B); system notice No. 09-07-0502, Health Insurance Master Record, contains a record of each individual who is, or has been, entitled to health insurance benefits under title XVIII of the Social Security Act; and system notice No. 09-

07-0503, Intermediary Medicare Claims Records, contains records of beneficiaries on whose behalf providers have submitted claims for payment under the Prospective Payment System or on a reasonable cost basis under Medicare Parts A and B. Data in these files are used to administer the Medicare program and for research and statistical purposes. Please note that the categories of individuals and records in the system remain unchanged.

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" when it is necessary to carry out our programs. We may also routinely disclose information to Federal, State or local or private agencies or individuals for purposes that are compatible with the purposes of our programs when the benefit of the proposed use outweighs the effect, or risk of an effect, on the privacy of individuals.

The Medicare Act at 42 U.S.C. 1395y(b) creates circumstances where the Medicare program no longer has primary liability for the medical expenses an individual incurs. It is necessary for Medicare to be able to identify those Medicare beneficiaries who have other coverage and to demonstrate to the other involved insurer or other type of payer their primary liability.

To comply with the technical requirements of the Privacy Act, HCFA is proposing to amend three systems of records by adding a new routine use to each. The affected systems of records and proposed new routine use for each system is as follows:

- (1) No. 09-70-0501 (Routine use No. 24)
- (2) No. 09-70-0502 (Routine use No. 16)
- (3) No. 09-70-0503 (Routine use No. 22)

To insurers, underwriters, Third Party Administrators (TPAs), self-insurers, group health plans, employers, health maintenance organizations, health and welfare benefits funds, Federal agencies, a State or local government or political subdivision of either (when the organization has assumed the role of an insurer, underwriter, or TPA, or in the case of a State that assumes the liabilities of an insolvent insurer, through a State created insolvent insurer pool or fund), multiple-employer trusts, no-fault, medical, automobile insurers, workers' compensation carriers or plans, liability insurers, and other groups providing protection against medical expenses who are primary payers to Medicare in accordance with 42 U.S.C.

1395y(b), or any entity having knowledge of the occurrence of any event affecting (A) an individual's right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment (or example, a State Medicaid Agency, State Worker's Compensation Board, or Department of Motor Vehicles) for the purpose of coordination of benefits with the Medicare program and implementation of the Medicare Secondary Payer provisions at 42 U.S.C. 1395y(b). The information HCFA may disclose will be:

- Beneficiary Name
- Beneficiary Address
- Beneficiary Health Insurance Claim Number
- Beneficiary Social Security Number
- Beneficiary Sex
- Beneficiary Date of Birth
- Amount of Medicare Conditional Payment

To administer the Medicare Secondary Payer provisions at 42 U.S.C. 1395y(b)(2), (3), (4) more effectively, HCFA would receive (to the extent that it is available) and may disclose the following types of information from insurers, underwriters, TPAs, self-insureds, etc. concerning potentially affected individuals:

- Subscriber Name and Address
- Subscriber Date of Birth
- Subscriber Social Security Number
- Dependent Date of Birth
- Dependent Social Security Number
- Dependent Relationship to Subscriber
- Insurer/Underwriter/TPA Name and Address
- Insurer/Underwriter/TPA Group Number
- Insurer/Underwriter/TPA Group Name
- Prescription Drug Coverage
- Policy Number
- Effective Date of Coverage
- Employer Name, Employer Identification Number (EIN) and Address
- Employment Status
- Amounts of Payment

To administer the Medicare Secondary Payer provision at 42 U.S.C. 1395y(b)(1) more effectively for entities such as Workers Compensation carriers or boards, liability insurers, no-fault and automobile medical policies or plans, HCFA would receive to the extent that it is available) and may disclose the following information concerning potentially affected individuals.

- Beneficiary's Name and Address
- Beneficiary's Date of Birth
- Beneficiary's Social Security Number*
- Name of Insured*
- Insurer name and Address
- Type of coverage; automobile medical, no-fault, liability payment, or workers' compensation settlement.
- Insured's Policy Number
- Effective Date of Coverage

- Date of accident, injury or illness
- Amount of payment under liability, no-fault, or automobile medical policies, plans, and workers compensation settlements.
- Employer Name and Address (Workers' Compensation only)

*Name of insured could be the driver of the car, a business, the beneficiary (i.e., the name of the individual or entity which carries the insurance policy or plan).

In order to receive this information the entity must agree to the following conditions:

a. To utilize the information solely for the purpose of coordination of benefits with the Medicare program in accordance with 42 U.S.C. 1395y(b);

b. To safeguard the confidentiality of the data and to prevent unauthorized access to it;

c. To prohibit the use of beneficiary-specific data for purposes other than for the coordination of benefits between the recipient organization and the Medicare program. The agreement would allow the entities to use the information to determine cases where they have primary responsibility for payment or cases where Medicare has primary responsibility for payment. Examples of prohibited uses would include but are not limited to: Creation of a mailing list, sale or transfer of data.

The new routine use is consistent with the Privacy Act, 5 U.S.C. 552a(a)(7), since it is compatible with the purposes for which the information is collected. Providing these organizations with information concerning the Medicare status of individuals will enable the proper implementation of the Medicare Secondary Payer provisions of the Social Security Act, realize the substantial program savings envisioned by Congress, and will save the entities listed above significant administrative costs in complying with Federal law.

This can be accomplished with no reduction in a beneficiary's privacy. Release of this information is already a general condition of payment in the insurance industry and the other entities will agree in writing to protect the data from unauthorized access and use.

Because the addition of this new routine use will not change the purposes for which the information is to be used or otherwise significantly after the system, this action does not require a report of altered system under 5 U.S.C. 552a(o). We are publishing below the affected system notices in their entirety, with the proposed changes incorporated.

Dated: October 2, 1989.

Louis B. Hays,
Acting Administrator, Health Care Financing Administration.

09-70-0501

SYSTEM NAMES:

Carrier Medicare Claims Records,
HHS, HCFA, BPO

SECURITY CLASSIFICATIONS:

None

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix A, Section 4)

Federal Records Centers,
Bureau of Quality Control, HCFA
Office of Systems Analysis, 6325
Security Boulevard, Baltimore,
Maryland 21207.

HHS Parklawn Computer Center, 5600
Fishers Lane, Rockville, Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance (Medicare Part B), or are eligible, or individuals whose enrollment in an employer group health benefits plan covers the beneficiary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider Billing for Patient services by Physician; Prepayment Plan for Group Medicare Practices dealing through a Carrier, Health Insurance Claim Form, Request for Medical Payment, Patient's Request for Medicare Payment, Request for Medicare Payment—Ambulance, Explanation of Benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of part B Medicare services; medicare secondary payer records containing other party liability insurance information necessary for appropriate Medicare claim payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842, 1862(b) and 1874 of title XVIII of the Social Security Act (42 U.S.C. 1395u, 1395y(b) and 1395kk).

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) Claimants, their authorized representatives or representatives payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare)

(2) Third-party contacts (without the consent of the individuals to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices of nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use of disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished:

(c) Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of audit related to the research project, if

information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicare eligibility considerations. Disclosures of physicians' customary charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) The Department of Justice to a court or other tribunal, or to another party before such tribunal, when

(a) HHS, or any component thereon; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the

request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(17) Physicians and other supplies of services who are attempting to validate individual items on which the amounts include in the annual Physician/Supplier Payment List or similar publications are based.

(18) Senior citizen volunteers working in intermediaries' and carriers' offices to assist Medicare beneficiaries in response to beneficiaries' requests for assistance.

(19) A contractor working with Medicare carriers/intermediaries to identify and recover erroneous Medicare payments for which workers' compensation programs are liable.

(20) State and other governmental Workers' Compensation Agencies working with the Health Care Financing Administration to assure that workers' compensation payments are made where Medicare has erroneously paid and workers' compensation programs are liable.

(21) Release information, without the beneficiary's authorization, to insurance companies, self-insurers, Health Maintenance Organizations, multiple employer trusts and other groups providing protection against medical expenses of their enrollees. Information to be disclosed shall be limited to Medicare entitlements data. In order to receive the information the entity must agree to the following conditions:

a. To certify that the individual on whom the information is being provided is one of its insureds;

b. To utilize the information solely for the purpose of processing the identified individual's insurance claims; and

c. To safeguard the confidentiality of the data and to prevent unauthorized access to it.

(22) To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

(23) To an agency of a State Government, or established by State law, for purposes of determining, evaluating and/or assessing cost, effectiveness, and/or the quality of

health care services provided in the State, if HCFA:

a. Determines that the use of disclosure does not violate legal limitations under which the data were provided, collected, or obtained;

b. Establishes that the data are exempt from disclosure under the State and/or local Freedom of Information Act;

c. Determines that the purpose for which the disclosure is to be made;

(1) Cannot reasonably be accomplished unless the data are provided in individually identifiable form;

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individuals that additional exposure of the record might bring, and;

(3) There is reasonable probability that the objective for the use would be accomplished; and

d. Requires the recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the request, unless the recipient presents an adequate justification for retaining such information;

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual;

(b) For use in another project under the same conditions, and with written authorization of HCFA;

(c) For disclosure to a properly identified person for the purpose of an audit related to the project, if information that would enable project subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law; and

(4) Secure a written statement attesting to the recipient's understanding of and willingness to abide by these provisions. The recipient must agree to the following:

(1) Not to use the data for purpose that are not related to the evaluation of cost, quality and effectiveness of care;

(2) Not to publish or otherwise disclose the data in a form raising unacceptable possibilities that beneficiaries could be identified (i.e., the data must not be beneficiary-specific and must be aggregated to a level when

no data cells have ten or fewer beneficiaries); and

(3) To submit a copy of any aggregation of the data intended for publication to HCFA for approval prior to publication.

(24) To insurers, underwriters, third party administrators, self-insurers, group health plans, employers, health maintenance organizations, health and welfare benefit funds, Federal agencies, a State or local government or political subdivision of either (when the organization has assumed the role of an insurer, underwriter, or third party administrator, or in the case of a State that assumes the liabilities of an insolvent insurer, through a State created insolvent insurer pool or fund), multiple-employer trusts, no-fault, medical, automobile insurers, workers' compensation carriers or plans, liability insurers, and other groups providing protection against medical expenses who are primary payers to Medicare in accordance with 42 U.S.C. 1395y(b), or any entity having knowledge of the occurrence of any event affecting (A) an individual's right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment (for example, a State Medicaid Agency, State Workers' Compensation Board, or Department of Motor Vehicles) for the purpose of coordination of benefits with the Medicare program and implementation of the Medicare Secondary Payer provisions at 42 U.S.C. 1395y(b). The information HCFA may disclose will be:

- Beneficiary Name
- Beneficiary Address
- Beneficiary Health Insurance Claim Number
- Beneficiary Social Security Number
- Beneficiary Sex
- Beneficiary Date of Birth
- Amount of Medicare Conditional Payment

To administer the Medicare Secondary payer provisions at 42 U.S.C. 1395y(b)(2), (3), (4) more effectively, HCFA would receive (to the extent that it is available) and may disclose the following types of information from insurers, underwriters, third party administrators, self-insureds, etc.:

- Subscriber Name and Address
- Subscriber Date of Birth
- Subscriber Social Security Number
- Dependent Name
- Dependent Date of Birth
- Dependent Social Security Number
- Dependent Relationship to Subscriber
- Insurer/Underwriter/TPA Name and Address
- Insurer/Underwriter/TPA Group Number
- Insurer/Underwriter/TPA Group Name
- Prescription Drug Coverage
- Policy Number

- Effective Date of Coverage
- Employer Name, Employer Identification Number (EIN) and Address
- Employment Status
- Amounts of Payment

To administer the Medicare Secondary payer provision at 42 U.S.C. 1395y(b)(1) more effectively for entities such as Workers Compensation carriers or boards, liability insurers, no-fault and automobile medical policies or plans, HCFA would receive (to the extent that it is available) and may disclose the following information:

- Beneficiary's Name and Address
 - Beneficiary's Date of Birth
 - Beneficiary's Social Security Number*
 - Name of Insured*
 - Insurer Name and Address
 - Type of coverage; automobile medical, no-fault, liability payment, or workers' compensation settlement.
 - Insured's Policy Number
 - Effective Date of Coverage
 - Date of accident, injury or illness
 - Amount of payment under liability, no-fault, or automobile medical policies, plans, and workers compensation settlements.
 - Employer Name and Address (Workers' Compensation only)
- * Name of insured could be the driver of the car, a business, the beneficiary (i.e., the name of the individual or entity which carries the insurance policy or plan).

In order to receive this information the entity must agree to the following conditions:

a. To utilize the information solely for the purpose of coordination of benefits with the Medicare program in accordance with 42 U.S.C. 1395y(b);

b. To safeguard the confidentiality of the data and to prevent unauthorized access to it;

c. To prohibit the use of beneficiary-specific data for purposes other than for the coordination of benefits between the recipient organization and the Medicare program. The agreement would allow the entities to use the information to determine cases where they have primary responsibility for payment or cases where Medicare has primary responsibility for payment. Examples of prohibited uses would include but are not limited to: Creation of a mailing list, sale or transfer of data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers

to determine amount of Part B benefits. The bills are retained by the carriers.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the DHHS ADP Systems Manual, Part 6.

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration. Bureau of Program Operations, Director, Division of Carrier Procedures, 6325 Security Boulevard, Baltimore, Md 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

The data contained in these records is either furnished by the individual or, in the case of some Medicare secondary payer situations, through third party contacts. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Medicare Carriers

Medicare Coordinator, Blue Cross and Blue Shield of Alabama, 450 Riverchase Parkway East, Birmingham, Alabama 35298
 Vice President for Medicare and Medical Services, Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Little Rock, Arkansas 72203
 Medicare Coordinator, California Physicians Service, (d/b/a Blue Shield of California), P.O. Box 7013, No. 2 Northpoint, San Francisco, California 94120
 Medicare Coordinator, Transamerica Occidental Life Insurance Company, P.O. Box 54905 Terminal Annex, Los Angeles, California 90054
 Assistant Vice President, Rocky Mountain Hospital and Medical Service, (d/b/a Blue Cross and Blue Shield of Colorado), 700 Broadway, Denver, Colorado 80273
 Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06183
 Medicare Administrator, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Connecticut 06156
 Medicare Coordinator, Blue Cross and Blue Shield of Florida, Inc., P.O. Box 1798, Jacksonville, Florida 32231
 Health Care Service Corporation, 233 North Michigan Avenue, Chicago, Illinois 60601
 Associated Insurance Companies, Inc., (d/b/a Blue Cross and Blue Shield of Indiana), 8320 Craig Street, Suite 10, Indianapolis, Indiana 46250-0453
 Assistant Executive Director, Blue Shield of Iowa, Ruan Building, 636 Grand Avenue Station 28, Des Moines, Iowa 50309
 Medicare Assistant, Blue Cross and Blue Shield of Kansas, Inc., P.O. Box 239, Topeka, Kansas 66601
 Blue Cross and Blue Shield of Kentucky, Inc., 100 East Vine Street, 6th Floor, Lexington, Kentucky 40517
 Medicare Coordinator, Blue Cross and Blue Shield of Maryland, Inc., 700 E. Joppa Road, Baltimore, Maryland 21204
 Medicare Coordinator Part B, Blue Shield of Massachusetts, Inc., 100 Summer Street, Boston, Massachusetts 02110
 Assistant Vice President Government, Affairs Department, Blue Cross and Blue Shield of Michigan, 600 Lafayette East, Detroit, Michigan 48226
 Blue Cross and Blue Shield of Minnesota, P.O. Box 64357, 3535 Blue Cross Road, St. Paul, Minnesota 55164
 Vice President Government Programs, Blue Cross and Blue Shield of Kansas City, P.O. Box 169, Kansas City, Missouri 64141
 Director, Medicare Administration, General American Life Insurance Co., P.O. Box 505, St. Louis, Missouri 63166
 Blue Cross and Blue Shield of Montana, Inc., P.O. Box 4309, 404 Fuller Avenue, Helena, Montana 59601
 Medicare Coordinator, Prudential Insurance Co. of America, Tri-City Office Drawer 471, Millville, New Jersey 08332
 Director of Medicare Part B, Blue Shield of Western New York, Inc., 298 Main Street, Buffalo, New York 14202

Medicare Coordinator, Group Health Insurance, Inc., 330 West 42nd Street, New York, New York 10036
 Medicare Coordinator, Empire Blue Cross and Blue Shield, 622 Third Avenue, New York New York 10017
 Medicare Coordinator, EQUICOR, Inc., 1285 Avenue of the Americas, New York, New York 10019
 Medicare Coordinator, Blue Cross and Blue Shield of North Dakota, 4510 13th Avenue, S.W., Fargo, North Dakota 58121
 Medicare System and Processing Division, Nationwide Mutual Insurance Company, P.O. Box 16788, Columbus, Ohio 43216
 Medicare Coordinator, Pennsylvania Blue Shield, P.O. Box 65, Camp Hill, Pennsylvania 17011
 Chief, Internal Operations, Seguros de Servicio de Salud de Puerto Rico, Inc., C.P.O. Box 3628, San Juan, Puerto Rico, 00936-3628
 Medicare Coordinator, Blue Cross and Blue Shield of Rhode Island, 444 Westminster Mall, Providence, Rhode Island 02901
 Medicare Coordinator, Blue Cross and Blue Shield of South Carolina, Fontaine Business Center, 300 Arbor Lake Drive, Suite 1300, Columbia, South Carolina 29223
 Blue Cross and Blue Shield of Texas, Inc., 901 South Central Expressway, P.O. Box 833815, Richardson, Texas 75083-3815
 Manager, Part B, Blue Cross and Blue Shield of Utah, P.O. Box 30270, 2455 Parley's Way, Salt Lake City, Utah 84130
 Assistant Administrator, Washington Physicians Service, 4th and Battery Building, 2401 4th Avenue, 6th Floor, Seattle, Washington 98121
 Director, Medicare Claims Department, Wisconsin Physicians' Service Insurance, Corp., 1717 West Broadway, Monona, Wisconsin 54713

09-70-0502

SYSTEM NAME:

Health Insurance Master Record.
 HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration
 Bureau of Data Management and Strategy, 6325 Security Blvd., Baltimore, Md. 21207.
 Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act and individuals who have been, or currently

are, entitled to such benefits because they have end-stage renal disease; or individuals whose enrollment in an employer group health benefits plan covers the beneficiary.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, utilization, query and reply activity, health insurance bill and payment record processing workers' compensation entitlement information, and entitlement information from the Veterans Administration (VA), Health Insurance Master Record maintenance, and Medicare secondary payer records containing other party liability insurance information necessary for appropriate Medicare claim payment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814, 1833 and 1862(b) of title XVIII of the Social Security Act (42 U.S.C. 1396f, 1395l and 1395y(b)).

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquires from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) State Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility for quality control studies, for determining eligibility of recipients of assistance under title IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determine that the use of disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose of which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished:

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law:

d. Secures a written statement attesting to the information recipient(s) understanding of and willingness to abide by these provisions.

(7) The Department of Justice, to a court or other tribunal, or to another party before such tribunal, when:

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation

or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

(9) State welfare agencies that require access to the two files which are extracted from the Health Insurance Master Record. These files are the Carrier Alphabetical State File (CASF) and Beneficiary State File (BEST). Most State agencies require access to the CASF and BEST files for improved administration of the Medicaid program. Routine uses of the CASF and BEST files for State agencies are: (a) Obtaining a beneficiary's correct health insurance claim number and (b) screening of prepayment and post-payment Medicaid claims.

(10) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability or manage his or her affairs or to his or her eligibility for an entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: Individuals is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual); or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity,

or for quality appraisal, or evaluation and measurement of system activities.

(11) Release information, without the beneficiary's authorization, to insurance companies, self-insurers, Health Maintenance Organizations, multiple employer trusts and other groups providing protection against medical expenses of their enrollees. Information to be disclosed shall be limited to Medicare entitlement data. In order to receive this information the entity must agree to the following conditions:

a. To certify that the individual about whom the information is being provided is one of its insureds;

b. To utilize the information solely for the purpose of processing the identified individual's insurance claims; and

c. To safeguard the confidentiality of the data and to prevent unauthorized access to it.

(12) To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors, incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

(13) To an agency of a State Government, or established by State law, for purposes of determining, evaluating and/or assessing cost, effectiveness, and/or the quality of health care services provided in the State, if HCFA:

a. Determine that the use or disclosure does not violate legal limitations under which the data were provided, collected, or obtained;

b. Establishes that the data are exempt from disclosure under the State and/or local Freedom of Information Act;

c. Determines that the purpose for which the disclosure is to be made;

(1) Cannot reasonably be accomplished unless the data are provided in individually identifiable form;

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individuals that additional exposure of the record might bring, and;

(3) There is reasonable probability that the objective for the use would be accomplished; and

d. Requires the recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the request, unless the recipient presents an adequate justification for retaining such information;

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual;

(b) For use in another project under the same conditions, and with written authorization of HCFA;

(c) For disclosure to a properly identified person for the purpose of an audit related to the project, if information that would enable project subject to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law; and

(4) Secure a written statement attesting to the recipient's understanding of an willingness to abide by these provisions. The recipient must agree to the following:

(1) Not to use the data for purposes that are not related to the evaluation of cost, quality, and effectiveness of care;

(2) Not to publish or otherwise disclose the data in a form raising unacceptable possibilities that beneficiaries could be identified (i.e., the data must not be beneficiary-specific and must be aggregated to a level when no data cells have ten or fewer beneficiaries); and

(3) To submit a copy of any aggregation of the data intended for publication to HCFA for approval prior to publication.

(14) To a group health plan (i.e., health maintenance organization (HMO), or a competitive medical plans (CMP) with a Medicare contract, or a Medicare-approved health care prepayment plan (HCPP), directly or through a contractor on a case-by-case basis for the purpose of determining the eligibility of a Medicare beneficiary to enroll in the group health plan. Group health plans will have access only to one record at a time and only through a CRT terminal. A password must be entered to gain access to the file. Both the beneficiary name and the Health Insurance Claim number must be entered to access individual records within the file. The information disclosed will be the minimum necessary to determine eligibility for enrollment.

(15) To a contractor when HCFA contracts with a private firm for the purpose of refining or otherwise

processing data and disclosing such data to group health plans consistent with routine use No. 14. The contractor will be required to safeguard the confidentiality of the data and prevent unauthorized use or disclosure.

(16) To insurers, underwriters, third party administrators, self-insurers, group health plans, employers, health maintenance organizations, health and welfare benefit funds, Federal agencies, a State or local government or political subdivision of either (when the organization has assumed the role of an insurer, underwriter, or third party administrator, or in the case of a State that assumes the liabilities of an insolvent insurer, through a State created insolvent insurer pool or fund), multiple-employer trusts, no-fault, medical, automobile insurers, workers' compensation carriers or plans, liability insurers, and other groups providing protection against medical expenses who are primary payers to Medicare in accordance with 42 USC 1395y(b), or any entity having knowledge of the occurrence of any event affecting (A) an individual's right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment (for example, a State Medicaid Agency, State Workers' Compensation Board, or Department of Motor Vehicles) for the purpose of coordination of benefits with the Medicare program and implementation of the Medicare Secondary Payer provisions at 42 USC 1395y(b). The information HCFA may disclose will be:

- Beneficiary Name
- Beneficiary Address
- Beneficiary Health Insurance Claim Number
- Beneficiary Social Security Number
- Beneficiary Sex
- Beneficiary Date of Birth
- Amount of Medicare Conditional Payment

To administer the Medicare Secondary payer provisions at 42 U.S.C. 1395y(b) (2), (3), (4) more effectively, HCFA would receive (to the extent that it is available) and may disclose the following types of information from insurers, underwriters, third party administrators, self-insureds, etc.:

- Subscriber Name and Address
- Subscriber Date of Birth
- Subscriber Social Security Number
- Dependent Name
- Dependent Date of Birth
- Dependent Social Security Number
- Dependent Relationship to Subscriber
- Insurer/Underwriter/TPA Name and Address
- Insurer/Underwriter/TPA Group Number
- Insurer/Underwriter/TPA Group Name
- Prescription Drug Coverage

- Policy Number
- Effective Date of Coverage
- Employer Name, Employer Identification Number (EIN) and Address
- Employment Status
- Amounts of Payment

To administer the Medicare Secondary payer provision at 42 U.S.C. 1395y(b)(1) more effectively for entities such as Workers Compensation carriers or boards, liability insurers, no-fault and automobile medical policies or plans, HCFA would receive (to the extent that it is available) and may disclose the following information:

- Beneficiary's Name and Address
- Beneficiary's Date of Birth
- Beneficiary's Social Security Number*
- Name of Insured*
- Insurer Name and Address
- Type of coverage; automobile medical, no-fault, liability payment, or workers' compensation settlement
- Insured's Policy Number
- Effective Date of Coverage
- Date of accident, injury or illness
- Amount of payment under liability, no-fault, or automobile medical policies, plans, and workers' compensation settlements
- Employer Name and Address (Workers' Compensation only)
- * Name of insured could be the driver of the car, a business, the beneficiary (i.e., the name of the individual or entity which carries the insurance policy or plan).

In order to receive this information the entity must agree to the following conditions:

- To utilize the information solely for the purpose of coordination of benefits with the Medicare program in accordance with 42 U.S.C. 1395y(b);
- To safeguard the confidentiality of the data and to prevent unauthorized access to it;
- To prohibit the use of beneficiary-specific data for purposes other than for the coordination of benefits between the recipient organization and the Medicare program. The agreement would allow the entities to use the information to determine cases where they have primary responsibility for payment or cases where Medicare has primary responsibility for payment. Examples of prohibited uses would include but are not limited to: Creation of a mailing list, sale or transfer of data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is sequence by health insurance claim number, and is used to

carry out the tasks of enrollment query/reply activity, and health insurance bill and payment record processings. Copies of selected parts of the records will be used by the Office of Statistics and Data Management.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors) systems securities are established in accordance with DHHS ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock passwords system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Bureau of Program Operations, Director, Division of Entitlement Requirements 6325 Security Boulevard, Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most conventional social security office, the appropriate carrier or intermediary, the HCFA Regional Office, or the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. [These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)]

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. [These procedures are in accordance

with Department Regulations (45 CFR 5b.7)].

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual, or in the case of some Medicare secondary payer situations, through third party contacts. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

90-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATIONS:

None.

SYSTEM LOCATIONS:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix A, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA,
Office of Systems Analysis, 6325
Security Boulevard, Baltimore,
Maryland, HHS Parklawn Computer
Center, 5600 Fishers Lane, Rockville,
Maryland 20857.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare parts A and B, or are eligible, or individuals whose enrollment in an employer group health benefits plan covers the beneficiary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Billing for Medical and Other Health Services: Uniform bill for provider services or equivalent data in electronic format, and Medicare secondary payer records containing other party liability insurance information necessary for appropriate Medicare claims payment and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, and/or identification number, warranty

information when pacemakers are implanted or explanted, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered for related charges and other data needed to substantiate claims.

The following elements are outpatient data provided to Medicare intermediaries by rehabilitation agencies, skilled nursing facilities, hospital outpatient departments, and home intravenous drug providers and home health agencies that provide physical therapy in addition to home health services:

- Outpatient's name
- HI number
- Admission data to provider
- Place treatment rendered
- Number of visits since start of care
- Diagnosis
- Diagnosis requiring treatment
- Onset of condition for which treatment is being sought
 - Dates of previous therapy for same diagnosis
 - Other therapy outpatient is currently receiving
 - Observations
 - Precautions and medical equipment
 - Functional status immediately prior to this therapy
 - Types of treatment—modalities
 - Frequency of treatment
 - Expected duration of treatment
 - Rehabilitation potential
 - Level of communication potential
 - Average time per visits
 - Goals
 - Statement of problem at beginning of billing period
 - Changes in problem at end of billing period
 - Signature of therapist
 - Certification and recertification by physician that services are to be provided from an established plan of care
 - Tests results
 - Biopsy reports
 - Methods of administration, e.g., pill vs. injection
 - Physician's orders
 - Procedure codes
 - Charges
 - Weekly progress notes
 - National Drug Code (NDC)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1816, 1862(b) and 1874 of Title XVIII of the Social Security Act (42 U.S.C. 1395h, 1395y(b) and 1395kk).

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiations of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Review Organizations in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained:

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished:

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law:

- d. Secures a written statement attesting to the information recipient's

understanding of and willingness to abide by the provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) The Department of Justice, to a court or other tribunal, or to another party before such tribunal, when:

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHE employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee, or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the government party, provided, however, that in such case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

(16) Senior citizen volunteers working in the intermediaries' and carriers' offices to assist Medicare beneficiaries' in response to beneficiaries requests for assistance.

(17) A contractor working with Medicare carriers/intermediaries to identify and recover erroneous Medicare payments for which workers' compensation programs are liable.

(18) State and other governmental Workers' Compensation Agencies working with the Health Care Financing Administration to assure that workers' compensation payments are made where Medicare has erroneously paid and workers' compensation programs are liable.

(19) Release information, without the beneficiary's authorization, to insurance

companies, self-insurers, Health Maintenance Organizations, multiple employer trusts and other groups providing protection against medical expenses of their enrollees. Information to be disclosed shall be limited to Medicare entitlement data. In order to receive this information the entity must agree to the following conditions:

a. To certify that the individual about whom the information is being provided is one of its insureds;

b. To utilize the information solely for the purpose of processing the identified individual's insurance claims; and

c. To safeguard the confidentiality of the data and to prevent unauthorized access to it.

(20) To a contractor for the purpose of collating, analyzing aggregating or otherwise refining or processing records in this system or for developing, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for ADP or telecommunications systems containing or supporting records in the system.

(21) To an agency of a State Government, or established by State law, for purposes of determining, evaluating and/or assessing cost, effectiveness, and/or the quality of health care services provided in the State, if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the data were provided, collected, or obtained;

b. Establishes that the data are exempt from disclosure under the State and/or local Freedom of Information Act;

c. Determines that the purpose for which the disclosure is to be made;

(1) Cannot reasonably be accomplished unless the data are provided in individually identifiable form;

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individuals that additional exposure of the record might bring, and;

(3) There is reasonable probability that the objective for the use would be accomplished; and

d. Requires the recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the

purpose of the request, unless the recipient presents an adequate justification for retaining such information;

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual;

(b) For use in another project under the same conditions, and with written authorization of HCFA;

(c) For disclosure to a properly identified person for the purpose of an audit related to the project, if information that would enable project subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit; or

(d) When required by law; and

(4) Secure a written statement attesting to the recipient's understanding of and willingness to abide by these provisions. The recipient must agree to the following:

(1) Not to use the date for purposes that are not related to the evaluation of cost, quality, and effectiveness of care;

(2) Not to publish or otherwise disclose the data in a form raising unacceptable possibilities that beneficiaries could be identified (i.e., the data must not be beneficiary-specific and must be aggregated to a level when no data cells have ten or fewer beneficiaries); and

(3) To submit a copy of any aggregation of the data intended for publication to HCFA for approval prior to publication.

(22) To insurers, underwriters, third party administrators, self-insurers, group health plans, employers, health maintenance organizations, health and welfare benefit funds, Federal agencies, a State or local government or political subdivision of either (when the organization has assumed the role of an insurer, underwriter, or third party administrator, or in the case of a State that assumes the liabilities of an insolvent insurer, through a State created insolvent insurer pool or fund), multiple-employer trusts, no-fault, medical, automobile insurers, workers' compensation carriers or plans, liability insurers, and other groups providing protection against medical expenses who are primary payers to Medicare in accordance with 42 USC 1395y(b), or any entity having knowledge of the occurrence of any event affecting (A) an individual's right to any such benefit or payment, or (B) the initial or continued right to any such benefit or payment (for example, a State Medicaid Agency, State Workers' Compensation Board, or

Department of Motor Vehicles) for the purpose of coordination of benefits with the Medicare program and implementation of the Medicare Secondary Payer provisions at 42 USC 1395y(b). The information HCFA may disclose will be:

- Beneficiary Name
- Beneficiary Address
- Beneficiary Health Insurance Claim Number
- Beneficiary Social Security Number
- Beneficiary Sex
- Beneficiary Date of Birth
- Amount of Medicare Conditional Payment

To administer the Medicare Secondary payer provisions at 42 USC 1395y(b) (2), (3), (4) more effectively, HCFA would receive (to the extent that it is available) and may disclose the following types of information from insurers, underwriters, third party administrators, self-insureds, etc.:

- Subscriber Name and Address
- Subscriber Date of Birth
- Subscriber Social Security Number
- Dependent Name
- Dependent Date of Birth
- Dependent Social Security Number
- Dependent Relationship to Subscriber
- Insurer/Underwriter/TPA Name and Address
- Insurer/Underwriter/TPA Group Number
- Insurer/Underwriter/TPA Group Name
- Prescription Drug Coverage
- Policy Number
- Effective Date of Coverage
- Employer Name, Employer Identification Number (EIN) and Address
- Employment Status
- Amounts of Payment

To administer the Medicare Secondary payer provision at 42 USC 12395y(b)(1) more effectively for entities such as Workers Compensation carriers or boards, liability insurers, no-fault and automobile medical policies or plans, HCFA would receive (to the extent that it is available) and may disclose the following information:

- Beneficiary's Name and Address
- Beneficiary's Date of Birth
- Beneficiary's Social Security Number*
- Name of Insured*
- Insurer Name and Address
- Type of coverage; automobile medical,

no-fault, liability payment, or workers' compensation settlement.

- Insured's Policy Number
- Effective Date of Coverage
- Date of accident, injury or illness
- Amount of payment under liability, no-fault, or automobile medical policies, plans, and workers compensation settlements.
- Employer Name and Address (Workers' Compensation only)

* Name of insured could be the driver of the car, a business, the beneficiary (i.e., the name of the individual or entity which carries the insurance policy or plan).

In order to receive this information the entity must agree to the following conditions:

a. To utilize the information solely for the purpose of coordination of benefits with the Medicare program in accordance with 42 USC 1395y(b);

b. To safeguard the confidentiality of the data and to prevent unauthorized access to it;

c. To prohibit the use of beneficiary-specific data for purposes other than for the coordination of benefits between the recipient organization and the Medicare program. The agreement would allow the entities to use the information to determine cases where they have primary responsibility for payment or cases where Medicare has primary responsibility for payment. Examples of prohibited uses would include but are not limited to: creation of a mailing list, sale or transfer of data.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Data Management and Strategy, Baltimore, Md., where they are used to update the central office records.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personal. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the DHHS ADP Systems Manual, Part 6.

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration
Director, Division of Provider
Procedures, 6325 Security Boulevard,
Baltimore, MD 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the HCFA Regional Office, or to the system manager named above. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification.

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual or, in the case of some Medicare secondary payer situations, through third party contacts. The medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A. Health Insurance Claims

Medicare records are maintained at the HCPA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a representative of the HCFA Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses:
Bureau of Program Operations, HCFA, 8325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15-4:45.

- Bureau of Data Management and Strategy, HCFA, Office of Health Program Systems, Room 1705, Equitable Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Office Hours: 8:15-4:45.
2. HCFA Regional Office Addresses:
- BOSTON REGION**—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
John F. Kennedy Federal Building, Room 1211, Boston, Massachusetts 02203.
Office Hours: 8:30-5:00
- NEW YORK REGION**—New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza—Room 715, New York, New York 10007. Office Hours: 8:30-5:00
- PHILADELPHIA REGION**—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O. Box 8460, Philadelphia, Pennsylvania 19101. Office Hours: 8:30-5:00
- ATLANTA REGION**—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee
101 Marietta Street, Suite 702, Atlanta, Georgia 30223. Office Hours: 8:00-4:30
- CHICAGO REGION**—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Suite A—824, Chicago, Illinois 60604. Office Hours: 8:15-4:35
- DALLAS REGION**—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Building, Dallas, Texas. Office Hours: 8:30-4:30
- KANSAS CITY REGION**—Iowa, Kansas, Missouri, Nebraska
New Federal Office Building, 601 East 12th Street—Room 436, Kansas City, Missouri 64106. Office Hours: 8:30-4:45
- DENVER REGION**—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building, 1961 Stout St—Room 1185, Denver, Colorado 80294.
Office Hours: 8:00-4:30
- SAN FRANCISCO REGION**—American Samoa, Arizona, California, Guam, Hawaii, Nevada
Federal Office Building, 10 Van Ness Avenue, 20th Floor, San Francisco, California 94102. Office Hours: 8:00-4:30
- SEATTLE REGION**—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615, Mail Stop 211, Seattle, Washington 98101. Office Hours: 8:00-4:30
3. Intermediary Addresses (Hospital Insurance):
- Medicare Coordinate, Blue Cross/Blue Shield of Alabama, 450 Riverchase Parkway East, Birmingham, Alabama 35298
- Medicare Coordinator, Blue Cross of Arizona, Inc., P.O. Box 13466, Phoenix, Arizona 85002
- Medicare Coordinator, Arkansas Blue Cross/Blue Shield, Inc., 601 Gaines Street, Little Rock, Arkansas 72203
- Medicare Coordinator, Blue Cross of Southern California, P.O. Box 700000, Van Nuys, California 91470
- Medicare Coordinator, Blue Cross of Northern California, 1950 Franklin Street, Oakland, California 94659
- Medicare Coordinator, Kasier Foundation Health Plan, Inc., 1956 Webster Street, Room 310A, Oakland, California 94612
- Medicare Coordinator, Rocky Mountain Hospital and Medical Service, 700 Broadway, Denver, Colorado 80203
- Medicare Administrator, Aetna Life & Casualty, 151, Farmington Avenue Hartford, Connecticut 06156
- Medicare Coordinator, Blue Cross/Blue Shield Connecticut, 370 Bassett Rd., North Haven, Connecticut 06473
- Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06115
- Triage, Inc. 719 Middle Street, Bristol Connecticut 06019
- Medicare Coordinator, Blue Cross/Blue Shield of Delaware, Inc., 201 West 14th Street, Wilmington, Delaware 19899
- Medicare Coordinator, Group Hospitalization, Inc., 550 12th Street, S.W., Washington, D.C. 20024
- Medicare Coordinator, Blue Cross of Florida, Inc., P.O. Box 1798, Jacksonville, Florida 32201
- Medicare Coordinator, Blue Cross of Georgia/Columbus, P.O. Box 7368, Columbus, Georgia 31906
- Medicare Coordinator, Blue Cross of Georgia/Atlanta, P.O. Box 4445, Atlanta, Georgia 30302
- Medicare Coordinator, Hawaii Medical Service Association, P.O. Box 860, Honolulu, Hawaii 96808
- Medicare Coordinator, Blue Cross of Idaho, Inc., P.O. Box 7480, Boise, Idaho 83707
- Medicare Coordinator, Health Care Service Corp., 233 North Michigan Avenue, Chicago, Illinois 60601
- Medicare Coordinator, Mutual Hospital Insurance, Inc., 120 West Market Street, Indianapolis, Indiana 46204
- Medicare Coordinator, Blue Cross of Iowa, Ruan Building, 636 Grant Avenue, Station 28, Des Moines, Iowa 50307
- Medicare Coordinator, Blue Cross of Western Iowa and S. Dakota, Third and Pierce Street, Sioux City, Iowa 51102
- Medicare Administrator, Kansas Hospital Service Association, Inc., P.O. Box 239, Topeka, Kansas 66601
- Medicare Coordinator, Blue Cross and Blue Shield of Kentucky, Inc., 9901 Linn Station Road, Louisville, Kentucky 40223
- Medicare Coordinator, Louisiana Health Service and Indemnity Company, 2718A Wooddale Blvd., Baton Rouge, Louisiana 70805
- Medicare Coordinator, Associated Hospital Service of Maine, 110 Free Street, Portland, Maine 04101
- Medicare Coordinator, Maryland Blue Cross, Inc., 700 East Joppa Road, Baltimore, Maryland 21204
- Medicare Coordinator, Part A. Blue Cross of Mass., Inc., 100 Summer Street, Boston, Massachusetts 02106
- Medicare Coordinator, Blue Cross of Michigan, 600 Lafayette East, Detroit, Michigan 48226
- Medicare Coordinator, Blue Cross of Minnesota, 3535 Blue Cross Road, St. Paul, Minnesota 55765
- Medicare Coordinator, Blue Cross of Miss., P.O. Box 1043, Jackson, Mississippi 39205
- Medicare Coordinator, Blue Cross Hospital Service of Missouri, 4444 Forest Park Boulevard, St. Louis, Missouri 63108
- Medicare Coordinator, Blue Cross of Montana, P.O. Box 5017, Great Falls, Montana 59403
- Medicare Coordinator, Mutual of Omaha Ins. Co., Box 456 Downtown Station, Omaha, Nebraska 68101
- Medicare Coordinator, Blue Cross of Nebraska, P.O. Box 3248, Main Post Office Station, Omaha, Nebraska 68103
- Medicare Coordinator, New Hampshire Vermont Health Service, 2 Pillsbury Street, Concord, New Hampshire 03306
- Medicare Coordinator, Hospital Service Plan of New Jersey, 33 Washington Street, Newark, New Jersey 07102
- Medicare Coordinator, Prudential Ins. Co. of America, Drawer 471, 1 Millville, New Jersey 08332
- Medicare Coordinator, New Mexico Blue Cross Inc., 12800 Indiana School Rd., N.E., Albuquerque, New Mexico 87112
- Medicare Coordinator, B/C-B/S of New York, 622 Third Avenue, New York, New York 10017
- Medicare Coordinator, North Carolina B/C-B/S, P.O. Box 2291, Durham, North Carolina 27702
- Medicare Coordinator, Blue Cross of North Dakota, 4510 13th Avenue, S.W., Fargo, North Dakota 58121
- Medicare Coordinator, B/C of N.W. Ohio, P.O. Box 943, Toledo, Ohio 43601
- Medicare Coordinator, B/C of N.E., Ohio, 2066 East Ninth Street, Cleveland, Ohio 44115
- Medicare Coordinator, Hospital Care Corporation, 1851 William Howard Taft Road, Cincinnati, Ohio 45206
- Medicare Coordinator, Nationwide Mutual Insurance Co., P.O. Box 1625, Columbus, Ohio 43216
- Medicare Coordinator, B/C of Central Ohio, P.O. Box 16526, Columbus, Ohio 43216
- Medicare Coordinator, Blue Cross of Oklahoma, 1215 South Boulder, Tulsa, Oklahoma 74119
- Medicare Coordinator, Northwest Hospital Service, P.O. Box 1271, Portland, Oregon 97201
- Medicare Coordinator, Blue Cross of Greater Philadelphia, 1333 Chestnut Street, Philadelphia, Pennsylvania 19107
- Medicare Coordinator, Blue Cross of Western Pennsylvania, One Smithfield Street, Pittsburgh, Pennsylvania 15222
- Medicare Coordinator, B/C of N.E. Pennsylvania, 70 North Main Street, Wilkes-Barre, Pennsylvania 18711
- Medicare Coordinator, Hospital Service Plan of Lehigh Valley, 1221 Hamilton Street, Allentown, Pennsylvania 18102
- Medicare Coordinator, Capital Blue Cross, 100 Pine Street, Harrisburg, Pennsylvania 17101
- Cooperative de Seguros de Vida de Puerto Rico, G.P.O. Box 3428, San Juan, Puerto Rico 00938
- Blue Cross of Rhode Island, 444 Westminster Mall, Providence, Rhode Island 02901
- Medicare Coordinator, Blue Cross of S.C., Columbia, South Carolina 29219

- Medicare Coordinator, Blue Cross of Tennessee, Blue Cross Bldg., Chattanooga, Tennessee 37402
- Medicare Coordinator, Group Hospital Service, Inc., P.O. Box 22146, Dallas, Texas 75222
- Medicare Coordinator, B/C of Utah, P.O. Box 30270, Medicare A, Salt Lake City, Utah 84130
- Medicare Coordinator, B/C of S.W. Virginia, P.O. Box 13047, 3959 Electric Rd., Roanoke, Virginia 24045
- Medicare Coordinator, Blue Cross of Virginia, P.O. Box 27401, Richmond, Virginia 23261
- Medicare Coordinator, B/C of Washington/Alaska, Inc., 15700 Dayton Avenue, North, P.O. Box 327, Seattle, Washington 98111
- Medicare Coordinator, Parkersburg Hosp. Serv., Inc., P.O. Box 1948, Parkersburg, West Virginia 26101
- Medicare Coordinator, Blue Cross Hospital Service Inc., P.O. Box 1353, City Center West Charleston, West Virginia 25325
- Medicare Coordinator, Blue Cross of Northern West Virginia Inc., 20th and Chaplin Streets, Wheeling, West Virginia 26003
- Medicare Coordinator, Blue Cross/Blue Shield United of Wisconsin, Milwaukee, Wisconsin 53201
- Medicare Coordinator, Blue Cross/Blue Shield of Wyoming, P.O. Box 2266, Cheyenne, Wyoming 8200
- Health Care Financing Administration, Bureau of Program Operations, Office of Prepaid Operations Staff, 6325 Security Boulevard, Baltimore, Maryland 21207
- Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611
- Medicare Carriers**
- Medicare Coordinator, Blue Cross and Blue Shield of Alabama, 450 Riverchase Parkway East, Birmingham, Alabama 35298
- Vice President for Medicare and Medical Services, Arkansas Blue Cross and Blue Shield, Inc., 601 Gaines Street, Little Rock, Arkansas 72203
- Medicare Coordinator, California Physicians Service, (d/b/a Blue Shield of California), P.O. Box 7013, No. 2 Northpoint, San Francisco, California 94120
- Medicare Coordinator, Transamerica Occidental Life Insurance Company, P.O. Box 54905 Terminal Annex, Los Angeles, California 90054
- Assistant Vice President, Rocky Mountain Hospital and Medical Service, (d/b/a Blue Cross and Blue Shield of Colorado), 700 Broadway, Denver, Colorado 80273
- Medicare Administrator, Travelers Ins. Co., One Tower Square, Hartford, Connecticut 06183
- Medicare Administrator, Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Connecticut 06156
- Medicare Coordinator, Blue Cross and Blue Shield of Florida, Inc., P.O. Box 1798, Jacksonville, Florida 32231
- Health Care Service Corporation, 233 North Michigan Avenue, Chicago, Illinois 60601
- Associated Insurance Companies, Inc., (d/b/a Blue Cross and Blue Shield of Indiana), 8320 Craig Street, Suite 100, Indianapolis, Indiana 46250-0453
- Assistant Executive Director, Blue Shield of Iowa, Ruan Building, 636 Grand Avenue, Station 28, Des Moines, Iowa 50309
- Medicare Assistant, Blue Cross and Blue Shield of Kansas, Inc., P.O. Box 239, Topeka, Kansas 66601
- Blue Cross and Blue Shield of Kentucky, Inc., 100 East Vine Street, 6th Floor, Lexington, Kentucky 40517
- Medicare Coordinator, Blue Cross and Blue Shield of Maryland, Inc., 700 E. Joppa Road, Baltimore, Maryland 21204
- Medicare Coordinator, Part B, Blue Shield of Massachusetts, Inc., 100 Summer Street, Boston, Massachusetts 02110
- Assistant Vice President Government Affairs Department, Blue Cross and Blue Shield of Michigan, 600 Lafayette East, Detroit, Michigan 48226
- Blue Cross and Blue Shield of Minnesota, P.O. Box 64357, 3535 Blue Cross Road, St. Paul, Minnesota 55164
- Vice President Government Programs, Blue Cross and Blue Shield of Kansas City, P.O. Box 169, Kansas City, Missouri 64141
- Director, Medicare Administration, General American Life Insurance Co., P.O. Box 505, St. Louis, Missouri 63166
- Blue Cross and Blue Shield of Montana, Inc., P.O. Box 4309, 404 Fuller Avenue, Helena, Montana 59601
- Medicare Coordinator, Prudential Insurance Co. of America, Tri-City Office Drawer 471, Millville, New Jersey 08332
- Director of Medicare Part B, Blue Shield of Western New York, Inc., 298 Main Street, Buffalo, New York 14202
- Medicare Coordinator, Group Health Insurance, Inc., 330 West 42nd Street, New York, New York 10036
- Medicare Coordinator, Empire Blue Cross and Blue Shield, 622 Third Avenue, New York, New York 10017
- Medicare Coordinator, EQUICOR, Inc., 1285 Avenue of the Americas, New York, New York 10019
- Medicare Coordinator, Blue Cross and Blue Shield of North Dakota, 4510 13th Avenue, S.W., Fargo, North Dakota 58121
- Medicare System and Processing Division, Nationwide Mutual Insurance Company, P.O. Box 16788, Columbus, Ohio 43216
- Medicare Coordinator, Pennsylvania Blue Shield, P.O. Box 65, Camp Hill, Pennsylvania 17011
- Chief, Internal Operations, Seguros de Servicio de Salud de Puerto Rico 00936-3628
- Medicare Coordinator, Blue Cross and Blue Shield of Rhode Island, 444 Westminster Mall, Providence, Rhode Island 02901
- Medicare Coordinator, Blue Cross and Blue Shield of South Carolina, Fontaine Business Center, 300 Arbor Lake Drive, Suite 1300, Columbia, South Carolina 29223
- Blue Cross and Blue Shield of Texas, Inc., 901 South Central Expressway, P.O. Box 833815, Richardson, Texas 75083-3815
- Manager, Part B, Blue Cross and Blue Shield of Utah, P.O. Box 30270, 2455 Parley's Way, Salt Lake City, Utah 84130
- Assistant Administrator, Washington Physicians Service, 4th and Battery Building, 2401 4th Avenue, 6th Floor, Seattle, Washington 98121
- Director, Medicare Claims Department, Wisconsin Physicians' Service Insurance Corp., 1717 West Broadway, Monona, Wisconsin 53713

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Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1989:

Name: Advisory Commission on Childhood Vaccines, HRSA, HHS.

Date and Time: November 1-2, 1989, 9:00 a.m.-5:00 p.m.

Place: Hubert H. Humphrey Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

The meeting is open to the public.

Purpose: The Commission: (1) Advises the Secretary on the implementation of the Program, (2) on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table, (3) advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions, (4) surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b), and advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines, and (5) recommends to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the National Vaccine Injury Compensation Program.

Agenda: Agenda items for the meeting will include but not be limited to: status report on the Vaccine Injury Compensation Program (VICP); update on VICP technical amendments; discussion on MMR vaccine and excise

tax; discussion on safer vaccine issues; report on the Centers for Disease Control's August 28-30 Workshop on Vaccine Injury Material Distribution; review of evaluation proposal of the VICP; and a visit to the U.S. Claims Court. Transportation will NOT be provided to the public.

Public comment will be permitted on at the end of each meeting day. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation, by October 20th to Ms. Rosemary Havill, Vaccine Injury Compensation Program, Bureau of Health Professions, Room 4-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6593.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Vaccine Injury Compensation Program will notify each presenter by mail or telephone of their assigned presentation time. Persons who do not file an advance request for presentation, but desire to make an oral statement, may sign up in the HHH auditorium before 10:00 a.m., November 1 and 2. These persons will be allocated time as time permits.

Anyone requiring information regarding the subject Council should contact Ms. Rosemary Havill, Vaccine Injury Compensation Program, Bureau of Health Professions, Room 4-101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6593.

Agenda Items are subject to change as priorities dictate.

Dated: October 3, 1989.

Jackie E. Baum,
Advisory Committee Management Officer,
HRSA.

[FR Doc. 89-23781 Filed 10-6-89; 8:45 a.m.]

BILLING CODE 4160-15-M

Subcommittee on Physician Manpower of the Council on Graduate Medical Education 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

bodies scheduled to meet during the month of November 1989:

Name: Subcommittee on Physician Manpower of the Council on Graduate Medical Education.

Time: November 1, 1989, 2:00 p.m.-6:00 p.m.

Place: Parklawn Conference Center, Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: The subcommittee reviews and analyzes currently applicable studies of under and oversupply of physician manpower giving special attention to number and distribution of specialists, primary care physicians and residents. It also is concerned with studies and recommendations regarding the number of undergraduate medical students as well as the need for improving physician manpower data.

Agenda: Introduction of contractor for project to reexamine the adequacy of physician personnel supply made in 1980 by GMENAC for six physician specialties. Presentation on expanding the capability of the Bureau of Health Professions' requirements model. In addition, the Subcommittee will hold a panel discussion on the geographic distribution of physicians.

Anyone requiring information regarding the subject Subcommittee should contact Jerald M. Katzoff, Subcommittee Principal Staff Liaison, Division of Medicine, Bureau of Health Professions, Room 4C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 Telephone (301) 443-6326.

Name: Council on Graduate Medical Education, HRSA, HHS.

Time: November 2-3, 1989, 8:30 a.m.-5:00 p.m.

Place: Parklawn Conference Center, Conference Rooms G & H, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to (A) the supply and distribution of physicians in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting

bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: The Council will receive legislative updates from HRSA, HCFA, and the VA. On November 2, the Council will focus on "The Financial Status of Teaching Hospitals." There will be a presentation on discussion by Lewin/ICF, Inc., as well as a panel discussion with representatives from provider, educator, and payer groups. The Council will receive comments from the Prospective Payment Assessment Commission and a perspective from Frank A. Sloan, Ph.D., Vanderbilt University. There will be a report from the Physician Manpower Subcommittee as well.

On November 3, the Council will focus on "Medicine and Minorities in the United States." The Council will hear presentations on the progress of minorities through the educational system; data and issues on the entry of minorities into medicine; improving minority recruitment in graduate medical education; the experience of traditionally black medical schools; the progress of Hispanic Americans through the educational system; Native Americans in medicine; and broad-based activities for minorities in education.

Anyone requiring information regarding the subject Council should contact Dr. Donald L. Weaver, Executive Secretary, Council on Graduate Medical Education, Health Resources and Services Administration, Room 4C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6190.

Agenda Items are subject to change as priorities dictate.

Dated: October 3, 1989.

Jackie E. Baum,
Advisory Committee Management Officer,
HRSA.

[FR Doc. 89-23782 Filed 10-6-89; 8:45 a.m.]

BILLING CODE 4160-15-M

National Advisory Council on the National Health Service Corps 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 October 1989:

Name: National Advisory Council on the National Health Service Corps.

Date and Time: October 29-31, 1989, 8:30 a.m.

Place: Radisson Park Terrace Hotel, 1515 Rhode Island Avenue NW., at Scott Circle, Washington, DC 20005.

The meeting is open to the public. *Purpose:* The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provision of the legislation.

Agenda: The agenda will include a Bureau and Division update. In-depth discussions will be held on the future directions for the National Health Service Corps.

Anyone requiring information regarding the subject Council should contact Anna Mae Voigt, National Advisory Council on the National Health Service Corps, Room 7A-39, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1470.

Agenda Items are subject to change as priorities dictate.

Dated: October 3, 1989.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 89-23783 Filed 10-6-89; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Meeting (Division of Cancer Treatment Board of Scientific Counselors)

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, National Institutes of Health, October 12-13, 1989, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on October 12 from 8:30 a.m. to approximately 5:30 p.m., and again on October 13 from 9:30 a.m. until adjournment, to review program plans, concepts of contract competitions and budget for the DCT program. In addition, there will be scientific reviews by several programs in the Division. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), title 5, U.S.C. and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on October 13 from 8:30 a.m. to approximately 9:30 a.m., for the review, discussion and evaluation of individual

programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301-496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Bruce A. Chabner, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A52, National Institutes of Health, Bethesda, Maryland 20892 (301-496-4291) will furnish substantive program information.

Dated: October 3, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-23940 Filed 10-6-89; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Diabetes and Digestive and Kidney Diseases; Meetings of Subcommittees B, C, and D of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee

Pursuant to Public Law 92-463, notice is hereby given of meetings of Subcommittees B, C, and D of the National Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).

These meetings will be open to the public to discuss administrative details at the beginning of the first session of the first day of the meetings. Attendance by the public will be limited to space available. Notice of the meeting rooms will be posted in the hotel lobby.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual research grant applications. Discussion of these applications could reveal confidential trade secrets, or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Edith Wynkoop, Committee Management Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, Room 9A19, Bethesda, Maryland 20892, 301-496-6917, will provide summaries of the meetings and rosters of the committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, Subcommittee B

Executive Secretary: Judith M.

Podskalny, Westwood Building, Room 421A, National Institutes of Health, Bethesda, Maryland 20892, Phone: 301-496-7583

Dates of Meeting: November 16-17, 1989

Place of Meeting: Guest Quarters, 7335 Wisconsin Avenue, Bethesda, Maryland 20814

Open: November 16, 7:00 p.m.-7:30 p.m.

Closed: November 16, 7:30 p.m. to recess; November 17, 8:00 a.m. to adjournment

Name of Committee: National Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, Subcommittee C

Executive Secretary: Tommie Sue

Tralka, Westwood Building, Room 404B, National Institutes of Health, Bethesda, Maryland 20892, Phone: 301-496-8830

Date of Meeting: November 3, 1989

Place of Meeting: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814

Open: November 3, 8:30 a.m.-9:30 a.m.

Closed: November 3, 9:30 a.m. to adjournment

Name of Committee: National Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, Subcommittee D

Executive Secretary: Ann A. Hagan, Westwood Building, Room 417A, National Institutes of Health, Bethesda, Maryland 20892, Phone: 301-496-7841

Date of Meeting: October 13, 1989

Place of Meeting: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852

Open: October 13, 8:30 a.m.-9:00 a.m.

Closed: October 13, 9:00 a.m. to adjournment

Dated: October 4, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-23939 Filed 10-6-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-040-09-4333-12]

Ely District; Closure of Public Lands

ACTION: Notice is hereby given that effective immediately all public lands in the following legal locations are closed to off road vehicle use. Vehicle use will be limited to existing roads:

Mount Diablo Meridian, Nevada

- T. 5 N., R. 69 E.,
 Sec. 1, all,
 Sec. 2, E ½,
 Sec. 12, all,
 Sec. 13, NE ¼.
 T. 5 N., R. 70 E.,
 Sec. 2, NW ¼,
 Sec. 3, all,
 Sec. 4, all,
 Sec. 5, all,
 Sec. 6, all,
 Sec. 7, all,
 Sec. 8, all,
 Sec. 9, NW ¼,
 Sec. 17, N ½,
 Sec. 18, all.
 T. 6 N., R. 69 E.,
 Sec. 24, S ½,
 Sec. 25, all,
 Sec. 28, E ½,
 Sec. 35, all,
 Sec. 36, all.
 T. 6 N., R. 70 E.,
 Sec. 19, W ½,
 Sec. 31, all,
 Sec. 32, all,
 Sec. 33, S ½,
 Sec. 34, W ½.
 Containing 11,680 acres.

SUMMARY: The purpose of this closure is to protect the fragile watershed and rehabilitation efforts on the burned acreage following the Delmue Fire which occurred on 7/13/89.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until 10/31/91 when rehabilitation efforts will be complete.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

FOR FURTHER INFORMATION CONTACT: Shaaron Netherton, (702) 289-4865.

Dated: September 22, 1989.

Kenneth G. Walker,
 District Manager.

[FR Doc. 89-23823 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-HC-M

[CO-920-00-4120-14; COC 49465]

Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery and Fair Market Value; Application for Competitive Coal Lease COC 49465; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of Federal coal to be offered. An application for coal lease was filed by Blue Flame Coal Company requesting the Bureau of Land Management to offer for competitive lease 193.08 acres of Federal coal in La Plata County, Colorado, outside established coal production regions.

DATES: The public hearing will be held at 7 p.m., October 25, 1989. Written comments should be received no later than November 13, 1989.

ADDRESSES: The public hearing will be held in the GSA Conference Room, Federal Building, 701 Camino del Rio, Durango, Colorado. Written comments should be addressed to the Bureau of Land Management, San Juan Basin Resource Area Office, Attention: Robert Kershaw, Room 203, Federal Building, 701 Camino del Rio, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Robert Kershaw, Geologist, San Juan Basin Resource Area Office, at the address above, or telephone 303-247-4082.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on October 25, 1989, at 7 p.m. in the GSA Conference Room, Federal Building, 701 Camino del Rio, Durango, Colorado. Sally Wisely, San Juan Basin Resource Area Manager, will be the hearing officer.

An application for coal lease was filed by Blue Flame Coal Company requesting the Bureau of Land Management to offer for competitive lease the Federal coal in the lands outside established coal production regions hereinafter described. The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal.

(2) The impact that mining the coal in the proposed leasehold may have on the area, and

(3) Methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the October 25, 1989, public hearing should be received at the San Juan Basin Resource Area Office prior to the close of business October 25, 1989. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource,
2. The price that the mined coal would bring in the market place,
3. The cost of producing the coal,
4. The interest rate at which anticipated income streams would be discounted,
5. Depreciation and other accounting factors,
6. The mining method or methods which would achieve maximum economic recovery of the coal,
7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area, and
8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the San Juan Basin Resource Area Office at the above address prior to close of business on November 13, 1989.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The coal resource to be offered is limited to coal recoverable by underground mining methods from the Upper Menefee (coal bed 1) in the following lands located adjacent the King Coal Mine near Hesperus, Colorado:

New Mexico Principal Meridian

R. 35 N., R. 11 W.,
sec. 31, lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and
W $\frac{1}{2}$ SE $\frac{1}{4}$.

The land described contains 193.08 acres.

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the San Juan Basin Resource Area Office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado.

Dated: October 3, 1989.

Richard D. Tate,

Chief, Mining Law and Solid Minerals
Adjudication Section.

[FR Doc. 89-23837 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-JB-M

[CO-010-4322-09]

Colorado; Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearings on and availability of, the Craig District (White River and Kremmling Resource Areas) Draft Wilderness Environmental Impact Statement (EIS). The EIS also serves as a plan amendment for the affected land use plans.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy

Act of 1969 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management has prepared and invites comments on the Craig District (White River and Kremmling Resource Areas) Draft Wilderness Environmental Impact Statement. The EIS analyzes the environmental, social, and economic effects of designation or nondesignation as wilderness for each of 8 WSAs in the White River and Kremmling Resource Areas of the Bureau of Land Management's (BLM) Craig District. The WSAs are located in Jackson, Moffat, and Rio Blanco County, Colorado, and Uintah County, Utah. The study areas are Bull Canyon (12,297 acres), Willow Creek (13,368 acres), Skull Creek (13,740 acres), Black Mountain (9,932 acres), Windy Gulch (12,274 acres), Oil Spring Mountain (17,740 acres), Troublesome (8,250 acres), and Platte River Contiguous (30 acres). BLMs proposed action is to recommend the Bull Canyon, Willow Creek, Skull Creek, and Platte River Contiguous WSAs as suitable for wilderness designation. The other WSAs are proposed as nonsuitable for wilderness designation. This analysis also serves as a plan amendment for the affected land use plans.

ENVIRONMENTAL IMPACT STATEMENT: Oral comments will be accepted at the hearings, all other comments must be in writing. Written and oral comments will receive equal consideration.

DATE: Comments must be received by January 12, 1990.

ADDRESS: Comments should be sent to: Wilderness EIS Project Manager, Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625-1129.

PUBLIC HEARINGS: The public hearings have two objectives: (1) To obtain the views of the interested public on the wilderness recommendations for consideration by the BLM, the Secretary of the Interior, the President, and the Congress; and (2) to obtain the views from public on the draft environmental impact statement. Public hearings to receive oral and/or written comments on this Draft Wilderness EIS will be held at 7 p.m. as follows:

Monday, December 4, 1989

Rodeway Inn, Foothills, 11595 West 6th Avenue (6th Avenue and Simms), Lakewood, Colorado

Tuesday, December 5, 1989

Howard Johnson's, 752 Horizon Drive, Grand Junction, Colorado

Wednesday, December 6, 1989

Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, Utah

Monday, December 11, 1989

Bureau of Land Management, White River Resource Area Office, 2 miles west of Meeker on Colorado, Highway 64, Meeker, Colorado

Tuesday, December 12, 1989

Grand County Community Building, at the Fairgrounds (Extension Buildings), Kremmling, Colorado

Wednesday, December 13, 1989

Holiday Inn, 300 Colorado Highway 13 (Highways 13 and 40), Craig, Colorado

A time limit may be placed on oral comments depending on the number of people who wish to make a statement. Written and oral comments will receive equal consideration.

SUPPLEMENTARY INFORMATION: The size, location, and affected land use plan are shown in the following table:

WSA, SIZE, LOCATION, AND AFFECTED LAND USE PLAN

Name	Size (acres)	Location	Affected land use plan
Bull Canyon—CO-010-001, UT-080-419.	12,297	Moffat County, Colorado and Uintah County, Utah. Approximately 4 miles north of Dinosaur, (Utah) Colorado, White River Resource Area.	White River MFP, ¹ (Colo.) Bookcliffs RMP. ²
Willow Creek—CO-010-002.....	13,368	Moffat County, Colorado Approximately 7 miles northeast of Dinosaur, Colorado, White River Resource Area.	White River MFP.
Skull Creek.....	13,740	Moffat County, Colorado Approximately 7 miles northeast of Massadona, Colorado, White River Resource Area.	White River MFP.
Black Mountain CO-010-007A....	9,932	Rio Blanco County, Colorado. Approximately 7 miles west of Meeker, Colorado, White River Resource Area.	White River MFP.
Windy Gulch CO-010-007C.....	12,274	Rio Blanco County, Colorado. Approximately 10 miles northwest of Meeker, Colorado, White River Resource Area.	White River MFP.
Oil Spring Mountain CO-010-046.	17,740	Rio Blanco County, Colorado. Approximately 25 miles southwest of Rangely, Colorado, White River Resource Area.	White River MFP.
Troublesome CO-010-155.....	8,250	Grand County, Colorado. Approximately 18 miles north of Kremmling, Colorado, Kremmling Resource Area.	Kremmling RMP.
Platte River Contiguous—CO-010-104.	30	Jackson County, Colorado. Approximately 18 miles north of Walden, Colorado Kremmling Resource Area.	Kremmling RMP.

¹ MFP Management Framework Plan

² RMP Resource Management Plan

These acreages are taken from the original WSA inventory boundary.

The Bull Canyon, Willow Creek, Skull Creek, and Platte River Contiguous WSAs are recommended as suitable for wilderness designation under BLM's proposed action alternatives. The other WSAs are recommended as nonsuitable for wilderness designation.

This Draft EIS replaces and supersedes the Draft Environmental Impact Statement for the White River Resource Area Wilderness Planning Amendment (USDI, BLM, 1983) and the wilderness analysis in the Kremmling Resource Area Resource Management Plan/Environmental Impact Statement (USDI, BLM < 1984). This analysis also serves as a land use plan amendment for the land use plans covering the WSAs.

AVAILABILITY: Single copies of the Craig District (White River and

Kremmling Resource Areas) draft Wilderness Environmental Impact Statement are available from the address listed above, or from the Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 81625-7075.

FOR FURTHER INFORMATION CONTACT:

Greg Goodenow, Project Manager, Bureau of Land Management, Craig District Office, 455 Emerson Street, Craig, Colorado 81625-1129, Telephone: (303) 824-8261.

Dated: October 2, 1989.

William J. Pulford,

District Manager.

[FR Doc. 89-23838 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-JB-M

[AK-060-00-4230-13; F-081149]

Realty Action: Noncompetitive Sale of Public Lands at Wiseman, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

The following described land has been found to be suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713.), at not less than the fair market value (FMV). The lands will not be offered for sale until at least 60 days after the date of this notice and will be offered to the individuals indicated below.

Applicant	USS 5276 lot No. and acreage	Appraised fair market value
Mr. & Mrs. George H. Lounsbury, P.O. Box 983, Fairbanks, Alaska 99707	Lot 1, 0.32 acres	\$700
Ms. Cora P. Chappel, 423 2nd Avenue, Fairbanks, Alaska 99701	Lot 2, 0.88 acres	1,925
Mr. Henry Leonard, 2221 Eagan, Fairbanks, Alaska 99701	Lot 24, 1.01 acres	2,225
Ms. Ann Dolney, 780 Sheep Creek Road, Fairbanks, Alaska 99709-6128	Lot 4, 0.99 acres	2,175
Ms. Peggy A. Harry, c/o Katy Burke, Wiseman via Bettles Field, Alaska 99726	Lot 5, 0.87 acres	1,925
Mr. James W. Pitts, P.O. Box 80989, Fairbanks, Alaska 99708	Lot 6, 1.46 acres	3,200
Mr. Joseph V. Strunka, P.O. Box 550, Fairbanks, Alaska 99707	Lot 9, 1.25 acres	2,750
Dr. and Mrs. Robert L. Rausch, Box 85447, University Station, Seattle, Washington 98105	Lot 8, 0.32 acres	650
Mr. and Mrs. Pete Pasquali, III, P.O. Box 275 Placerville, Idaho 83666	Lot 7, 2.67 acres	5,350
Mr. Burton E. Stearns, Route 1, Box 97A, Eastsound, Washington 98245	Lot 10, 1.79 acres	1,317
Mr. Clinton E. Stearns, P.O. Box 3495, Palmer, Alaska 99645	Lot 10, 1.79 acres	1,317
Mr. George Carrol, 617 Santa Monica, Corpus Christi, Texas 78411	Lot 10, 1.79 acres	1,317
The Wiseman Trading Company, Dr. M. Walter Johnson, 1521 G Street, Anchorage, Alaska 99501	Lot 11, 2.87 acres	3,163
Mr. William D. English, c/o Dr. M. Walter Johnson, 1521 G Street, Anchorage, Alaska 99501	Lot 11, 2.87 acres	3,163
Mrs. Tishu V. Ulen, 401 7th Avenue, Apt. 214, Fairbanks, Alaska 99701	Lot 21, 0.65 acres	1,300
Mr. Charles H. Breck, 330 3rd Avenue, Apt. 216, Fairbanks, Alaska 99701	Lot 22, 1.98 acres	3,950
Mr. and Mrs. Rick Reakoff, Wiseman Village, Wiseman, Alaska 99701-9998	Lot 19, 0.32 acres	650
Mrs. Patrick Burroughs, Wiseman via Bettles Field, Alaska 99726	Lot 20 & 25, 0.42 acres	840
Ms. Linda Dolney, 780 Sheep Creek Road, Fairbanks, Alaska 99709-6128	Lot 26, 0.15 acres	300
Mr. James C. Tomsich Jr., P.O. Box 82023, Fairbanks, Alaska 99708	Lot 17, 0.42 acres	850
Mr. Jack L. Reakoff, Wiseman Village, Wiseman, Alaska 99726	Lot 16, 0.28 acres	550
Mr. Ross C. Brockman, Denali Center, 1949 Gillam Way, Fairbanks, Alaska 99701	Lot 14, 0.70 acres	1,550
Mr. and Mrs. Clinton E. Stearns, P.O. Box 3495, Palmer, Alaska 99645	Lot 15, 0.82 acres	1,800
Mr. and Mrs. Richard J. Henderson, 572 Line Drive, Fairbanks, Alaska 99701	Lot 12, 0.73 acres	1,600
Mr. James Johnson, Box 2699, Fairbanks, Alaska 99707	Lot 13, 0.45 acres	1,000
Mr. and Mrs. Timothy R. McKay, 2552 Steese Highway N., Fairbanks, Alaska 99712	Lot 3, 0.90 acres	2,000

The land described is hereby segregated from appropriation under the public land laws, including the mining laws pending disposition of this action or 270 days from the publication of this notice, whichever comes first.

The land is being offered for direct sale to the applicants to protect equities arising from inadvertent unauthorized use.

The sale is consistent with the Utility Corridor Management Framework Plan (MFP). The land conveyance will accommodate the subject inadvertent trespass upon public land.

It has been determined that the subject parcels do contain known mineral values; therefore, mineral

interests shall not be conveyed in the patents.

The patents, when issued, will contain reservations for all minerals to the United States and will be subject to a right-of-way for ditches and canals. Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Arctic District Office, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Arctic District Office, at the above address. Objections will be

reviewed by the Alaska State Director, who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

M. Thomas Dean,

Arctic District Manager.

[FR Doc. 89-23825 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-84-JA

[NV-930-09-4212-22]

Filing of Plats of Survey; Nevada

September 27, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filings were effective at 10:00 a.m. on September 22, 1989.

FOR FURTHER INFORMATION CONTACT: Lancel Bland, Chief, Branch of Cadastral Survey, Bureau of Land Management, (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 328-6341.

SUPPLEMENTARY INFORMATION: The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on September 22, 1989.

Mount Diablo Meridian, Nevada

T. 11 N., R. 21 E.—Corrective Dependent Resurvey

T. 18 S., R. 63 E.—Supplemental Plats for Sections 5, 8, 15, 17, 18, 19, 20, and 22.

The corrective dependent resurvey for T. 11 N., R. 21 E. was accepted on September 7, 1989; the supplemental plats for T. 18 S., R. 63 E. were accepted on September 11, 1989. The surveys were executed to meet certain administrative needs of the Bureau of Land Management.

The above-listed surveys are now the basic record for describing the land for all authorized purposes. The surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fee.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 89-23824 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service**Mount Rainier National Park, WA; Exclusive Jurisdiction**

AGENCY: National Park Service, DOI.

ACTION: Notice.

SUMMARY: Acceptance by the Regional Director, Pacific Northwest Region, National Park Service of the Department of the Interior of exclusive jurisdiction over certain lands and waters at Mount Rainier National Park, Washington.

EFFECTIVE DATE: June 15, 1989.

ADDRESSES: National Park Service, Pacific Northwest Region, 83 South King

Street, Suite 212, Seattle, Washington 98104.

FOR FURTHER INFORMATION CONTACT: Superintendent, Mount Rainier National Park, Tahoma Woods, Star Route, Ashford, Washington 98304, phone (206) 569-2211.

SUPPLEMENTARY INFORMATION:

* * * * *

Take notice that effective as of the fifteenth day of June 1989, at 12 midnight, Pacific Daylight Time, the United States accepted exclusive jurisdiction over those portions of Mount Rainier National Park added thereto by the Act of November 16, 1988, 102 Stat. 3961, 16 USC 1131 et seq., and subject to certain reservations contained in the act of the legislature of the State of Washington ceding jurisdiction to the United States over said lands, approved March 16, 1901, Chapter 92, Laws of Washington-1901, page 192. This acceptance was effected by notifying the Governor of the State of Washington by letter dated May 26, 1989, and signed by the Superintendent, Mount Rainier National Park.

* * * * *

Charles H. Odegaard,
Regional Director.

[FR Doc. 89-23768 Filed 10-6-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31530]

Wilmington Terminal Railroad, Inc.—Purchase and Lease—CSX Transportation, Inc. Line Between Savannah and Rhine, and Vidalia and Macon GA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision accepting application for consideration.

SUMMARY: The Commission is accepting for consideration the application, filed September 5, 1989, by Wilmington Terminal Railroad, Inc. (WTR) and CSX Transportation, Inc. (CSXT), for the purchase and lease by WTR of two connected lines of CSXT railroad, totalling 224.19 miles, between: (1) Savannah and Rhine, GA; and (2) Vidalia and Macon, GA. The Commission finds that this is a minor transaction under 49 CFR part 1180.

DATES: Written comments must be filed with the Interstate Commerce Commission no later than November 6, 1989. Comments from the Secretary of Transportation and Attorney General of

the United States must be filed by November 21, 1989. The Commission will issue a service list shortly thereafter. Comments must be served on all parties of record within 10 days of the Commission's issuance of a service list. Applicant's reply is due by December 11, 1989.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

ADDRESSES: Send an original and 10 copies of all documents to: Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 31530, Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy of all documents to the United States Secretary of Transportation, the Attorney General of the United States, and each of applicants' representatives:

Docket Clerk, Office of Chief Counsel,
Federal Railroad Administration,
Room 5101, 400 Seventh St., SW.,
Washington, DC 20590
Attorney General of the United States,
Washington, DC 20530
Lawrence H. Richmond, CSX
Transportation, Inc., 100 North
Charles Street, Baltimore, MD 21201
Kelvin J. Dowd, Slover & Loftus, 1224
Seventeenth Street, NW., Washington,
DC 20036

SUPPLEMENTARY INFORMATION: Wilmington Terminal Railroad, Inc. (WTR) and CSX Transportation, Inc. (CSXT), collectively referred to as applicants, seek approval under 49 U.S.C. 11343, et seq., for WTR to acquire, by purchase and lease, two connected CSXT lines, totalling 224.19 miles, between: (1) Savannah and Rhine, GA; and (2) Vidalia and Macon, GA. Applicants contend that this is a minor transaction under 49 CFR 1180.2 and submitted their application in accordance with the railroad consolidation regulations at 49 CFR 1180.

WTR is a Class III railroad common carrier operating approximately 4 miles of line in Wilmington, NC. Its stock is owned by K. Earl Durden, WTR's president, and controlled by Southtrust Bank of Dothan, AL, under a voting trust arrangement under the provisions of 49 CFR 1013.1 et seq. Durden also controls the Galveston Railroad, Inc., a Class III railroad operating in and around the Port of Galveston, TX. Applicants state that this transaction will have no effect on this carrier and that Durden's control authority will not be expanded or affected. Durden's ownership of WTR raises the question whether Durden should be required to participate as a

party to this proceeding. We will use the term "applicants" to embrace WTR and CSXT only.¹

CSXT, a subsidiary of CSX Corporation, is a Class I common carrier conducting operations in 19 States, the District of Columbia, and Ontario, Canada. It transported about 33,800 originating and terminating carloads on the two lines at issue in 1987 and about 31,700 carloads in 1988. The lines carry some overhead traffic, which will be rerouted via alternate interchange points.

The lines to be purchased total 165.45 route miles. They extend: (1) From Savannah (milepost SL 499.13) to Rhine (milepost SL 629.25), in Chatham, Bryan, Evans, Tattnall, Toombs, Montgomery, Wheeler, Telfair and Dodge Counties, GA; and (2) from Vidalia (milepost SK 92.33) to East Dublin (milepost SK 58.00) in Toombs, Montgomery, Treutlen, and Laurens Counties, GA. The assets to be purchased also include Track No. 1 (about .71 mile) at milepost SL 499.28 near Savannah, and Track No. SV 189 (about .47 mile) at milepost SH 512.62, also near Savannah.

The line to be leased extends 57.92 route miles from Macon (milepost SK 0.08) to East Dublin (milepost SK 58.00), in Bibb, Twiggs and Laurens Counties, GA. WTR will also lease the "Old Yard" at Savannah. CSXT will retain trackage rights, which can be exercised under certain circumstances, over WTR between Savannah (milepost SL 499.13) and Vidalia (milepost SL 576.80) and between Vidalia (milepost SK 92.33) and East Dublin (milepost SK 58.00). CSXT will grant WTR trackage rights over its line at Savannah between milepost SL 449.13 and milepost 499.03, and between milepost SH 513.07 and milepost SH 511.35 (about 1.82 miles).

Applicant states that the proposed transaction will permit WTR to expand into new markets and secure a larger traffic and revenue base. CSXT will be relieved of the inefficiencies inherent in operating what are for it marginal lines. Both carriers will accordingly realize operating efficiencies.

Since WTR's existing line will not connect with the lines involved in this application, applicants argue that WTR's new operation will have to depend on traffic generated by the lines to be acquired. Thus, WTR will have a strong incentive to provide service closely tailored to the needs of the lines' shippers. They expect that WTR's provision of good locally tailored service will enhance its financial viability by increasing its revenue base. WTR anticipates effecting economies by sharing administrative, insurance and operating costs with the new lines. It also anticipates that its provision of effective competition and efficient service will enable it to divert traffic from truck to rail on both lines.

Applicants contend that the proposed transactions will not reduce competition, create a monopoly, or restrain trade in freight surface transportation in any region of the United States. As applicants do not compete for traffic on the line, the transaction will merely substitute one rail carrier for another on an existing line. The line is parallel to an interstate highway, and the area is served by motor carriers. Applicants state that, if anything, the transaction should enhance intermodal competition by allowing the rail mode to compete more effectively with other modes.

The lines to be purchased connect with CSXT at Savannah, and WTR will be able to interchange at that point. Those lines also connect with the Southern Railway Company (or its subsidiaries) at Helena, GA, and with the South Carolina Central Railroad Company, Inc. at Rhine, GA, and interchange can be effected at both points. The line to be leased connects with Southern Railway Company (or its subsidiaries) at Macon and Dublin, GA, and interchange can be effected at either point.

WTR now operates three locomotives and employs four people. After this transaction is completed, it will operate 18 locomotives, own 195 railcars, and employ between 40 and 50 people. WTR will operate the lines to be purchased and leased exclusively with its own additional employees working under rates of pay, rules and working conditions that it will establish. Accordingly, the proposed transaction will have no effect on WTR's existing employees. The transaction will result in the abolition of 53 CSXT positions. CSXT states that it has not yet negotiated employee protection agreements with affected employees pursuant to the conditions set forth in *New York Dock Ry.—Control—*

Brooklyn Eastern Dist., 360 I.C.C. 60 (1979) and *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). However, it intends to do so prior to consummating the transaction.

Under the consolidation regulations, we must determine whether a proposed transaction is major, significant, minor, or exempt. The proposed transaction, involving Class I and Class III railroads, has no regional or national significance and will neither result in a major market extension nor reduce the present level of competition. Accordingly, we find the proposal is a minor transaction under § 1180.2(c). Since the application complies with our regulations governing minor transactions, we are accepting it for consideration.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained upon request from applicants' representatives named above.

Any interested persons, including governmental entities, may participate in this proceeding by submitting written comments. Any person who files timely written comments shall be considered a party of record if the comments so request. In this event, no petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(iii) written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall be made;

(c) The commenting party's position, *i.e.*, whether it supports or opposes the proposed transaction;

(d) A statement of whether the commenting party intends to participate formally in the proceeding or merely comment on the proposal;

If desired, a request for an oral hearing with reasons supporting the request; the request must indicate the disputed material facts that can only be resolved at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that the proposal constitutes a minor transaction, no responsive applications will be permitted. The time limits for processing a minor transaction are set forth at 49 U.S.C. 11345(d).

Discovery may begin immediately. We admonish the parties to resolve all discovery matters expeditiously and amicably.

¹ Durden does not need, as a technical matter, to be formally styled as an applicant, because we can obtain sufficient information from the above enumerated applicants. See Finance Docket No. 32000, *Rio Grande Industries, Inc., SPTC Holding Inc., and the Denver and Rio Grande Western Railroad Company—Control—Southern Pacific Transportation Company*, Decision No. 3 (not printed), served January 22, 1988, in which under similar circumstances, the Anschutz Corporation was not required to be a co-applicant. See also Finance Docket No. 31522, *Rio Grande Industries, Inc., et al.—Purchase and Trackage Rights—Chicago, Missouri & Western Railway Company Between St. Louis, MO and Chicago, IL* (not printed), served August 18, 1989.

This action will not significantly affect either the quality of the human environment or energy conservation.

It is ordered:

1. This proposal is found to be a minor transaction under 49 CFR 1180.2(c).
2. The application in Finance Docket No. 31530 is accepted for consideration.
3. The parties shall comply with all provisions as stated above.
4. This decision is effective on October 5, 1989. Decided: October 2, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89-23986. Filed 10-6-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-22,908]

Shure Electronics of Arizona, Inc., Phoenix, AZ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 30, 1989 applicable to all workers of Shure Electronics of Arizona. The notice was published in the *Federal Register* on July 19, 1989 (54 FR 30291).

Based on new information from the company, additional workers were retained for close down operations beyond the June 30, 1989 termination date. All production of the subject firm has been transferred to Mexico and the subject company's market is totally serviced by imports. The amended notice applicable to TA-W-22,908 is hereby issued as follows:

All workers of Shure Electronics of Arizona, Inc., Phoenix, Arizona who became totally or partially separated from employment on or after May 1, 1989 and before October 1, 1989 are eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974.

Signed at Washington, DC, this 28th day of September 1989.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-23822 Filed 10-6-89; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefits Plans; Work Group Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Work Group on Access to Health Care of the Advisory Council on Employee Welfare and Pension Benefits Plans will be held at 10:00 a.m., Friday, November 3, 1989, in Suite N-3437B, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

This work group was formed by the Advisory Council to study issues relating to access to health care.

On September 11, 1989, the Work Group on Access to Health Care met, reviewed its activities in 1988, and engaged in discussion with respect to areas of concern pertaining to regulatory governance under ERISA that arise from proposed access to health care legislation. The Work Group determined that it would proceed to identify issues and possible options for solution in connection with potential governmental jurisdictional conflicts and duplication with respect to the enforcement of access to health care legislation, including the continued appropriateness of ERISA benefit claims dispute procedures with respect to health benefit claims arising directly from mandated statutory provisions. At its November 3, 1989 meeting, the Access to Health Care Work Group will endeavor to determine the key issues and options for solution in the above respects. For purposes of assisting the group to formulate issues and potential options for solution, a preliminary discussion paper, similar in nature to the discussion paper previously released to the Advisory Council by the Work Group in 1988 regarding the scope of federal preemption under mandatory employment-related health plan legislation, will be presented for consideration by the Work Group.

Individuals, or representatives of organizations, wishing to address the work group should submit written requests on or before November 1, 1989 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses

may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 1, 1989.

Signed at Washington, DC, this 3rd day of October, 1989.

Ann L. Combs,

Deputy Assistant Secretary for Policy, Pension and Welfare Benefits Administration.

[FR Doc. 89-23754 Filed 10-6-89; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given of a public meeting to be held in the Ballroom South, at the Annapolis Hilton Inn in Annapolis, Maryland.

DATE: Monday, October 30, 1989, 8:30—4:30; Tuesday, October 31, 1989, 8:30—12:30.

Status: The meeting is to be open to the public.

Matters to be discussed: The purpose of this public meeting is to enable the Commission members to discuss progress on the proposed research agenda, and to discuss findings received from the prior hearings.

FOR FURTHER INFORMATION, CONTACT: Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the Commission with the broad responsibility of advising the President, and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting and other

documents will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Signed at Washington, DC, this 3rd day of October 1989.

Barbara C. McQuown,
Director, National Commission for
Employment Policy.

[FR Doc. 89-23821 Filed 10-6-89; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

October 3, 1989.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, DC, on November 6-7, 1989.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out her functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue NW., Washington, DC. A portion of the morning and afternoon sessions on November 6-9, 1989, will not be open to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on November 6, 1989, will be as follows:

Committee Meetings

- 8:30-9:00 a.m. Coffee for Council Members—
Room 527 (Open to the Public).
9:00-10:00 a.m. Committee Meetings—Policy Dis-
cussion.
Education Programs—Room M-14.
Fellowship Programs—Room 316-
2.
General Programs—Room 415.
Research Programs/Preservation
Grants—Room 315.
State Programs/Challenge
Grants—Room M-07.
10:00 a.m. (Closed to the Public for the rea-
sons stated above)—Consider-
ation of specific applications.
Adjourned

The morning session on November 7, 1989, will convene at 9:00 a.m., in the 1st Floor Council Room, M-09, and will be open to the public. The agenda for the morning session will be as follows:

(Coffee for Staff and Council members will be served from 8:30-9:00 a.m.)

Minutes of the Previous Meeting
Reports

- A. Introductory Remarks
- B. Introduction of New Staff
- C. Contracts Awarded in the Previous Quarter
- D. Conflict of Interest Policy
- E. Final Fiscal Year Reports:
Applications; Matching; and
Obligations
- F. Fiscal Year 1990 Appropriations
- G. Election of Council Vice Chairman
- H. Committee Reports on Policy and
General Matters
 1. Fellowship Programs
 2. General Programs
 3. Research Programs
 4. Preservation Grants
 5. State Programs
 6. Challenge Grants
 7. Jefferson Lecture
 8. Education Programs

The remainder of the proposed meeting will be given to the consideration of future budget requests and specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, DC 20506, or call area code (202) 786-0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.
[FR Doc. 89-23815 Filed 10-6-89; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological, Behavioral, and Social Sciences; Notice of Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological, Behavioral, and Social Sciences (BBS).

Date and Time:

October 23, 1989; 9:00 a.m. to 5:00 p.m.,
October 24, 1989; 9:00 a.m. to 12:00
p.m.

Place: Room 643, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Mary E. Clutter, Assistant Director, Biological, Behavioral, and Social Sciences, (202) 357-9854, Room 506, National Science Foundation, Washington, DC 20550.

Summary of Minutes: May be obtained from the contact person.

Purpose of Advisory Committee: The Advisory Committee for BBS provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BBS.

Agenda: Long-range planning; and review of the issues/problems of human resources development in the BBS disciplines.

Dated: October 3, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-23750 Filed 10-6-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point 3 Nuclear Generating Unit No. 3 in Westchester County, New York.

Identification of Proposed Action

The amendment would consist of changes to the Technical Specifications

(TS) and would authorize an increase of the storage capacity of the spent fuel pool from 840 fuel assemblies to 1345 fuel assemblies.

The amendment to the TS is responsive to the licensee's application dated May 9, 1988, as supplemented June 9, 1988, December 20, 1988, May 26, 1989 and September 15, 1989. The Commission's staff has prepared an Environmental Assessment of the Proposed Action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Expansion of the Spent Fuel Pool, Facility Operating License No. DPR-64, Power Authority of the State of New York, Docket No. 50-286 dated September 15, 1989.

Summary of Environmental Assessment

The "Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel" (NUREG-0575), Volumes 1-3, concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because of the differences in design, the FGEIS recommended evaluating spent fuel pool expansion on a case-by-case basis.

For Indian Point Nuclear Generating Unit No. 3, the expansion of the storage capacity of the spent fuel pool will not create any significant additional radiological effects on non-radiological environmental impacts.

The additional whole body dose that might be received by an individual at the site boundary is well within regulatory limits and is not significant. The occupational radiation dose for the proposed operation of the expanded spent fuel pool is estimated to be less than five percent of the total annual occupational radiation exposure for this facility.

The only non-radiological impact affected by the spent fuel pool expansion is the waste heat rejected. The increase in total plant waste heat is insignificant. There is no significant environmental impact attributed to the waste heat from the plant due to the spent fuel pool expansion.

Finding of No Significant Impact

The staff has reviewed the proposed spent fuel pool expansion to the facility relative to the requirements set forth in 10 CFR part 51. Based on this assessment, the staff concludes that there are no significant radiological or non-radiological impacts associated with the proposed action and that the

issuance of the proposed amendment to the license will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, no environmental impact statement needs to be prepared for this action.

For further details with respect to this action, see (1) the application for amendment to the Technical Specifications dated May 9, 1988, as supplemented June 9, 1988, December 20, 1988, May 26, 1989 and September 15, 1989, (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575), (3) the Final Environmental Statement for Indian Point 3 dated February 1975, and (4) the Environment Assessment dated October 4, 1989.

These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Rockville, Maryland, this 4th day of October 1989.

For the Nuclear Regulatory Commission.

Robert A. Capra,

Director, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-23819 Filed 10-6-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Exemption; Power Authority of the State of New York

In the Matter of Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant).

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59, which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II.

Section IV.A. of Appendix J to 10 CFR Part 50 requires that a Type A, Type B, or Type C Leak Rate Test (as applicable) be performed following any major modification or replacement of a

component which is part of the primary containment boundary.

As part of the Inservice Inspection Program conducted during the current mid-cycle maintenance outage, the licensee discovered the presence of a slag inclusion within Weld No. 10-14-884A on the "B" Core Spray System test return pipe (10"-W23-152-9B) to the primary containment suppression chamber. In accordance with the requirements of ASME section XI and ASME B-31.1-1967 the weld has been repaired and reinspected. The weld is located on a section of piping between the Core Spray Test return valve 14MOV-26B and the primary containment pressure suppression chamber shell and is part of the primary containment pressure boundary.

Although this type of repair to the containment pressure boundary is not specifically discussed in Appendix J to 10 CFR Part 50, the licensee considers, and the staff agrees, that the intent of the regulation requires that a Type A, Type B, or Type C leak rate test, as applicable, be conducted. However, because of the location of the weld repair, a Type B or C test are not applicable. Also, because of the setup and testing time involved and the significant delay it would have on plant startup, a Type A Primary Containment Integrated Leak Rate Test is not feasible.

In lieu of a Type A, Type B, or Type C Leak Rate Test, the licensee has, by letter dated September 28, 1989, requested an exemption from the Appendix J criteria and submitted an alternate testing program. This testing program consists of 100 percent radiography, surface examination and an inservice flow test which will be conducted in accordance with the applicable ANSI and ASME codes.

The staff has reviewed the licensee's exemption, request and prepared a safety evaluation. This safety evaluation determined that the licensee's alternate testing program provides comparable level of safety to that provided by section IV.A of Appendix J to 10 CFR part 50.

Our Safety Evaluation supporting this Exemption is dated October 3, 1989.

III.

The underlying purpose of the requirements of section IV.A of Appendix J to 10 CFR part 50 is to ensure that the primary containment integrity is not compromised or that repairs do not result in unacceptable leakage when replacing components which form part of the boundary. In the case of the Core Spray System weld

repair, this is achieved and served by the non-destructive tests which were performed.

In this case, the licensee's examinations of the weld repair for the "B" Core Spray System full flow test pipe (Weld No. 10-14-884A), consisting of radiography, surface examinations and flow test, will provide the equivalent level of protection as that provided by the Type A, Type B, or Type C Leak Rate Tests. Therefore, application of the rule in these circumstances is not necessary to achieve the underlying purpose of the rule and the Commission's staff finds that there are special circumstances in this case which satisfy the standards of 10 CFR part 50.12(a)(2)(ii). Additionally, imposition of the leak rate testing requirement would involve procurement and setup of additional test equipment, establishment of a complex test environment and boundary conditions, and a significant delay in the planned plant startup date. Therefore, the staff also finds that there are special circumstances in this case which also satisfy the standards of 10 CFR part 50.12(a)(2)(iii).

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), this exemption as described in section III, is authorized by law, and will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and special circumstances are present for the exemption, in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of section IV.A of Appendix J to 10 CFR part 50. Therefore, the Commission hereby grants the exemption from section IV.A to allow the satisfactory results from the non-destructive tests conducted on the weld repair on the "B" Core Spray System full flow test return line to fulfill the requirements of a Type A, Type B, or Type C Test.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting this Exemption will have no significant impact on the environment (54 FR 40759).

For further details with respect to this action, see the licensee's request dated September 28, 1989, which is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York, 13126.

This Exemption is effective upon issuance and is applicable for the

operating cycle following startup from the 1989 maintenance outage.

Dated at Rockville, Maryland, this 3rd day of October 1989.

For the Nuclear Regulatory Commission.

Gus Lainas,

Acting Director, Director of Reactor Projects—1/II, Office of Nuclear Reactor Regulations.

[FR Doc. 89-23818 Filed 10-6-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket 70-25; ASLBP No. 89-594-01-ML]

Rockwell International Corp.; Limited Time Within Which to Petition to Intervene

In the matter of Rockwell International Corp.; Rocketdyne Division (Special Material License Number SNM-21). Request to Renew for Ten Years.

Since three petitions to intervene were granted last Friday, September 29, this notice is required to be published pursuant to subpart L of our procedural regulations, 10 CFR 2.1205(i). The following information is required to be published:

- (1) *Time, place and nature of the hearing.* Pursuant to the schedule adopted on September 29, this informal proceeding, intended to be largely in writing, shall begin through the filing of initial written presentation of a party so that it is received by the other parties on or before January 3, 1990 (see 10 CFR 2.1203(e) concerning service; 54 FR 8269). Other phases of the hearing have been fixed, pursuant to the suggestions of the existing parties, so that the written proceeding may be concluded by July 10, 1990. All of the phases of the hearing will be in writing unless the presiding officer is persuaded that witnesses need to be called to appear in person.
- (2) *The authority under which the hearing is to be held.* The hearing is to be held pursuant to the delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 and 2.1207 (54 FR 8269 (1989)) of the Commission's regulations and to a Designation of Presiding Officer served August 22, 1989.
- (3) *The matters of fact and law to be considered.* We shall consider concerns properly raised by people who submit requests to appear that are approved by the presiding officer, thus granting the requesters the status of parties. Matters of concern to existing parties include:
 - (a) Alleged "radioactive contamination" on the site, including excessive radiation exposure of nuclear workers in the 1960s, two subsequent overexposure events, and litigation settlements in which three workers allegedly had radiation-caused cancer;
 - (b) The safety of emergency evacuation plans;

(c) Population growth in Rocketdyne's immediate vicinity makes renewal of its license unsafe;

(d) Potential toxic or radioactive contamination at the affected facility and the possible long-term cancer threat from these conditions;

(e) That the Sodium Burn Pit, used until 1978 for the disposal of chemical and "some" radioactive wastes, contains unauthorized radioactively contaminated equipment and toxic wastes and that there are "deteriorated" and allegedly ineffective berms that were designed to prevent rain water from running from the pit to Simi Valley;

(f) That rainwater apparently seeped into Building 059, where radioactive material and equipment remain, and may have transported some of the radioactive material out of the building and into the soil;

(g) That Applicants permitted a Leach Field, or pit, to be so badly contaminated in 1975 (by accident) that cleanup efforts were not completed before they were discontinued in 1978;

(h) That Applicants' testing and sampling for radioactive and toxic substances have been inadequate to assure the safety of surrounding communities;

(i) That Applicants' application for renewal of its license is inaccurate; and

(j) That Applicants' management is untrustworthy, in part because of suspected criminal conduct of Rockwell in handling wastes at Rocky Flats, near Denver.

It should be noted that in pursuing these concerns in their written filings, parties have been required to refer to the licensing criteria in 10 CFR part 70, so that the relevance of each concern to licensing will be apparent. (Concerns not explicitly related to criteria may be disregarded by the presiding officer.) In addition, written presentations shall comply with 10 CFR 2.1223, governing written presentations and written questions.

(4) *Time.* Any petition for leave to intervene must be filed within thirty (30) days of the date of publication of this notice of hearing. The petition must set forth the interest of the requestor in the proceeding, how the interest may be affected by the results of the proceeding, and areas of concern that are germane to the subject matter of the proceeding. See 10 CFR 2.1205.

(5) *Request to Participate.* The representative of an interested State, county, municipality or an agency thereof may request an opportunity to participate under 10 CFR 1.1211(b) within thirty (30) days of the date of publication of this notice of hearing. The request should include a statement of areas of concern germane to the license renewal application.

Respectfully Ordered,
 Peter B. Bloch,
 Administrative Judge.
 [FR Doc. 89-23817 Filed 10-6-89; 8:45 am]
 BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 848; Docket No. N89-1]

Request for an Advisory Opinion on a Change in First-Class Delivery Standards and Order Fixing Date for Intervention and Designating Officer of the Commission

Issued October 3, 1989.

Before Commissioners: Henry R. Folsom,
 Vice-Chairman; John W. Crutcher; W. H.
 "Trey" LeBlanc, III; Patti Birge Tyson.

On September 29, 1989, the United States Postal Service filed a Request for an Advisory Opinion that has been docketed as N89-1. The Request, accompanied by supporting testimony and one library reference, accompanied by supporting testimony and one library reference, stems from a Postal Service determination that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis within the meaning of 39 U.S.C. 3661(b).

The Postal Service intends to change delivery standards for First-Class Mail. The Service is conducting a nationwide examination of delivery standards with a view toward aligning these standards more closely with the needs of postal customers.

Studies performed to date by the Postal Service indicate that, within certain limits, consistency of First-Class Mail delivery is of greater importance to the postal customer than speed of delivery. Furthermore, the geographic area within which customers need overnight and two-day delivery is smaller than the current areas receiving such delivery. Consistent with this market analysis, the Service proposes to issue guidelines to its divisions for the purpose of evaluating and realigning First-Class delivery standards. The Service plans to begin implementation of the resulting adjustments to First-Class delivery standards on February 10, 1990.

Intervention

Persons desiring to participate as a party should file a notice of intervention with the Secretary of the Commission or before October 23, 1989, in accordance with section 20 of the rules of practice (39 CFR 3001.20). Notices of intervention shall affirmatively state whether the

person filing requests a hearing, or in lieu thereof, a conference; whether such person intends to participate actively in a hearing; and shall set forth the nature of such person's interest in the issues, to the extent such interest is known. Persons seeking limited participating but not party status may, on or before October 23, 1989, file a written notice of intervention as a limited participant, pursuant to section 20a of the rules of practice (39 CFR 3001.20b). In addition, persons wishing to express their views informally, but not to become a party or limited participant, may file comments pursuant to section 20b of the rules of practice (39 CFR 3001.20b).

Officer of the Commission

Pursuant to 39 U.S.C. 3661(c) the officer of the Commission charged with representing the interests of the general public in this docket is Stephen A. Gold, Director, Office of the Consumer Advocate. During this proceeding, he will direct the activities of the Commission personnel assigned to assist him and neither he nor such personnel will participate in nor advise as to any Commission decision (39 CFR 3001.8). The Office of the Commission shall supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case.

The Officer of the Commission shall be separately served with three copies of all filings in this case, in addition to and simultaneously with service on the Commission of the 25 copies required by section 10(c) of the rules of practice (39 CFR 3001.10(c)).

The Commission Orders

(A) Notices of Intervention as full or limited participants in this docket shall be sent to Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001 on or before October 23, 1989.

(B) Stephen A. Gold is designated Officer of the Commission to represent the interests of the general public in this proceeding. Service of documents on the Commission shall not constitute service on the Officer of the Commission who shall separately be served three copies of all documents.

(C) The Secretary shall cause this Notice and Order to be published in the **Federal Register**.

By the Commission,
 Charles L. Clapp,
 Secretary.
 [FR Doc. 89-23766 Filed 10-6-89; 8:45 am]
 BILLING CODE 7710-FN-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Rule 6c-6, File No. 270-160
 Rule 10f-3, File No. 270-237
 Rule 17j-1, File No. 270-239
 Rule 34b-1, File No. 270-305
 Rule 1(c) and Form U5S, File No. 270-168
 Part 257, File No. 270-252

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 extension of OMB approval Rules 6c-6, 10f-3, 17j-1 and 34b-1 under the Investment Company Act of 1940. Notice is also given that the Securities and Exchange Commission has submitted for extension of OMB approval Rule 1(c), Form U5S and part 257 under the Public Utility Holding Company Act of 1935.

Rule 6c-6 continues exemptive relief received by Commission order to certain investment companies that responded to Revenue Ruling 81-225 by organizing new investment companies and substituting them for existing companies without prior Commission approval. All of the respondents, together, incur an estimated one burden hour annually complying with the rule.

Rule 10f-3 permits, under certain conditions, purchases of securities from underwriting syndicates whose members include affiliated persons of the purchasing investment company. Each of the 600 respondents spends about 2 hours per year complying with the rule.

Rule 17j-1 furthers the objective set forth in section 17(j) of the Investment Company Act of 1940, which makes it unlawful for any affiliated person of a registered investment company to engage in certain types of fraudulent practices. The rule requires that companies adopt codes of ethics designed to prevent such fraudulent practices. The 3512 recordkeepers each incur an estimated 6 hours, annually, complying with the rule.

Rule 34b-1 requires that all investment company sales literature that contains any performance information also contain certain performance

information computed in a standardized manner, and include certain disclosure. The rule imposes an estimated annual reporting burden of 3444 hours on about 287 respondents.

Rule 1(c) and Form U5s implement section 14 of the Public Utility Holding Company Act of 1935, which requires registered public utility holding companies to file such annual and other periodic and special reports as the Commission may prescribe to keep current information relevant to compliance with substantive provisions of that Act. Each of the 13 respondents annually incurs an estimated 8.46 burden hours to comply with this requirement.

The rules under 17 CFR part 257 implement sections of the Public Utility Holding Company Act of 1935 that require registered holding companies and their subsidiary service companies to preserve records for periods specified by Commission rule. The 12 recordkeepers, together, incur about one annual burden hour to comply with the requirements.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey of study of the costs of SEC rules and forms.

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 20549-6004, and Gary Waxman, Clearance Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (Paperwork Reduction Projects 3235-0245 (Rule 6c-6), 3235-0226 (Rule 10f-3), 3235-0224 (Rule 17j-1), 3235-0346 (Rule 34b-1), 3235-0164 (Rule 1(c) and Form U5S), and 3235-0306 (part 257).

Room 3208 NEOB, Washington, DC 20503.

Dated: September 25, 1989.

Jonathan G. Katz,
Secretary.

FR Doc. 89-23741 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27325; International Series Release No. 113]

List of Foreign Issuers Submitting Information Required by the Exemption Relating to Certain Foreign Securities

September 29, 1989.

Foreign private issuers with total assets in excess of \$5,000,000 and a class of equity securities held of record by 500 or more persons, of which 300 or more shareholders reside in the United States, are subject to the registration and reporting provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*, as amended by Public Law No. 94-29 (June 4, 1975) (the "Act").¹

Rule 12g3-2(b) (17 CFR 240.12g3-2(b)) provides an exemption from registration under section 12(g) of the Act for a foreign private issuer which submits on a current basis material specified in the Rule to the Commission. Such required material includes that information about which investors ought reasonably to be informed with respect to the issuer and its subsidiaries and which the issuer (1) has made or is required to make public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (2) has filed or is required to file with a stock exchange on which its securities are traded and which was made public by such exchange and/or (3) has distributed or is required to distribute to its security holders.

On October 6, 1983, the Commission revised Rule 12g3-2(b) by terminating the availability of the exemptive rule for certain foreign issuers with securities

quoted on NASDAQ.² Securities of non-Canadian issuers in compliance with the information-supplying exemption as of October, 1983 and quoted in NASDAQ on that date were grandfathered indefinitely.³ However, the exemption was extended to Canadian securities only until January 1986.

When it adopted Rule 12g3-2 and other rules relating to foreign securities,⁴ the Commission indicated that from time to time it would issue lists showing those foreign issuers that have obtained exemptions from the registration provisions of section 12(g) of the Act. The purpose of the present release is to call to the attention of brokers, dealers, and investors that some form of relatively current information concerning the foreign issuers included on the following list is available in the public files of the Commission.⁵ The Commission also wishes to bring to the attention of brokers, dealers, and investors the fact that current information concerning foreign issuers may not necessarily be available in the United States.⁶ The Commission continues to expect that brokers and dealers will consider this fact in connection with their obligations under the federal securities laws to have a reasonable basis for recommending these securities to their customers.⁷ Any questions regarding Rule 12g3-2 or the list included herein should be directed to Anita Klein, Attorney-Adviser, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, Washington, DC 20549 ((202) 272-3246). Requests for copies of the documents in the files should be directed to the Public Reference Room, Securities and Exchange Commission, Washington, DC 20549, (202) 272-7450.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Dated: September 29, 1989.

Jonathan G. Katz,
Secretary.

claimed the exemption and have submitted relatively current information to the Commission.

⁶ Paragraph (a)(4) of Rule 15c2-11 [17 CFR 240.15c2-11] requires a broker-dealer initiating a quotation for securities of a foreign private issuer to maintain in its files, and to make reasonably available upon request, the information furnished to the Commission pursuant to Rule 12g3-2(b) since the beginning of the issuer's last fiscal year.

⁷ See, e.g., *Hanly v. SEC*, 415 F.2d 589 (2nd Cir. 1969) (broker-dealer cannot recommend a security unless an adequate and reasonable basis exists for such recommendation).

¹ Foreign issuers may also be subject to such requirements of the Act by reason of having securities registered and listed on a national securities exchange in the United States, and may be subject to the reporting requirements by reason of having registered securities under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)].

² Securities Exchange Act Release No. 20264 (October 6, 1983).

³ If, however, the securities are delisted from NASDAQ or the issuer fails to maintain or otherwise meet the requirements of the exemption, the grandfather provision will cease to apply.

⁴ Securities Exchange Act Release No. 8066 (April 28, 1967).

⁵ Inclusion of an issuer on the following list is not an affirmation by the Commission that the issuer has complied or is complying with all the conditions of the exemption provided by Rule 12g3-2(b). The list does identify those issuers that both have

Company	File No.	Country
A.A.A. Stamp Coin Bullion Inc	82-2112	Canada.
Abstract Enterprises Corp	82-2594	Do.
Ace Developments Ltd	82-2383	Do.
Acorn Securities Ltd	82-1676	Australia.
Acquisicorp Capital Ltd	82-1466	Canada.
Adagio Investment Inc	82-2060	Do.
Adastral Resources Ltd	82-2124	Do.
Afrikander Lease, Ltd., The	82-245	South Africa.
Afro West Mining Ltd	82-1821	Australia.
AGA AB	82-800	Canada.
Agarwal Resources Ltd	82-2562	Do.
AISI Research Corp	82-2555	Do.
Akers Medical Technology Ltd	82-160	Do.
Alban Exploration Ltd	82-1941	Do.
Albert Fisher Group PLC, The	82-1020	United Kingdom
Alexa Ventures Inc	82-2224	Canada.
Algemene Bank Nederland N.V.	82-2492	Netherlands.
Algonquin Minerals Inc	82-2151	Canada.
All Nippan Airways Co., Ltd.	82-1569	Japan.
All North Resources Ltd	82-1646	Canada.
All Star Resources Ltd	82-1633	Do.
Almaden Resources Corp	82-2118	Do.
Alpine Exploration Corp	82-1856	Do.
Alta Explorations Ltd	82-695	Do.
Altero Technologies Inc	82-2176	Do.
Amada Resources Ltd	82-2381	Do.
Amazon Petroleum Corp	82-1410	Do.
American Canadian Systems Inc	82-2449	Do.
American Pacific Mining Co. Inc	82-2265	Do.
American Platinum Inc	82-1204	Do.
American Reserve Mining Corp	82-1567	Do.
American Ventures Inc	82-2263	Do.
Ameritel Management Inc	82-1396	Do.
Amsterdam-Rotterdam Bank N.V.	82-1157	Netherlands.
Anglo American Corp. of South Africa Ltd	82-97	South Africa.
Anglo American Gold Investment Co. Ltd	82-146	Do.
Anglo American Resources Inc	82-2490	Canada.
Anooraq Resource Corp	82-1917	Do.
Antelope Resources Ltd	82-2581	Do.
Applied International Holding Ltd	82-1867	Hong Kong.
Approach Resources Inc	82-2406	Canada.
Aqua 1 Beverage Co. Inc	82-2315	Do.
Aqua Pura Technologies Inc	82-2025	Do.
Arakis Mining Corp	82-2279	Do.
Aranlee Resources Ltd	82-2569	Do.
Arapohoe Mining Corp	82-1450	Do.
Argenta Resources Inc	82-1320	Do.
Argyle Ventures Inc	82-2047	Do.
Arizona Star Resource Corp	82-1491	Do.
Ark La Tex Industries Ltd	82-2240	Do.
Armada Gold and Minerals Corp	82-2347	Do.
Armenian Express Canada Inc	82-966	Do.
Arnada Resources B.C. Ltd	82-2443	Do.
Arrow Business Corp	82-1558	Do.
Asea, AB	82-736	Sweden.
Asia Pacific Capital Corp	82-2022	Canada.
Asia Pacific Resources Ltd	82-2663	Do.
Asitka Resource Corp	82-934	Do.
Astra Holding PLC	82-2538	United Kingdom.
Ateba Mines Inc	82-2078	Canada.
Athena Gold Corp	82-2226	Do.
Athlone Resources Ltd	82-2464	Do.
Atlantis Enterprises International Ltd	82-2163	Do.
Attwood Gold Corp	82-2239	Do.
Au Resources Ltd	82-2239	Do.
Augmitta Explorations Ltd	82-1242	Do.
Auridian Consolidated N.L.	82-1939	Australia.
Auspharm International Ltd	82-2386	Do.
Australia and New Zealand Banking Group Ltd	82-2294	Do.
Australia Wide Industries Ltd	82-1664	Canada.
Automated Security (Holdings) PLC	82-2352	United Kingdom.
Avatar Resources Corp	82-2166	Canada.
Avenue Resources Inc	82-1585	Do.
Baha Resources Ltd	82-1085	Do.
Bakra Resources Ltd	82-2376	Do.
Balance Resources Ltd	82-2276	Do.
Ballatar Explorations Ltd	82-2237	Do.
Balcoil Lassiter Petroleum Ltd	82-1955	Do.
Banbury Gold Mines Ltd	82-828	Do.
Bank of Fukuoka, The	82-1117	Japan.

Company	File No.	Country
Bank of Montreal	82-126	Canada.
Bank of Nova Scotia	82-132	Do.
Bar Resources Ltd.	82-1047	Co.
Barrack Energy Ltd.	82-1361	Australia.
Barrack Mines Ltd.	82-1362	Do.
Barrack Technology Ltd.	82-1360	Do.
Barrier Technology Inc.	82-1999	Canada.
Barris Klein Holdings Inc.	82-2010	Do.
Barytex Resources Corp.	82-1104	Do.
Basaba Enterprises Inc.	82-2074	Do.
Bat Industries Ltd.	82-33	United Kingdom.
Bateaux Resources Inc.	82-2243	Canada.
Battery One-Stop Inc.	82-2231	Do.
Bavarian Lion Industries Ltd.	82-2483	Do.
Bay Resources Ltd.	82-2559	Do.
Bayaura Mines Ltd.	82-2658	Do.
Bear Lake Resources Ltd.	82-1373	Do.
Beatrix Mines Ltd.	82-1054	South Africa.
Beau Val Mines Ltd.	82-2242	Canada.
Beaufield Resources Inc.	82-1557	Do.
Bellabon Resources Corp.	82-2113	Do.
Bellwether Resources Ltd.	82-2436	Do.
Beltec Enterprises Ltd.	82-2229	Do.
Bema Gold Corp.	82-1070	Do.
Benton Resources Ltd.	82-2650	Do.
Benz Gold Resources Ltd.	82-2491	Do.
Bergesen d.y. A/S	82-1697	Norway.
BHP Gold Mines Ltd.	82-2189	Australia.
Bi-Petro Resources	82-2048	Canada.
Big Strike Resources Inc.	82-2532	Do.
Billikin Resources Inc.	82-1375	Do.
Bio Met Technology Inc.	82-2293	Do.
Black Hill Minerals Ltd.	82-729	Australia.
Black Label Resources Inc.	82-1435	Canada.
Blue Circle Industries PLC	82-927	United Kingdom.
Blue Emerald Resources Inc.	82-2532	Canada.
Blyvooruitzicht Gold Mining Co. Ltd.	82-69	South Africa.
BMR Gold Corp.	82-2246	Canada.
Bond Corp. Holdings Ltd.	82-998	Australia.
Bondell Industries	82-2037	Canada.
Booker Gold Explorations Ltd.	82-1984	Do.
Bougainville Copper Ltd.	82-1133	New Guinea.
Bowater Industries PLC	82-3	United Kingdom.
Bracken Mines Ltd.	82-219	South Africa.
Bradbury International Equities Ltd.	82-2273	Canada.
Braner Resources Inc.	82-2619	Do.
Brascan, Ltd.	82-4	Do.
Bravo Resources Inc.	82-2560	Do.
Breakwater Resources Ltd.	82-653	Do.
Bren-Mar Resources Ltd.	82-2143	Do.
Bresea Resources Ltd.	82-1377	Do.
Bridge Oil Ltd.	82-2167	Australia.
Bridgestone Corp.	82-1264	Japan.
Bridgedan Equities Inc.	82-2327	Canada.
Britannia Security Group PLC	82-2013	United Kingdom.
British Medical Services LTD.	82-1994	Canada.
Brooks Resources Ltd.	82-2434	Do.
Brunswick N.L.	82-410	Australia.
Bryndon Ventures Inc.	82-1363	Canada.
BTR, PLC.	82-898	United Kingdom.
Buffelsfontein Gold Mining Co., Ltd.	82-302	South Africa.
Bullion Range Exploration Corp. Ltd.	82-2140	Canada.
Burdett Resources Ltd.	82-1967	Do.
Burmah Oil PLC, The	82-5	Scotland.
Burro Creek Minerals Ltd.	82-2593	Canada.
Burton Group PLC, The	82-1498	United Kingdom.
B.Y.G. Natural Resources Inc.	82-2038	Canada.
Caddev Industries Inc.	82-1974	Do.
Calnor Resources Ltd.	82-2230	Do.
Camborne Resources Ltd.	82-2210	Do.
Cambridge Resources Ltd.	82-2526	Canada.
Camino Resources Ltd.	82-2137	Do.
Can-Am Industries	82-1985	Do.
Can Mac Exploration Ltd.	82-2447	Do.
Canada Orient Resources Inc.	82-2289	Do.
Canada Tungsten Mining Corp. Ltd.	82-290	Do.
Canadian Crew Energy Corp.	82-2460	Do.
Canadian Conquest Explorations Inc.	82-2473	Do.
Canadian Fbre Foods Inc.	82-1945	Do.
Canadian Imperial Bank of Commerce	82-103	Do.

Company	File No.	Country
Canadian Marconi Co	82-86	Do.
Canadian Spooner Resources Inc	82-112	Do.
Canadian Star Industries Inc	82-2141	Do.
Canadian Transtech Industries Ltd	82-2117	Do.
Canal +	82-2270	France.
CanAlaska Resources Ltd	82-2131	Canada.
Canarc Resources Corp	82-2098	Do.
Canusa Financial Corp	82-2186	Do.
Capricorn Resources Ltd	82-1996	Do.
Captive Air International Inc	82-2367	Do.
Care Veterinary Pharmaceuticals	82-2158	Do.
Carlin Gold Co. Inc	82-1770	Do.
Carlsbad Ventures Inc	82-2312	Do.
Carmel Resources Ltd	82-2517	Do.
Castle Minerals Inc	82-2472	Do.
Catear Resources Ltd	82-1615	Do.
Cathay Pacific Airlines Ltd	82-1390	Hong Kong.
Cathedral Gold Corp	82-1990	Canada.
Cazador Explorations Ltd	82-2409	Do.
OCL Industries Inc	82-2549	Do.
Celanese Canada Ltd	82-171	Do.
Centaur Mining & Exploration Ltd	82-1930	Australia.
Centaur Resources Ltd	82-2097	Canada.
Central Crude Ltd	82-1933	Do.
Central Pacific Minerals N.L.	82-354	Australia.
Chalice Mining Inc	82-1304	Canada.
Champagne Capital Corp	82-2153	Do.
Charter Consolidated PLC	82-233	United Kingdom.
Charter Minerals Inc	82-938	Canada.
Charter Mining N.L.	82-431	Australia.
Chase Resource Corp	82-1976	Canada.
Chelik Resources Inc	82-2094	Do.
Chelsea Resources Ltd	82-1949	Do.
Cheryl Resources Ltd	82-1424	Do.
Choice Foods Corp	82-2430	Do.
Christian Salvesson PLC	82-1631	United Kingdom.
Christina Exploration Ltd	82-2219	Canada.
City Resources Ltd	82-1301	Australia.
Claimer Resources Inc	82-2336	Canada.
Claude Resources Inc	82-1742	Do.
Claw Resources Ltd	82-2267	Do.
Coast Industrial Hi Tech Fabricating Ltd	82-2524	Do.
Coats Viyella PLC	82-1751	United Kingdom.
Colby Resources Corp	82-417	Canada.
Colchis Resources Ltd	82-1437	Do.
Coldspring Resources Ltd	82-1944	Do.
Colin Energy Corp	82-2552	Do.
Colony Pacific Explorations Ltd	82-1115	Do.
Colray Resources Inc	82-1536	Do.
Cominco, Ltd	82-107	Do.
Commander Resources Ltd	82-2630	Do.
Commerzbank Aktiengesellschaft	82-2523	Germany.
Commonwealth Richmond Properties Inc	82-2215	Canada.
Company's Coming Snack Bars Ltd	82-2456	Do.
Compass Resources Ltd	82-2041	Do.
Comp-U-Test Software Ltd	82-2537	Do.
Concert Industries Ltd	82-1003	Do.
Condor Precious Metals Inc	82-2014	Do.
Coniagas Mines, Ltd	82-168	Do.
Conisil Resources Inc	82-2135	Do.
Consolidated Andex Resources Ltd	82-2255	Do.
Consolidated-Bathurst Ltd	82-172	Do.
Consolidated Boulder Mountain Resources Ltd	82-1139	Do.
Consolidated Churchill Enterprises Inc	82-2106	Do.
Consolidated Exploration Ltd	82-1839	Australia.
Consolidated Gold Fields Ltd	82-251	United Kingdom.
Consolidated Gold Mining Areas N.L.	82-413	Australia.
Consolidated Heron Resources Ltd	82-765	Canada.
Consolidated Nirvana Industries Ltd	82-1079	Do.
Consumer General Inc	82-2445	Do.
Continental Pacific Resources Inc	82-1803	Do.
Contour Blind & Shade (Canada) Ltd	82-1283	Do.
Coopers Resources N.L.	82-444	Australia.
Copeland Resources Ltd	82-2203	Canada.
Cordialle Resources Inc	82-2012	Do.
Corning Resources Ltd	82-2438	Do.
Corolla Resources Ltd	82-2565	Do.
Corporacion Mapfre SA	82-1987	Spain.
Coseka Resources Ltd	82-295	Canada.
Cove Resources Corp	82-803	Do.

Company	File No.	Country
CRA Ltd	82-1101	Australia.
Crack Resources Ltd	82-2455	Canada.
Creative Products Inc	82-1476	Do.
Crew Natural Resources Ltd	82-2662	Do.
CRH PLC	82-1333	Ireland.
Crisan Resources Ltd	82-2597	Canada.
Cross Canada Resources Ltd	82-2095	Do.
CSK Corp	82-781	Japan.
Cultor Ltd	82-1643	Finland.
Cumulus Technology Ltd	82-1553	Canada.
Curlew Lake Resources Inc	82-1978	Do.
Current Technology Corp	82-2404	Do.
Dab Investments Ltd	82-1245	South Africa.
Dai'ei Inc., The	82-230	Japan.
Daiwa Danchi Co., Ltd	82-1218	Japan.
Dalmation Resources Inc	82-1683	Canada.
D.A.S. Electronics Industries Inc	82-2187	Do.
Dasher Resources Ltd	82-1185	Do.
Dateland Capital Group Inc	82-2058	Do.
Davic Enterprises Inc	82-2591	Do.
Davy Corporation PLC	82-2558	United Kingdom.
Dawson Eldorado Mines Ltd	82-1818	Canada.
Dayton Developments Corp	82-2461	Do.
De Beers Consolidated Mines, Ltd	82-91	South Africa.
Death Valley Resources Ltd	82-1982	Canada.
Defiant Minerals Inc	82-2043	Do.
Del Norte Chrome Corp	82-1584	Do.
Del Rio International	82-1983	Do.
Dellaterra Resources Ltd	82-2235	Do.
Delta Gold N.L.	82-1221	Australia.
Den Danske Bank af 1871 Aktieselskab	82-1263	Denmark.
Denehurst Ltd	82-2334	Australia.
Desert Resources Inc	82-1958	Canada.
Deutsche Bank A.G.	82-334	Germany.
Dex Energy Corp	82-1638	Canada.
Diasyn Technologies Ltd	82-2295	Do.
Digital Composition Ltd Systems Ltd	82-2400	Do.
Dimension House International Inc	82-1199	Do.
Diversified Entertainment Inc	82-2079	Do.
Dominco Industries Corp	82-2101	Do.
Domini Sportswear Ltd	82-2066	Do.
Dominion Mining Ltd	82-433	Australia.
Doomfontein Gold Mining Co. Ltd	82-213	South Africa.
Doromin Resources Ltd	82-2566	Canada.
Doron Explorations Inc	82-2004	Do.
Draco Gold Mines Inc	82-2321	Do.
Dragon Fly Distributors Inc	82-2358	Do.
Dragoon Resources Ltd	82-1658	Do.
Dresdner Bank A.G	82-229	Germany.
Drexore Development Inc	82-1401	Canada.
Driefontein Consolidated Ltd	82-124	South Africa.
Dual Resources Ltd	82-1299	Canada.
Dundee Resources Corp	82-2417	Do.
Durga Resources Ltd	82-2467	Do.
Dutch Creek Resources Ltd	82-2110	Do.
Eagle Corp. Ltd	82-476	Australia.
Eagle Industries Ltd	82-1397	Canada.
East Daggafontein Mines Ltd	82-42	South Africa.
East Rand Gold & Uranium Co. Ltd	82-289	Do.
East Rand Proprietary Mines, Ltd	82-239	United Kingdom.
East West Resources Corp	82-787	Canada.
Eastfield Resources Ltd	82-1929	Do.
Ecos Resources Ltd	82-2463	Do.
Egerton Trust PLC	82-1948	United Kingdom.
Elan Industries Inc	82-2160	Canada.
Elandstrand Gold Mining Col. Ltd	82-266	South Africa.
Emerald Star Mining Exploration Ltd	82-2199	Canada.
Emfax International Ltd	82-2149	Do.
Emperor Mines Ltd	82-969	Australia.
Empire Gold Resources Ltd	82-2035	Canada.
Enexo International Ltd	82-684	Do.
Enterprise Gold Mines N.L.	82-1807	Australia.
Enterprise Resources Inc	82-2249	Canada.
ENVIPCO Canada Western Inc	82-2068	Do.
Epic Resources (B.C.) Ltd	82-1010	Do.
Equinox Resources Ltd	82-1152	Do.
Equus Petroleum Corp	82-1302	Do.
E.R.G. Australia Ltd	82-2372	Australia.
Eridania Z.N., S.P.A.	82-902	Italy.
Eros Resources Ltd	82-2306	Canada.

Company	File No.	Country
Esperanza Explorations Ltd	82-2521	Do.
Etruscan Enterprises Ltd	82-1576	Do.
Eureka Resources Inc	82-1031	Do.
Even Resources Ltd	82-2493	Do.
Fair Harbour Mining Corp	82-2638	Do.
Fairhaven International Ltd	82-650	Bermuda.
Fairway Automotive Industries Ltd	82-1962	Canada.
Falcon Point Resources Ltd	82-1713	Do.
Faraway Gold Mines Ltd	82-1426	Do.
Fargo Resources Ltd	82-2081	Do.
FCA International Ltd	82-1310	Do.
Federation Resources N.L.	82-931	Australia.
Fenway Resources Ltd	82-2303	Canada.
Fest Resources Corp	82-2161	Do.
Fifth Avenue Ventures Corp	82-1428	Do.
Firecrest Resources Ltd	82-2157	Do.
Fireball Resources Ltd	82-2339	Do.
First Commercial Financial Group Inc	82-1601	Do.
First Guardian Petroleum Corp	82-2354	Do.
First Medical Management Ltd	82-1957	Do.
First Pacific Co. Ltd	82-836	Hong Kong.
First Star Energy Ltd	82-2253	Canada.
First Tridon Industries Inc	82-2209	Do.
Fisons PLC	82-202	United Kingdom.
FKB Group PLC	82-2318	Do.
Flash Pack Ltd	82-2251	Canada.
Fleetwood Petroleum Corp	82-1420	Do.
Fletcher Challenge Canada Ltd	82-668	Do.
Fletcher Challenge Ltd	82-1438	New Zealand.
Footwall Explorations Ltd	82-2177	Canada.
Formosa Resources Corp	82-1367	Do.
Fortress Resources Inc	82-2611	Do.
Forum Beverages Inc	82-2431	Do.
Foseco Minsep PLC	82-952	United Kingdom.
Foundation Resources Ltd	82-1992	Canada.
Foxx Industries Inc	82-2355	Do.
F.P. Special Assets Ltd	82-1757	Hong Kong.
Franz Capital Corp	82-2574	Canada.
Free State Consolidated Gold Mines	82-44	South Africa.
Freedom Marine Ltd	82-1330	Canada.
Freemont Gold Corp	82-1580	Do.
Freeport Resources Inc	82-1131	Do.
Friedrich Technologies Inc	82-1138	Do.
Frost Resources Inc	82-2045	Do.
Frozya Industries Inc	82-2614	Do.
FTI Foodtech International Inc	82-1628	Do.
Fuji Photo Film Co., Ltd	82-78	Japan.
Gamin Resources Inc	82-1021	Canada.
G.B. Holdings Ltd	82-2192	Singapore.
GBX Resources Corp	82-2519	Canada.
Genbal Investments Ltd	82-235	South Africa.
Genco Industries Inc	82-2389	Canada.
General Mining Union Corp. Ltd	82-311	South Africa.
Genprobe Technologies Ltd	82-2150	Canada.
Geo-Data International Ltd	82-2115	Do.
Goetech Capital Corp	82-2264	Do.
Gerle Gold Ltd	82-1209	Do.
Getchell Resources Inc	82-2049	Do.
Giant Resources Ltd	82-1951	Australia.
GKN PLC	82-1042	United Kingdom.
Gladstone Resources Ltd	82-2055	Canada.
Glencar Explorations PLC	82-1421	Ireland.
Glendale Resources Inc	82-2353	Canada.
Glider Developments Inc	82-2596	Do.
Glimmer Resources Inc	82-1970	Do.
Globex Biotechnologies Inc	82-2300	Do.
GMN The Gospel Music Network Ltd	82-2042	Do.
Golconda Minerals N.L.	82-1233	Australia.
Gold Fields of South Africa Ltd	82-204	South Africa.
Gold and Minerals Explorations N.L.	82-849	Australia.
Gold Mines of Kalgoorlie Ltd	82-2076	Do.
Gold Ridge Resources Inc	82-1903	Canada.
Gold Spring Resources Ltd	82-2200	Do.
Goldcorp Investments Ltd	82-1106	Do.
Golden Adit Resources Ltd	82-1632	Do.
Golden Arrow Resources	82-2602	Do.
Golden Chance Resources Inc	82-1464	Do.
Golden Crown Resources Ltd	82-2516	Do.
Golden Exodus Ventures	82-1207	Do.
Golden Kootney Resources Inc	82-2546	Do.

Company	File No.	Country
Golden Myra Resources Inc	82-2201	Do.
Golden Pheasant Resources Ltd	82-2152	Do.
Golden Pool Resources Ltd	82-2420	Do.
Golden Seville Ltd	82-1497	Do.
Golden Sitka Resources Inc	82-2040	Do.
Golden Valley Mines N.L.	82-2102	Australia.
Golden Winner Resources Inc	82-2212	Canada.
Goldenrod Resources & Technology Inc	82-1674	Do.
Goldenev Resources, Inc	82-1080	Do.
Goldsil Resources Ltd	82-2380	Do.
Goldsmith Minerals Ltd	82-2551	Do.
Goldways Resources Inc	82-2345	Do.
Gonzales Gold Mines Ltd	82-2238	Do.
Goodman Fielder Wattie Ltd	82-2009	Australia.
Government of Canada	82-2475-S	Canada.
Gracefield Explorations Inc	82-2217	Do.
Granada Exploration Corp	82-1863	Do.
Grand Metropolitan PLC	82-1247	United Kingdom.
Grand National Resources Inc	82-1100	Canada.
Grandma Lees Inc	82-542	Do.
Gratium Resources Inc	82-2539	Do.
Great Canadian Cider Exporters Ltd	82-2221	Do.
Great Central Mines Ltd	82-1211	Do.
Great Eastern Mines Ltd	82-732	Australia.
Great Fingall Mining Co. N.L.	82-2533	Do.
Great Pacific Resources Inc	82-2425	Canada.
Great World Resources Ltd	82-1581	Do.
Green Lake Resources Inc	82-2547	Do.
Greystoke Explorations Ltd	82-2259	Do.
Grootvlei Proprietary Mines Ltd	82-222	South Africa.
Grupo Sidek, S.A. de C.V.Y	82-2598	Mexico.
Guardian Resource Corp	82-857	Canada.
Guinness PLC	82-1478	United Kingdom.
Guld Resources Corp	82-1499	Canada.
Gulf International Minerals Ltd	82-2029	Do.
Gulf Titanium Ltd	82-455	Do.
Gwalia Resources (International) Ltd	82-2125	Australia.
Gwalia Resources Ltd	82-2126	Do.
G.W.R. Resources Inc	82-2258	Canada.
Gypsy Resources Ltd	82-2120	Do.
Haglund Industries International Inc	82-1709	Do.
Hang Lung Development Co. Ltd	82-1439	Hong Kong.
Nang Seng Bank Ltd	82-1747	Do.
Hanna Pacific Steel Co. Ltd	82-2435	Canada.
Harmony Gold Mining Co. Ltd	82-238	South Africa.
Harrisburg-Dayton Resource Corp	82-2171	Canada.
Hawk Resources Inc	82-1339	Do.
Hedley-Sterling Exploration Inc	82-1935	Do.
Helix Biotech Corp	82-1044	Do.
Henderson Land Development Co. Ltd	82-1561	Hong Kong.
Henlys Group Ltd	82-1278	Canada.
Hennessy Resource Corp	82-1334	Do.
Hermes Ventures Ltd	82-2260	Do.
H.E.R.O. Industries Ltd	82-2462	Do.
Hestair PLC	82-1873	United Kingdom.
Hidden Valley Mines Ltd	82-1652	Canada.
High Level Resources Ltd	82-1035	Do.
High River Gold Mines Ltd	82-1238	Do.
Highgrade Ventures Ltd	82-2257	Do.
Highveld Steel & Vanadium Corp. Ltd	82-596	South Africa.
Hildon Mining Explorations Ltd	82-2378	Canada.
Hillside Holdings PLC	82-1407	United Kingdom.
Hilton Resource Corp	82-1979	Canada.
Hino Motors Ltd	82-1388	Japan.
HK-TV8 Ltd	82-1072	Hong Kong.
Hokuriku Bank Ltd., The	82-1045	Japan.
Hong Kong China Gas Co. Ltd	82-1543	Hong Kong.
Hopewell Holdings Ltd	82-1547	Do.
Horizon Village Corp., Canada	82-2332	Canada.
Horsham Corp., The	82-194	Do.
Hovik Medical Corp	82-2132	Do.
H.Q. Minerals Ltd	82-2002	Do.
Hudson Resources Ltd	82-2093	Do.
Huntington Resources Inc	82-1374	Do.
Huron Star Resources Ltd	82-2218	Do.
Hysan Development Co. Ltd	82-1617	Hong Kong.
IEM, S.A. de C.V.	82-2337	Mexico.
Imasco Ltd	82-118	Canada.
Impala Platinum Holdings Ltd	82-359	South Africa.
Imperial Metals Corp	82-1032	Canada.

Company	File No.	Country
Independent Resources Ltd.	82-1417	Australia.
Indian River Resources Inc.	82-997	Canada.
Info-Stop Communications Inc.	82-2245	Do.
Inova Optics Inc.	82-2282	Do.
Insulblock Systems	82-2577	Do.
Integrated Resources	82-2576	Do.
Intercontinental Ventures Ltd.	82-2197	Do.
Interfirst Resources Inc.	82-2302	Do.
International Baron Resources Ltd.	82-2225	Do.
International Butec Industries Corp.	82-2609	Do.
International Cablecasting Technologies Inc.	82-1519	Do.
International Coast Minerals Corp.	82-2091	Do.
International Cruiseshipcenter Corp.	82-2159	Do.
International Curator Resources Ltd.	82-1540	Do.
International Data Service Corp.	82-2181	Do.
International Delta Resources Ltd.	82-1535	Do.
International Destron Technologies Inc.	82-1953	Do.
International Hard Suits Inc.	82-1950	Do.
International Mahogany Corp.	82-2375	Do.
International Message Centre Inc.	82-2342	Do.
International Mining Corp., N.L.	82-813	Australia.
International Mitek Computer Inc.	82-876	Canada.
International Pacific Cypress Ltd.	82-2527	Do.
International PLC Autopark Inc.	82-2522	Do.
International Powertek Systems Inc.	82-1340	Do.
International Praxis Corp.	82-2114	Do.
International Retail Systems Inc.	82-2208	Do.
International Shasta Resources Ltd.	82-2154	Do.
International Texcan Technology Corp.	82-945	Do.
International Turbomist Inc.	82-2639	Do.
Interstate Energy Corp.	82-2269	Do.
Iota Explorations Ltd.	82-2426	Do.
IPC International Prospector Corp.	82-1969	Do.
Iron Lady Resources Inc.	82-2348	Do.
Iron River Resources Ltd.	82-1672	Do.
I.S.G. Technologies	82-2147	Do.
Iskut Gold Corp.	82-2534	Do.
I.T.D. International Technology Development Inc.	82-2608	Do.
IXORA Communication Systems Inc.	82-1591	Do.
Izone International Ltd.	82-782	Do.
J. Sainsbury PLC	82-913	United Kingdom.
Jack the Gripper Inc.	82-2001	Canada.
Jacqueline Gold Corp.	82-2374	Do.
Jaguar Equities Inc.	82-2070	Do.
James Hardie Industries Ltd.	82-972	Australia.
Japan Air Lines	82-122	Japan.
Jason Mining Ltd.	82-1257	Canada.
Jazzman Resources Inc.	82-2457	Do.
JC Smith Marketing Corp., The	82-1934	Do.
Jefferson Smurfit Group PLC	82-1311	Ireland.
Jem Group Productions Inc.	82-2415	Canada.
Jentech Ventures Corp.	82-1864	Do.
Jewett-Cameron Trading Co. Ltd.	82-2357	Do.
Jilbey Industries Ltd.	82-1629	Do.
Jingellic Minerals N.L.	82-1808	Australia.
John Labatt Ltd.	82-1103	Canada.
Johnson Matthey PLC	82-2272	United Kingdom.
Jonpol Explorations Ltd.	82-1989	Canada.
Joutel Resources Ltd.	82-502	Do.
Jupiter Resources Ltd.	82-2333	Do.
Kaaba Resources Inc.	82-1049	Do.
Kali Venture Corp.	82-2433	Do.
Kancana Ventures Ltd.	82-336	Do.
Kap Resources Ltd.	82-2319	Do.
Kappa Resources Corp.	82-2129	Do.
Karonie Gold N.L.	82-2620	Australia.
Kassan Resources Inc.	82-2290	Canada.
Keefer Resources Inc.	82-2228	Do.
Kelan Resources Inc.	82-2268	Do.
Kelso Resource Ltd.	82-2441	Do.
Kemgas Sydney Inc.	82-2075	Do.
Kenton Natural Resources Corp.	82-1455	Do.
Keppel Corp. Ltd.	82-2564	Do.
Kettle River Resources Ltd.	82-666	Do.
Key Anacon Mines Ltd.	82-23	Do.
Kidston Gold Mines Ltd.	82-2351	Do.
King Jack Resources Ltd.	82-2109	Do.
Kingfisher, PLC	82-968	United Kingdom.
Kingswood Explorations 1985 Ltd.	82-2371	Canada.
Kinross Mines Ltd.	82-220	South Africa.

Company	File No.	Country
Kirin Brewery Co. Ltd	82-188	Japan.
Kloof Gold Mining Co., Ltd	82-205	South Africa.
Kobold Resources Ltd	82-1786	Canada.
Koninklijke Ahold N.V.	82-2575	Netherlands.
Koninklijke Wessanen N.V.	82-1306	Do.
Kootenay King Resources Inc	82-1997	Canada.
Kosa Resources Ltd	82-2627	Do.
K.T. Capital Corp	82-2103	Do.
Kyber Resources Inc	82-2451	Do.
Kyle Resources Ltd	82-2198	Do.
Ladbroke Group PLC	82-1571	United Kingdom.
L'Air D'Or Corp	82-2401	Canada.
Landmark Corp	82-176	Do.
Lanpar Technologies Inc	82-2087	Do.
Lansco Resources Ltd	82-1562	Do.
Laura Ashley Holdings PLC	82-1356	United Kingdom.
Legion Resources Ltd	82-2556	Canada.
Lemming Resources Ltd	82-1727	Do.
Lennard Oil, N.L.	82-298	Australia.
Leslie Gold Mines Ltd	82-223	South Africa.
Libra Industries Inc	82-2485	Canada.
Lifquest International Inc	82-2310	Do.
Link Resources Inc	82-2024	Do.
Little Abitibi River Resources Inc	82-2296	Do.
Little Bear Resources Ltd	82-1365	Do.
LMX Resources Ltd	82-2139	Do.
Locke Rich Minerals Ltd	82-2465	Do.
Lode Resources Corp	82-1004	Do.
Lollipop Daycare Ltd	82-2250	Do.
London & Scottish Marine	82-2571	United Kingdom.
London International Group PLC	82-1468	Do.
Lonrho PLC	82-191	Do.
Lotus Resources Ltd	82-2535	Canada.
Louisiana Mining Corp	82-1926	Do.
Lucas Gold Resources Corp	82-2297	Do.
Lucky Bay Mines Inc	82-2034	Do.
Lydenburg Platinum Ltd	82-312	South Africa.
Lysander Gold Corp	82-1938	Canada.
MacNeill Industrial Inc	82-2277	Do.
Madrona Resources Inc	82-2236	Do.
Maestral Group Inc	82-2578	Do.
Magellan Resources Corp	82-2379	Do.
Magenta Development Corp	82-1422	Do.
Magnet Group Ltd	82-299	Do.
Mai, PLC	82-1940	United Kingdom.
Malayan United Industries Berhad of Malaysia	82-2586	Malaysia.
Mango Resources Ltd	82-2454	Canada.
Marian Minerals Corp	82-2414	Do.
Marietta Resource Corp	82-1040	Do.
Marks and Spencer PLC	82-1961	United Kingdom.
Marling Industries PLC	82-2316	Do.
Marubeni Corp	82-616	Japan.
Mawson Pacific Ltd	82-1467	Australia.
Mayne Nickless Ltd	82-1530	Do.
MBS Software Inc	82-2285	Canada.
McConnell-Peel Resources Ltd	82-1577	Do.
MDE Explorations Ltd	82-2405	Do.
Medical Research International Ltd	82-2028	Australia.
Med-Tech Systems Inc	82-834	Canada.
Megastar Ventures Corp	82-2553	Do.
Memtec Ltd	82-2172	Australia.
Menika Mining Ltd (N.P.L.)	82-1248	Canada.
Merfin Hygenic Products Ltd	82-2077	Do.
Meridian Oil N.L.	82-397	Australia.
Merit Technologies Ltd	82-1414	Canada.
Merlin Mining N.L.	82-1972	Australia.
Merlin Resources Ltd	82-2514	Canada.
Mesa Resources Ltd	82-2442	Do.
Metana Minerals N.L.	82-2175	Australia.
Metina Developments Inc	82-2387	Canada.
M.I. Software Corp	82-1954	Do.
Micham Exploration	82-2146	Do.
Microfuel Systems Inc	82-2328	Do.
Micronesian Mineral Resource Co. Ltd	82-2256	Do.
Microstat Development Corp	82-1764	Do.
Midas Minerals Inc	82-2335	Do.
Mikado Resources Ltd	82-1298	Do.
Millennium Resources Inc	82-2271	Do.
Minefinders Corp. Ltd	82-2227	Do.
Minerex Resources Ltd	82-946	Do.

Company	File No.	Country
Minorco Minerals & Resources Corp. Ltd.	82-206	Bermuda.
Minotaur Explorations Ltd.	82-2448	Canada.
Miramir Energy Corp.	82-1566	Do.
Mitsubishi Kasei Corp.	82-1191	Japan.
Modatech Systems Inc.	82-2006	Canada.
Mode Products Inc.	82-467	Do.
Mohave Gold Inc.	82-940	Do.
Mondavi Resources Ltd.	82-1993	Do.
Moneywise Resources Inc.	82-2384	Do.
Mono Gold Mines Inc.	82-1029	Do.
Montello Resources Ltd.	82-1812	Do.
Montreux Development Corp.	82-2288	Do.
Monument Resources Inc.	82-2349	Do.
Mortee Wheel Manufacturing Inc.	82-2437	Do.
Morning Star Resources Ltd.	82-2480	Do.
Morocco Explorations Inc.	82-2138	Do.
Mount Burgess Gold Mining Co., N.L.	82-1235	Australia.
Mountain Frontier Explorations Ltd.	82-2214	Canada.
Mountain Province Mining Inc.	82-2540	Do.
Multinational Resources Inc.	82-1095	Do.
Murex Clinical Technologies Corp.	82-2311	Do.
Mutual Resources Ltd.	82-1171	Do.
Mytec Technologies Inc.	82-2582	Do.
National Fuelcorp Ltd.	82-1893	Do.
National Quick Lube Ltd.	82-2052	Do.
NDU Resources Ltd.	82-2292	Do.
Neighbors Resources Inc.	82-2216	Do.
Nepheline Resources Ltd.	82-1814	Do.
Neptune Orient Lines Ltd.	82-2605	Singapore.
Nesmont International Corp., The	82-2346	Canada.
Nestle S.A.	82-1252	Switzerland.
New Australian Resources	82-2069	Australia.
New Dimensions Technologies Ltd.	82-2089	Canada.
New Fibers International Ltd.	82-411	Do.
New Japan Securities Co. Ltd.	82-1813	Japan.
New Nadina Explorations Ltd.	82-2054	Canada.
New Privateer Mine Ltd.	82-1406	Do.
New Spirit Resources and Developments Inc.	82-2220	Do.
Newgate Resources Ltd.	82-2133	Do.
Newhawk Gold Mines Ltd.	82-739	Do.
Newtec Industries Ltd.	82-926	Do.
Nexus	82-679	Do.
Nic-Nik Resources Ltd.	82-2459	Do.
Nik Ventures Inc.	82-2144	Do.
Nintendo Co. Ltd.	82-2544	Japan.
Nippon Shokubai Kagaku Kagyo Co. Ltd.	82-1484	Do.
Nissan Motor Co., Ltd.	82-207	Do.
Niugini Mining Ltd.	82-1230	New Guinea.
Nixdorf Computer AG.	82-1739	Germany.
NMC Group PLC.	82-2446	United Kingdom.
Noble Mines & Oils Ltd.	82-509	Canada.
Nokia Corp.	82-1490	Finland.
Nora Industrier A.S.	82-1613	Norway.
Noram Environmental Solutions Inc.	82-1076	Canada.
Noramex Minerals Inc.	82-939	Do.
Noranda Mines, Ltd.	82-158	Do.
Norgold Resources Inc.	82-2130	Do.
Nori-Aquafood Systems Inc.	82-2654	Do.
Normandy Resources N.L.	82-1975	Australia.
Noront Resources Ltd.	82-2304	Canada.
Norra Corp.	82-2590	Canada.
North American Ventures Ltd.	82-2205	Do.
North Broken Hill Peko Ltd.	82-2531	Australia.
North Coast Industries	82-2073	Canada.
North Kalgurli Mines Ltd.	82-2085	Australia.
North Queensland Resources N.L.	82-1749	Do.
Northair Mines Ltd.	82-305	Canada.
Northern Dynasty Explorations Ltd.	82-1295	Do.
Northern Platinum Ltd.	82-2383	Do.
Norton Group PLC.	82-2011	United Kingdom.
N-Tone International Ltd.	82-2248	Canada.
Nu-Crown Resources	82-2071	Do.
Nu-Lady Gold Mines Ltd.	82-2466	Canada.
Nuspar Resources Ltd.	82-464	Do.
Oil City Lubricants Ltd.	82-1260	Do.
Omega Gold Corp.	82-2646	Do.
Omni Resources Inc.	82-385	Do.
On Wah Investments Corp.	82-2599	Do.
Ontex Resources Ltd.	82-2100	Do.
Optima Energy Corp.	82-2542	Do.

Company	File No.	Country
Orange Free State Investments Ltd.....	82-1220	South Africa.
Orbex Industries Inc.....	82-478	Canada.
Oregon Resources Corp.....	82-2317	Do.
Oriole Communications Inc.....	82-474	Do.
Ortho-Tronics Medical Technologies Ltd.....	82-2479	Do.
Ossa Resources Inc.....	82-2082	Do.
Oy Wartsila AB.....	82-933	Finland.
Pachena Industries Ltd.....	82-1589	Canada.
Pacific Asia Technologies Inc.....	82-2190	Do.
Pacific Minesearch Ltd.....	82-947	Canada.
Pacific Sentinel Gold Corp.....	82-2007	Do.
Pact Resources N.L.....	82-1386	Australia.
Pak-Man Resources Inc.....	82-1186	Canada.
Palomar Capital Corp.....	82-2252	Do.
Pan Australian Mining Ltd.....	82-1753	Australia.
Pan Canadian Petroleum Ltd.....	82-285	Canada.
Pan Pacific Petroleum Inc.....	82-2155	Do.
Panarim Resources Inc.....	82-2402	Do.
Panorama Resources Ltd.....	82-1965	Do.
Pantan Resources Ltd.....	82-2195	Do.
Paracorp Technologies.....	82-2051	Do.
Paragon Resources N.L.....	82-1963	United Kingdom.
Parallax Development Corp.....	82-1854	Canada.
Paramount Ventures and Finance Inc.....	82-2207	Do.
Pathfinder International Recreational Corp.....	82-2185	Do.
Pathtechnics Ltd.....	82-1904	Do.
PBX Resources Ltd.....	82-2635	Do.
PC Ventures Ltd.....	82-1568	Do.
Pelsart Resources N.L.....	82-484	Australia.
Pentland Industries PLC.....	82-1219	United Kingdom.
Pentos PLC.....	82-2592	Do.
Peralto Resources Corp.....	82-1447	Canada.
Performance Minerals of Canada Ltd.....	82-1345	Do.
Petrolia Oil & Gas Ltd.....	82-2053	Do.
Pezgold Resources Corp.....	82-2121	Do.
Phoenix Global Capital Inc.....	82-359	Do.
PIC Prospectors International Corp.....	82-2039	Do.
Picosec Technology Ltd.....	82-2286	Do.
Pierce Mountain Resources Ltd.....	82-2148	Do.
Pine Channel Gold Corp.....	82-2583	Do.
Pineridge Resources Ltd.....	82-2232	Do.
Pinetree Software Canada Ltd.....	82-1213	Do.
Pink Pages Publications Inc.....	82-1964	Do.
Pioneer Metals Corp.....	82-1018	Do.
Placer Pacific Ltd.....	82-1952	Australia.
Plaser Light Corp.....	82-2107	Canada.
Platinum Communications Systems.....	82-2128	Do.
PLC Systems.....	82-2072	Do.
Polly Peck International PLC.....	82-1181	United Kingdom.
Porta-Lube Automotives Inc.....	82-2388	Canada.
Poseidon Limited.....	82-2134	Australia.
Positive Energy Products Inc.....	82-2512	Canada.
Power Corp. of Canada.....	82-137	Do.
Power Financial Corp.....	82-1716	Do.
President Mines Ltd.....	82-959	Do.
Prime Resources Corp.....	82-1503	Do.
PRO-C.I.R. Property Improvements Ltd.....	82-2377	Do.
Procom Emerald Company Inc.....	82-2344	Do.
Progressive Minerals Ltd.....	82-1971	Do.
Promatek Industries Ltd.....	82-1351	Do.
Prominent Resources Corp.....	82-2568	Do.
Pulse Resources Ltd.....	82-2543	Do.
Pyng Technologies Corp.....	82-2173	Do.
PyroAir Technology Inc.....	82-2018	Do.
Q.P.X. Minerals Inc.....	82-2291	Do.
Quality Quest Systems Inc.....	82-2324	Do.
Quartz Creek Gold Mines Inc.....	82-1937	Do.
Queenstake Resources Ltd.....	82-565	Do.
Quillo Resources Inc.....	82-1960	Do.
Quinto Mining Corp.....	82-475	Do.
RGV Resources Inc.....	82-2607	Do.
Racal Electronics PLC.....	82-481	United Kingdom.
Radcliffe Resources Ltd.....	82-2088	Canada.
Ranchmen's Resources Ltd.....	82-2615	Do.
Rand Mines Ltd.....	82-304	South Africa.
Randfontein Estates Gold Mining Co., Witwatersrand Ltd.....	82-267	Do.
Rank Organisation Ltd., The.....	82-17	United Kingdom.
Rapid Resource Corp.....	82-2005	Canada.
Ravenroc Resources Ltd.....	82-493	Do.
Reako Explorations Ltd.....	82-1286	Do.

Company	File No.	Country
Real de Minas Mining Inc.....	82-2033	Do.
Real Turismo S.A. de C.V.....	82-2557	Mexico.
Red Fox Minerals Ltd.....	82-2274	Canada.
Rede-Pak Fine Foods Ltd.....	82-2432	Do.
Redfern Resources Ltd.....	82-1824	Do.
Redland PLC.....	82-2156	United Kingdom.
Reed Lake Exploration Ltd.....	82-2254	Canada.
Regional Yellow Directories PLC.....	82-2044	United Kingdom.
Rembrandt Gold Mines Ltd.....	82-1762	Canada.
Republic Aircraft Manufacturing Inc.....	82-2633	Do.
Resolute Resources Ltd.....	82-2169	Do.
Reymont Resources Ltd.....	82-2301	Do.
Rhino Resources Inc.....	82-2193	Do.
Rhys Ventures Ltd.....	82-1936	Do.
Rockford Minerals Inc.....	82-2266	Do.
Rockford Technology Corp.....	82-2223	Do.
Rockingham Resources Inc.....	82-2064	Do.
Rockridge Mining Corp.....	82-1842	Do.
Rockspan Resources Ltd.....	82-863	Do.
Roddy Resources Ltd.....	82-893	Do.
Ronrico Exploration Ltd.....	82-2092	Do.
Roper Resources.....	82-2020	Do.
Rosenthal A.G.....	82-1648	Germany.
Rossal Resources Ltd.....	82-2567	Canada.
Rothmans International Ltd.....	82-84	United Kingdom.
Royal Nedlloyd Group N.V.....	82-1056	Netherlands.
RPV Industries (Canada) Inc.....	82-2162	Canada.
RTZ Corp. PLC, The.....	82-1141	United Kingdom.
Ruby Mountain Mines.....	82-2484	Canada.
Rustenburg Platinum Holdings Ltd.....	82-241	South Africa.
Rutland Biotech Ltd.....	82-1526	Canada.
Ryde Industries Inc.....	82-2326	Do.
Safety-Ject Medical Products Ltd.....	82-2341	Do.
Saga Resources Ltd.....	82-2275	Do.
Saint Helena Gold Mines Ltd.....	82-232	South Africa.
Samantha Explorations N.L.....	82-323	Australia.
Samos Resources Ltd.....	82-2027	Canada.
San Miguel Corp.....	82-306	Philippines.
Sanderson Technologies Inc.....	82-2080	Canada.
Santos Ltd.....	82-34	Australia.
Sanyo Electric Co. Ltd.....	82-264	Japan.
Sarich Technologies Trust.....	82-1515	Australia.
Sartigan Granite Corp.....	82-2023	Canada.
Sasol Ltd.....	82-631	South Africa.
Savanna Resources Ltd.....	82-1258	Canada.
Savoy Minerals Ltd.....	82-1968	Do.
Schellex Gold Corp.....	82-2261	Do.
Scottish Heritable Trust.....	82-2063	Scotland.
S.E. Storage Express (International) Ltd.....	82-1699	Canada.
Secret Pass Minerals Corp.....	82-2422	Do.
Sedona Industries Ltd.....	82-2299	Do.
Seguro Resources Ltd.....	82-1995	Do.
Senn D'Or Inc.....	82-2178	Do.
Shannock Corp., The.....	82-1782	Do.
Shelling Industries Inc.....	82-2222	Do.
Sherritt Gordon Mines Ltd.....	82-29	Do.
Shilling Resources Inc.....	82-2017	Do.
Shoshoni Gold Inc.....	82-2331	Do.
Siebe PLC.....	82-2142	United Kingdom.
Siemens Aktiengesellschaft.....	82-73	Germany.
Siemont Resources Ltd.....	82-1876	Canada.
Sierra Madre Resources Inc.....	82-2350	Do.
Sierra Nevada Gold Ltd.....	82-894	Do.
Sikaman Gold Resources Ltd.....	82-1651	Do.
Silkridge Resources Ltd.....	82-2233	Do.
Silver Drake Resources Ltd.....	82-2616	Do.
Silver Eagle Resources Ltd.....	82-2450	Do.
Silver Falls Resources Ltd.....	82-1125	Do.
Silverquest Resources Ltd.....	82-1861	Do.
Simplon Resources Ltd.....	82-2515	Do.
Singapore Land Ltd.....	82-2194	Singapore.
Sino Business Machines Inc.....	82-1510	Canada.
Sino Land Co. Ltd.....	82-1868	Hong Kong.
Sirius Corp. N.L.....	82-1147	Australia.
Sirius Resource Corp.....	82-1575	Canada.
Skandia International Holding A.B.....	82-1574	Sweden.
SKF.....	82-139	Do.
Skukum Gold Inc.....	82-2370	Canada.
Slumber Magic Adjustable Bed.....	82-2057	Do.
Snowwater Resources Ltd.....	82-1618	Do.

Company	File No.	Country
Societe Nationale Elf Aquitaine	82-2046	France.
Solo International Resources Ltd	82-2000	Canada.
Solo Petroleum Ltd	82-2016	Do.
Solomon Pacific Resources N.L.	82-2021	Australia.
Sonatel Telecommunications Corp	82-1416	Canada.
Sons of Gwalia N.L.	82-1039	Australia.
Sococana Explorations Ltd	82-2202	Canada.
Sound Ideas Inc	82-2338	Do.
South African Breweries Ltd	82-303	South Africa.
South African Land & Exploration Co., Ltd	82-59	Do.
South Pacific Gold Corp	82-2287	Canada.
South Roodepoort Main Reefs Area Ltd	82-930	South Africa.
Southern Goldfields Ltd	82-852	Australia.
Southern Pacific Petroleum N.L.	82-353	Do.
Southvaal Holdings Ltd	82-197	South Africa.
Springer Resources Ltd	82-2610	Canada.
Springfield Resources Ltd	82-1142	Do.
Spur Ventures Inc	82-2520	Do.
Stacia Ventures Inc	82-2613	Do.
Star One Resources Inc	82-2122	Do.
Star Valley Resources Corp	82-2418	Do.
Steelhawk Resources Ltd	82-2165	Do.
Stelco Inc	82-141	Do.
Stellar Resource Corp	82-1208	Do.
Stelway Food Services Inc	82-2309	Do.
Stilfontein Gold Mining Co. Ltd	82-310	South Africa.
Stina Resources Ltd	82-2062	Canada.
Stonewall Resources Inc	82-2603	Do.
Strategic Communications Ltd	82-1778	Do.
Strike Energy Inc	82-2659	Do.
Stryker Resources Ltd	82-883	Do.
*Sukuma Explorations Ltd	82-2458	Do.
Summer International	82-2111	United Kingdom.
Sun-Gold Development International Corp	82-1966	Canada.
Sun Hung Kai Properties Ltd	82-1755	Hong Kong.
Sun River Gold Corp	82-1349	Canada.
Suntac Minerals Corp	82-2408	Do.
Suntree Investment International Corp	82-2031	Do.
Supreme Resources Inc	82-1249	Do.
Surf Inlet Mines Ltd	82-2067	Do.
Sutton Resources Ltd	82-910	Do.
Swan Resources Ltd	82-477	Australia.
Swift Minerals Ltd	82-2119	Canada.
Swire Pacific Ltd	82-2184	Hong Kong.
Synex International Inc	82-862	Canada.
SZL Sportsight Inc	82-2284	Do.
T&N PLC	82-1011	United Kingdom.
Tajen Resources Corp	82-2356	Canada.
Takia Gold Mines Ltd	82-2529	Do.
Talemon Investments Ltd	82-1296	Do.
Tamara Resources Ltd	82-1214	Do.
Tansy Resources Inc	82-2550	Do.
Tam Pure Technology Corp	82-1145	Do.
Taro-Vit Industries Ltd	82-210	Israel.
Tarzan Gold Inc	82-2145	Canada.
Tatlar Resources Ltd	82-2003	Do.
Techniscope Development Corp	82-2513	Do.
Teeshin Resources Ltd	82-891	Do.
Teijin Seiki Co Ltd	82-1493	Japan.
Telefonos de Mexico S.A.	82-332	Mexico.
Tele-Talk Inc	82-2247	Canada.
Tempo Resources Ltd	82-2428	Do.
T.E.N. Private Cable Systems Inc	82-1563	Do.
Tenajon Silver Corp	82-2032	Do.
Terracamp Developments Ltd	82-1946	Do.
Terrace Industries Ltd	82-1261	Do.
Terrawest Industries Ltd	82-2296	Do.
Terrex Resources N.L.	82-846	Australia.
Teryl Resources Corp	82-2026	Canada.
Teuton Resources Corp	82-1394	Do.
Texas Northern Minerals, Ltd	82-1843	Do.
Thitec Recovery Systems Ltd	82-2305	Do.
Thorn EMI Ltd	82-373	United Kingdom.
Thunder Engines Corp	82-1052	Canada.
Thunder Valley Resources Ltd	82-2373	Do.
Tigris Minerals Corp	82-2196	Do.
Tiphook-PC	82-1878	United Kingdom.
Tobex Resources Ltd	82-2385	Canada.
Toburn Gold Mines Ltd	82-2307	Do.
Toronto Dominion Bank	82-142	Do.

Company	File No.	Country
Torrez Resources Ltd	82-2612	Do.
Torvalon Corp	82-2314	Do.
Toyobo Co. Ltd	82-1172	Japan.
Toyota Motor Co., Ltd	82-208	Do.
Trac Industries Inc	82-1098	Canada.
Trade Winds Resources Ltd	82-2595	Do.
Trans Asian Resources Ltd	82-2204	Do.
Transgold Resources Inc	82-2281	Do.
Trend-Set Industries International Inc	82-2419	Do.
Trimin Resources Inc	82-1833	Do.
Trinity Resources Ltd	82-610	Do.
Trionics Technology Ltd	82-2283	Do.
Triple Star Resources Corp	82-2168	Do.
Trove Resources Ltd	82-2476	Canada.
Trust Company of Australia Ltd	82-1443	Australia.
Twin Star Energy Corp	82-2213	Canada.
Tyme Resources Ltd	82-2589	Do.
Tyrae Resources Inc	82-2606	Do.
U-Save Foods Ltd	82-1898	Do.
Ultramar PLC	82-871	United Kingdom.
Umbertos Restaurants, Inc.	82-1324	Canada.
Unique Resources Ltd	82-1927	Do.
Unisel Gold Mines Ltd	82-236	South Africa.
Unitech PLC	82-2412	United Kingdom.
United Global Petroleum Inc	82-2528	Canada.
United Keno Hill Mines Ltd	82-61	Do.
United Overseas Land Ltd	82-2180	Singapore.
United Playore Gas Ltd	82-747	Canada.
Universal Genetics Ltd	82-2651	Do.
Univex Mining Corp. Ltd	82-1805	Do.
U S Ammunition Co. Ltd	82-1509	Do.
Val D'Or Resources Inc	82-2587	Do.
Valentine Gold Corp	82-1959	Do.
Valerie Gold Resources Ltd	82-2323	Do.
Valley Oil & Gas Corp	82-1991	Do.
Valpar Resources Ltd	82-2136	Do.
Vancouver Venture Corp	82-1998	Do.
Vandorex Energy Corp	82-2439	Do.
Vanguard Ventures Corp	82-2554	Do.
Veitscher Magnesitwerke AG	82-1573	Austria.
Velcro Industries, N.V	82-145	Netherlands Antilles.
Venga Aerospace Systems Inc	82-2164	Canada.
Venturex Resources Ltd	82-1527	Do.
Vestronix	82-2545	Do.
Verdstone Gold Corp	82-1735	Do.
Veto Resources Ltd	82-2116	Do.
Vidatron Resources Ltd	82-2086	Do.
Vinta Explorations Ltd	82-2325	Do.
Vishnu Resources Inc	82-2241	Do.
Visible Gold Inc	82-2019	Do.
Voicecall Ltd	82-1189	Australia.
Volcano Resources Corp	82-2170	Canada.
Volkswagen AG	82-2188	Germany.
VTL Venture Corp	82-1419	Canada.
Waca Group PLC	82-2369	United Kingdom.
Wall Street Ventures Inc	82-2090	Canada.
Wampum Resources Ltd	82-2469	Do.
War Eagle Mining Co. Inc	82-2008	Do.
Waterloo Resources Inc	82-2391	Do.
Waybo Resources Ltd	82-768	Do.
Wedgewood Resources Ltd	82-2191	Do.
Welkom Gold Holdings Ltd	82-57	South Africa.
Wencarro Resources Ltd	82-2099	Canada.
West Pride Industries Corp	82-2329	Do.
West Rand Consolidated Mines Ltd	82-314	South Africa.
West Sea Development Corp	82-2096	Canada.
Westek Communications Inc	82-2468	Do.
Western Areas Gold Mining Co. Ltd	82-268	South Africa.
Western Deep Levels, Ltd	82-58	Do.
Western Mining Corp	82-2628	Australia.
Westerra Resources Ltd	82-2585	Canada.
Westlake Industries Ltd	82-821	Do.
Westley Mines Ltd	82-1088	Do.
Westview Resources Inc	82-2601	Do.
Wilanour Resources Ltd	82-2163	Do.
Wild Horse Industries Inc	82-2179	Do.
Wild Rose Resources Ltd	82-2536	Do.
Williams Holdings PLC	82-1889	United Kingdom.
Windarra Minerals Ltd	82-561	Canada.

Company	File No.	Country
Winkelhaak Mines Ltd.	82-221	South Africa.
Winspear Resources Ltd.	82-2429	Canada.
Winters Gold Hedley Ltd.	82-2244	Do.
Wolf River Resources Ltd.	82-1482	Do.
Wonder Marine Resources Ltd.	82-1787	Do.
Woodside Petroleum Ltd.	82-2280	Australia.
World Wide Minerals Ltd.	82-2444	Canada.
Wydmarr Development Corp.	82-2056	Do.
X-Cal Resources Ltd.	82-1655	Do.
Yukon Minerals Corp.	82-1635	Do.
Zaba Lee Enterprises Inc.	82-2340	Do.
Zurfund International Ltd.	82-2050	Do.

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[Release No. 34-27329; File No. SR-AMEX-89-11]

**Self-Regulatory Organizations;
American Stock Exchange, Inc.; Order
Granting Partial Approval of Proposed
Rule Change by the American Stock
Exchange Relating to Transaction
Charge Waivers for Orders up to 599
Shares in Selected Stocks**

On May 12, 1989, the American Stock Exchange ("Amex") or "Exchange" submitted a proposed rule change (File No. SR-AMEX-89-11) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") to implement a pilot program for the use of AUTO-EX (a feature of the Exchange's PER/AMOS order routing system) for the automatic execution of select Amex equities. The Exchange also requested that transaction charges for the selected stocks be waived, whether or not executed through AUTO/EX.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 27013 (July 19, 1989), 54 FR 30298. The Commission received no comments on the proposal. This order grants partial approval of the proposal.

In 1977, the Exchange introduced the Post Execution Reporting ("PER") system that electronically routes public customer orders of up to 2099 shares to the post where the order is automatically printed on an order ticket and given to the specialist for execution. In 1984, the PER system was enhanced by the introduction of AUTOPER, which bypasses the printed order and allows the specialist to automatically execute the order displayed on a "touch screen" located at the post. In its filing with the Commission, the AMEX proposed to further enhance the PER system by introducing AUTO-EX features to selected Amex equities. The Commission continues to consider this

aspect of the proposal. In the meantime, Amex requested that the Commission approve the transaction charge waiver proposed in the original filing. The Commission believes that it is appropriate to grant approval to the portion of the filing that proposes to allow the Exchange to waive transaction charges for orders up to 599 shares in twenty of the most actively traded stocks, which are routed through the Exchange's PER system. This waiver of transaction fees will allow the Amex to compete more effectively for order flow and will result in cheaper executions for customers. For these reasons, the Commission finds that partial approval of the proposed rule change is reasonable and consistent with the requirements of the Act and the rules and regulations thereunder applicable to self-regulatory organizations, particularly Section 6(b)(5).

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the transaction waiver be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 2, 1989.

Jonathan G. Katz,
Secretary.

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[Release No. 34-27307; File No. SR-CBOE-88-24]

**Self-Regulatory Organizations;
Proposed Rule Change by Chicago
Board Options Exchange, Inc.,
Relating to Concentration of Options
Market Maker Business**

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 August 21, 1989 the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission

("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

The CBOE proposes to amend CBOE Rule 4.10 as set forth below to establish authority in its Office of the Chairman to review transactions of clearing firms which could increase market maker concentration and to impose financial or operational requirements if warranted. (Brackets indicate language to be deleted, italics indicates new language).

[Other Restrictions on Members] *Financial or Operational Problems*

Rule 4.10. (a) In General. Whenever the Chairman or President shall find, on the basis of a report of the Department of Compliance or otherwise, that a member has failed to perform his contracts or is insolvent or is in such financial or operational condition or is otherwise conducting his business in such a manner that he cannot be permitted to continue in business with safety to his customers or creditors or the Exchange, the Chairman or the President may summarily suspend the member in accordance with Chapter XVI or may impose such conditions and restrictions upon his membership as he considers reasonably necessary for the protection of the Exchange and the customers of such member.

(b) *Firms Clearing Market Maker Trades.*

(1) *A member that clears market maker trades must give fifteen (15) calendar days written notice to the President of the Exchange, or his designee, concerning any proposed Significant Business Transaction ("SBT") (as herein defined). A Significant Business Transaction shall mean: (i) the direct or indirect combination or affiliation with another person engaged in the business of clearing market maker trades, (ii) the entry into the business of clearing market maker trades by an affiliate of the member, (iii) the transfer from another person of market maker accounts which are significant in size or number to the business of the*

member, (iv) a merger or consolidation between the member and another person, (v) the assumption or guarantee by the member of the liabilities of another person otherwise than in the ordinary course of business, (vi) the sale by the member of a significant part of its assets to another person, (vii) a change in the identity of any general partner or a change in the beneficial ownership of 10% of any class of the outstanding stock of any corporate general partner (if the member is a partnership), (viii) a change in the beneficial ownership of 20% of any class of the outstanding stock of the member or the issuance of any capital stock of the member (if the member is a corporation), or (ix) the acquisition by the member of assets of another person that would constitute a "business" that is "significant," as those terms are defined in Section 11-01 of Regulation S-X.

(2) A proposed SBT of a member is subject to the prior approval of the Exchange's Office of the Chairman ("OOC") when the member's market maker clearance activities exceed, or would exceed as a result of the proposed SBT, any of the following parameters: (i) 15% of cleared Exchange market maker contract volume for the most recent three (3) months; (ii) an average of 15% of the number of Exchange registered market makers as of each month end for the most recent three (3) months, or (iii) 25% of the market maker gross deductions (haircuts) defined by SEC Rule 15c3-1 (a)(6) or (c)(2)(x) carried by the clearing member(s) in relation to the aggregate of such haircuts carried by all other market maker clearing organizations for any month end within the most recent three (3) months. The Exchange shall notify in writing each member that clears market maker trades within ten (10) business days from the close of each month of that member's proportion of the market making clearing business, whether or not such business exceeds the parameters described in (i), (ii), and (iii) of this subsection (b)(2). Members subject to this subsection (b)(2) must provide thirty (30) calendar days notice of the proposed SBT to the President or his designee. The OOC may disapprove a member's proposed SBT, or approve such SBT subject to certain conditions, within the thirty (30) day period. The OOC may disapprove or condition a member's SBT if the OOC determines that such SBT has the potential to threaten the financial or operational integrity of Exchange market maker transaction.

(3) In addition, at any time, the OOC may impose additional financial and/or operational requirements on a member that clears market maker trades when the OOC determines that the member's continuance in business without such requirements has the potential to threaten the financial or operational integrity of Exchange market maker transactions.

(4) A member that clears market maker trades must give thirty (30) calendar days written notice to the President of the Exchange, or his designee, of any proposal to terminate such business or any material part thereof.

(5) A member subject to this rule must provide promptly, in writing, all information

reasonably requested by the Exchange. Until such information, and any other information provided pursuant to this subsection (b), is otherwise publicly disclosed, the information shall be kept confidential, except that such information may be disclosed to members of the staff and other agents of the Exchange who are engaged in reviewing the proposed transaction, but such employees and agents shall keep such information confidential and use it only for purposes of reviewing the proposal.

(6) In considering a proposed SBT, the OOC may consider, among other relevant matters, the following criteria:

(a) The effect of the proposed SBT on (i) the capital base of the resulting clearing member organization(s); (ii) the potential for financial failure, and the consequences of any such failure on the market maker system as a whole; and (iii) the potential for increased or decreased operational efficiencies arising from the proposed transaction.

(b) The effect of the proposed SBT upon overall concentration of options market makers, including a comparison of the following measures before and after the proposed transaction:

(i) proportion of exchange market makers cleared; (ii) proportion of exchange market maker contract volume cleared; and (iii) proportion of market maker gross deductions (haircuts) as defined by SEC Rule 15c3-1(a)(6) or (c)(2)(x) carried by the clearing member(s) in relation to the aggregate of such deductions carried by other market maker clearing organizations.

(c) The regulatory history of the affected member organization(s), specifically as it may indicate a tendency to financial/operational weakness.

(d) The history of the affected member organization(s) with respect to late trade match input or other operational deficiencies as determined by the Clearing Procedures Committee.

(7) In the event the OOC determines, prior to the expiration of the thirty (30) day period set forth in subsection (1) hereof, that a proposed SBT may be approved without conditions, the OOC shall promptly so advise the member. All OOC decisions to disapprove or condition a proposed SBT pursuant to subsection (b)(2) hereof or to impose extraordinary requirements pursuant to subsection (b)(3) hereof shall be in writing, shall include a statement setting forth the grounds for the OOC's decision, and shall be served on the member. Notwithstanding any other provisions of the Rules of the Exchange, the member may appeal such decision directly to the Board of Directors of the Exchange by filing an application for review with the Secretary of the Exchange within fifteen (15) days of the date of service of the decision. The application for review shall be in the form prescribed by Rule 19.5(a), and the Board's review shall be conducted in the manner prescribed by Rule 19.5(b), except that the member may waive the making of a record. Review by the Board shall be the exclusive method of reviewing a decision of the OOC pursuant to this subsection (b). The appeal to the Board of a decision of the OOC shall not operate as a

stay of that decision during the pendency of the appeal. The Exchange shall file notice with the SEC in accordance with the provisions of Section 19(d)(1) of the Securities Exchange Act of all final decisions to disapprove or condition a proposed SBT pursuant to subsection (b)(2) hereof, or to impose extraordinary requirements pursuant to subsection (b)(3) hereof.

(8) The provisions of subsection (b) of this rule do not preclude (i) summary Exchange action under subsection (a) above or under Chapter XVI of the Rules or (ii) other Exchange action pursuant to the Rules of the Exchange.

(9) The OOC may exempt a member from the requirements of subsection (b)(1) hereof, either generally or in respect of specific types of transactions, based on the limited proportion of market maker trades on the Exchange that are cleared by the member or on the limited importance that the clearing of market maker trades bears to the total business of the member.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The addition of a new paragraph (b) to Exchange Rule 4.10 is proposed to deal with concerns raised by a concentration of options market maker business cleared through a limited number of member organizations (clearing firms). The failure, or even temporary suspension, of a major clearing firm's ability to clear its market maker customers, could impair the Exchange's ability to maintain a liquid options market and might possibly cause irreparable injury to the options market as a whole. For this reason, the Exchange proposes to establish authority in its Office of the Chairman ("OOC") to review transactions of clearing firms which could increase market maker concentration and to impose financial or operational requirements if they are warranted.

Proposed subparagraph (1) provides that all member organizations which clear market maker transactions must give prior notice to the Exchange of proposals for certain significant

business transactions. The rule attempts to define as significant all transactions that could impact control of the market maker clearance business on the Exchange, such as consolidations, mergers, purchases, etc., and could increase the concentration of market makers in a single clearing firm. Subparagraph (2) requires that member organizations with market maker business in excess of certain levels submit such proposals to the Exchange for prior approval. Further, subparagraph (3) provides that the Exchange may impose additional financial and/or operational requirements upon a market maker clearing firm at any time when such requirements are deemed necessary. These are not emergency actions as contemplated in the existing language of Rule 4.10, but instead provide for reasonable preventive measures.

The OOC may take action under subparagraphs (2) and (3) of the proposed rule when it determines that a situation has the potential to threaten the financial or operational integrity of Exchange market maker transactions. Subparagraph (6) outlines the criteria the OOC shall consider in its review of any significant business transactions.

The remaining paragraphs of the rule provide for confidential treatment, prompt Exchange response, written decisions, Board appeal, filing of decisions with the SEC, and an exemptive process in cases in which a clearing firm's proportion of the market maker clearance business is not significant.

This proposed rule addition applies to a limited number of Exchange member organizations which are crucial to the continued viability of the Exchange's markets. At present there are seventeen options market maker clearing firms operating on the Exchange, fourteen of which are designated to the Exchange for financial/operational oversight. The Exchange believes that it needs the ability to add conditions to transactions or to require additional financial or operational measures in order to prevent an adverse effect upon the market maker clearance system before emergency measures are required.

Clear precedent exists in the rules of numerous self-regulatory organizations wherein additional financial and/or operational undertakings may be required of any member in such fashion and at such time as the self-regulatory body determines. Examples of such rules are NYSE Rule 325(d), and Article III, section 38 of NASD's Rules of Fair Practice. The criteria established for the

OOC review of significant business transactions is similar to that in use by the NYSE in policies approved upon a pilot basis in Securities Exchange Act Release No. 24411 [File No. SR-NYSE-86-37; 52 FR 17870, May 12, 1987], which provides for the review of specialist concentration. Interpretations .02 and .04, respectively, to NYSE Rules 342 and 401 also provide for NYSE review of changes to its members' business activities.

The Exchange believes this rule proposal is consistent with section 6(b)(5) of the Act in that it serves to protect investors and the public interest through the maintenance of a strong financial and operational system for the clearance of market maker transactions, and in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange generally views the combination of market maker clearing firms as beneficial to the effective clearance of market maker transactions, especially in those situations where a lesser capitalized firm is severely limited in its financing abilities. However, the Exchange has become increasingly dependent upon a smaller number of clearing firms, where continued financial and operational soundness of any one "concentrated" entity could have an inordinate impact upon the Exchange's ability to insure the continuous clearance of market maker transactions. The proposal attempts to appropriately balance the potential harm from undue concentration in the clearing business and the benefits from increased capital and operational efficiencies which may result from combinations of clearing firms. Although this rule may impede the ability of certain competitors to expand, on the whole the rule is designed to increase competition among all clearing members by avoiding concentration of that business in a few. The Exchange believes that this rule change will not impose a burden upon competition inconsistent with section 6(b)(8) of the Act, and in fact will foster an environment where competition is encouraged.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

A letter dated October 11, 1988, from Jim R. Porter, Chairman of First Options to the Board of Directors expresses

disagreement with the approach taken in proposed CBOE Rule 4.10. No additional written comments were received, although discussions were held with the other clearing firms.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission 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 will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 31, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 27, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23743 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[34-27312; (File No. SR-DTC-89-19)]

September 28, 1989.

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Depository Trust Company Relating to the Payment of Cash in Lieu of Baby Bonds

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on September 19, 1989 the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR-DTC-89-19) described in Items I, II, and III. below, which have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments by interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for the Proposed Rule Change

(a) DTC hereby designates that the proposed rule change is a stated policy, practice or interpretation with respect to the meaning, administration, or enforcement of DTC's existing procedures for the processing of dividend and interest distributions.

(b) Since DTC does not process physical deliveries with due bills attached, DTC's interim accounting procedures are applied to all book-entry deliveries made between record date and due bill redemption date for all securities on deposit, where applicable. Under these procedures the deliverer is charged, and the receiver is credited, with the amount of the dividends or interest payable. DTC's systems do not account for shares in denominations less than one share ("fractional shares") nor for bonds in denominations less than \$1000 principal amount ("baby bonds"). Because, therefore, for stock dividend distributions DTC cannot maintain and report Participants's positions in fractional shares resulting from the application of interim accounting procedures, under DTC's dividend allocation procedures DTC distributes cash in lieu of fractional shares. The purpose of the proposed rule change is to make clear that, for the same reasons, in processing interest distributions on PIK Bonds DTC will distribute cash in lieu of baby bonds.

(c) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as

amended, in that it promotes the prompt and accurate clearance and settlement of transactions in PIK Bonds.

II. Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

III. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have not been solicited or received on the proposed rule change. The subject procedure has been discussed with, and its implementation recommended by, a subcommittee of the Dividend Division of the Securities Industry Association.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Act² and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within sixty (60) days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

V. Solicitation of Comments

You 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 submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filings will also be available for inspection and copying at DTC's principal office. All submissions should refer to File number SR-DTC-89-

19 and should be submitted by October 31, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23744 Filed 10-6-89; 8:45 am]
BILLING CODE 8010-01-M

(Release No. 34-27320; File No. SR-NASD-89-38)

Self-Regulatory Organizations; Granting of Accelerated Approval to the National Association of Securities Dealers, Inc. Relating to the Quotation Linkage With the International Stock Exchange of the United Kingdom and the Republic of Northern Ireland, Ltd

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 the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") on September 8, 1989, and amended on September 21, 1989, the proposed rule change 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

On October 2, 1987, the Commission issued an order approving operation of a market information linkage between the NASD and the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd. ("ISE") for a pilot term of two years.¹ This experimental linkage permits an interchange of quotation information ("linkage information") on about 740 securities ("linkage securities"); of that total, each marketplace has designated approximately half as its "pilot group" of linkage securities. NASD and ISE members that function as market makers in one or more of a subset of linkage securities that are quoted in both the NASDAQ and ISE dealer systems ("common issues") may access linkage information without paying a separate charge to receive it.

The October 1987 Order authorized operation of the linkage on a pilot basis for a two-year term, which expires on

¹ Securities Exchange Act Release No. 24979 (October 2, 1987), 52 FR 37684 (the "October 1987 Order").

¹ 15 U.S.C. 78s(b)(1) (1981).

² 15 U.S.C. 78s(b)(3) (1981).

October 2, 1989. In making this filing, the NASD seeks accelerated Commission approval of an extension of the pilot period through December 1, 1989. During this extension, the NASD/ISE linkage will continue to operate in accord with the terms of File No. SR-NASD-87-20, which filing was approved by the October 1987 Order.

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

The purpose of this rule filing is to obtain an extension of the Commission's temporary approval of the pilot linkage through December 1, 1989. Absent such an extension, the NASD's link with the ISE will terminate October 2, 1989. During the requested extension period, the NASD will formulate and submit a more comprehensive Rule 19b-4 filing to obtain Commission authorization for future operation of the NASD/ISE pilot linkage. Commission approval of File No. SR-NASD-89-38 will provide additional time for the NASD to finalize its presentation of certain cost information that was requested in the October 1987 Order. Because that information is essential to the Commission's deliberations on the future operation of the NASD/ISE linkage, the NASD wishes to ensure that its cost information is both accurate and complete. This information will be incorporated into another Rule 19b-4 filing that will contain the proposed terms for continuation of the NASD/ISE pilot linkage beyond December 1, 1989. Therefore, approval of the instant filing should facilitate the Commission's subsequent consideration of substantive issues related to future operation of the NASD/ISE pilot linkage.

The statutory bases for the NASD/ISE pilot linkage and the requested extension thereof are found in sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) (C) and (D) of the Act. Subsections (B) and (C) of section

11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the execution of investor orders in the best market through the application of new data processing and communications techniques. Section 15A(b)(6) requires that the rules of the NASD be designed "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 mechanism of a free and open market * * * * Section 17A(a)(1) sets forth the Congressional goal of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The NASD believes that the requested extension of the linkage's pilot operation is fully consistent with the policy goals articulated in the foregoing statutory provisions and with the Commission's efforts to advance the process of internationalization of securities markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

In its original release announcing interim approval of the NASD/ISE pilot linkage, the Commission referenced certain competitive concerns raised by Instinet Corporation ("Instinet") through counsel.² In response, the NASD, after consultation with the ISE, made a good faith effort to address those concerns by narrowing the universe of firms and terminals permitted access to linkage information at no cost. Those changes were reflected in File No. SR-NASD-87-20, which the Commission approved by issuing the October 1987 Order. Nonetheless, the Commission stated in the October 1987 Order that it "[was] not reaching any final determination with respect to the issues raised by Instinet * * *." Further, the Commission committed to "monitor carefully the impact of the quotation exchange on vendors" during the pilot operation contemplated by File No. SR-NASD-87-20. In that regard, the Commission requested that the NASD compile certain cost information relative to the linkage's operation during the two-year term authorized by the

² See Securities Exchange Act Release No. 23158 (April 21, 1986), 51 FR 15989 (April 23, 1986). See also letter from Daniel T. Brooks, Counsel for Instinet, to John Wheeler, Secretary, Securities and Exchange Commission, dated April 16, 1986.

October 1987 Order. As noted in the preceding section, the necessary cost information is now being finalized for inclusion in a more comprehensive Rule 19b-4 filing that will address the future operation of the informational linkage sponsored by the NASD and ISE.

The NASD submits that the proposed extension of the linkage pilot will not create any competitive burden *vis-a-vis* Instinet or any other vendor of securities market information. The linkage will continue to operate in accord with the terms of the October 1987 Order. Moreover, Instinet and other interested parties will have ample opportunity to comment when the NASD submits the next Rule 19b-4 filing on the linkage, which will include the cost information requested in the Commission's October 1987 Order. Finally, during the requested extension, the sponsoring markets will not use linkage information for purposes of operating an inter-market, automated execution system.

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 on this rule filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing of Commission Action

The NASD has requested that the Commission find good cause pursuant to section 19(b)(2) of the Act for approving the proposed rule change prior to the 30th day after its publication in the *Federal Register*, and in any event by September 29, 1989, the last business day before the NASD/ISE linkage's authorization expires. The NASD believes that a 60-day extension of the pilot program will enable the finalization of certain cost information relative to the linkage's operation. Because this information is essential to the Commission's deliberations on the future operation of the NASD/ISE linkage, the NASD wishes to ensure that its submission is fully responsive to the Commission's needs. At the same time, no regulatory or policy objective would be served by interrupting the pilot linkage's operation pending the Commission's review of the cost information that the NASD will shortly file. Accordingly, the NASD submits that good cause exists to accelerate the effectiveness of the rule change to a date no later than September 29, 1989 and thereby maintain continuity in the operation of the transatlantic linkage.

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 NASD and, in particular, the requirements of section 11A(a)(1) (B) and (C), 15A(b)(6), and 17A(a)(1) (C) and (D) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof. The Commission believes that accelerated approval will avoid an unnecessary interruption of the pilot linkage while allowing the NASD to finalize certain data required by the Commission's October 1987 Order. The Commission has requested that the NASD gather and analyze the relevant data as a precondition of the Commission's re-evaluation of the linkage's access terms in conjunction with a determination on the linkage's future operation. Accordingly, the Commission does not believe that the linkage should be terminated while these efforts are ongoing.

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 October 31, 1989.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved for a period of 60 days.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: September 29, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23742 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[34-27323; File No. SR-NSCC-89-15]

Self-Regulatory Organizations; National Securities Clearing Corporation; Filing and Immediate Effectiveness of a Proposed Rule Change Concerning Fees for the PC Access System

September 29, 1989

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, ("Act")¹ notice is hereby given that on September 18, 1989, the National Securities Clearing Corporation ("NSCC"), filed with the Securities and Exchange Commission the proposed rule change as described in Items I thru VII below. 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

NSCC hereby submits as a proposed rule change pursuant to Rule 19b-4 of the Act, establishment of a fee structure for NSCC's PC Access System.²

The proposed rule change would amend NSCC's fee structure as follows:

PC Data Entry

Either

a (i) The first application: \$50.00 per month

and

a (ii) Each subsequent application: \$30.00 per month

or

b. RECAPS application only: \$200.00 per year

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. The purpose of the proposed rule change is to establish fees for NSCC's PC Access System. This system has been described in NSCC's proposed rule filing 89-10 as well as proposed rule filing 89-14.

NSCC will be charging \$50.00 per month for the PC platform software.³ Each service will require development of a specific application. The charge for the first application will be included in the \$50.00 fee and each additional application will be an additional \$30.00 per month. Charges for the RECAPS application will be distinct from other services because RECAPS will be

¹ 15 U.S.C. 78(b)(1).

² See Securities Exchange Act Release No. 27230 (September 7, 1989) (Notice of Filing of Proposed Rule Change SR-NSCC-89-10) 54 FR 34845.

³ NSCC's PC Platform Software enables NSCC's services to be accessed via PC's.

offered quarterly (as described in proposed rule filing 89-10). If a member only uses the RECAPS application it will be charged \$200.00 per year. If the Member subsequently adds one or more other applications, the \$50.00 and \$30.00 fees would apply, and a credit would be given for any unused portion of the \$200.00 fee.

B. NSCC believes that the proposed rule filing provides for the equitable allocation of reasonable fees among NSCC participants for the PC Access System and, therefore, is consistent with the requirements of the 1934 Act, as amended and the rules and regulations thereunder applicable to NSCC.

III. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may, within 60 days of the filing date, summarily abrogate the rule change if it appears to the Commission that abrogation is necessary to serve the interest of the public, for the protection of investors, or in furtherance of the purposes of the Act.

V. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others:

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

IV. Proposed Rule Change Based on Rules of Another Self Regulatory Organization or of the Commission

The proposed rule change is not based on the rules of either another self-regulatory organization or of the Commission.

VII. Solicitation of Comments

Interested persons may submit written comments within 21 days after notice is published in the Federal Register. Six copies of such comments should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from public under 5 U.S.C.

552, are available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal offices of NSCC. All submissions should refer to File No. NSCC-89-15 and should be submitted by October 31, 1989.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-23745 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[File No. 7-5356]

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; New York Stock Exchange, Inc.

October 2, 1989.

The New York Stock Exchange, Inc. ("NYSE") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 ("Act") and Rule 12f-1 thereunder for unlisted trading privileges ("UTP") in Ryan's Family Steak Houses, Inc., for the purpose of trading this security as part of the NYSE's Exchange Stock Portfolio ("Stock Portfolios") which is based on the Standard & Poors 500 Portfolio Index ("Index").¹

As indicated in its application for UTP, Ryan's Family Steak Houses, Inc. is an over-the-counter security ("OTC") that is quoted on the National Association of Securities Dealers Automated Quotation System ("NASDAQ") and is not registered on any national securities exchange.² Last sale information on the stock is reported through NASDAQ facilities.

Interested persons are invited to submit on or before October 16, 1989, written data, views and arguments concerning the above-referenced application.³ Persons desiring to make

written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Commentators are asked to address whether they believe the requested grants of UTP would be consistent with section 12(f)(1)(C) of the Act. Under this section the Commission can only approve the UTP application if it finds, after this notice and opportunity for hearing, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

Further, in considering the NYSE's application for extension of UTP in a security that is not traded on another national securities exchange, section 12(f)(1)(C) of the Act requires the Commission to consider, among other matters, the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system. The Commission may not grant such application if any rule of the national securities exchange making an application under section 12(f)(2)(C) of the Act would unreasonably restrict competition among dealers in such securities or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

September 20, 1989.

Ms. Colette Clark,

Securities and Exchange Commission,
Division of Market Regulation, 450 Fifth
Street NW., Washington, DC 20549.

Dear Ms. Clark: Pursuant to sections 12(f)(1)(B) and (C) of the Securities Exchange Act of 1934, as amended, and Rule 12f-1 (17 CFR 240.12f-1), the New York Stock Exchange, Inc., hereby applies for unlisted trading privileges in the security listed below:

Symbol	Ryan.
Issuer	Ryan's Family Steak Houses, Inc.
Class	Common.
Listed	OTC.
Reported ¹	NASDAQ.

¹This item refers to last sale information for single-stock executions.

If granted, the NYSE will use the unlisted trading privileges for the limited purpose of trading this security as part of the NYSE's

Exchange Stock Portfolio,² and only to the extent this security is included in the Exchange Stock Portfolio.

Copies of this application have been sent to the issuer, to the Midwest Stock Exchange, Inc., and to the National Association of Securities Dealers, Inc.

Sincerely,

J.E. Bush,

cc: Mr. Howard Kramer,

Division of Market Regulation.

[FR Doc. 89-23812 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17152; (811-4505)]

Government Securities Zero Coupon Trust; Application

September 25, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Government Securities Zero Coupon Trust ("Applicant").

RELEVANT 1940 ACT SECTION: Deregistration under Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company subject to the 1940 Act.

FILING DATE: The Application was filed on July 10, 1989 and a supplemental letter was submitted on September 21, 1989.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m., on October 19, 1989, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549; Applicant, Government Securities Zero Coupon Trust, 99 High Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Bibb L. Strench, Staff Attorney, (202)

²"Exchange Stock Portfolio" is a service mark of the New York Stock Exchange, Inc.

¹See proposed rule filing SR-NYSE-89-05. The NYSE previously submitted an application for UTP in 205 stocks to accommodate Stock Portfolio trading. That application did not include Ryan's Family Steak Houses, Inc., which was picked as a replacement stock in the Index. See Securities Exchange Act Release No. 27248, September 18, 1989, 54 FR 38778.

²The NYSE's previous application also included 107 OTC stocks that are not registered on another securities exchange and that are quoted on NASDAQ.

³Notice has already been sent to the issuer and relevant market.

272-2856 or Karen L. Skidmore, Branch Chief, (202) 272-3023, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, organized as a Massachusetts Business Trust, is registered under the 1940 Act as an open-end, diversified management investment company.
2. On November 27, 1985, Applicant registered under the 1940 Act and filed a registration statement for an indefinite number of shares of beneficial interest without par value. The registration statement became effective on August 7, 1986. Applicant issued five series of shares: MMS 1991, MMS 1993, MMS 1996, MMS 1998, and MMS 2001. Only MMS 1991 and MMS 1996 series were offered for sale. Applicant began offering its shares on August 12, 1986 to insurance company separate accounts (shareholders) in connection with the insurance of certain variable life insurance and variable annuity contracts. Applicant served as an underlying investment for insurance company separate accounts of Keystone Provident Life Insurance Company ("KPLIC").
3. Effective December 31, 1988, KPLIC became a wholly-owned subsidiary of Liberty Mutual Insurance Company. At a meeting on December 15, 1988, the Board of Trustees of the Applicant voted to authorize the dissolution of Applicant, effective January 1, 1989. On December 31, 1988, there were 12,519 shares of MMS 1991 series outstanding. The aggregate net asset value of those shares was \$114,323 and the per share value was \$9.13. On the same date there were 23,589 shares of beneficial interest of MMS 1996 series outstanding. The aggregate net asset value of those shares was \$201,979 and the per share value was \$8.56. Applicant redeemed in kind all of its assets, in the aggregate amount of 316,302, and KPLIC, the sole shareholder of Applicant, transferred all of Applicant's assets to a SteinRoe Variable Investment Trust ("SteinRoe Trust"). SteinRoe Trust is a series company advised by Stein Roe & Farnham Incorporated, an indirect subsidiary of Liberty Mutual Insurance Company.
4. To effectuate the dissolution, Applicant's Board of Trustees by unanimous written consent, dated

September 13, 1988, authorized the filing of an application with the SEC for an order pursuant to Sections 6(c), 17(b) and 26(b) of the 1940 Act and Rule 17d-1 thereunder. On December 30, 1988, Applicant received an order (Investment Company Act Release No. 16728) approving a redemption in kind of shares of certain funds, including Applicant, the redemption of cash of certain shares of the Public Mutual Funds, and the purchase with the redemption proceeds of shares of the portfolios of the SteinRoe Trust.

5. At the time of dissolution, Applicant's MMS 1991 series had \$557 in unamortized expenses and Applicant's MMS 1996 series had \$558 in unamortized expenses. Applicant's MMS 1991 and MMS 1996 series were reimbursed the unamortized organizational expenses by KPLIC.

6. No brokerage commissions were paid in connection with the transaction. No expenses were incurred in connection with the liquidation of the Applicant.

7. At the time of the filing of the application, Applicant had no securityholders and there were no existing shareholder balances or claims. No assets have been retained by Applicant and no liabilities remain outstanding. Applicant is not a party to any litigation or administrative proceedings. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

8. Applicant filed a Form N-SAR for the period ending December 31, 1988. If a Form N-SAR is required for any period from December 31, 1988 through the date Applicant is deregistered, Applicant undertakes to file such form promptly after the earlier of the due date of the form or the issuance of the requested order.

9. Applicant filed with the Commonwealth of Massachusetts and the City of Boston, Massachusetts a Secretary's Certificate certifying that the Applicant's Board of Trustees approved the dissolution of the Massachusetts Business Trust creating the Applicant, effective January 1, 1989.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23738 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17157; 812-7260]

The Horizon Funds, et al.; Application

September 29, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act" or the "Act").

APPLICANTS: The Horizon Funds ("Horizon"), Pacific Horizon Funds, Inc. ("Pacific Horizon"), and Pacific Horizon Tax-Exempt Money Market Portfolio, Inc. ("Pacific Horizon Tax-Exempt") (each individually an "Applicant" or collectively, the "Applicants").

RELEVANT 1940 ACT SECTIONS: Exemption requested pursuant to section 6(c) from sections 18(f)(1), 18(g), and 18(i).

SUMMARY OF APPLICATION: Applicants seek an order amending a prior order (Investment Company Act Release No. 16111, November 4, 1987) ("Prior Order") which permits the issuance and sale of separate classes of shares that represent interests in the same investment portfolio and that are identical in all respects except for class designation and the allocation of certain expenses and voting rights. The amended order would permit the issuance and sale of classes of additional securities representing interests in Applicants' daily dividend investment portfolios pursuant to a plan or reorganization.

FILING DATES: The application was filed on February 24, 1989, and amended on September 8 and September 22, 1989.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 24, 1989, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549; Applicants, Attn: Thomas M. Collins, President, 156 West 56th Street, 19th Floor, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Paul J. Heaney, Financial Analyst (202)

272-3420, or Max Berueffy, branch Chief (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier which may be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

APPLICANT'S REPRESENTATIONS:

1. Each Applicant is registered under the 1940 Act as an open-end management company. Horizon maintains three money market portfolios, the Prime, Treasury and Tax-Exempt Money Market Portfolios, which commenced operations in July, 1987. Pacific Horizon maintains two money market portfolios, the Money Market and Government Money Market Portfolios, and two non-money market portfolios, each of which commenced operations in March, 1984. Pacific Horizon Tax-Exempt maintains one money market portfolio, which also commenced operations in March, 1984. The investment adviser for each Applicant is Security Pacific National Bank ("Security Pacific"). Concord Financial Group, Inc. ("CFG") and Concord Holding Corporation ("Concord") serve as the distributor and administrator, respectively, of each Applicant.

2. Shares in Horizon's portfolios are sold solely to institutional investors, such as banks, insurance companies, investment counselors and brokers, acting on behalf of their customers or for their own accounts. Pursuant to the Prior Order, Horizon currently offers for sale two classes of shares ("Horizon Shares" and "Horizon Service Shares") in each of its portfolios. The two classes are substantially identical except that Horizon Service Shares are issued pursuant to a shareholder service plan under which institutions enter into agreements with respect to the provision of certain support services to their customers who are beneficial owners of Horizon Service Shares and the Horizon Service Shares bear the fees paid by Horizon to such institutions for their services. Otherwise, all expenses of each Horizon portfolio are borne pro rata by the portfolio's shareholders, regardless of class.

3. Unlike shares in the Horizon portfolios, shares in each of the Pacific Horizon and Pacific Horizon Tax-Exempt portfolios are sold to investors generally. Pacific Horizon and Pacific Horizon Tax-Exempt offer one class of shares in each of their portfolios. As a result, all expenses of a portfolio of

Pacific Horizon or Pacific Horizon Tax-Exempt are borne pro rata by the shareholders of the portfolio based on the number of outstanding shares held by them.

4. Shares in each of the Applicant's money market portfolios are sold and redeemed daily at net asset value without a sales or redemption charge imposed by Applicants. The net asset value per share in each money market portfolio is calculated based on the amortized cost method of valuation pursuant to Rule 2a-7 under the 1940 Act. The net investment income of each portfolio is declared daily and paid monthly as a dividend to shareholders.

5. Applicants propose to consolidate their money market portfolios by transferring the assets of Horizon and Pacific Horizon Tax-Exempt to Pacific Horizon as follows: Substantially all of the assets of the Horizon Prime Portfolio would be sold to the Pacific Horizon Money Market Portfolio and assets of the Horizon Treasury Portfolio would be sold to the Pacific Horizon Government Money Market Portfolio (the resulting combined Portfolios are hereafter referred to as the "Combined Money Market Portfolio" and the "Combined Government Money Market Portfolio"). In addition, Pacific Horizon would organize a new portfolio. Assets of the Horizon Tax-Exempt Money Market Portfolio and Pacific Horizon Tax-Exempt would be sold to this new portfolio to effect their consolidation (the resulting combined Portfolio is hereafter referred to as the "Combined Tax-Exempt Money Market Portfolio"). Pacific Horizon's Combined Money Market, Combined Government Money Market and Combined Tax-Exempt Money Market Portfolios, together with any other investment portfolio of Pacific Horizon that declares dividends in the future on a daily basis, are sometimes referred to as the "Daily Dividend Portfolios." Applicants believe that consolidation will reduce significantly their aggregate non-management expenses by reducing the repetitive costs of custody, legal, audit and other services and activities that are presently required by Applicants because of their status as unconsolidated entities.

6. Applicants seek to amend the Prior Order to permit Pacific Horizon to offer three classes of shares in each of its proposed Combined Money Market, Combined Government Money Market and Combined Tax-Exempt Money Market Portfolios that would correspond to the three classes now offered by Applicants. One class (the "Institutional Shares") would be sold to institutions now holding Horizon Shares, as well as to other institutional investors which,

but for the consolidation, would have qualified to invest in Horizon Shares. Similarly, the second class (the "Institutional Service Shares") would be sold to institutions now holding Horizon Service Shares, as well as to other institutional investors which would have qualified to invest in Horizon Service Shares. The third class (the "Pacific Horizon Shares") would be sold to existing investors in the Pacific Horizon and Pacific Horizon Tax-Exempt money market portfolios, as well as to other investors who would have otherwise invested in Pacific Horizon or Pacific Horizon Tax-Exempt.

7. All shares in Pacific Horizon's Combined Money Market, Combined Government Money Market and Combined Tax-Exempt Money Market Portfolios (regardless of class) would be the same in all material respects except for the allocation of certain expenses, class designations and voting rights as described below. In this regard, all shares in a portfolio would bear equally, on a pro rata basis, the fees paid on behalf of the portfolio to Security Pacific and Concord under the respective Investment Advisory Agreement and Basic Administrative Services Agreement. Services provided under the Investment Advisory and Basic Administrative Services Agreements would include those services that benefit all investors in a portfolio, such as investment advice, portfolio management and securities execution; fund accounting services, including the daily calculation of the portfolio's net asset value and dividends per share, income, expenses and yield; preparation of financial statements and maintenance of financial books and records; internal legal and accounting compliance functions; and maintenance of Applicants' principal office. The proposed investment advisory agreement for the three daily dividend portfolios provides for payment of advisory fees to Security Pacific at the maximum annual rate of .10 percent of each portfolio's average daily net assets. The proposed basic administrative services agreement for the three portfolios provides for the payment of administrative fees to Concord at the same maximum annual rate of .10 percent. These fees will be subject to scheduled decreases as specific breakpoints are reached in the aggregate assets of a portfolio. All shares in a portfolio, regardless of class, would also bear other expenses that benefit the portfolio generally.

8. In addition to fees borne by all classes of shares, each portfolio's Institutional Service Shares would bear

shareholder servicing fees under a shareholder service plan ("Plan") (at an annual rate not to exceed .25 percent of the average daily net asset value of such shares) that would not be borne by either the portfolio's Institutional or Pacific Horizon Shares. These fees would be for shareholder support services that are currently provided with respect to the existing Horizon Service Shares. Similarly, each portfolio's Pacific Horizon Shares would bear the fees payable to Security Pacific and Concord under a Special Management Services Agreement (at an annual rate not to exceed .35 percent of the average daily net asset value of such shares) that would not be borne by the portfolio's Institutional or Institutional Service Shares. Only holders of Institutional Service Shares would be entitled to vote on matters pertaining to the Special Management Services Agreement. In no event, would Institutional or Pacific Horizon Shares bear, under the proposed arrangement, the shareholder servicing fees payable by the Institutional Service Shares, nor would the Institutional or Institutional Service Shares bear any portion of the fees payable under the Special Management Services Agreement. The provision of shareholder support services under the Plan and the Special Management Services Agreement would not duplicate the services provided by Security Pacific and Concord under their respective Investment Advisory Agreement and Basic Administrative Services Agreement.

Applicants' Legal Analysis:

1. Applicants are requesting an amendment to the Prior Order to permit the proposed issuance and sale of Institutional Shares, Institutional Service Shares and Pacific Horizon Shares representing interests in Pacific Horizon's Daily Dividend Portfolios to the extent that such issuance and sale might be deemed to result in a "senior security" within the meaning of section 18(g) of the 1940 Act and to be prohibited by section 18(f)(1) of the 1940 Act. The creation of the Institutional Shares, Institutional Service Shares and Pacific Horizon Shares in a Daily Dividend Portfolio may result in stock of a class having "priority over (another) class as to * * * payment of dividends" and having unequal voting rights, because under the proposed arrangement the respective classes of Shares would bear certain expenses not borne by the other classes in the same Daily Dividend Portfolio. Applicants also request this amendment because the creation of the three classes of shares might also violate the equal

voting provisions of section 18(i) of the 1940 Act to the extent that the Institutional Service Shares and Pacific Horizon Shares would enjoy exclusive voting rights with respect to matters concerning the Plan and Special Services Agreement.

2. In support of the relief requested, Applicants contend that the proposed allocation of expenses and voting rights is equitable and will not discriminate unfairly against any group of shareholders. Under the proposed arrangement each class of shares in a Daily Dividend Portfolio would bear the expenses of Pacific Horizon that are incurred with respect to that class but would not bear expenses that are incurred with respect to the other classes. Moreover, all shareholders of a Daily Dividend Portfolio are expected to benefit under the proposed arrangement since the portfolio's common expenses would be spread over a greater number of shareholders.

3. Applicants also submit that the proposed arrangements do not involve borrowings and do not affect Applicants' existing assets or reserves. Nor will the proposed arrangement increase the speculative character of any shares in a Daily Dividend Portfolio of Pacific Horizon, because all shares in a Daily Dividend Portfolio will participate pro rata in all of the portfolio's income and expenses, with the exception of payments under the Plan and Special Services Agreement. Accordingly, Applicants assert that the requested exemption is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

Applicants' Conditions

Applicants agree that the following conditions may be imposed in any other of the Commission granting the requested relief:

1. The Institutional, Institutional Service and Pacific Horizon Shares in each Daily Dividend Portfolio will each represent interests in the same portfolio of investments of the Portfolio, and will be identical in all respects, except as set forth below. The only differences between the Institutional, Institutional Service and Pacific Horizon Shares of the same Portfolio will relate solely to:

(a) Priorities with respect to the payment of dividends and such priorities will reflect only the impact of payments made under the Shareholder Services Plan (the "Plan") and Special Services Agreement and any other incremental expenses which are subsequently identified and which should be properly allocated to one

class and which are approved by the Commission pursuant to an amended order, (b) voting rights on matters which pertain to the Plan and Special Services Agreement, (c) the different exchange privileges of the Institutional, Institutional Service and Pacific Horizon Shares as described in the prospectuses (and statements of additional information) of the Daily Dividend Portfolios and consistent with any order granted pursuant to this application and (d) the designation of each class of shares of a Daily Dividend Portfolio.

2. The Plan and Special Services Agreement will be approved annually by the Directors, including a majority of the independent Directors, only after thorough examination of all relevant facts. In evaluating the Plan and Special Services Agreement, the Directors will specifically consider whether (a) the Plan and Special Services Agreement are in the best interest of the Daily Dividend Portfolios/share classes and their respective shareholders, (b) the services to be performed pursuant to the Plans and the Special Services Agreement are required for the operations of the Daily Dividend Portfolios, (c) Service Organizations can provide services the nature and quality of which are at least equal to those provided by others, including the Daily Dividend Portfolios, offering the same or similar services, and (d) the fees for such services are fair and reasonable in light of the usual and customary charges made by other entities, especially non-affiliated entities, for services of the same nature and quality. In addition, the Directors who vote to approve the Plan and Special Services Agreement will do so, exercising reasonable business judgment and in light of their fiduciary duties under state law and under Sections 36 (a) and (b) of the Act. The minutes of the meetings of the Directors regarding such deliberations and approvals will describe the factors considered and the basis for their decisions. The minutes will be available for inspection by the Commission's staff, and any Plan and Special Services Agreement will be preserved for a period of not less than six years from the date of such Plan or Special Services Agreement, the first two years in an easily accessible place.

3. The Directors will receive quarterly and annual statements of the amounts received and expended under the Plan and Special Services Agreement and the purposes for which such expenditures were made. In the statements, only service expenditures properly attributable to the servicing of shares of a particular class will be used to justify

the Plan's and the Special Services Agreement's fees. Neither the Plan nor the Special Services Agreement will be operated in such a manner as to cause payments under the Plan or Special Services Agreement to subsidize the servicing of the shares of any other class of the same portfolio.

4. On an ongoing basis, the Directors, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor each Daily Dividend Portfolio for the existence of any material conflicts between the interests of the different classes of shares. The Directors, including a majority of the independent Directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. Applicants agree to take the actions necessary to ensure that Pacific Horizon's adviser, distributor and Service Organizations will be responsible for reporting any potential or existing conflicts to the Directors. If a conflict arises, the adviser and distributor will remedy, at their own cost, such conflict up to and including establishing new and separate registered management investment companies.

5. The conditions pursuant to which the exemptive order is granted, and the duties and responsibilities of the Directors with respect to the multi-class system, will be set forth in guidelines which will be furnished to the Directors.

6. Any dividends paid by the Daily Dividend Portfolio with respect to a class of shares in the portfolio will be calculated in the same manner, at the same time, on the same day, and will be in the same per share amount as dividends paid by the portfolio with respect to each other class of shares in the same portfolio, except that any payments made by a class under the Plan or Special Services Agreement will be borne exclusively by that class.

7. Each prospectus relating to a class of shares that is offered in connection with the Plan or the Special Services Agreement will describe both the distinct expenses with respect to the class of shares and the related services provided to that class. In addition, each Plan or agreement adopted or entered into by each Daily Dividend Portfolio will contain a representation by the Institutional investor involved that any compensation payable to the institution in connection with the investment of the institution's customers' assets in the Daily Dividend Portfolio (a) will be disclosed by it to its customers, (b) will be authorized by its customers, and (c) will not result in an excessive fee to the institution.

8. Pacific Horizon will operate a Daily Dividend Portfolio issuing Institutional Shares, Institutional Service Shares and Pacific Horizon Shares only when and for so long such Daily Dividend Portfolio declares a daily dividend, accrues its payments under the Plan and the Special Services Agreement (if any) daily, and has received undertakings from the persons that are entitled to receive payments under the Plan and the Special Services Agreement waiving such portion of any such payments to the extent necessary to assure that the payments (if any) required to be accrued by any class of shares on any day do not exceed the income to be accrued to such class on that day. In this manner, the net asset value per share for all shares in a Daily Dividend Portfolio will remain the same.

9. Each of the Daily Dividend Portfolios will clearly disclose the difference in the respective yields of the different classes of shares of a portfolio in the prospectuses, shareholder reports and any advertising materials, including newspaper advertisements. For instance, the supplementary financial information, including the per share table in the prospectuses or statements of additional information, will be separately presented for the different classes. Also the prospectuses and statements of additional information will disclose the exchange privilege applicable to the different classes of shares. The net asset value of a portfolio's Institutional, Institutional Service and Pacific Horizon Shares will not vary.

10. The prospectuses of the Daily Dividend Portfolios will include a statement to the effect that any person entitled to receive any portion of a servicing fee may receive different compensation with respect to one particular class of shares over another in the same portfolio.

11. Applicants acknowledge that the grant of the exemptive order does not imply Commission approval, authorization or acquiescence in any particular level of payments that the Daily Dividend Portfolios may make pursuant to the Plan and the Special Services Agreement in reliance on the exemptive order.

12. The methodology and procedures for calculating the net asset value and dividend/distributions of the various classes and the proper allocation of expenses among the classes has been reviewed by an expert (the "Expert") who has rendered a report to the Applicants, which has been provided to the Commission's staff, that such methodology and procedures are

adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an on-going basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Applicants that the calculations and allocations are being made properly. The reports of the Expert will be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act and the work papers of the Expert with respect to such reports, following request by Pacific Horizon which Pacific Horizon agrees to provide, will be available for inspection by the Commission staff upon written request by a senior member of the Division of Investment Management or of a regional office of the Commission. Authorized staff members would be limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrator or Associate or Assistant Regional Administrators. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in Statement of Auditing Standards No. 44 of the American Institute of Certified Public Accountants ("AICPA"), as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

13. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividend/distributions of the various classes of shares and the proper allocation of expenses among the classes of shares. This representation has been concurred with by the Expert in the initial report referred to in Condition 12 above and will be concurred with by the Expert or an appropriate substitute Expert on an ongoing basis at least annually in the ongoing reports referred to in that condition. Applicants agree to take immediate corrective action if the Expert, or appropriate substitute Expert, does not so concur in the ongoing reports.

14. All purchases of shares of the Applicants by the Directors made after the issuance of a second class of shares will be equally divided among the various classes. Over time, the actual

holdings of the various classes of shares will differ to a minor degree if a Director elected to have dividends reinvested.

15. Any servicing agreement between Pacific Horizon and an institution shall provide that, in the event an issue pertaining to the Plan is submitted for shareholder approval, the institution shall vote Institutional Service Shares held for its own account in the same proportion as the vote of the Institutional Service Shares held for its customers' benefit.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23739 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17158; File No. 812-7376]

Standard Security Life Insurance Co. of New York, et al.

September 29, 1989.

AGENCY: The Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Standard Security Life Insurance Company of New York ("Standard Security"), Standard Security Knox Funds Separate Account B of Standard Security Life Insurance Company of New York (the "Account"), and Directed Services, Inc ("DSI").

RELEVANT 1940 ACT SECTIONS:

Exemption requested under Section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

SUMMARY OF APPLICATION: Applicants seek an order to the extent necessary to permit the deduction of a mortality and expense risk charge from the assets of the Account under a deferred variable annuity contract (the "Deferred Annuity") and an immediate variable annuity certain contract (the "Annuity Certain") (collectively, the "Contracts") and to permit the deduction of a guaranteed minimum death benefit charge from the accumulation value in the Account under the Deferred Annuity.

FILING DATE: The application was filed on August 11, 1989.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on October 24, 1989. Request a hearing in

writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants c/o Standard Security Life Insurance Company of New York, c/o the Golden Financial Group, Inc., 909 Third Avenue, 19th Floor, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Cindy J. Rose, Financial Analyst, at (202) 272-2058 or Clifford E. Kirsch, Acting Assistant Director, at (202) 272-2061.

SUPPLEMENTARY INFORMATION:

Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Standard Security is a stock life insurance company organized under the laws of the State of New York. The Account is a separate investment account of Standard Security established to act as a funding vehicle of variable annuity contracts. The Account is registered with the Commission as a unit investment trust and a registration statement on Form N-4 has been filed with the Commission.

2. The Account is divided into divisions, each division investing in shares of a designated investment portfolio ("Funds") of the Knox Funds (the "Trust"). The Trust is registered with the Commission as an open-end management investment company and has filed a registration statement on Form N-1A. The Trust is a series-type mutual fund that contains four Funds, each of which will pursue different investment objectives and policies.

3. Pursuant to a Distribution Agreement between DSI and Standard Security, DSI will act as Principal Underwriter and Distributor of the Contracts. DSI is a wholly owned subsidiary of the Golden Financial Group, Inc. ("GFG") and was registered with the Commission as a broker/dealer on May 16, 1988. DSI is a member of the National Association of Securities Dealers, Inc. ("NASD"). DSI will enter into sales agreements with other broker/dealers to solicit for the sale of the Contracts through registered

representatives who are licensed to sell securities and variable insurance products including variable annuities. The registered representatives will be appointed by Standard Security to sell the Company's Contracts. The offering of the Contracts will be continuous. The writing agent will receive commission of up to 1.5% of any initial, single, or additional premium payments made.

4. The Contracts provide for the accumulation of values on a variable basis except to the extent that a portion of the accumulation value is allocated to the Guaranteed Interest Division of the general account. Payment of annuity benefits will be on a fixed or variable basis. The variable aspects of the Contracts differ significantly from the fixed aspects in that the Contracts Owner and the Annuitant assume the risk of investment gain or loss under a Contract rather than Standard Security. A Contract Owner directs the allocation of premium payments and accumulation value to the Account.

5. The Deferred Annuity is a flexible premium payment contract which provides for an initial premium payment and for subsequent premium payments, if desired. In the Deferred Annuity, Standard Security guarantees a minimum death benefit payable to the beneficiary if the Contract owner or the Annuitant (when there is no Contingent Annuitant) dies prior to the annuity commencement date. Standard Security will pay the greater of either the accumulation value or the guaranteed minimum death benefit which is the sum of the premiums paid less the sum of partial withdrawals taken. The minimum guaranteed death benefit charge is a rate of 0.6 percent per \$1,000 of guaranteed minimum death benefit per year. In the future, the Account may offer other variable annuity contracts that may include a higher guaranteed minimum death benefit with a charge of up to \$1.20 per \$1,000 of guaranteed minimum death benefit per year. This charge is not an asset-based charge. Rather it is a contract charge imposed to compensate Standard Security for the risk that the minimum guaranteed death benefit due under a Deferred Annuity when the annuitant dies during the accumulation phase may exceed the normal death benefit otherwise payable. Expressed as an asset charge (assuming a hypothetical gross return of 5 percent), it would effectively increase the mortality and expense risk charge by approximately 0.1 percent. For higher hypothetical gross returns, this charge, when expressed as an asset charge, would be less; and for lower hypothetical gross returns, it would be

more. In the Applicants' view, assessment of this risk charge in this manner will benefit Contract Owners because it provides a better match of the charge and the risk than does assessing it as a daily percentage of assets charged against assets in each division of the Account.

6. The Annuity Certain is an immediate annuity which provides for a single premium payment and variable annuity payments to be paid to the Annuitant over a fixed period of time (the "certain period").

7. Sales loading at a maximum rate of 1.5 percent of each premium is deducted from each premium payment. This charge is allocated to cover distribution expenses. All sales loading applicable to initial, single or additional premium payments is deducted by Standard Security at the time of payment.

8. The Contracts provide that a maximum mortality and expense risk charge equal to 0.002477 percent of the asset values in each division of the Account will be deducted on a daily basis (equivalent to an annual charge of 0.90 percent). In the Deferred Annuity, approximately 0.55% of the maximum charge is for assuming the mortality risk and 0.35% is for assuming the expense risk. In the Annuity Certain, approximately 0.45% of the maximum charge is for assuming the mortality risk and 0.45% is for assuming the expense risk. The mortality risk assumed by Standard Security arises from its obligations to continue to make annuity payments under the Contracts or income plan provisions of the Contracts, determined in accordance with the guaranteed annuity tables and other provisions of the Contracts, regardless of how long each annuitant lives and regardless of how long all payees as a group live. The particular mortality risk assumed by Standard Security under the Deferred Annuity is the risk that, after annuitization or upon selection of an annuity option with a life contingency, annuitants will live longer than Standard Security's actuarial projections indicate, resulting in higher than expected payments during the payout phase, since the payment options are guaranteed not to be less than the tables discussed in the Deferred Annuity. The particular mortality risk assumed by Standard Security under the Annuity Certain relates to the fact that, at all times, Standard Security will offer the option to convert the Annuity Certain, which does not provide for payments based on life contingencies, to one or more annuity contracts that provide for payments based on life contingencies. The mortality risk

assumed by Standard Security is the risk that annuitants, or beneficiaries after the death of the annuitant, will choose one such option and will possibly live longer than Standard Security's actuarial projections indicate, resulting in higher than expected payments during the payout phase, since any payment option is guaranteed not to be less than the tables discussed in the Annuity Certain. In addition, Standard Security assumes a risk that the charges for the administrative expenses may not be adequate to cover such expenses. In the Deferred Annuity, Standard Security also assumes a risk to pay out a guaranteed minimum death benefit in excess of the accumulation value. Standard Security is compensated for this risk by the guaranteed minimum death benefit charge. The guaranteed minimum death benefit charge is based on the amount of the guaranteed minimum death benefit and is less than 0.10% of net assets (assuming a hypothetical gross return of 5%).

9. Applicants represent that they have reviewed publicly available information regarding the level of the mortality and expense risk and guaranteed minimum death benefit charges under comparable variable annuity contracts currently being offered in the industry, taking into consideration such factors as current charge level or annuity rate guarantees and the markets in which the Contracts will be offered. Based upon the foregoing, Applicants represent that the maximum charges under the Contracts are within the range of industry practice for comparable contracts. Applicants will maintain and make available to the Commission, upon request, a memorandum outlining the methodology underlying this representation.

10. Applicants do not believe that the sales loading imposed under the Contracts will necessarily cover the expected costs of distributing the Contracts. Any "shortfall" will be made up from the general account assets which includes amounts derived from risk charges. Standard Security has concluded that there is a reasonable likelihood that the distribution financing arrangement being used in connection with the Contracts will benefit the Account and the Contract owners. Standard Security will keep and make available to the Commission, upon request, a memorandum setting forth the basis for this representation.

11. Applicants further represent that the Account will only invest in underlying funds which have undertaken to have a board of directors/trustees, a majority of whom are not interested persons of such funds,

formulate and approve any plan under Rule 12b-1 under the 1940 Act to finance distribution expenses.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-23740 Filed 10-6-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1135]

Fishermen's Protective Act Procedures; Fee

ACTION: Notice of fees for the agreement year from October 1, 1989 through September 30, 1990.

SUMMARY: Section 7 of the Fishermen's Protective Act of 1967, as amended, requires fees from participating vessel owners for deposit into the Fishermen's Guaranty Fund. These fees partially fund a program which compensates fishing vessel owners for certain losses they have incurred when their vessels have been seized by foreign nations. This notice establishes the fee for fiscal year 1990 (October 1, 1989 through September 30, 1990) at \$8.00 per gross vessel ton, payable in full on October 1, 1989, for those vessels licensed to fish under the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) and \$16.00 per gross vessel ton for all other vessels, payable either in full on October 1, 1989, or in two equal payments on October 1, 1989 and May 1, 1990.

EFFECTIVE DATE: October 1, 1989–September 30, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. H. Stetson Tinkham, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520, Telephone number (202) 647-2009.

SUPPLEMENTARY INFORMATION: The Fishermen's Guaranty Fund, under Section 7 of the Fishermen's Protective Act (22 U.S.C. 1971-1980), (the "Act"), compensates U.S. fishing vessel owners who have entered into guaranty agreements for certain losses caused by a foreign country's seizure or detention of a U.S. fishing vessel based on claims to jurisdiction not recognized by the United States or exercised in a manner inconsistent with international law as recognized by the United States. The fee

established for the next agreement year (October 1, 1989 through September 30, 1990) of \$8.00 per gross vessel ton for those vessels licensed to fish under the Treaty and \$16.00 per gross vessel ton for all other vessels, is predicated on several factors.

First, it is logical to set a fee at a level which will encourage participation and, at the same time, raise the required revenue. Recent experience would indicate that a fee in excess of \$30 has the effect of decreasing participation in the program. In 1986, when the fee was set at \$30, there were only 28 agreement holders and not all of these paid the full fee. The previous year when the fee was set at \$16, there were 87 agreement holders. Because of the timing of the transfer of the Fund from the Department of Commerce to the Department of State (the transfer was not fully implemented until the middle of fiscal year 1987) and because of a legal challenge to the 1986 fee structure, only 22 vessels participated in the 1987 program. In this regard, 1987 was not a typical year. Participation in the Fund increased to 51 vessels in fiscal year 1988, when the fee was set at \$22.00.

Second, on March 23, 1989, the United States District Court for the Southern District of California, in the Memorandum Decision *M/V Brenda Jolene et al. v. United States of America*, found that the amount of the fee should be based on a percentage of what the U.S. Government seeks in appropriations for the Fund rather than based solely on what the demands against the Fund are anticipated to be. This finding has been considered in the formulation of the Department's fiscal year 1990 budget. In fiscal year 1990, the Fund is expected to receive appropriations in the amount of \$450,000 and collect fees in an amount equal to or less than \$450,000. Therefore, a fee of \$8.00 for those vessels licensed to fish under the Treaty and \$16.00 per gross vessel ton for all other vessels has been set for fiscal year 1990, anticipating that 40 vessels will participate in the Fund. It is estimated that based on the above, approximately \$425,000 will be collected. This will be under the \$450,000 ceiling imposed on the Fund by the Office of Management and Budget.

Third, the ten year average disbursement for the Fund is approximately \$1.47 million annually. In recent years, there has been a noticeable decrease in the number of claims. The average annual disbursement for the past five years has been approximately \$1.59 million. At the same time, it appears that the demands on the Fund are cyclical in nature. For

example, despite a high level of demand against the Fund in fiscal year 1986, there were no claims filed against the Fund in fiscal year 1987, two claims in fiscal year 1988, and no claims in fiscal year 1989.

A final factor involved in determining the fee level is the entry into force of the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) on June 15, 1988. The Treaty has dramatically reduced the risk of seizures in that part of the Pacific Ocean.

Fees are established by publication of notices in the **Federal Register**. Agreement holders for the fiscal year, October 1, 1988 through September 30, 1989, may review their agreements by sending in a signed guaranty agreement form and the first installment of the fee now being set. U.S. fishing vessel operators who did not participate last year may send in two signed Application for Agreement forms, two signed Guaranty Agreement forms (page one left blank), a U.S. Coast Guard form CG-1330, "Certificate of Ownership of Vessel," along with the year's fee, in order to enter into a guaranty agreement for the fiscal year 1990.

The program fee for the fiscal year 1990 (October 1, 1989 through September 30, 1990) agreement year is hereby established at \$8.00 per gross vessel ton for those vessels licensed to fish under the Treaty and \$16.00 per gross vessel ton for all other vessels.

The fee is due on the date this notice is published in the **Federal Register**, and due no later than October 1, 1989 for those vessels licensed to fish under the Treaty. For all other vessels, the full fee is due no later than October 1, 1989, but is optionally payable in two equal installments, the first due no later than October 1, 1989, and the second due no later than May 1, 1990. In the event of a late fee payment, program coverage will commence one day after the postmark date of the fee payment. No seizure which occurs after September 30, 1989, but before one day after the postmark date of fee payment, will be eligible for compensation. Coverage may be obtained at any time during the fiscal year for the balance of that year upon payment of the full fee. Coverage will commence as above, however. Fees will not be prorated for coverage during fractional parts of the year.

For the purpose of this notice, postmark means the date and time at which the U.S. Postal Service cancels postage. Use of certified mail is encouraged. If fees are delivered by uncertified metered mail or by any

means other than U.S. Mail, the actual date and time of receipt will determine the effective date.

Classification

This action is taken under the authority of 22 U.S.C. 1977, complies with Executive Order 12291, and is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information requirement, as defined in the Paperwork Reduction Act.

As a "matter relating to Agency * * * contracts," this notice is exempt from the notice, comment, and delayed effectiveness provisions of the Administrative Procedure Act. This means analysis under the Regulatory Flexibility Act is not required.

For the Secretary of State.

Dated: September 28, 1989.

Frederick M. Bernthal,

Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 89-23826 Filed 10-6-89; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended September 29, 1989

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 46511

Date Filed: September 25, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 23, 1989

Description: Application of United Parcel Service Co., pursuant to section 401 of the Act and subpart Q of the Regulations requests an amendment of its certificate of public convenience and necessity for Route 557 to engage in the foreign air transportation of

property and mail between Buffalo, New York and Hamilton, Ontario, Canada and between Louisville, Kentucky and Hamilton, Ontario, Canada.

Docket Number: 46513

Date Filed: September 26, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 24, 1989

Description: Application of Trans Continental Airlines, Inc., pursuant to section 401(d)(1) of the Act and subpart Q of the Regulations requests that, pursuant to 14 CFR 204.4, the Department grant its application for certificate authority to engage in interstate and overseas scheduled air transportation of persons and their accompanying baggage by October 25, 1989

Docket Number: 46515

Date Filed: September 27, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 25, 1989

Description: Application of Millon Air pursuant to section 401 of the Act and subpart Q of the Regulations, requests amendment of its certificate of public convenience and necessity so as to authorize passenger charter service worldwide.

Docket Number: 45704

Date Filed: September 28, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 26, 1989

Description: Application of Swissair, Swiss Air Transport Company, Ltd., pursuant to section 402 of the Act and subpart Q of the Act request amendment of its foreign air carrier permit so as to engage in foreign air transportation of (1) persons, property, and mail between a point or points in Switzerland and (a) Atlanta, Georgia, and (b) Los Angeles, California; and (2) persons between Anchorage, Alaska and Tokyo, Japan.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-23755 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-62-M

Order to Show Cause; Portland-Vancouver Service Case

AGENCY: Office of the Secretary, DOT.

ACTION: Order 89-10-1, statement of tentative findings and conclusions and order to show cause, *Portland-Vancouver Service Case*, Docket 46135.

SUMMARY: By order 89-10-1, the Department proposes to select Horizon Air Industries, Inc., d/b/a Horizon Air,

as the primary U.S. carrier for endorsement to operate commuter service on a nonstop basis between Portland, Oregon, and Vancouver, British Columbia. We further propose to transmit for Canadian Government approval the applications of Horizon Air and NPA, Inc., d/b/a United Express with the United States Government's endorsement as the primary and secondary U.S. carriers, respectively, pursuant to the 1984 United States-Canada Exchange of Notes on Regional, Local and Commuter Services.

DATES: Comments on, or objections to, the Department's tentative findings and conclusions are due October 16, 1989. Answers are due not later than October 23, 1989.

ADDRESS: Comments and objections should be filed in Docket 46135 addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served on all persons listed in ordering paragraph 8 of Order 89-10-1.

Dated: October 1, 1989.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-23756 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-62-M

Order Adjusting International Cargo Rate Flexibility Level

Policy statement PSA-109, implemented by Regulation ER-1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility within which cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The SFRL for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the relevant ratemaking entity. The first adjustment was effective April 1, 1983. By Order 89-4-10, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the six-month period starting October 1, 1989, we have projected nonfuel costs based on the year ended June 30, 1989, data and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department by the carriers.

By Order 89-10-4 cargo rates may be adjusted by the following adjustment factors over the April 1, 1982, level:

Atlantic.....	1.0517
Western Hemisphere.....	1.1151
Pacific.....	1.3340

For further information contact: Keith A. Shangraw, (202) 366-2439. By the Department of Transportation: October 2, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-23757 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-62-M

[Docket 37554]

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Public Law 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80-2-69 established the first interim SFFL and Order 89-7-53 set the currently effective two-month SFFL applicable through September 30, 1989.

In establishing the SFFL for the two-month period beginning October 1, 1989, we have projected nonfuel costs based on the year ended June 30, 1989 data, and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department.

By Order 89-10-5 fares may be increased by the following factors over the October 1, 1979, level:

Atlantic.....	1.2231
Latin American.....	1.3318
Pacific.....	1.6315
Canada.....	1.3836

For further information contact: Keith A. Shangraw, (202) 366-2439.

By the Department of Transportation: October 2, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-23758 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-89-37]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part

11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before October 30, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 867-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 29, 1989.

Denise Donohue Hall,
Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 019NM.

Petitioner: Aerospatible.

Regulations Affected: 14 CFR 25.785(h).

Description of Relief Sought: To permit certification of the ATR-72 combi configurations with more than 50 passengers without requiring a significant change in the installation of the second flight attendant seat.

Docket No.: 25192.

Petitioner: Eastern Air Lines, Inc.

Sections of the FAR Affected: 14 CFR 121.665 and 121.697 (a) through (d).

Description of Relief Sought/Disposition: To extend Exemption No. 4847 that allows petitioner to use computerized load manifests bearing the printed name of the employee of the petitioner who has the duty of supervising the loading of the airplane

and preparing the load manifest forms, or another qualified person authorized by the petitioner to substitute a computer application signature for the signed load manifest.

Grant, September 20, 1989, Exemption No. 4847A

Docket No.: 25269.

Petitioner: Tempelhof Airways USA.

Sections of the FAR Affected: 14 CFR 135.429 and 135.435.

Description of Relief Sought/Disposition: To extend and amend Exemption No. 4866 that allows certain uncertificated foreign maintenance facilities located in France and England to repair and overhaul the airframes, engines, propellers, and associated component parts of two Nord 262A aircraft operated by the petitioner. The amendment would identify a specific foreign maintenance facility authorized for use by the petitioner that was previously identified as its parent company.

Grant, September 20, 1989, Exemption No. 4866A

Docket No.: 25310.

Petitioner: John Wayne Stanis.

Sections of the FAR Affected: 14 CFR 61.151(a) and (b); 61.155(a) and (b)(1) and (2); 63.37(a)(1) and (2) and (b)(1-7).

Description of Relief Sought/Disposition: Petition for reconsideration of a denial of exemption. If granted, the exemption would: (1) excuse petitioner from the good moral character eligibility requirement for an airline transport pilot (ATP) certificate; (2) relieve petitioner of the obligation to comply with the aeronautical experience and skill requirements for an ATP certificate and a flight engineer (FE) certificate; (3) reinstate the private pilot certificate held by petitioner that he surrendered to the FAA on August 14, 1985, pursuant to an emergency order of revocation; (4) extend the August 31, 1986, expiration date of the ATP written examination that petitioner took on August 9, 1984; (5) enable petitioner to take an ATP flight test; and (6) release an FE written examination, taken by petitioner on December 21, 1985, for grading by the FAA.

Denial, September 20, 1989, Exemption No. 5101

Docket No.: 25863.

Petitioner: Department of Defense.

Regulations Affected: 14 CFR 91.70(a) and (b), 91.73(a), 91.85(b), and 91.109(a).

Description of Relief Sought/Disposition: To allow petitioner to conduct air operations in support of drug law enforcement and drug traffic interdiction.

Partial grant, September 18, 1989, Exemption No. 5100

Docket No.: 25903.

Petitioner: Falcon Jet Corporation.

Sections of the FAR Affected: 14 CFR 47.9(b)(2).

Description of Relief Sought/Disposition: To allow petitioner to extend the initial reporting period for foreign-owned corporations from every 6 months after registration to an initial reporting period of 12 months after registration and every 6 months thereafter.

Denial, September 15, 1989, Exemption No. 5098

Docket No.: 25951.

Petitioner: Mid Pacific Air Corporation.

Sections of the FAR Affected: 14 CFR 121.343(b).

Description of Relief Sought/Disposition: To delay the installation of new digital flight recorders in three YS-11A aircraft for 75 days and to use aircraft foil-type recorders on a temporary basis during the time period requested.

Grant, September 21, 1989, Exemption No. 5051

Docket No.: 072CE.

Petitioner: Beech Aircraft.

Sections of the FAR Affected: 14 CFR 23.207(c).

Description of Relief Sought/Disposition: To permit type certification of the Beech Model 2000 airplane with a stall warning beginning at airspeeds greater than 10 knots or 15 percent above the stall speed, as required by § 23.207(c).

Grant, September 8, 1989, Exemption No. 5094

[FR Doc. 89-23793 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 162—Aviation Systems Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given for the ninth meeting of RTCA Special Committee 162, Aviation Systems Design Guidelines for Open Systems Interconnection (OSI), to be held November 1-3, 1989, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory

remarks; (2) approval of the minutes of the eight meeting held August 1-3, 1989, RTCA Paper No. XXX-89/SC-162-XXX (enclosed); (3) Reports of related activities being conducted by other organizations; (4) report of the Internetworking Working Group; (5) review the third draft of the Guidelines Document, RTCA Paper No. XXX-89/SC162-XXX (enclosed); (6) report of the Upper Layers and Applications Working Group; (7) review of the outline for Part 2 of the Guidelines Document; (8) preparation of plan for completing the remaining parts of the Guidelines Document; (9) review of the Committee Working Group Structure; (10) other business; and date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 3, 1989.

Geoffrey R. McIntyre,
Designated Officer.

[FR Doc. 89-23794 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. IP89-08; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Marmon Motor Co.

Marmon Motor Company (Marmon) of Garland, Texas, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.121, Federal Motor Vehicle Safety Standard (FMVSS) No. 121, "Air Brake System," on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Standard No. 121 requires that a warning signal be given to the driver

when the pressure in the service reservoir system is below 60 psi. Marmon produced approximately 280 Class 8 trucks and truck/tractors from July 11, 1988, through July 24, 1989, which may not activate the warning signal on descending pressure until 55 psi. Marmon supports its petition which the following:

(1) The trucks are equipped with two (2) air reservoir pressure gauges, a visible low air warning light and an audible low air alarm.

(2) The warning system does function properly—only the setpoint is incorrect.

(3) The (incorrect) pressure switch used has a trip point of a minimum of 55 psi. Because of manufacturing tolerances on this switch, activation is typically at 55 to 61 psi. Those that activate at 60 psi or higher are in compliance.

(4) The warning system is "dual" in that there are two check-separated reservoirs, each with a pressure switch to activate the warning system. The alarm activates at the point when either system drops to a pressure sufficient to trip its pressure switch.

(5) Adequate air pressure for braking is still present when the alarm does go off. Adequate pressure to release the parking/emergency brakes is also available. The required accuracy of the system gauges is 7 percent of the compressor cut-in pressure (85 psi) or approximately 6 psi. The pressure switches are within this tolerance of the requirement.

Interested persons are invited to submit written data, views and arguments on the petition of Marmon Motor Company, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC, 20590. It is requested that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: November 9, 1989.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on: October 3, 1989.

Barry Felrice,

Associate Administrator for Rulemaking
[FR Doc. 89-23732 Filed 10-6-89; 8:45 am]

BILLING CODE 4910-52-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—
Public Debt Series—No. 26-89]

Treasury Notes, Series AE-1991

September 27, 1989.

The Secretary announced on September 26, 1989, that the interest rate on the notes designated Series AE-1991, described in Department Circular—Public Debt Series—No. 26-89 dated September 21, 1989, will be 8½ percent. Interest on the notes will be payable at the rate of 8½ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 89-23717 Filed 10-6-89; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—
Public Debt Series—No. 27-89]

Treasury Notes, Series Q-1993

September 28, 1989.

The Secretary announced on September 27, 1989, that the interest rate on the notes designated Series Q-1993, described in Department Circular—Public Debt Series—No. 27-89 dated September 21, 1989, will be 8¼ percent. Interest on the notes will be payable at the rate of 8¼ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 89-23718 Filed 10-6-89; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Faberge: The

Impertial Eggs" (see list ¹), imported from abroad for the temporary exhibition without profit within the

¹ A copy of this list may be obtained by contacting Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/485-8827, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the San Diego Museum of Arts, Balboa Park, San Diego, California, beginning on or about October 22, 1989 to on or about January 7, 1990, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register**.

Dated: October 6, 1989.

Alberto J. Mora,

General Counsel.

[FR Doc. 89-24034 Filed 10-6-89; 11:22 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 194

Tuesday, October 10, 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).

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

TIME AND DATE: 2:00 pm, Tuesday, October 31, 1989

PLACE: Dirksen Senate Office Building, Washington, DC 20510.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. 1990-91 Goldwater Scholarship Program.

CONTACT PERSON FOR MORE

INFORMATION: Gerald J. Smith, Executive Secretary, Telephone: (202) 755-2312.

Gerald J. Smith,
Executive Secretary.

[FR Doc. 89-23990 Filed 10-5-89; 3:27 pm]

BILLING CODE 4738-91-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Friday, October 6, 1989.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Legislative Issues.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23889 Filed 10-4-89; 4:45 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 10, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23890 Filed 10-4-89, 4:45 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 24, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23891 Filed 10-4-89; 4:45 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, October 24, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23892 Filed 10-4-89; 4:45 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 31, 1989.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matters.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23893 Filed 10-4-89; 4:45 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, October 31, 1989.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application submitted by the Chicago Mercantile Exchange to trade One-

Month LIBOR (London Interbank Offered Rate) futures.

CONTACT PERSON FOR MORE

INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 89-23894 Filed 10-4-89; 4:45 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:23 p.m. on Tuesday, October 3, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the possible closing of certain insured banks.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr., (Appointive), seconded by Director M. Danny Wall (Director of the Office of Thrift Supervision), concurred in my Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: October 4, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-23900 Filed 10-5-89; 9:17]

BILLING CODE 6714-01-M

RESOLUTION TRUST CORPORATION

Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:26 p.m. on Tuesday, October 3, 1989, the Board of Directors of the Resolution Trust Corporation met in closed session

to consider certain matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director M. Danny Wall (Director of the Office of Thrift Supervision), that Corporation business required its consideration of the matters on less than seven day's 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 the public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Dated: October 4, 1989.
Resolution Trust Corporation.
William J. Tricarico,
Assistant Executive Secretary.

[FR Doc. 89-23901 Filed 10-05-89; 9:17 p.m.]
BILLING CODE 6714-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on October 2, 1989, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for November 6, 1989, in Washington, DC. The meeting will involve discussion of possible strategies in collective bargaining negotiations.

The meeting is expected to be attended by the following persons: Governors Alvarado, de Junco, Griesemer, Hall, Mackie, Nevin, Pace, Ryan and Setrakian; Postmaster General Frank, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Cox.

The Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under Chapter 12 of title 39, United States

Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to disclose information, the premature disclosure of which is likely to frustrate significantly proposed Postal Service action.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 410(c)(3) of title 39, United States Code, and section 552b(c)(3) and (9)(B) of title 5, United States Code, and § 7.3(c) and (i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268-4800.

David F. Harris,
Secretary.
[FR Doc. 89-23979 Filed 10-5-89; 2:15 pm]
BILLING CODE 7710-12-M

Federal Register

Tuesday
October 10, 1989

Part II

Environmental Protection Agency

National Oil and Hazardous Substance
Pollution Contingency Plan: Applicability
of RCRA Land Disposal Restrictions to
CERCLA Response Actions; Notice

**ENVIRONMENTAL PROTECTION
AGENCY**

[Docket No. 121RA-LDR; FRL-3625-9]

**National Oil and Hazardous Substance
Pollution Contingency Plan:
Applicability of RCRA Land Disposal
Restrictions to CERCLA Response
Actions****AGENCY:** Environmental Protection
Agency.**ACTION:** Supplemental notice and
request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is soliciting comment on certain issues concerning the application of the Resource Conservation and Recovery Act (RCRA) land disposal restrictions to response actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), and the Resource Conservation and Recovery Act (RCRA). In particular, the Agency is soliciting comment on the interpretation of the RCRA term "land disposal" as it applies to certain actions involving the excavation, treatment, and redeposition of hazardous wastes. Although the recent proposed revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (53 FR 51394, December 21 1988) discussed this subject, EPA is soliciting additional comment on this issue for consideration in finalizing the NCP. This interpretation will apply to waste management at RCRA facilities, as well as CERCLA and RCRA remedial actions, and CERCLA removal actions.

DATES: Comments on this supplemental notice must be submitted on or before November 9, 1989.

ADDRESSES: Written comments on today's supplemental notice should be submitted, in triplicate, to the Superfund Docket, located in Room 2427 at the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Specific questions about the issues discussed in this supplemental notice should be directed to David M. Fagan, Office of Solid Waste and Emergency Response (OS-341), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Tel. (202) 382-4497.

SUPPLEMENTARY INFORMATION:**I. Introduction**

The preamble to the proposed National Contingency Plan (NCP) (53 FR 51435) explains that CERCLA remedial and response actions must comply with

Federal and State environmental requirements that are legally applicable or relevant and appropriate requirements (ARARs). These ARARs are identified on a site-specific basis. The preamble discussion included an explanation of certain ARARs which are of particular significance in evaluating and selecting remedies at CERCLA sites. Specifically, the Agency explained at 53 FR 51443-45 its proposed interpretation of when Resource Conservation and Recovery Act (RCRA) requirements will be potential ARARs, and of particular significance, when land disposal restrictions (LDRs) under RCRA may be applicable or relevant and appropriate to CERCLA remedies. EPA explained that placement of hazardous waste into a land based unit constitutes land disposal, making the waste subject to applicable LDRs. The discussion further proposed that land disposal would also be considered to occur in situations where wastes, such as contaminated soil and debris, are excavated, treated in another unit, and subsequently redeposited in the land-based unit.

The Agency received a substantial number of comments on this interpretation of "land disposal." Many commenters expressed strong concerns regarding this particular interpretation and its implications for the CERCLA program, as well as for RCRA Subtitle C corrective actions, State remedial programs and RCRA Subtitle C closures. In essence, commenters argued that under this interpretation, options for treating and managing wastes (such as contaminated soil and debris) with technologies that do not meet the standard of BDAT, but which are effective, protective and less costly, would not be available to remedial decision makers. Similar concerns have also been raised by EPA Regional staff involved with implementation of the CERCLA and RCRA programs. In addition, a recent comprehensive management review of the Superfund program, conducted by a special Agency Task Group, identified as an important policy issue for the Agency the effects of the RCRA LDRs on CERCLA remedies.

In light of this, the Agency has concluded that this issue—the interpretation of "land disposal" as related to removal, treatment and redeposition of hazardous wastes—is in fact a very substantial issue for the CERCLA program, one which may potentially have significant impacts on a large number of remedial actions. The Agency is also aware that similar impacts are being experienced within the RCRA program, in the context of land disposal units undergoing closure, as well as corrective action remedies.

In enacting the RCRA LDRs, it appears that Congress considered their applicability to remediation activities under CERCLA and RCRA; sections 3004 (d) and (e) of RCRA specifically provide a four-year exemption from the LDRs for soil and debris from RCRA and CERCLA cleanups. However, it is not clear that the LDR statutory provisions, and the definition of "land disposal", were intended to create these particular effects on these programs. The following discussion describes these effects, and some of their implications. In any case, in view of the many Superfund RODs and other actions that are now proceeding to final decisions and which may involve redeposition-type scenarios, EPA believes that there is an urgent need to resolve this issue as soon as possible. This supplemental notice therefore is intended to provide a more thorough discussion of the issue, and solicit comment on possible alternative interpretations of "land disposal" that were not identified in the proposed NCP. The Agency will consider the comments received on this supplemental notice in finalizing the NCP.

It should be noted that although this is an important and immediate issue for CERCLA and other programs, in EPA's view it is only a part of what is a much broader issue; that is, how should RCRA Subtitle C requirements differentiate between ongoing management of newly generated process wastes, and standards for cleanup of contaminated media. In order to provide for a thorough and focused discussion of this more fundamental question, EPA plans to convene a series of informal "forum" meetings with a range of interested parties in the near future.

II. Discussion

The criteria for remedy selection under CERCLA are in Section 121, which requires that Superfund remedial actions: (1) Be protective of human health and the environment, (2) comply with applicable or relevant and appropriate requirements (ARARs), (3) be cost effective, and (4) use permanent solutions and alternative treatment technologies or resource recovery technologies to the maximum extent practicable.

The RCRA land disposal restrictions (LDRs) are potential ARARs at many CERCLA sites. The RCRA LDRs prohibit, with certain exceptions, the land disposal of hazardous wastes, unless the wastes are first treated to standards established by EPA (RCRA section 3004(d)). Exceptions to these standards may be available if the wastes are disposed of in units

satisfying the statutory "no migration" criteria (RCRA section 3004(d), (e), and (g)), or if a "capacity extension" (i.e., an extension to the effective date of the LDRs) has been given for the wastes (RCRA section 3004(h)). For some wastes, whose physical or chemical characteristics differ significantly from the wastes analyzed in developing the treatment standard, a variance mechanism ("treatability variance") may be available in setting LDR treatment standards for those specific wastes.

EPA has promulgated regulations for implementing the LDRs in 40 CFR part 268. These regulations specify the standards to which wastes that are subject to the restrictions ("restricted waste") must be treated before being land disposed. The standards are based on what can be achieved using best demonstrated available technology (BDAT). The BDAT standards typically are expressed as concentrations of waste constituents that may remain after the waste has been treated, but in some cases are expressed as a specific technology. In establishing the BDAT standards, technologies are considered "demonstrated" for a specific waste by studying available data on the type of treatment (including recycling methods) currently used to treat a representative sample of wastes falling within a waste treatability group. Technologies are considered "available" if they meet the following criteria: (1) The technology does not present a greater total risk than land disposal; (2) if the technology is a proprietary or patented process it can be purchased from the proprietor; and (3) the technology provides substantial treatment.

At the present time, BDAT for contaminated soil and debris is typically established on a site-specific basis through a treatability variance mechanism (40 CFR 268.44). However, the Agency is developing regulations that will establish a more tailored set of LDR standards for contaminated soil and debris. For this rulemaking, EPA will be examining alternative ways of setting LDR standards for soil and debris, recognizing that the characteristics of soils, as well as the contaminants that may be present in them, are highly variable.

The basis for establishing BDAT as the treatment standard for the LDR program was discussed in detail in the preamble to the LDR "framework" regulations (51 FR 40578, November 7, 1986). As explained therein, a primary reason for adopting BDAT as the LDR standard was the effect such a stringent standard would have in creating

economic incentives to minimize the generation of wastes by regulated industries. Waste minimization is a key objective of the 1984 Hazardous and Solid Waste Amendments to RCRA. It should be noted, however, that for most CERCLA or RCRA remedies, this incentive does not operate in the same way, since such remedies typically address existing contamination problems, rather than ongoing waste generation.

One of the key issues associated with the RCRA LDRs centers on when "land disposal" of hazardous waste occurs, thus triggering the applicability of BDAT treatment standards to the wastes. RCRA section 3004(k) defines "land disposal" for the purposes of the land disposal restrictions to include ". . . any placement of . . . hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave." As stated in the preamble to the proposed NCP (53 FR 51444), land disposal occurs when a RCRA hazardous waste is placed into one of these land-based units, which are defined under the RCRA regulations. However, as the preamble also noted, movement of wastes entirely within a unit would not be considered placement . . . in a land-based unit for purposes of the land disposal restrictions. The LDRs would thus not be applicable to such wastes. As mentioned in the preamble, this is of particular significance at many CERCLA sites which contain broad areas of contamination. These broad areas may constitute units (usually landfill units) under RCRA.

The preamble further identified several scenarios involving movement of hazardous wastes into and out of units at a site, in terms of whether such actions would be considered land disposal. (Note that the terms "placement . . . in" a land-based unit and "land disposal" are synonymous for purposes of this discussion.) Activities that were identified as constituting "land disposal" included 1) consolidation of wastes from several different units into one land-based unit; 2) waste removal and treatment in a unit located outside the land-based unit, with the wastes redeposited into the same or another unit; and 3) excavation of waste from a land-based unit, treatment of the waste in another unit such as an incinerator, surface impoundment, or tank that is located within the unit or area of contamination, and subsequent redeposition into the unit.

The particular issue that generated a significant number of comments, and which is the focus of this supplemental notice, concerns EPA's proposed interpretation of the term "land disposal" in the proposed revisions to the NCP, i.e., that land disposal includes the re-depositing of treated hazardous waste into the same land-based unit from which it was removed for purposes of treatment in a separate unit. Even though the statute defines land disposal to include "placement" of hazardous wastes in a land-based unit, the statutory language does not state whether the re-depositing of hazardous waste after treatment in a separate unit constitutes "placement". In reevaluating the interpretation of "placement," the Agency believes that the initial interpretation presented in the proposed NCP may have been unnecessarily restrictive.

The resolution of this issue has important implications at a number of CERCLA sites, as well as at many facilities undergoing RCRA closure or corrective action, and sites being addressed under State cleanup authorities. In effect, the initial interpretation as proposed in the NCP would require that whenever restricted wastes, including soils or debris contaminated with restricted wastes, were excavated and treated in another unit at the site, such treatment would have to meet the standard of best demonstrated available technology for each restricted waste.

It should be understood that in many cases, particularly when dealing with highly toxic or highly mobile wastes, treatment of wastes using the same technologies that were used to establish BDAT (and treatment to BDAT-equivalent levels), may be selected by the Agency for CERCLA remedies, since maximum treatment may be the best means of achieving site-specific remedial objectives. However, EPA's experience with the CERCLA program has shown that for some wastes in some remedial situations, treatment of the wastes using best demonstrated available technology may provide only marginal environmental benefits over other treatment measures, at a very high cost.

At a given Superfund site, a variety of technical options will typically be assessed, often involving a variety of different treatment technologies in combination with different containment systems or other engineering controls for the waste residuals. Often, a combination of alternative treatment (that does not meet BDAT) and containment may be the preferred

option for achieving a highly effective and protective long-term remedial solution for the site.

To illustrate, it is not uncommon for Superfund sites to have large quantities of soils contaminated with heavy metals, as well as low concentrations of organic hazardous constituents. An environmentally protective and cost-effective remedial solution for such soils could be to excavate them, treat them with stabilizing agents in a treatment unit, and redeposit the treated material into the excavated area with liners and caps engineered as required for site specific conditions.¹ These techniques could provide a protective and effective long-term environmental solution for the site. This type of remedial approach would also be consistent with the CERCLA mandate for remedies that are cost effective, since the costs of applying more elaborate treatment technologies, such as incineration or other thermal technologies, can be exceedingly high when dealing with the large volumes of contaminated soils that are often found at Superfund sites.

Although the type of remedy described above could be the preferred solution for a number of CERCLA sites, it would generally not be available as an option given the interpretation of the term "land disposal" outlined in the proposed NCP. Redepositing the treated material would be considered "placement . . . in" a land based unit, and the material would thus have to be treated to BDAT standards before it could be redeposited. Often, additional expensive treatment of the soils such as incineration to address the low-level organic constituents would be required to meet an LDR standard for organics. It should be noted, however, that if in the above scenario the same treatment were to occur *in situ*, the LDRs would not apply.

EPA is concerned that this interpretation may cause several harmful effects on CERCLA, as well as on other environmental remediation programs. For wastes potentially subject to the LDRs, essentially only two options will generally be available—treatment to BDAT standards, or containment (including containment of wastes treated *in situ*). The range of treatment technologies between these two extremes that may be practical and cost-effective, and yield highly protective environmental results, would

not be available to decision makers. In some cases, given only these two remedial choices, decision makers may be pressured to select containment remedies that offer less permanence than treatment options that might otherwise be selected if the LDRs were not applicable.

Part of this problem lies in the fundamental differences between the land disposal restrictions as they have developed in RCRA regulations, and the remedial objectives of CERCLA. It should be understood that the BDAT treatment standard is a technology-based standard; the treatment levels achieved through treatment by BDAT reflect the efficiency of technologies as they are applied to treating certain wastes. In contrast, remedial decisions under CERCLA are highly site specific, and are based on the risks posed at a site and the degree of long-term risk reduction required to ensure protection of human health and the environment. From this perspective, BDAT treatment will sometimes result in residuals that would still pose human health or environmental exposure risks, while in other cases the concentration levels of constituents may be far below the levels deemed adequate for protection of human health.

As mentioned previously, in many cases treatment of wastes at CERCLA sites with BDAT techniques will be necessary and appropriate for meeting the remedial objectives for the site. However, EPA's experience with the CERCLA program has shown that many sites will have large quantities—in some cases, many thousands of cubic meters—of soils that are contaminated with relatively low concentrations of hazardous wastes. These soils often should be treated, but treatment with the types of technologies that would meet the standard of BDAT may yield little if any environmental benefit over other treatment based remedial options. As explained above, EPA believes that, in many cases, alternative treatment technologies and other remedial techniques can achieve results that are effective and fully protective of human health and the environment.

EPA, in addition, believes that cost is a legitimate concern as it pertains to the application of BDAT to the remedial situations described above. In dealing with very large volumes of contaminated soil and debris, as is common at many CERCLA sites, the cost differential between using BDAT treatment for the soils, as opposed to other techniques which can achieve effective and protective remedies, may often be very substantial. Requiring

these considerable additional expenditures to achieve a level of treatment that provides little or no incremental environmental benefit is not, in the Agency's opinion, consistent with the CERCLA provision that remedies be cost effective.

In addition to the effects on remedial-type actions as described above, the interpretation of "land disposal" as it applies in the context of RCRA closures is also of particular importance, and raises similar issues. Under RCRA, owner/operators of hazardous waste surface impoundments and landfills have two options for closure—"clean closure", which involves removal of all wastes and contaminated liners and subsoils, and landfill closure, in which the wastes are capped, with continued ground water monitoring at the unit. For many landfill closures, a sensible and effective approach will be to treat the wastes that will remain in the unit prior to the closure, in order to stabilize them or otherwise reduce the potential for future releases from the unit. This would often involve excavating the wastes, treating them in a treatment unit, and redepositing the treated wastes back into the landfill or impoundment. Such an approach, however, would be considered land disposal under the proposed NCP interpretation, and thus the wastes would generally have to be treated to BDAT before being redeposited into the unit. Obviously, the cost of BDAT treatment for the wastes will usually be much higher than using other, less rigorous treatment technologies. EPA's experience with the RCRA closure program has shown that owner/operators, faced with the choice of using BDAT treatment, or no treatment (or *in situ* treatment), have a strong incentive to choose the less costly option. The actual effect, therefore, of the NCP "land disposal" interpretation on RCRA closures is to create disincentives for waste removal and treatment, which may actually result in less effective long-term performance for many closed units.

It should be understood that in some cases, certain statutory waiver provisions in CERCLA could be used on a site-specific basis to provide relief from some of the negative effects (as described above) which could be caused by the interpretation of "land disposal" as outlined in the proposed NCP. Likewise, provisions under RCRA could provide relief in certain, very limited situations; for example, a "no migration" waiver (40 CFR 268.6), or delisting of the hazardous waste (260.22) could be available. However, EPA does not believe that widespread use of these

¹ There are a number of technical issues associated with the use of stabilization or solidification technologies for soils containing organic constituents; one such issue is the potential for air emissions during treatment. EPA expects to examine these issues in developing the BDAT standards for soil and debris.

statutory and regulatory waiver mechanisms is a practical or desirable means of addressing this fundamental problem. Moreover, the CERCLA waivers are not available to other remedial programs such as RCRA closure and corrective action, or State remedial authorities.

III. Request for Comment

In consideration of these issues, EPA has carefully evaluated alternative interpretations of the term land disposal as related to the types of CERCLA and RCRA activities described in this notice. These alternatives are described below.

Under one alternative interpretation, excavation, treatment and redeposition of hazardous wastes in the same unit or area of contamination would not constitute land disposal. Treatment and/or storage of the excavated waste could occur within the unit or area of contamination, or alternatively, somewhere else at the site. If the wastes were placed into a different unit at the site, however, the restrictions would be applicable to those wastes.

This interpretation would assume that since the same wastes will remain in the

same unit, disposal has not occurred in the sense that it would if "new" wastes were placed in the unit. In other words, disposal has already occurred, and removal, treatment, and replacement simply serve to improve the characteristics of the disposed waste to ensure long-term environmental protection. This interpretation thus would remove the existing artificial distinction between treatment that occurs *in situ*, and treatment that takes place in an engineered device.

EPA believes that this interpretation may have merit, in that it would allow considerably more flexibility for decision makers to design sensible, protective remedies that are tailored to fit site-specific conditions.

Several commenters on the proposed NCP suggested a variation on the above alternative, which would allow hazardous wastes to be excavated, treated, and redeposited either within the original unit or area of contamination, or elsewhere on the site in a different new or existing unit. This would in effect recognize a CERCLA site to be essentially one large "unit" for the purpose of making remedial decisions.

LDRs would still be triggered if hazardous wastes from outside the site were deposited on the site, or conversely, if hazardous wastes from the site were transported to another site for disposal. Although this interpretation would provide even greater flexibility for remedial decision making, it raises significant concerns regarding the amount of latitude it would provide in allowing wastes—that would not be subject to the LDRs—to be disposed anywhere, including perhaps at uncontaminated areas, on what may be very large sites.

EPA recognizes that both of the alternative interpretations described above raise significant policy and legal issues. Comments are specifically requested on these interpretations, the interpretation outlined in the proposed NCP, and on the other issues discussed in this notice.

Dated: September 28, 1989.

William K. Reilly,
Administrator.

[FR Doc. 89-23721 Filed 10-5-89; 8:45 am]

BILLING CODE 6560-50-M

The first part of the report deals with the general situation of the country, and the progress of the various branches of industry and commerce. It is found that the country is in a state of general prosperity, and that the various branches of industry and commerce are all making rapid progress. The report also deals with the state of the public debt, and the progress of the various branches of the public service. It is found that the public debt is in a state of general reduction, and that the various branches of the public service are all making rapid progress.

The second part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The third part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The fourth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The fifth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The sixth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The seventh part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The eighth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The ninth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

The tenth part of the report deals with the state of the various branches of the public service, and the progress of the various branches of the public service. It is found that the various branches of the public service are all making rapid progress, and that the state of the various branches of the public service is in a state of general improvement.

Federal Register

Tuesday
October 10, 1989

Part III

The President

Proclamation 6038—Veterans Day, 1989

October 19, 1967

Part III

The President

Proclamation 3692 - Veterans Day, 1966

Major General
The President
The President
The President

Federal Register

Vol. 54, No. 194

Tuesday, October 10, 1989

Presidential Documents

Title 3—

Proclamation 6038 of October 5, 1989

The President

Veterans Day, 1989

By the President of the United States of America

A Proclamation

Each year, on November 11, we Americans pause to express our respect and gratitude for the millions of men and women who have served our Nation as members of the United States Armed Forces. On that day, 71 years ago, the Armistice marking the end of World War I was signed. It is fitting that we choose the anniversary of "Armistice Day"—a day dedicated to peace—to honor those who have helped keep our Nation strong and our freedom secure. America's veterans have been steadfast guardians of peace and liberty not only here at home, but also around the world.

The selflessness and valor of the 2,000,000 American servicemen who fought in Europe during World War I were essential in bringing that bitter conflict to a conclusion in 1918. In the Argonne Forest, Belleau Wood, Chateau-Thierry, and in other less celebrated but no less decisive confrontations on land and sea, American "Doughboys," Marines, and sailors demonstrated extraordinary courage and skill. The anniversary of the signing of the Armistice for "The War to End All Wars" shall always remind us of their heroic efforts and unflinching patriotism.

Only 23 years after the signing of the Armistice, members of the United States Armed Forces were called again to the battle-scarred fields of Europe. During the Second World War, American military personnel fought—and helped defeat—the tyrannical forces of Nazi Germany and its allies. Many other World War II veterans made their stand for freedom in the Pacific and in North Africa. Thousands of American service men and women later returned to East Asia and the Pacific during the Korean and Vietnam Wars.

Each American veteran is a source of strength and pride for our country. As members of the Armed Forces, these courageous individuals not only protected the national security interests of the United States, but also upheld the principles upon which this great Nation was built. Americans—and millions of people around the world as well—enjoy the blessings of freedom, peace, and representative government because our veterans were willing to risk their lives for them. We are forever grateful to these selfless individuals, especially those who have given "the last full measure of devotion" for our well-being.

Today, the United States continues to look to its veterans as leaders. They have carried their patriotism and concern for others far beyond the battlefield, participating in all levels of government, community groups, charitable organizations and voluntary service programs. Across the country, individual veterans and veterans associations are helping to provide health care for ill and disabled colleagues. They are rallying to join the war on drugs and the campaign for better schools. And they are helping to foster in young people a genuine love of country and a profound sense of personal duty, honor, and civic responsibility.

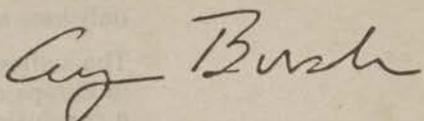
We Americans owe a great debt to all our military veterans, who have shown us—in peacetime as well as times of strife—the value of individual liberty and free and democratic government. Today, let us renew our determination to keep faith with those who have so faithfully served and defended us. We can

begin by remembering the cause for which they have labored and by working hard to ensure that their efforts have not been made in vain.

In order that we may pay due tribute to those who have served in our Armed Forces, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor America's veterans.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Saturday, November 11, 1989, as Veterans Day. I urge all Americans to honor the courage and sacrifice of our veterans through appropriate public ceremonies and private prayers. I also call upon Federal, State, and local government officials to display the flag of the United States and to encourage and participate in patriotic activities in their communities. I invite civic and fraternal organizations, churches, schools, businesses, unions, and the media to support this national observance with suitable commemorative expressions and programs.

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



[FR Doc. 89-24017
Filed 10-6-89; 10:40 am]
Billing code 3195-01-M

Register Federal Register

Tuesday
October 10, 1989

Part IV

Department of Commerce

International Trade Administration

**Oil Country Tubular Goods From Canada;
Final Determination of Sales at Less
Than Fair Value and Antidumping Duty
Order in Accordance With Decision Upon
Remand**

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-506]

**Oil Country Tubular Goods From
Canada; Amendment to Final
Determination of Sales at Less Than
Fair Value and Antidumping Duty
Order in Accordance With Decision
Upon Remand**

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of second amendment to final determination of sales at less than fair value and antidumping duty order in accordance with decision upon remand.

SUMMARY: As a result of a remand and the stipulation of dismissal from the United States Court of International Trade (the Court) in *Sonco Steel Tube Division, Ferrum, Inc. v. United States, et al.*, (*Sonco v. United States*) Court No. 86-07-00899 (September 26, 1989), the Department of Commerce (the Department) is amending its final determination in this investigation and its antidumping duty order and is directing the U.S. Customs Service to adjust the cash deposit for Sonco Steel Tube Division, Ferrum, Inc. (Sonco) from 3.48 percent to 3.18 percent *ad valorem*.

EFFECTIVE DATE: October 10, 1989.

FOR FURTHER INFORMATION CONTACT: Steven Lim, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230, Telephone: (202) 377-4087.

SUPPLEMENTAL INFORMATION:**Background**

On August 18, 1988, the Court issued a decision in *Sonco v. United States* and ordered the Department to reconsider its allocation of production costs between two types of oil country tubular goods (OCTG) known as limited service pipe and prime quality pipe. In addition, the Department was asked to explain its treatment of certain sales in the ordinary course of trade and of early payment discounts, 644 F.Supp. 959 (1988). The Department filed the required remand results with the Court of November 1, 1988. The Department adhered to its final determination with regard to early payment discounts and the treatment of limited service OCTG and prime OCTG in its calculation of constructed value. However, the Department recalculated the margin based upon its determination that certain U.S. sales that were originally used in determining U.S. price were not representative of Sonco's U.S. business practices. On May 18, 1989 the Court upheld Commerce's procedures in treating early payment discounts as reductions in price as opposed to circumstance of sale adjustments and approved the Department's exclusion of certain sales not representative of Sonco's business practice from the calculation of U.S. price. In addition, it instructed Commerce to use a cost allocation methodology to account for substantial differences in value of limited service and price products in its determination Slip Op. 89-66 (1989).

On September 26, 1989, the Court advised the Department that it had dismissed Sonco's complaint, based upon a stipulated dismissal entered into by the parties in this case. Accordingly, the Court's decision with regard to that part of the November 1, 1988 remand determination approved by the Court is final. Consequently, we are amending our final determination for Sonco and revising the weighted-average margin from 3.48 percent to 3.18 percent.

Suspension of Liquidation

In accordance with the Court's order of May 18, 1989, we are directing the U.S. Customs Service (Customs), on or after the date of publication of this notice in the *Federal Register*, to suspend liquidation of all entries of the subject merchandise produced by Sonco and to collect a cash deposit equal to the weighted-average margin of 3.18 percent. This amendment of the weighted-average margin for Sonco has no effect on the margins applicable to entries of OCTG from Canada by other manufacturers, producers, and exporters.

Remand Results

The remand final determination and antidumping duty order are hereby amended to incorporate the above changes.

Dated: October 5, 1989.

Eric Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-24037 Filed 10-6-89; 11:56 am]

BILLING CODE 3510-DS

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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.

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1, 2 (2 Reserved)	\$10.00	Apr. 1, 1989	140-199	10.00	Jan. 1, 1989
3 (1988 Compilation and Parts 100 and 101)	21.00	¹ Jan. 1, 1989	200-1199	21.00	Jan. 1, 1989
4	15.00	Jan. 1, 1989	1200-End	12.00	Jan. 1, 1989
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1200-End, 6 (6 Reserved)	13.00	Jan. 1, 1989	800-End	14.00	Jan. 1, 1989
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102-200.....	12.00	July 1, 1988			
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¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² No amendments to this volume were promulgated during the period Jan. 1, 1988 to Dec. 31, 1988. The CFR volume issued January 1, 1988, should be retained.

³ No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

⁴ 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.

⁵ No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

⁶ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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