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Thursday
October 12, 1989

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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RESERVATIONS: 202–523–5240.

NEW YORK, NY

WHEN: October 24; at 1:00 p.m.
WHERE: Room 305A,
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New York, NY.
RESERVATIONS: Call Arlene Shapiro or Stephen Colon at the New York Federal Information Center. 212–264–4810.

Contents

Federal Register

Vol. 54, No. 196

Thursday, October 12, 1989

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6042 41817

7 CFR
701 41819

9 CFR
Proposed Rules:
71 41845
80 41845
94 41845

10 CFR
35 41819

14 CFR
39 41821
71 41822
Proposed Rules:
39 41846

15 CFR
Proposed Rules:
19 41848

21 CFR
436 41823
442 41823
453 41823
455 41823

30 CFR
914 (2 documents) 41824, 41828

36 CFR
Proposed Rules:
254 41849

40 CFR
52 41830
81 41831
370 41904
795 41832
799 41832
Proposed Rules:
52 41849
260 41930
370 41907

41 CFR
Proposed Rules:
201-2 41850
201-6 41850
201-7 41850
201-8 41850
201-11 41850
201-16 41850
201-17 41850
201-18 41850
201-19 41850
201-20 41850
201-21 41850
201-22 41850
201-23 41850
201-24 41850
201-26 41850
201-30 41850
201-31 41850
201-33 41850
201-34 41850
201-38 41850
201-39 41850
201-41 41850
201-44 41850

46 CFR
67 41835

47 CFR
74 41842
76 41842
Proposed Rules:
73 (4 documents) 41852, 41853

48 CFR
Proposed Rules:
37 41941
52 41941

49 CFR
565 41843
571 41844
Proposed Rules:
177 41902
195 41912
571 41854

50 CFR
Proposed Rules:
611 41855
650 41902
663 41855

Federal Register
Vol. 54, No. 196
Thursday, October 12, 1989

Presidential Documents

Title 3—

The President

Proclamation 6042 of October 10, 1989

National School Lunch Week, 1989

By the President of the United States of America

A Proclamation

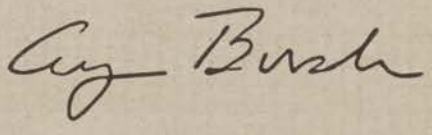
For more than 4 decades, the National School Lunch Program has helped to promote the health and well-being of the Nation's schoolchildren. Since 1946, the cooperative efforts of State governments and local communities have brought needed Federal food assistance to children throughout the United States. Each day, more than 22 million students in over 90,000 schools receive nutritious, well-balanced lunches through this effective program.

Parents, teachers, school officials, community leaders, food service specialists, and the students themselves have all played important roles in supporting the program and contributing to its improvement. National School Lunch Week provides all of us with the opportunity to acknowledge their efforts, as well as the vision and concern of the many persons associated with the program throughout the years. Their dedication and cooperation have been vital to the program's success.

By joint resolution approved October 9, 1962 (Public Law 87–780), the Congress designated the week beginning on the second Sunday of October in each year as "National School Lunch Week" and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning October 8, 1989, as National School Lunch Week, and I call upon all Americans to recognize those individuals at the State and local levels whose efforts contribute so much to the success of this valuable program.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth 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. 89-24306
Filed 10-10-89; 4:39 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 54, No. 196
Thursday, October 12, 1989

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 701

Conservation and Environmental Programs

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Final Rule (Technical Amendment).

SUMMARY: This final rule adds a technical amendment to 7 CFR Part 701 to codify the Office of Management and Budget (OMB) control number for the information collection requirements of that Part.

EFFECTIVE DATE: October 12, 1989.

SUPPLEMENTARY INFORMATION: The information requirements of 7 CFR Part 701 have been approved by OMB under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0078, 0560–0079, and 0560–82. This rule adds a reference to those numbers to that Part.

The titles and numbers of the Federal Assistance Programs to which this rule applies are: Title—Agricultural Conservation Program, Number—10.063; Title—Emergency Conservation Program, Number—10.054; Title—Forestry Incentives Program, Number 10.064; as found in the Catalog of Federal Domestic Assistance.

Technical Amendment

Accordingly, 7 CFR Part 710 is amended to read as follows:

PART 701—[AMENDED]

1. The authority citation for part 701 continues to read as follows:

Authority: Pub. L. 74–76, secs. 5, 7–15, 16(a), 16(f), 16A, 17, 49 Stat. 163, as amended (16 U.S.C. 590d, 590g–590o, 590p(a), 590q; Pub. L. 93–86, secs. 1001–1009, 87 Stat. 241 (16 U.S.C. 1501–1510); Pub. L. 95–313, secs. 4, 8(a), 10, 92 Stat. 365 (16 U.S.C. 1510, 1606, 2101–2111); Pub. L. 95–334, secs. 401–405, 92 Stat. 433 (16 U.S.C. 2201–2205); Pub. L. 99–500 and Pub. L. 99–591.

2. Section 701.86 is added to read as follows:

§ 701.86 Information collection requirements.

Information collection requirements contained in this Part have been approved by the Office of Management and Budget under the provisions at 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0078, 0560–0079, and 0560–0082.

Signed at Washington, DC, October 4, 1989.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 89–24063 Filed 10–11–89; 8:45 am]
BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

RIN 3150–AD11

Palladium-103 for Interstitial Treatment of Cancer

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations governing the medical uses of byproduct material to add palladium-103 as a sealed source in seeds to the list of brachytherapy sources permitted for use in the treatment of cancer. Under current NRC regulations, users must have their licenses amended before they use palladium-103. This amendment, promulgated in response to a petition for rulemaking (PRM–35–7), will reduce the regulatory burden on medical use licensees who plan to use the sealed source. An evaluation of the potential radiation hazards to hospital personnel and the public showed that there would be minimal risk if the sealed source is used in accordance with the manufacturer's radiation safety and handling instructions.

EFFECTIVE DATE: October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony N. Tse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington DC 20555, telephone (301) 492–3797.

SUPPLEMENTARY INFORMATION:

Petition for Rulemaking

On November 30, 1988, Theragenics Corporation submitted a petition for rulemaking, PRM–35–7, which was docketed on December 9, 1988. The petitioner requested that the NRC amend its regulations to add palladium-103 as a sealed source in seeds for the interstitial treatment of cancer to the list of sealed sources currently permitted in 10 CFR 35.400 for use in brachytherapy. The petitioner stated that, under current NRC regulations, licensees who are users of palladium-103 must go through the cumbersome process of having their licenses amended before using the product and that amending 10 CFR 35.400 in the manner suggested would eliminate this cumbersome process.

In supporting the petition, the petitioner submitted several documents, including a letter from the FDA, a safety evaluation report from the State of Georgia, the package insert, and product literature.

The letter from the FDA stated that, under section 510(k) of the Federal Food, Drug, and Cosmetic Act, as amended, marketing the device (palladium-103 as a sealed source in seeds) would be permitted subject to the general controls provisions of the Federal Food, Drug, and Cosmetic Act until such time as the device has been classified as either a Class I, II, or III device under section 513. Class I devices require general controls, that is, registration and good manufacturing practices. Class II devices require performance standards in addition to general controls. Class III devices require prior FDA approval of a Pre-Market Approval application, performance standards, and general controls. In January 1988 (53 FR 1554), FDA classified radionuclide brachytherapy sources as Class II devices. This permits Theragenics to continue marketing the palladium-103 seeds.

In March 1986, Theragenics, an "Agreement State" licensee of the State of Georgia, submitted information on the radiation safety properties of palladium-103 to Georgia in order to obtain a

"Certificate of Registration." Such a certificate is necessary for Theragenics to manufacture and distribute palladium-103 seeds to specific licensees. The information on these safety properties included the design and construction, prototype testing, conditions of normal use, labeling, external radiation levels, solubility in body fluids, and quality control and assurance. After reviewing the information and determining the adequacy of the radiation safety properties of the source, the State of Georgia issued a Certificate of Registration to Theragenics on September 22, 1986. This certificate summarized the submitted radiation safety information and specified additional limitations and conditions on the use of the source. This certificate was amended in its entirety on June 6, 1988, to include a minor design improvement made by Theragenics.

Following its determination that the radiation safety properties of the source are adequate, the State of Georgia sent NRC a copy of the certificate to include in the Registry of Source and Device Designs that is maintained by the NRC. The NRC reviewed the certificate for consistency with other certificates in the Registry and added palladium-103 to the Registry on October 29, 1986, and again in June 1988 to cover the minor design improvement. This action, in effect, granted a premarketing approval of the sealed source and permitted the use of palladium-103, provided the user's license was amended to include that sealed source.

Proposed Amendment and Public Comment

After considering the petition, the NRC published a proposed amendment granting the petition for a 30-day public comment period (54 FR 13892, April 6, 1989). One comment letter was received. The comment letter, submitted by a medical professional organization, supported the petition. The letter stated that "this would indeed alleviate burdensome current NRC regulations that require users to amend their licenses before using palladium-103."

Conclusion

The NRC has determined that the addition of palladium-103 as a sealed source in seeds to the list of sealed sources specified in § 35.400 will not cause additional risk to hospital personnel or the public because the radiation safety and handling instructions to be used for palladium-103 are the same as the instructions used currently for the brachytherapy sources listed in § 35.400. This action will reduce the regulatory burden to the users of palladium-103 seeds (about 700 potential users) as well as to the NRC staff. Most users will not have to follow the present requirement of submitting individual license amendment applications in order to use palladium-103 as a sealed source in seeds for the interstitial treatment of cancer (if their license permits the use of any brachytherapy sources specified in § 35.400). A user whose license only permits the use of specified brachytherapy sources will still be required to submit a license amendment application. But for most licensees this rule will eliminate the license amendment application process and the review and approval process for the NRC. Thus, the NRC is amending § 35.400 to add palladium-103 as a sealed source in seeds for the interstitial treatment of cancer.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final amendment is the type of action described in 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this amendment.

Paperwork Reduction Act Statement

This final amendment does not contain any new or amended information collection requirements subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0010.

Regulatory Analysis

The NRC has prepared a regulatory analysis on this amendment. The analysis examines the costs and benefits of the alternatives considered by the NRC. The analysis concludes that the adoption of the amendment will not increase the risk to the public health and safety but will reduce the cost to the medical use licensees who plan to use palladium–103 sealed sources. Interested persons may examine a copy of the regulatory analysis at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the regulatory analysis may be obtained from Dr. Anthony N. Tse (See **FOR FURTHER INFORMATION CONTACT** heading).

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this amendment does not have a significant economic impact on a substantial number of small entities. This amendment adds the use of palladium–103 as a sealed source in seeds in 10 CFR 35.400. This action will reduce the regulatory burden on medical use licensees planning to use the sealed source by eliminating the requirement of submitting a license amendment application. The NRC has adopted size standards that classify a hospital as a small entity if its annual gross receipts do not exceed $3.5 million, and a private practice physician as a small entity if the physician's annual gross receipts are $1.0 million or less. Although some NRC medical use licensees could be considered "small entities," the number that would fall into this category does not constitute a substantial number for purposes of the Regulatory Flexibility Act.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this amendment because the action does not constitute a backfit as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 35.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

1. The authority citation for part 35 is revised to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.11, 35.13, 35.20 (a) and (b), 35.21 (a) and (b), 35.22, 35.23, 35.25, 35.27 (a), (c) and (d), 35.31(a), 35.49, 35.50 (a)–(d), 35.51 (a)–(c), 35.53 (a) and (b), 35.59 (a)–(c), (e)(1), (g) and (h), 35.60, 35.61, 35.70 (a)–(f), 35.75, 35.80 (a)–(e), 35.90, 35.92(a), 35.120, 35.200(b), 35.204 (a) and (b), 35.205, 35.220, 35.310(a), 35.315, 35.320, 35.400, 35.404(a), 35.406 (a) and (c), 35.410(a), 35.415, 35.420, 35.500, 35.520, 35.605, 35.606, 35.610 (a) and (b), 35.615, 35.620, 35.630 (a) and (b), 35.632 (a)–(f), 35.634 (a)–(e), 35.636 (a) and (b), 35.641 (a) and (b), 35.643 (a) and (b), 35.645 (a) and (b), 35.900, 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.961,

35.970, and 35.971 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14, 35.21(b), 35.22(b), 35.23(b), 35.27 (a) and (c), 35.29(b), 35.33 (a)–(d), 35.36(b), 35.50(e), 35.51(d), 35.53(c), 35.59 (d) and (e)(2), 35.59 (g) and (i), 35.70(g), 35.80(f), 35.92(b), 35.204(c), 35.310(b), 35.315(b), 35.404(b), 35.406 (b) and (d), 35.410(b), 35.415(b), 35.610(c), 35.615(d)(4), 35.630(c), 35.632(g), 35.634(f), 35.636(c), 35.641(c), 35.643(c), 35.645, and 35.647(c) are issued under sec. 161o, 68 Stat. 950 as amended (42 U.S.C. 2201(o)).

2. In § 35.400, paragraph (g) is added to read as follows:

§ 35.400 Use of sources for brachytherapy.

* * * * *

(g) Palladium–103 as a sealed source in seeds for interstitial treatment of cancer.

Dated at Rockville, MD, this 26th day of September 1989.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 89–24040 Filed 10–11–89; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–194–AD; Amdt 39–6353]

Airworthiness Directives; Boeing Model 747–100 and –200 Series Airplanes Equipped With General Electric CF6–45/50 or Pratt and Whitney JT9D–70 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747–100 and –200 series airplanes, which requires inspection for potential crossed plumbing in the engine fire extinguishing system, and correction of any discrepancies, if necessary. This amendment is prompted by recent reports of crossed plumbing in the engine fire extinguishing system. This condition, if not corrected, could result in severe damage to an airplane in the event of an engine fire.

EFFECTIVE DATE: October 24, 1989.

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Dostert, Propulsion Branch, ANM–140S; telephone (206) 431–1974. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On May 1, 1989, the FAA issued AD 89–03–51, Amendment 39–6213 (54 FR 20118; May 10, 1989), to require inspections and/or functional checks for improperly installed wiring and plumbing in the engine and cargo compartment fire protection systems on various Boeing Model airplanes. The checks and inspections are also required to be performed following any maintenance action which could cause mis-wiring or mis-plumbing. That action was prompted by numerous reports of improperly installed plumbing or wiring on several airplanes. This condition, if not corrected, could have resulted in severe damage to an airplane in the event of an engine fire.

AD 89–03–51 is applicable only to airplanes manufactured after December 31, 1980. In analyzing the previous reports received of incorrect wiring/plumbing installations, the earliest prouction date of airplanes reported with these problems was 1982. Therefore, the FAA determined that these conditions were likely to exist on other airplanes manufactured within that time period and, as a precautionary measure, required that the checks be performed on airplanes manufactured after December 31, 1980. As stated in the preamble to that AD, however, the FAA indicated that it would consider additional rulemaking if similar problems were subsequently reported on airplanes manufactured prior to that date.

Since issuance of that AD, one operator has reported finding crossed plumbing at Inboard Leading Edge Station (ILES) 630 on a Boeing Model 747 series airplane manufactured prior to December 31, 1980. This airplane had previously been inspected in accordance with Boeing Alert Service Bulletin 747–26A2094, dated December 20, 1982, (which describes procedures of a one-time inspection for proper configuration of the engine fire extinguishing lines), and found to be properly configured. The FAA has determined that subsequent maintenance action on the fire extinguishing system may have inadvertently caused the crossed plumbing at ILES 630.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–26A2094, Revision 1, dated March 25, 1983, which describes procedures for inspection and rework of the fire extinguisher discharge tubing installation on Model 747–100 and –200 airplanes powered by General Electric CF6–45/50 or Pratt and Whitney JT9D–70 series engines. The engine fire extinguishing system design on these airplane/engine configurations is unique; therefore, inspection of the engine fire extinguishing plumbing connections located in the left and right wing inboard leading edge applies only to Model 747 airplanes of this configuration.

Since this condition is likely to exist or develop on other airplanes of this same type design, this AD requires an inspection for improperly installed plumbing in the engine fire extinguishing system of Boeing Model 747–100 and 747–200 series airplanes that were manufactured prior to December 31, 1980. The inspection, and correction of any discrepancies found, must be accomplished in accordance with Boeing Service Bulletin 747–26A2094, Revision 1, and must be repeated following any maintenance action which may disturb the fire extinguisher plumbing and inadvertently cause mis-plumbing.

This is considered interim action until final action is identified, at which time the FAA may consider further rulemaking to address it.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, 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 considered to be 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 action 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 will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747-100 and -200 series airplanes, manufactured prior to January 1, 1981, equipped with either General Electric CF6-45/50 or Pratt and Whitney JT9D-70 series engines, certificated in any category. Compliance required within 10 days after the effective date of this AD, unless previously accomplished, and thereafter, immediately following any maintenance action which could cause mis-plumbing.

To detect incorrectly installed fire protection system plumbing, accomplish the following:

A. Conduct an inspection of the engine fire extinguishing system plumbing in accordance with Boeing Service Bulletin 747-26A2094, Revision 1, dated March 25, 1983.

B. Before further flight, correct any discrepancy detected during the functional tests required by paragraph A., above.

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

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

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

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

This amendment becomes effective October 24, 1989.

Issued in Seattle, Washington, on September 29, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24009 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 88-AGL-29]

Establishment of Transition Area; Spearfish, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Spearfish, SD, transition area to accommodate a new NDB-A Standard Instrument Approach Procedure (SIAP) to Black Hills-Clyde Ice Field Airport, Spearfish, SD. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: 0901 u.t.c. January 11, 1990.

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

SUPPLEMENTARY INFORMATION:

History

On Monday, January 23, 1989, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Spearfish, SD (54 FR 3078).

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

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

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a transition area airspace near Spearfish, SD.

The development of a new NDB-A SIAP requires that the FAA designate airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

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

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Spearfish, SD [New]

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Black Hills-Clyde Ice Field Airport (lat. 44°49'00" N., long. 103°47'00" W.).

Issued in Des Plaines, Illinois, on September 29, 1989.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 89-24008 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436, 442, 453, and 455

[Docket No. 89N-0322]

Antibiotic Drugs; Updatings and Technical Changes

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations by updating and making noncontroversial technical changes in accepted standards of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations.

DATES: Effective November 13, 1989; written comments, notice of participation, and request for hearing by November 13, 1989; data, information, and analyses to justify a hearing by December 11, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by updating and making noncontroversial technical changes in certain antibiotic drug regulations that provide for accepted standards of antibiotic and antibiotic-containing drugs intended for human use.

1 In 21 CFR 436.524(b)(2), the preparation of the dissolution medium for the acid resistance/dissolution test for enteric-coated erythromycin pellets is amended by revising the amount of 0.2*N* sodium hydroxide added from 190 milliliters to 109 milliliters.

2. In 21 CFR 442.20a(a)(1)(vi), the limit for specific rotation is revised from "−40°±5°" to "−42°±5°" to reflect the improved purity of the drug. The sole manufacturer has submitted adequate data to support this revision.

3. In 21 CFR 442.104b(a)(1), the description of cefaclor monohydrate for oral suspension is revised to provide for 37.5 and 75 milligrams-per-milliliter dosage strengths. The sole manufacturer has submitted adequate data to support this revision.

4. In 21 CFR 453.120(a)(1), the description of clindamycin hydrochloride capsules is revised to provide for a 300 milligram strength capsule. The sole manufacturer has submitted adequate data to support this revision.

5. In 21 CFR 455.204, paragraphs (a)(1) and (3)(i)(*a*) are revised to provide accepted standards for aztreonam for injection produced by a lyophilization process. The sole manufacturer has submitted adequate data to support this revision.

6. In 21 CFR 455.204(b)(1)(iv)(*a*)(*3*), the formula for calculating the micrograms of aztreonam per milligram is revised to state the correct formula.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental impact assessment nor an environmental statement is required.

Submitting Comments and Filing Objections

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice, public procedure, and delayed effective date are unnecessary and not in the public interest. This final rule, therefore, becomes effective November 13, 1989. However, interested persons may, on or before November 13, 1989, submit written comments on this regulation to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals my submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before November 13, 1989, a written notice of participation and request for hearing, and (2) on or before December 11, 1989, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Parts 436, 442, 453, and 455

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 436, 442, 453, and 455 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. The authority citation for 21 CFR part 436 continues to read as follows:

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

§ 436.542 [Amended]

2. Section 436.542 *Acid resistance/dissolution test for enteric-coated erythromycin pellets* is amended in the second sentence in paragraph (b)(2) by removing "190 milliliters" and replacing it with "109 milliliters".

PART 442—CEPHA ANTIBIOTIC DRUGS

3. The authority citation for 21 CFR part 442 continues to read as follows:

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

§ 442.20a [Amended]

4. Section 442.20a *Steril cefonicid sodium* is amended in paragraph (a)(1)(vi) by removing "−40° to ±5°" and replacing it with "−42° ±5°".

5. Section 442.104b is amended by revising the second sentence in paragraph (a)(1) to read as follows:

§ 442.104b Cefaclor monohydrate for oral suspension.

(a) * * *

(1) * * * When reconstituted as directed in the labeling, each milliliter contains cefaclor monohydrate equivalent to 25 milligrams, 37.5 milligrams, 50 milligrams, or 75 milligrams of cefaclor. * * *

* * * * * *

PART 453—LINCOMYCIN ANTIBIOTIC DRUGS

6. The authority citation for 21 CFR part 453 continues to read as follows:

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

7. Section 453.120 is amended by revising the second sentence in paragraph (a)(1) to read as follows:

§ 453.120 Clindamycin hydrochloride hydrate capsules.

(a) * * *

(1) * * * Each capsule contains clindamycin hydrochloride hydrate equivalent to 75, 150, or 300 milligrams of clindamycin. * * *

* * * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

8. The authority citation for 21 CFR part 455 continues to read as follows:

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

9. Section 455.204 is amended by revising the last sentence in paragraph (a)(1), by revising paragraph (a)(3)(i)(*a*), and by revising the formula in paragraph (b)(1)(iv)(*a*)(*3*) to read as follows:

§ 455.204 Aztreonam for injection.

(a) * * *

(1) * * * The aztreonam used conforms to the standards prescribed by § 455.4a(a)(1), except if the aztreonam for injection is manufactured by lyophilization, in which case the aztreonam need not be sterile.

* * * * * *

(3) * * *

(i) * * *

(*a*) The aztreonam used in making the batch for potency, sterility, pyrogens, moisture, residue on ignition, heavy metals, and identity. If the aztreonam for injection is made by lyophilization, the aztreonam need not be tested for sterility.

* * * * * *

(b) * * *

(1) * * *

(iv) * * *

(*a*) * * *

(*3*) * * *

$$\text{Micrograms of aztreonam per milligram (corrected)} = \frac{\text{Micrograms of aztreonam per milligram (uncorrected)} \times 1{,}000}{1{,}000 - [\text{Micrograms of Arginine per milligram} + (\text{Percent Moisture}) \times 10]}$$

* * * * * *

Dated: September 27, 1989.

Albert Rothschild,

Acting Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 23982 Filed 10-11-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Regulatory Program; Coal Preparation Plants

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of an amendment to the Indiana regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment concerns the regulation of coal preparation plants and is intended to revise the Indiana program to be consistent with the corresponding Federal regulations and to improve the clarity of the rules.

EFFECTIVE DATE: October 11, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Room 300, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Indianapolis, Indiana 46204. Telephone (317) 226-6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

The Secretary of the Interior conditionally approved the Indiana program effective July 29, 1982. Information regarding the general background on the Indiana program, including the Secretary's findings, the disposition of comments and a detailed explanation of conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32107-32108). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 914.15 and 914.16.

II. Submission of Amendment

By letter dated August 13, 1987 (Administrative Record No. IND-0502), the Indiana Department of Natural Resources (IDNR) submitted a proposed amendment to the Indiana program at Indiana Administrative Code (IAC) 310 IAC 12-1-3; 310 IAC 12-3-104; 310 IAC 12-3-104.1; 310 IAC 12-5-155; and 310 IAC 12-5-156. The changes are briefly summarized below:

(1) Amendment to 310 IAC section 12-1-3 adds and defines the term "Coal preparation"; changes the term "Coal processing plant" to read "Coal preparation plant" and modifies its definition; modifies the definition of "Surface coal mining operations"; and

makes less significant typographical and style changes to other definitions.

(2) Amendment to 310 IAC 12–3–104 clarifies that the rule applies to the operation of coal preparation plants, deletes references to "associated support facilities" and makes less significant style and wording changes.

(3) Amendment to 310 IAC 12–3–104.1 adds the requirement that existing coal preparation plants located outside the permit area of a specific mine and which were not subject to 310 IAC 12 before the effective date of this rule shall not operate for more than 240 days beyond the effective date of the rule unless the operator applies for a permit within 60 days of the effective date of the rule.

(4) Amendment to 310 IAC 12–5–155 changes the words "coal processing" to read "coal preparation", deletes the phrase "or support facility," and makes less significant style changes to the rule.

(5) Amendment to 310 IAC 12–5–156 changes the words "coal processing" to read "coal preparation"; deletes the phrase "coal processing waste disposal area and water treatment facilities" from the signs and markers provision at 12–5–156(a); adds and deletes references to other rules; deletes references to "associated facilities" and "associated structures;" and makes less significant style changes to the rule.

OSM published a notice in the **Federal Register** on September 23, 1987, announcing receipt of the proposed program amendment and, in the same notice, opened the public comment period and provided opportunity for a public hearing on its substantive adequacy (52 FR 35733). The public comment period ended October 23, 1987. There was no request for a public hearing and the hearing scheduled for October 19, 1987, was not held.

During review of the amendment, OSM identified some concerns related to the proposed definition of "coal preparation plant" at 310 IAC 12–1–3 and the proposed rules at 310 IAC 12–3–104.1 concerning coal preparation plants not located within the permit area of a specific mine which was not regulated prior to the effective date of the rule. OSM's concerns regarding the definition of "coal preparation plant" are fully explained in its letters to the State dated January 19, 1988 (Administrative Record number IND–0546), April 18, 1988 (Administrative Record number IND–0564), and September 22, 1988 (Administrative Record number IND–0604). Indiana responded to OSM's letters on February 19, 1988 (Administrative Record number IND–0557), June 10, 1988 (Administrative Record number IND–0591), and on April 21, 1989 (Administrative Record number IND–0642). OSM's concerns regarding the regulation of coal preparation plants not located within the permit area of a specific mine are fully explained in its letter dated March 20, 1989 (Administrative Record number IND–0635). Indiana responded to OSM's letter on May 3, 1989 (Administrative Record number IND–0648).

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17 are the Director's findings concerning the proposed amendment to the Indiana program. Only those revisions of particular interest are discussed below. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below concern nonsubstantive wording changes and do not adversely affect other aspects of the program.

1. 310 IAC 12–1–3—Definitions

The amendment to this section adds and changes definitions.

(a) The term "Coal preparation" has been added and defined. The new definition states that coal preparation means "leaching, chemical, processing, physical processing, cleaning, concentrating or any other method for processing or preparing coal." This definition is similar to the counterpart Federal definition at 30 CFR 701.5 with the exception of the apparent typographical error of the comma which follows the word "chemical." The Director is approving the proposed definition with the understanding that the definition is interpreted to read "chemical processing, rather than "chemical, processing."

(b) The term "Coal processing plant" has been changed to read "Coal preparation plant." The definition has been amended to delete reference to "run of the mine coal" and to replace those and other words with a reference to the term "coal preparation." Indiana now defines "Coal preparation plant" to mean "a facility or collection of facilities which perform coal preparation. A coal preparation plant includes associated support facilities and consists of, but is not limited to, the following: loading facilities, storage and stockpile facilities, sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments, coal processing and other waste disposal areas; roads, railroads, and other transport facilities." With these changes, the definition is substantively identical to and no less effective than the corresponding Federal definition of this term at 30 CFR 701.5. However, Indiana has added the following exemption statement to the definition: "Exempted from the meaning of coal preparation plant is an operation which: [a] loads coal; [b] does not separate coal from its impurities; and [c] is not located at or near the mine site."

On May 11, 1987, OSM promulgated a final rule that revised the Federal definitions of "coal preparation" and "coal preparation plant" (52 FR 17724). The new definitions were adopted as a result of a challenge to the existing definitions in *In Re: Permanent Surface Mining Regulation Litigation (II),* Civil Action No. 79–1144 (D.D.C. 1984). In a July 6, 1984, opinion in that case, the District Court for the District of Columbia determined that OSM's rule was improperly narrow in contrast to the regulatory scope of the Act. Specifically, the Court held that facilities which in any way leach, chemically process, or physically process coal should be regulated as coal preparation plants even if they do not separate coal from its impurities.

In order to implement the Court's order concerning off site coal preparation plants, OSM adopted an interim final rule which became effective on September 9, 1985 (50 FR 28186, July 10, 1985). The interim final rule revised the definition of "surface coal mining operations" in order to clarify that chemical or physical processing of coal would be regulated whenever they were in connection with coal mining. The rule also removed the definition of "coal processing or coal preparation" and adopted new definitions of "coal preparation" and "coal preparation plants" which include crushing, screening and sizing operations as well as other coal processing. On January 29, 1988, the U.S. Court of Appeals upheld the decision in *In Re: Permanent (II)* affirming the Secretary's jurisdiction to regulate off site processing plants. (*NWF* v. *Hodel,* 839 F.2d 694, 742–745 (D.C. Cir., 1988) ("NWF")).

In the preamble to the May 11, 1987, final rule, the Director stated that some of the commentors to the proposed rule apparently were unsure of whether coal crushing, screening and sizing operations were considered to be surface coal mining operations. In response, the Director stated that facilities operated in connection with a coal mine which do not separate coal from its impurities but which otherwise engage in physical or chemical processing (i.e.: crushing, screening, and

sizing) will be regulated as coal preparation plants. The Director also stated that a loading facility which is not associated with any coal processing or preparation operation (such as crushing, screening, and sizing), would not be part of a coal preparation plant. Loading facilities which are operated as part of coal preparation operations, however, would be part of a coal preparation plant, and thus, be regulated under the Act.

The proposed Indiana exemption to the definition of "coal preparation plant" fails to make it clear that only those facilities which load coal and which are not associated with any other coal processing or preparation, such as crushing, screening, and sizing, could be exempted from the meaning of coal preparation plant. Following receipt of the proposed amendment, OSM sent a letter to Indiana dated January 19, 1988 (Administrative Record number IND–0546), expressing concern about the lack of specificity in the proposed exclusion statement. OSM stated that Indiana should clarify that only those loading facilities which are not associated with coal processing or preparation can be exempted from the definition of coal preparation plant.

In a letter dated February 19, 1988, Indiana acknowledged that the explanatory language used by OSM in the **Federal Register** on July 18, 1986 (51 FR 26005–6) concerning a proposed Kentucky amendment must also apply to and control the proposed Indiana language. The Kentucky amendment contained language similar to the proposed exemption to the Indiana definition of coal preparation plant. In that notice, OSM stated that the exemption (to the definition of coal preparation plant) may only pertain to facilities which are used strictly to load or unload coal and do not process or prepare coal, and which are not located at or near a minesite or coal preparation or processing plant and are not associated with a coal preparation or processing plant. In a letter dated August 29, 1989, (Administrative Record Number IND–0677), Indiana stated that Indiana Administrative Cause No. 88–266R was filed on October 7, 1988 to amend the exemption language to specifically apply only to operations that do not crush, size or screen coal. Indiana also stated that upon approval by OSM of Indiana's coal preparation plant amendment, the State of Indiana will apply the offsite coal preparation regulations to operations that crush, screen or size coal.

The Director finds as discussed below that the definition of "coal preparation plant" is substantively identical to and no less effective than the counterpart Federal definition of "coal preparation plant" at 30 CFR 701.5. The Director is approving Indiana's proposed definition of coal preparation plant with the understanding that the definition includes crushing, screening, and sizing facilities and that these facilities will be regulated as coal preparation plants whenever they are operated in connection with a coal mine. However, the wording of the proposed exemption statement which reads "Exempted from the meaning of coal preparation plant is an operation which: (a) loads coal; (b) does not separate coal from its impurities; and (c) is not located at or near the mine site," does not make it clear that facilities operated in connection with a coal mine which do not separate coal from its impurities but which otherwise engage in physical or chemical processing (i.e. crushing, screening, and sizing) will be regulated as coal preparation plants. Therefore, the Director is requiring that Indiana further amend the language of the exemption statement which has been added to Indiana's proposed definition of coal preparation plant to make clear that crushing, screening, and sizing operations, which are operated in connection with a coal mine, are not exempt from the meaning of coal preparation plant.

(c) The definition of "Surface coal mining operations" has been amended by adding to the list of activities at paragraph (a) which exemplify surface coal mining operations the term "coal preparation" and by deleting and rearranging other parts of paragraph (a). Paragraph (c) has been added and contains language concerning activities which are exempted from the meaning of surface coal mining operations, and which were deleted from paragraph (a). The Director finds that the amended definition is substantively identical to and no less effective than the counterpart Federal definition at 30 CFR 700.5.

2. 310 IAC 12–3–104—Preparation plants not located within the permit area of a specific mine

This section has been amended to change the term coal "processing" to read coal "preparation," the term used in the counterpart Federal regulations at 30 CFR 785.21. The amendment also deletes references to "support facilities" from the provision. The deletion of the term "support facilities" from the provision is consistent with the counterpart Federal regulations at 30 CFR 785.21 and 827 which do not include references to "support facilities" in the provisions which concern coal preparation plants not located within the permit area of a mine.

On November 22, 1988, the Federal rules at 30 CFR 785.21(a) and 827.1 were amended to clarify the circumstances under which coal preparation plants located outside of the permit area of a mine are subject to the performance standards and permitting requirements of SMCRA (53 FR 47384). The first sentence of section 785.21(a), which specifies the requirements for permits for coal preparation plants not located within the permit area for a mine, previously read, "This section applies to any person who operates or intends to operate a coal preparation plant outside the permit area of any mine, other than such plants which are located at the site of ultimate coal use." The amended Federal rule now reads, "This section applies to any person who operates or intends to operate a coal preparation plant in connection with a coal mine but outside the permit area for a specific mine." The amended Federal rule is intended to clarify that the performance standards in 30 CFR 827, concerning coal preparation plants not located within the permit area of a mine, are applied only to facilities conducting coal preparation "in connection with" a coal mine. The limitation to coal preparation conducted "in connection with" a coal mine is necessarily implied in 30 CFR Parts 785 and 827 because of the statutory and regulatory use of that phrase in the definition of the term "surface coal mining operations." OSM amended the definition at 30 CFR 785.21(a) to explicitly reference the phrase "in connection with" to help ensure that the provisions are not misconstrued.

The first sentence of the amended rule at 310 IAC 12–3–104 reads, "This section applies to a person who operates or intends to operate a coal preparation plant outside the permit area of a specific mine." Although not explicitly stated in the rule, the Indiana rule applies to coal preparation plants which are operated "in connection with" a coal mine because of the use of that phrase in the statutes (IC 13–4.1–1–3) and the regulations (310 IAC 12–1–3). Further, the Indiana rule includes the phrase "a specific mine" which was added to the Federal rules to further clarify that the rule relates to coal preparation plants that are operated in connection with a coal mine. With the proposed modifications, 310 IAC 12–3–104 is substantively identical to and no less effective than the Federal regulations.

3. 310 IAC 12–3–104.1—Preparation plants not regulated prior to the effective date of this rule

This new rule applies to persons who operate or intend to operate a coal preparation plant outside the permit area of a specific mine and who were not subject to 310 IAC 12 before the effective date of this rule.

Paragraph (b) states that no person shall operate a coal preparation plant more than 240 days after the effective date of the rule, unless that person applies for a permit under 310 IAC 12–3–104 within 60 days after the effective date of the rule.

Paragraph (c) states that, except as prohibited under IC 13–4.1—14–1 or 310 IAC 12–2–1, a person who operates a coal preparation plant that was not subject to 310 IAC 12 before the effective date of the rule may continue to operate without a permit for not more than 240 days from the effective date of the rule or beyond that date where: (1) a permit application is timely filed under subsection (b); and (2) the commission has not entered a final agency action under IC 4–21.5–1–6 with respect to issuance or denial of a permit.

The counterpart Federal rules which regulate coal preparation plants not located within the permit area of a mine are located at 30 CFR 785.21. The Federal rule at 30 CFR 785.21(a) requires that any person who operates or intends to operate a coal preparation plant in connection with a coal mine but outside the permit area for a specific mine shall obtain a permit from the regulatory authority. The Federal rule at 30 CFR 785.21(d)(2)(i) states that State programs that have a statutory or regulatory bar precluding issuance of permits to facilities covered by paragraph (d)(1) of this section shall notify OSM not later than November 7, 1985, and shall establish a schedule for actions necessary to allow the permitting of such facilities as soon as practicable. This schedule was to be submitted to OSM for approval no later than December 9, 1985. 30 CFR 785.21(d)(2)(ii) states that any person who operates a coal preparation plant that was not subject to this chapter before July 6, 1984, in a state which submits a schedule in accordance with paragraph (d)(2)(i) of this section shall apply for a permit in accordance with the schedule approved by OSM. For a complete discussion of these rules, see the **Federal Register** notice published on May 11, 1987 (52 FR 17724–30).

Indiana informed OSM, in accordance with the Federal rules at 30 CFR 785.21(d)(2)(i), that Indiana needed to amend the Indiana program to regulate the coal preparation plants. Subsequently, Indiana's proposed rules to regulate the coal preparation plants were submitted to OSM on August 13, 1987 (Administrative Record number IND–0502).

In a letter dated March 20, 1989 (Administrative Record number IND–0635), OSM expressed concern that Indiana's proposed rules did not make it clear that the interim program performance standards are applicable to the coal preparation plants prior to the time a permit is issued under 310 IAC 12–3–104.1. Indiana responded by letter dated May 3, 1989 (Administrative Record number IND–0648). Subsequently, meetings were held between OSM and Indiana to discuss the enforcement of interim program performance standards (Administrative Record numbers IND–0655, IND–0669). On June 8, 1989 (Administrative Record number IND–0655), OSM stated to Indiana that if the State regulatory authority does not enforce interim program performance standards, OSM will do so. Interim program performance standards are standards keyed to direct enforcement not based upon the existence of a permit. As the permits are issued, operators will become subject to the Indiana permanent program performance standards.

The Director finds that the proposed rule at 310 IAC 12–3–104.1 is no less effective than the Federal rules at 30 CFR 785.21 concerning coal preparation plants not located within the permit area of a mine. The Director is making this finding with the understanding that persons operating or who have operated coal preparation plants after July 6, 1984, and who were not subject to 310 IAC 12 before the effective date of this rule shall comply with the applicable interim program performance standards (52 FR 17724–30).

4. 310 IAC 12–5–155—Preparation plants; Applicability of special performance standards

The amendment to this section changes the term coal "processing" to read coal "preparation," the term used in the counterpart Federal regulations at 30 CFR 785.21 and 827. The amendment also deletes the phrase "or support facility." This deletion is consistent with the counterpart Federal regulations at 30 CFR 827 where there is no reference to support facilities. The deletion of the term "support facility" from this section does not create any substantive changes in Indiana's performance standards. The approved Indiana performance standards for support facilities are covered under 310 IAC 12–5–71. The Director finds, therefore, that the amended provisions are no less effective than the Federal regulations at 30 CFR 785.21 and 827.

5. 310 IAC 12–5–156—Preparation plants; Special performance standards

The amendment to this section deletes the phrase "coal processing waste disposal area, and water treatment facilities" from the signs and markers requirement at subsection (a). The revised subsection (a) now reads as follows: "Signs and markers for a coal preparation plant shall comply with 310 IAC 12–5–6." The amended rule at 310 IAC 12–5–156(a) concerning the signs and markers requirement still applies to coal processing waste disposal areas and water treatment facilities, however, because those facilities are included by reference in the Indiana definition of coal preparation plant at 310 IAC 12–1–3. Therefore, the Director finds that the amended provision at 12–5–156(a) is no less effective than the Federal counterpart at 30 CFR 827.12(a).

IV. Summary and Disposition of Comments

As discussed in the section of this notice entitled "SUBMISSION OF AMENDMENT," the Director solicited public comment and provided opportunity for a public hearing on the proposed amendments. No comments were received from the public in response to the Director's request for comments.

Pursuant to 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, comments were also solicited from various Federal agencies with an actual or potential interest in the Indiana program. No comments were received.

V. Director's Decision

Based upon finding (1), the Director is approving the Indiana amendment to section 310 IAC 12–1–3. In addition, the Director is requiring that Indiana further amend section 310 IAC 12–1–3 concerning the exclusion to the definition of "coal preparation plant" and which states "Exempted from the meaning of coal preparation plant is an operation which: (a) loads coal; (b) does not separate coal from its impurities; and (c) is not located at or near the mine site." Indiana must amend this statement to make it clear that crushing, screening, and sizing facilities will be regulated as coal preparation plants wherever they are operated in connection with a coal mine. The Director is also approving the amended rule at 310 IAC 12–3–104; 12–3–104.1; 12–5–155; and 12–5–156.

The Federal rules at 30 CFR part 914 codifying decisions concerning the Indiana program are being amended to implement this decision. This final rule is being made effective immediately in order to expedite the State program amendment process and to encourage States to conform their programs to the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 3, 1989.

Carl C. Close,

Assistant Director, Eastern Field Operations.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 914—INDIANA

1. The authority citation for Part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*)

2. Paragraph (c) of § 914.10 is revised to read as follows:

§ 914.10 State regulatory program approval.

* * * * *

(c) Copies of the approved program are available for review at:

Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 "L" Street NW., Room 5131, Washington, DC 20005

Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Administrative Record, Minton-Capehart Federal Building, Room 300, 575 N. Pennsylvania Street, Indianapolis, Indiana 46204

Indiana Department of Natural Resources, Division of Reclamation, 309 W. Washington Street, Suite 201, Indianapolis, Indiana 46204.

3. In § 914.15, a new paragraph (v) is added to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(v) The following amendment to the Indiana permanent regulatory program, as submitted by letter dated August 13, 1987, is approved effective October 11, 1989: Revisions to the Indiana Surface Coal Mining Rules concerning coal preparation plants at Sections 310 IAC 12–1–3 (also see section 914.16(a)), 310 IAC 12–3–104, 310 IAC 12–3–104.1, 310 IAC 12–5–155, and 310 IAC 12–5–156.

4. In § 914.16, paragraph (a) is revised to read as follows:

§ 914.16 Required program amendments.

(a) By February 15, 1990, Indiana shall amend the exclusion statement associated with the definition of "coal preparation plant" at 310 IAC 12–1–3 to make it clear that crushing, screening, and sizing facilities will be regulated as coal preparation plants whenever they are operated in connection with a coal mine.

* * * * *

[FR Doc. 89–24026 Filed 10–11–89; 8:45 am]
BILLING CODE 4310–05–M

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30 CFR Part 914

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Indiana regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment changes Indiana's definition of "cemetery," and changes from forty-five days to thirty days the time that the State is allowed for determining the completeness of a lands unsuitable petition. The amendment is intended to revise the Indiana program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: October 11, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204; Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

The Secretary of the Interior conditionally approved the Indiana program effective July 29, 1982. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 914.10, 914.15 and 914.16.

II. Submission of Amendment

By letter dated June 12, 1989 (Administrative Record No. IND–0649), the Indiana Department of Natural Resources (IDNR) submitted proposed amendments to the Indiana program at 310 Indiana Administrative Code (IAC) IAC 23–1–3 and 310 IAC 12–2–7. The proposed changes are briefly summarized below: The amendment to 310 IAC 12–1–3 changes the definition of "cemetery" from "any land dedicated to and used for the interment of human remains pursuant to the Indiana General Cemetery Act (IC 23–14–1–1)" to "any area of land where human remains are interred." This revision is made in response to an OSM notification to the State dated June 9, 1987, specifying the need to change the State's definition of "cemetery."

The amendment to 310 IAC 12–2–7 changes from forty-five (45) to thirty (30) the number of days the State is allowed for determining the completeness of a lands unsuitable petition. This amendment is intended to bring the Indiana rule into conformance with the counterpart Federal regulation. Other changes to 310 IAC 12–2–7 are stylistic or involve the correction of typographical errors.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the directors's findings concerning the proposed amendment. Only those revisions of particular interest are discussed below. Any revisions not revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below concern nonsubstantive wording changes or revise cross-reference and paragraph notations to reflect organizational changes.

1. 310 IAC 12–1–3 Definitions

Indiana proposes to revise the definition of "cemetery" from "any land dedicated to and used for the interment of human remains pursuant to the Indiana General Cemetery Act (IC 23–14–1–1)" to "any area of land where human remains are interred."

On February 10, 1987, OSMRE, promulgated revised regulations concerning the consideration which must be accorded historic properties during the permitting of surface coal mining operations (52 FR 4244–4263). These rules respond to the decisions rendered by the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation II* (Civil Action No. 79–1144), facilitate implementation of OSMRE's responsibilities under the National Preservation Act of 1966 (NHPA), as amended, and clarify the responsibilities of OSMRE, State regulatory authorities and applicants for permits to conduct surface coal mining operations and coal exploration. In keeping with the July 15, 1985, decision in *In re: Permanent II*, OSMRE revised the definition of cemetery at 30 CFR 761.5 to include "any area of land where human bodies are interred." The previous definition excluded private family burial grounds.

The current Indiana regulations at 310 IAC 12–1–3 define a cemetery as being "and land dedicated to and used for the interment of human remains pursuant to the Indiana General Cemetery Act." Several commenters on the proposed Federal definition stated that the definition of cemetery should include the concepts of dedication or recognition of lands specifically set aside for a cemetery. However, as discussed in the preamble to the Federal definition as finally promulgated (52 FR 4254, February 10, 1987), OSMRE did not adopt these comments because they improperly limit the Congressional intent to protect human remains from disturbance by surface coal mining operations. Also, any such definition would require the regulatory authority to make a judgment, often in the absence of any relevant information, concerning the intent of the individual who originally interred the remains.

The Federal rules at 30 CFR 732.17(d) require that OSMRE notify State regulatory authorities of all changes in Federal regulations which will necessitate State program changes. OSMRE informed Indiana on June 9, 1987, that the State needed to revise its definition of cemetery or otherwise amend its program to be no less effective than the revised Federal definition. The proposed amendment to the definition of cemetery is intended to address this concern. The Director finds that the proposed definition of "cemetery" is no less stringent than SMCRA and is identical to and no less effective than the counterpart Federal definition at 30 CFR 761.5.

2. 310 IAC 12–2–7 EM Lands Unsuitable Petitions

Indiana has amended the language of its approved regulations at 2310 IAC 12–2–7 concerning initial processing, recordkeeping and notification of lands unsuitable petitions. Specifically, at 310 IAC 12–2–7(a)(1) Indiana has changed from forty-five days to thirty days the number of days the State is allowed for determining the completeness of a lands unsuitable petition. The counterpart Federal regulation at 30 CFR 764.15(a)(1) also requires that such a determination be made within thirty days. The proposed amendment, therefore, is no less stringent than SMCRA and is no less effective than the Federal rules. Also included in the Indiana rule 310 IAC 12–2–7(a)(1) is language which states that "for good cause the director may extend the time for making these determinations for an additional fifteen (15) days." While this provision is part of the approved Indiana program and is not being amended here, OSM will, through its normal oversight of the Indiana program, monitor Indiana's use of the 15-day provision to assure that it is not abused.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the July 24, 1989, **Federal Register** ended on August 23, 1989. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were also solicited from various Federal agencies with an actual or potential interest in the Indiana program. No substantive comments were received.

V. Director's Decision

Based on the above findings, the Director is approving the Indiana program as submitted by Indiana on June 12, 1989. The Federal regulations at 30 CFR part 914 codifying decisions concerning the Indiana program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage states to bring their programs in conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, prusuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements

established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 3, 1989.

Carl C. Close,

Assistant Director, Eastern Field Operations.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 914—INDIANA

1. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 914.15, paragraph (u) is added to read as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(u) The following amendments to the Indiana regulatory program, as submitted to OSM on June 12, 1989, are approved effective October 11, 1989. Amendments to the Indiana regulations at 310 IAC 12–1–3 concerning the definition of "cemetery," and 310 IAC 12–2–7 concerning lands unsuitable petitions.

[FR Doc. 89–24027 Filed 10–11–89; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3669–4]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving today a revision to the Oregon State Implementation Plan (SIP) as submitted by the Oregon State Department of Environmental Quality (ODEQ) on February 24, 1989. This revision includes minor modifications to OAR 340–24–300 through 350 [Vehicle Inspection Operating Rules, Test Procedures and Licensed Exhaust Analyzer]. These changes are based upon the need to update provisions of the operating rules to keep them current and provide for continued operation of the motor vehicle inspection program into the 1990's.

EFFECTIVE DATE: This action will be effective on December 11, 1989 unless notice is received before November 13, 1989 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period.

ADDRESSES: Copies of material submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington DC 20460.

Air Programs Branch, Environmental Protection Agency, Docket #10A–89–4, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 811 S.W. Sixth, Portland, Oregon 97204.

Comments should be addressed to: Laurie Kral, Air Programs Branch, AT–082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael Lidgard, Air Programs Branch, AT–082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–4233, FTS: 399–4233.

SUPPLEMENTARY INFORMATION:

I Background

On June 24, 1980, EPA published in the **Federal Register** (45 FR 42265) final rulemaking on Part D revisions to the Oregon State Implementation Plan (SIP). As part of that action, EPA approved the ongoing Portland motor vehicle inspection and maintenance (I/M) program on the condition that Oregon Department of Environmental Quality (ODEQ) submit adequate operating rules for this program by July 26, 1980. ODEQ submitted a SIP revision which included regulations OAR 340–24–300 through 340–24–350. On January 2, 1981, EPA approved this revision (46 FR 35). On October 9, 1985 and supplemented with technical appendices on February 13, 1986, ODEQ submitted a revision which added a mandatory vehicle inspection and maintenance program to the existing Medford carbon monoxide plan. EPA approved this revision on February 13, 1987, (52 FR 4620).

On February 24, 1989 ODEQ submitted amendments to the vehicle inspection program operating rules. These revisions are as follows:

OAR 340–24–310(2): Correct a typographical error which modifies the description of the Medford-Ashland Air Quality Maintenance Area. Motor vehicles which are registered in this area are subject to I/M requirements.

OAR 340–24–310(6): Changes the rule so that vehicles which fail the tampering inspection are tested for exhaust emissions and a report issued to the driver. Previously, vehicles which failed the tampering check did not receive an exhaust check.

OAR 340–24–320(3)(a): Revises the tampering inspection requirements for 1975 to 1979 model year for light and heavy duty vehicles. Prior to the revision, the State of Oregon inspected nearly every pollution control system on motor vehicles for model years 1975 and newer including: positive crankcase ventilation system, air injection system, catalytic converter system, exhaust gas recirculation system, evaporative control system, fuel filler inlet restrictor and other systems. The revision retains all of the inspections for 1980 and newer vehicles but limits the inspection of 1975 through 1979 model year vehicles to the catalytic converter system and the fuel inlet restrictor. This amendment will have a minor effect on mobile source emissions control.

An analysis to quantify the impact of this revision on motor vehicle emissions was conducted by EPA. The modeling found this program change would have a minimal effect on overall emissions (percent reduction of hydrocarbon emissions decreased by 0.4, and carbon monoxide percent reduction decreased by 0.1). The effect on emissions is small since the catalyst and fuel inlet checks are retained for 1975 to 1979 vehicles and inspections are not affected for 1980 and newer models.

The State of Oregon officials cite increased difficulty of obtaining replacement parts as the basis for eliminating the underhood inspections on older vehicles, as well as improving lane throughput. Given the historically low tampering rates in Oregon, EPA has determined that this is a reasonable program change that will have a minimal effect on emission reduction benefits. Furthermore, a recent I/M program audit conducted by EPA in October 1988 (after the implementation of these revised rules) indicated that Oregon's inspection program exceeded approved State Implementation Plan emission reduction credits.

OAR 340–24–320(3)(b)(4), OAR 340–24–320(5), OAR 340–24–320(6)(a), OAR 340–24–325(3)(a), (4), and (5): Revises the

method of applying test standards to pre-1980 vehicles equipped with other than the original engine. These vehicles are now classified, for the purpose of determining test standards, by the vehicle's original model year classification and current fuel system.

OAR-24-330(3): Deletes the specific standards for vehicle emission control cutpoints (or standards) for 1972 to 1974 model years. ODEQ regulations had specified cutpoints by vehicle model year. To simplify the method, all 1972-1974 vehicles must now meet a single model year cutpoint.

OAR 340-24-350 (1)(a)(C), (1)(a)(E), and (1)(c): Clarifies the exhaust gas analyzer license requirements.

II. EPA Action

Today EPA is approving the amendments to OAR-340-24-Section 300 through 350 [Vehicle Inspection Program Operating Rules, Test Procedures and Licensed Exhaust Analyzer] as revisions to the Oregon SIP because these changes will improve the operation and efficiency of the vehicle emission testing program in Portland and Medford.

III. Administrative Review

The public is advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on these revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on the revisions and another will begin a new rulemaking by announcing a proposal of EPA's action on these revisions and establish a comment period.

This action has been classified as a table 2 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 5 U.S.C. section 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 1989. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 4, 1989.

Robert S. Burd,

Acting Regional Administrator.

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

Title 40, chapter I of part 52 of the Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

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

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

2. Section 52.1970 is amended by adding paragraph (c)(86) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(C) * * *

(86) Revisions to the Oregon State Implementation Plan were submitted by the Director of the Department of Environmental Quality on February 24, 1989. The revision is to OAR-340-24-300 through 350 (Vehicle Inspection Program Operating Rules, Test Procedures and Licensed Exhaust Analyzer).

(i) Incorporation by Reference.

(A) Letter dated February 24, 1989, from the Director of the Department of Environmental Quality to EPA Region 10.

(B) OAR 340-24-301 [Boundary Designations] (2); OAR 340-24-310 [Light Duty Motor Vehicle Emission Control Test Method] (6); OAR 340-24-320 [Light Duty Motor Vehicle Emission Control Test Criteria) (3)(a) introductory text, (3)(b)(4), (5), and (6)(a); OAR 340-24-325 [Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria] (3)(a) introductory text, (4), and (5); OAR 340-24-330 (Light Duty Motor Vehicle Emission Control Cutpoints or Standards) (3); and OAR 340-24-350 (Gas Analytical System Licensing Criteria) (1)(a)(C), (1)(a)(E), and (1)(c) as adopted by the Environmental Quality Commission on September 9, 1988.

[FR Doc. 89-23853 Filed 10-11-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[TN-037; FRL-3670-6]

Designation of Areas for Air Quality Planning Purposes; Redesignation of Two Ozone Nonattainment Areas in Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today granting a request by Tennessee that Bradley County and Hamilton County be redesignated from nonattainment to attainment for ozone. The redesignation of these counties to attainment is based on three years of ambient monitoring data showing a calculated expected exceedance of less than 1.0 per year and full implementation of EPA-approved control strategies.

DATE: This action will become effective on November 13, 1989.

ADDRESSES: Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365

Tennessee Air Pollution Control Division, Customs House, 4th Floor, 701 Broadway, Nashville, Tennessee 37219

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407

FOR FURTHER INFORMATION CONTACT: Diane T. Altsman, Air Programs Branch, EPA, Region IV, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: In the March 3, 1978, **Federal Register** (43 CFR 8962), EPA designated Bradley County and Hamilton County as nonattainment for ozone. This designation was based on ambient air quality monitoring data which revealed that Bradley County and Hamilton County had experienced oxidant violations. Several areas in Tennessee were designated nonattainment for ozone and the State was therefore required to revise their state implementation plan (SIP) for ozone. Tennessee drafted and adopted statewide regulations for controlling volatile organic compound (VOC) emissions from stationary sources. Through the Federal Motor Vehicle Control Program and through implementation of Group I and Group II Reasonably Available Control

Technology (RACT) VOC regulations, Tennessee demonstrated attainment of the ozone standard in Bradley County and Hamilton County. EPA approved Tennessee's ozone SIP on August 13, 1980 (45 FR 53813). Tennessee has requested that EPA change the attainment status of Bradley County and Hamilton County from nonattainment to attainment for ozone. In order to redesignate a nonattainment area, EPA policy requires that the most recent three years of ozone data show an expected exceedance calculation of less than or equal to 1.0 per year. Tennessee has submitted ambient air quality data collected at the Bradley County monitoring site and the Volunteer Army Ammunition Plant (VAAP) and Sequoyah sites in Hamilton County. The most recent three years of air quality data available (1983, 1984, and 1985 for Bradley County and 1986, 1987, and 1988 for Hamilton County) for each county show the number of expected exceedances to be less than or equal to 1.0 per year. The Bradley County Site was a special purpose monitoring site. Following the conclusion of the site's monitoring purpose, the site was shut down thereby rendering no further ambient air quality data since 1985. On June 2, 1988, EPA proposed to approve the request to redesignate Bradley County and Hamilton County to attainment for ozone. At that time the public was invited to submit written comments on the proposed action. No comments were received.

However, evidence submitted by the State and the Region IV Air Compliance Branch files were again reviewed to determine if the sources in Bradley County and Hamilton County to which the VOC regulations apply were in fact fully implementing the EPA-approved control strategy. This review revealed that several miscellaneous metal parts coaters located in Hamilton County had neither installed a RACT level of control nor had emissions appropriately limited below the applicability level of 25 tons of VOC emissions per year. However, on May 16, 1989, Tennessee submitted to EPA permits for each affected facility which either assure a RACT level of control, or limit the annual VOC emissions below the 25 tons per year applicability level. EPA is approving these permits in a separate notice. Additionally the most recent air quality data available in both counties show the number of expected exceedances to be less than or equal to 1.0 per year. On the basis of the monitoring data and the permits submitted by TN, EPA finds that the State's SIP is being fully implemented in Bradley and Hamilton Counties. For more information, please refer to the Technical Support Document (TSD).

This document is available for inspection at the EPA Region IV office.

Final Action

Therefore, on the basis of the most recent three years of air quality data available, showing attainment and evidence of an implemented EPA-approved control strategy, EPA today redesignates Bradley County and Hamilton County from ozone nonattainment to attainment.

Today's action is contingent upon the State and/or county maintaining an adequate ozone ambient air quality monitoring network and continuing full implementation of their nonattainment plan. Under the reasoning of *Bethlehem Steel Corp* vs. *EPA*, 723 F. 2d 1304 (7th Cir. 1983), EPA believes that it may not have the authority to redesignate an area to nonattainment without first receiving a request to do so from the affected state. Therefore EPA anticipates that should violations of the ozone NAAQS occur in the future, the state will request that EPA redesignate the area nonattainment. Also, this redesignation does not in any way relieve sources from their obligation to meet all applicable requirements of the approved ozone nonattainment plans (SIPs), nor does it authorize the State and/or the county to delete or relax RACT emission limiting regulations. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA-approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of nonimplementation [Section 173(b) of the Clean Air Act] and in a SIP deficiency call made pursuant to Section 110(a)(2)(H) of the Clean Air Act.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: October 4, 1989.

William K. Reilly,

Administrator.

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

PART 81—[AMENDED]

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

2. Section 81.343 is amended by revising the attainment status designation table for ozone (O_3) to read as follows:

§ 81.343 Tennessee

* * * * *

TENNESSEE—OZONE (O_3)

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards[2]
Nashville Area—Davidson, Sumner, Rutherford, Wilson and Williamson Counties.	x[1]	
Shelby County	x[1]	
Roane County	x[1]	
Rest of State		x

[1] EPA designation replaces State designation.
[2] Designations of "Cannot be classified or better than national standards" were reaffirmed on July 23, 1982.

* * * * *

[FR Doc. 89-24072 Filed 10-11-89; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 795 and 799

[OPTS-42085D; FRL 3659-1]

Diethylene Glycol Butyl Ether and Diethylene Glycol Butyl Ether Acetate; Amendments to Pharmacokinetics Test Standard and Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the pharmacokinetics test standard in 40 CFR 795.225 by revising the dose occlusion requirements for diethylene glycol butyl ether (DGBE) and diethylene glycol butyl ether acetate

(DGBA) in the conduct of the study, reducing the dermal exposure time of the test animals to DGBA and DGBE from 96 to 24 hours, and adding a requirement to administer a neat low dose of DGBE to an additional group of animals. EPA is also amending the associated test rule in 40 CFR 799.1560 by modifying the submission of the progress and final pharmacokinetics test reports to EPA. These amendments are in response to the test sponsor's request to amend the rules because of documented difficulties encountered in attempting to perform the pharmacokinetics test.

DATES: In accordance with 40 CFR 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern (daylight or standard as appropriate) time on October 26, 1989. This amendment to the final rule shall become effective on November 27, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA is amending the dermal pharmacokinetics test standard and final rule for DGBE and DGBA by reducing the exposure time to the test substance in the pharmacokinetics test and extending the reporting deadlines.

I. Background

EPA issued a final rule under TSCA section 4(a)(1)(A) and (B), published in the **Federal Register** of February 26, 1988 (53 FR 5932), that established health effects testing requirements for DGBE and DGBA. The rule required dermal pharmacokinetics testing in rats to determine the absorption and biotransformation of DGBE administered dermally, and the dermal absorption of DGBA. The test standard, in 40 CFR 795.225(b)(2)(iv)(E), required that rats be dosed once dermally, that the dosed area be occluded with an aluminum patch, and that the dose be kept on the skin for the duration of the study (96 hours). After dosing, the animals were to be placed in metabolism cages for excreta collection for at least 96 hours and, if necessary, daily thereafter until at least 90 percent of the dose had been excreted, or until 7 days after dosing. The final rule required completion of this test and submission of a final report by April 11, 1989, 12 months after the effective date of the final rule, 40 CFR 799.1560(c)(4)(ii).

Shortly after initiating the pharmacokinetics test, the test sponsor, Eastman Kodak, notified EPA via its representative, the Chemical Manufacturers Association (CMA) of technical difficulties encountered in trying to performthe test as required (Refs. 1 through 3, and 5). Specifically, Eastman Kodak could not prevent leakage from the dosed area by using the required aluminum patch, and a glass cell occlusion device developed by Eastman Kodak to remedy the problem could not be kept on the animals' backs for longer than 24 to 48 hours. Despite several pilot studies to find an occlusion method which could be maintained for 96 hours, none was found (Refs. 2, 4, 6, and 7 through 10). Therefore, on behalf of Eastman Kodak, CMA requested modifications of the pharmacokinetics test requirement which would delete the requirement to use the aluminum patch, reduce the dose occlusion time from 96 hours to 24 hours, and extend the reporting deadline for the pharmacokinetics test to 10 months after EPA notified industry of its decision (Ref. 2). CMA also notified EPA that Eastman Kodak would add an extra group of animals to the study so that the absorption of a neat, low dose of DGBE could be compared with the required absorption study of an aqueous low dose and a neat, high dose of DGBE (Ref. 2).

EPA believed that the requested modifications were reasonable, however, it considered a 10-month extension excessive to complete the test and submit results due to the considerable prior experience of the laboratory in attempting to perform the test.

Therefore, EPA proposed to modify the pharmacokinetics test for DGBA and DGBE and to grant an 8-month extension in the **Federal Register** of March 31, 1989 (54 FR 13202).

II. Public Comments

Comments on the proposed modifications were submitted by CMA (Ref. 11). CMA clarified their intention, stated in aprotocol amendment, to apply DGBA neat (undiluted) to the low dose group and not an aqueous solution as EPA thought. EPA agrees that this approach will allow better comparability with the high dose group and stated this in the proposed rule.

CMA also repeated its request to have 10 months to complete the test and submit results because an additional dose group has been added. EPA still believes that even with the additional dose group 8 months is sufficient time because certain study phases can be run concurrently and Eastman Kodak has had considerable experience in attempting to perform this test.

III. Modifications

Based on the difficulties encountered and documented by Eastman Kodak in attempting to perform the pharmacokinetics test of DGBE and DGBA as required by the section 4 test rule, EPA is modifying the pharmacokinetics test standard as follows:

Section 795.225(b)(2)(iv)(E) will require that the test substance be kept on the animal for 24 hours instead of 96 hours. After 24 hours, any test material remaining on the skin will be washed off and the containment cell removed. Radiolabeled material in the wash will be accounted for in the total recovery. Urine and feces will be collected at 8, 24, 48, 72, and 96 hours after dosing, and, if necessary, daily thereafter until at least 90 percent of the dose has been excreted or until 7 days after dosing, whichever occurs first.

Under § 795.225(b)(2)(ii)(B), EPA is eliminating the requirement to occlude the dosed area with an aluminum foil patch secured in placed with adhesive tape.

To produce better data, CMA has volunteered to test two,low doses of DGBE, one neat and one a 10 percent aqueous solution. EPA, therefore, is modifying § 795.225(b)(2)(ii)(A) accordingly.

IV. Extensions

Due to the need to suspend pharmacokinetics testing because of technical problems, EPA is modifying the reporting deadlines under § 799.1560(c)(4)(ii)(A) and (B) to allow 8 months from the effective date of this amendment for the completion of the test and submission of final results. One progress report will be due 6 months after the effective date of the amendment.

V. Economic Analysis

The modifications granted in this amendment will not significantly alter the cost of testing. Thus, the economic analysis for the final test rule for DGBE and DGBA is unchanged.

VI. Rulemaking Record

EPA has established a record for this rulemaking (docket number OPTS-42085D). This record includes information considered by EPA in developing this proposed amendment and appropriate **Federal Register** notices.

This record includes the following information:

A. Supporting Documentation

(1) Federal Register notices consisting of:

(a) Notice of proposed test rule for DGBE and DGBA (51 FR 27880, August 4, 1986).

(b) Notice of final test rule for DGBE and DGBA (53 FR 5932, February 26, 1988).

(c) Notice of proposed amendments to the pharmacokinetics test standard and reporting requirements (54 FR 13202, March 31, 1989).

(2) Communications consisting of:

(a) Letters.

(b) Contact reports of telephone conversations and meetings.

B. References

(1) USEPA. Contact report of phone conversation between Fred DiCarlo, Health and Environmental Review Division, Office of Toxic Substance (OTS), and Dr. Carol Stack, Chemical Manufacturers Assoc. (CMA), Washington, DC (July 25,1988).

(2) CMA. Letter from Dr. Geraldine Cox, CMA, to the Director, Office ofCompliance Monitoring, Office of Pesticides and Toxic Substances, USEPA, (September 8,1988).

(3) USEPA. Contact report of phone conversation between Catherine Roman, Test Rules Development Branch (TRDB), and Dr. Carol Stack, CMA (August 3, 1988).

(4) USEPA. Contact report of phone conversation between Catherine Roman, TRDB, and Dr. Carol Stack (CMA). (August 29, 1988).

(5) USEPA. Contact report of phone conversation between Catherine Roman, TRDB, and Dr. Carol Stack, CMA. (August 5, 1988).

(6) USEPA. Contact report of meeting between EPA officials and Dr. Carol Stack, CMA, and Dr. Derek Guest, Eastman Kodak. (August 23, 1988).

(7) Notice of final test rule for 2-Ethylhexanoic Acid (51 FR 40318, November 6, 1986).

(8) Southern Research Institute, Birmingham, Alabama 35255-5305. "Absorption and Disposition of 2-mercapto- benzothiazole-Ring-UL-^{14}C and 2-Mercapto- benzothiazole Disulfide-Ring-UL-^{14}C in Fischer 344 Male and Female Rats and Female Guinea Pigs Dosed Topically." SoRI-86-1200, Report 5873-V, Contract RA-4.0-SRI PHARM. Contracted by CMA, Washington, DC (May 27, 1987).

(9) USEPA. Letter from Richard Troast, TRDB, to Dr. Carol Stack, CMA. (October 19, 1988).

(10) CMA. Letter and attachments from Dr. Carol Stack, CMA, to the Director, Office of Compliance Monitoring, Office of Pesticides and Toxic Substances, USEPA (November 16, 1988).

(11) CMA. Letter from Dr. Geraldine Cox, CMA, to TSCA Public Docket Office, Office of Toxic Substances, USEPA (May 1, 1989).

VII. Other Regulatory Requirements

A. Executive Order 12291

EPA judged that the final test rule was not subject to the requirement of a Regulatory Impact Analysis under Executive Order 12291. EPA has determined that the modifications to the rule do not alter this determination.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (5 U.S.C. 601 et seq., Pub. L. 96-354, September 19, 1980), EPA certified that the final test rule would not have a significant impact on a substantial number of small businesses. The modifications to the final rule made in this rule do not change this determination.

C. Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et. seq. and have been assigned OMB control number 2070-0033.

EPA has determined that this rule does not change existing recordkeeping or reporting requirements nor does it impose any additional recordkeeping or reporting requirements on the public.

Send comments regarding this rule to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

List of Subjects in 40 CFR Parts 795 and 799

Chemicals, Environmental protection, Hazardous substances, Laboratories, Recordkeeping and reporting requirements, and Testing.

Dated: September 22, 1989.

Linda F. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, subchapter R, is amended as follows:

PART 795—[AMENDED]

1. In part 795:

a. The authority citation for part 795 continues to read as follows:

Authority: 15 U.S.C. 2603.

b. By revising § 795.225 (b)(2)(ii)(A), (B), and (iv)(E) to read as follows:

§ 795.225 Dermal pharmacokinetics of DGBE and DGBA.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(A) Two doses of DGBA shall be used in the study, a "low" dose and a "high" dose. Three doses of DGBE shall be used in the study, a neat "low" dose, an aqueous "low" dose, and neat "high" dose. When administered dermally, the "high" dose level should ideally induce some overt toxicity such as weight loss. The "low" dose level should correspond to a no observed effect level.

(B) For dermal treatment, the doses shall be applied in a volume adequate to deliver the prescribed doses. The backs of the rats should be lightly shaved with an electric clipper shortly before treatment. The dose shall be applied with a micropipette on a specific area (for example, 2 cm^2) on the freshly shaven skin.

* * * * *

(iv) * * *

(E) The high and low doses of ^{14}C-DGBE and ^{14}C-DGBA shall be kept on the skin for 24 hours. After application, the animals shall be placed in metabolism cages for excreta collection. After 24 hours, any test material remaining on the skin will be washed off and the containment cell removed. Radiolabeled material in the wash will be accounted for in the total recovery. Urine and feces shall be collected at 8, 24, 48, 72, and 96 hours after dosing, and if necessary, daily thereafter until at least 90 percent of the dose has been excreted or until 7 days after dosing, whichever occurs first.

* * * * *

PART 799—[AMENDED]

2. In part 799:

a. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2063, 2611, 2625.

b. By revising § 799.1560 (c)(4)(ii)(A) and (B), and (e) to read as follows:

§ 799.1560 Diethylene glycol butyl ether and diethylene glycol butyl ether acetate.

* * * * *

(c) * * *

(4) * * *

(ii) * * *

(A) The pharmacokinetics tests shall be completed and the final reports submitted to EPA within 6 months of the effective date of the final amendment.

(B) A progress report shall be submitted to EPA 6 months from the effective date of the final amendment.

* * * * *

(e) *Effective dates.* (1) 40 CFR 799.1560 is effective on April 11, 1988, except for the provisions of paragraphs (c)(4)(ii)(A) and (B) which are effective on November 27, 1989.

(2) The guidelines and other test methods cited in this section are referenced as they exist on April 11, 1988, except that § 795.225 of this chapter, originally effective April 11, 1988, is referenced to include amendments to paragraph (b)(2)(ii)(A) and (B) and (iv)(E) of that section, effective as they exist on November 27, 1989.

[FR Doc. 89-24036 Filed 10-11-89; 8:45 am]

Billing Code 6560-50-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89-008]

RIN 2115-AD30

Documentation of Vessels; Recordation of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The U.S. Coast Guard is issuing this interim final rule to amend its vessel documentation regulations to implement a newly enacted statute which codifies and amends the Ship Mortgage Act of 1920. The new legislation made substantive changes to the laws governing the recordation of instruments. The Coast Guard's existing regulations are at variance with some of those changes, and therefore must be amended to implement legislative intent. The intended effect of this rulemaking is to conform the Coast Guard's regulations to those aspects of the new statute which are considered unequivocal and are currently effective, and to provide for uniform application of the law by the Coast Guard's Vessel Documentation Offices.

DATES: This interim final rule is effective October 12, 1989. Comments must be received by December 11, 1989.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 89-008), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001. Comments will be available for examination or copying at, and may be delivered to, Room 3600 at the above address, between 8 a.m. and 3 p.m., Monday through Friday, except holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, (202) 267-1492. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this rulemaking. In accordance with 5 U.S.C. 553(b), the Coast Guard finds that notice and opportunity for comment are unnecessary and contrary to the public interest. This rulemaking merely implements new statutory requirements affecting the filing and recordation of various commercial instruments related to vessels. Because this rulemaking merely implements the statutory changes already in effect, the Coast Guard has determined that good cause exists under 5 U.S.C. 553(d) for making this rulemaking effective in less than 30 days after publication in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Thomas L. Willis, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

Background

On November 23, 1988, Congress enacted Public Law 100-710 ("the Act"), which amended and codified the Ship Mortgage Act of 1920 into 46 U.S.C. Chapter 313. The Act introduced significant changes which are at variance with the former law and with existing Coast Guard regulations.

Most of the provisions of the Act which require changes to the Coast Guard's regulations became effective on January 1, 1989. Certain of the changes are unequivocal and are being implemented in final form by this rulemaking. Other changes, some of which became effective on January 1, 1989, and others which will become effective on January 1, 1990, require a more considered approach, including the opportunity for public comment. These latter changes will be the subject of separate rulemaking action.

This interim final rule, which is effective upon publication, is intended to minimize transitional uncertainty, while permitting an opportunity for public comment.

Discussion of Regulation

Every section in subparts 67.29, 67.31, 67.33, 67.35, 67.37, and 67.39 is revised to provide for the filing of instruments.

Section 67.01 is amended to add definitions of Secretary and acknowledgment.

Section 67.17-3(c) is a new section added to provide for loss of registry privileges during any period when the vessel is mortgaged to a person other than a State, the United States Government, a federally insured depository institution which has not been disapproved by the Secretary, an individual who is a citizen of the United States, a person qualifying as a citizen of the United States under Section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802), or other person approved by the Secretary of Transportation.

Sections 67.17-5(d) and 67.17-7(d) are amended to provide for loss of coastwise and Great Lakes license privileges during any period when the vessel is mortgaged to a person other than a State, the United States Government, a federally insured depository institution which has not been disapproved by the Secretary, an individual who is a citizen of the United States, a person qualifying as a citizen of the United States under Section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802), or other person approved by the Secretary of Transportation.

Section 67.23-1(a) is amended to reflect the fact that the license(s) endorsed upon the Certificate must be renewed annually, even though the Certificate of Documentation remains valid until surrendered with the consent of the Secretary.

Section 67.23-3(b) is removed. Section 67.23-5 is amended to reflect the new statutory requirement for consent by a chattel mortgagee prior to surrender of a Certificate of Documentation under certain circumstances. This is a change from the Ship Mortgage Act, 1920, which provided for such consent only for preferred mortgages.

Section 67.23-9(c) is amended to reflect the fact that a Certificate of

Documentation which is subject to deletion remains valid for purposes of sections 9 and 37(b) of the Shipping Act, 1916, section 902 of the Merchant Marine Act, 1920, instruments filed or recorded before the date of invalidation, and assignments filed after that date.

Section 67.23–11(c) is amended to reflect the fact that a Certificate of Documentation subject to cancellation remains valid for purposes of sections 9 and 37(b) of the Shipping Act, 1916, Section 902 of the Merchant Marine Act, 1920, instruments filed or recorded before the date of invalidation, and assignments filed after that date.

Section 67.25–3 is amended to reflect the new requirement for consent of a chattel mortgagee before the name of a vessel may be changed.

Section 67.29–1 is amended to eliminate the reference to Abstracts of Title as recordable instruments.

Section 67.29–3 is amended to reflect the changes made to section 9 of the Shipping Act, 1916, eliminating the need for approval of the Secretary of Transportation to permit transfers of fishing industry vessels and recreational vessels to persons who are not citizens of the United States.

Section 67.29–5 is amended to clarify the requirements for identification of vessels specified in recorded instruments. The section is further amended to provide that all instruments, not merely bills of sale or deeds of gift, covering vessels not previously documented may identify the vessel by some means other than name and official number.

Section 67.29–7 is amended to eliminate the reference to Abstracts of Title as recorded instruments.

Section 67.27–11 is amended to clarify the requirement for declarations about citizenship precedent to filing and recordation. It also specifies the instruments to which the requirement applies.

Section 67.29–13 specifies the place(s) for filing and recordation. It makes clear that while filing in connection with either the initial documentation of a vessel or any transaction which brings about a change in documentation may be made at a documentation office in a port other than the vessel's home port, all recordation is done by the documentation office at the home port of the vessel.

Section 67.29–15 is amended to reflect the fact that an instrument is recordable if it is in substantial compliance with applicable requirements.

Section 67.29–17 is a new section. All instruments are considered to be filed upon receipt. Although filed, some instruments may not be recorded, either because recordation depends upon documentation or the instrument is determined not to be in substantial compliance with the applicable regulations and statutes. In such cases, the filing must be terminated. This section sets forth when filing will be deemed terminated, and the disposition of the instruments upon termination of filing.

Section 67.31–1 is amended by eliminating the requirement for a declaration of citizenship which is now set forth in § 67.29–11 of this part.

Section 67.31–5 is amended to state the requirement to include the addresses of parties to instruments submitted for filing and recordation.

Section 67.33–1 is amended by eliminating the requirement for a declaration of citizenship which is now set forth in § 67.29–11 of this part.

Section 67.33–5 is amended to state the requirement to include the addresses of parties to instruments submitted for filing and recordation. In addition, the requirement to state the interest in the vessel held by each mortgagee, a requirement which is not found in law, is eliminated. Paragraph (c) of this section is amended by eliminating the requirement for a maturity date, and by adopting language to permit the statement of the amount of mortgage in one or more units of account.

Section 67.33–11 is amended to state the requirement to include the addresses of parties to instruments submitted for filing and recordation.

Section 67.33–13 is amended to eliminate the requirement that the assuming party hold legal title to the vessel covered by the assumption at the time of execution and filing of the assumption.

Section 67.33–17 is amended to state the requirement to include the addresses of parties to instruments submitted for filing and recordation.

Section 67.33–23 is amended to state the requirement to include the addresses of parties to instruments submitted for filing and recordation.

Sections 67.33–25, 67.33–27, and 67.33–29 are new sections describing the general requirements, required signatures, and required recitations, respectively, for agreements subordinating chattel mortgages.

Subpart 67.35 is being revised to include filing and recordation information for preferred mortgages and related instruments. Generally, the revision eliminates the following: (1) Reference to endorsement and the requirement for presentation of the Certificate of Documentation for endorsement of the mortgage; (2) the requirement that the vessel covered by the mortgage be documented at the time the mortgage is made; (3) the requirement for an affidavit of good faith; (4) the requirement that a mortgage covering a vessel of less than twenty-five (25) gross tons be accompanied by a statement that the vessel is not a towboat, barge, scow, lighter, car float, canal boat or tank vessel; and (5) the requirement that a mortgage securing property in addition to a vessel identify that other property and provide for separate discharge of that property.

Section 67.35–3 eliminates the restriction against recordation of a preferred mortgage if it contains language which constitutes a waiver of its preferred status. The restriction against recording as preferred a mortgage on a vessel to a person other than a citizen of the United States as defined in 46 U.S.C. App. 802 has been clarified to reflect the long-standing policy of also recording qualified preferred mortgages which have as the mortgagee a State, the United States Government, or an individual who is a citizen of the United States. In addition, that same restriction has been modified to permit recording of preferred mortgages if the mortgagee is a federally insured depository institution which has not been disapproved by the Secretary of Transportation, even if that institution is not a citizen as defined in 46 U.S.C. App. 802. The Secretary of Transportation may also approve any other person as a preferred mortgagee. The responsibility for disapproval of financial institutions or approval of other persons as preferred mortgagees is within the purview of the Maritime Administration which administers the provisions of Section 9 of the Shipping Act of 1916. The section also states that the restrictions against certain persons holding preferred mortgages do not apply to a vessel which has been operated only as fishing, fish processing, or fish tender vessel, or for pleasure.

Section 67.35–7 provides for filing and recordation of instruments subordinating or waiving the preferred status of the mortgage.

Section 67.35–9 reflects the new provisions of § 67.35–3 describing persons permitted to be preferred mortgagees and eliminates the prohibition against language which would constitute a waiver of preferred status.

Subpart 67.37 is revised to include information concerning filing and recordation of notices of claim of lien.

E.O. 12291 and DOT Regulatory Policies and Procedures

These regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation has been found to be so minimal that further evaluation is unnecessary. The regulation merely provides for filing of instruments and simplifies perfection of liens against documented vessels.

Regulatory Flexibility Act

Since the impact of this regulation is expected to be minimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities. Although a substantial number of small entities are involved in vessel operations within the ambit of this regulation, the provisions of this regulation simplify the requirements for compliance and reduce the possibility of rejection of instruments submitted for filing and recordation.

Paperwork Reduction Act

This rulemaking imposes no new paperwork burden on the public. It reduces the number of types of instruments which must accompany instruments submitted for filing and recordation.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with Section 2–B–3.h. of Commandant Instruction M16475.1B. A Categorical Exclusion Determination Statement has been prepared and included in the rulemaking docket.

Federalism

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

List of Subjects in 46 CFR Part 67

Vessels.

For the reasons set out in the preamble, the Coast Guard amends Part 67 of Chapter 1, Title 46, Code of Federal Regulations, as follows:

PART 67—DOCUMENTATION OF VESSELS

1. The authority citation for Part 67 is revised to read as follows:

Authority: 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103; 46 U.S.C. App. 841a, 876; 49 U.S.C. 322; 49 CFR 1.46.

2. Section 67.01–1 is amended by adding the following definitions, in alphabetical order, to read as follows:

§ 67.01–1 Definitions of terms used in this part.

* * * * *

Acknowledgment means (a) an acknowledgment or notarization, which is in substantial compliance with the Uniform Acknowledgments Act, the Uniform Recognition of Acknowledgments Act, or the Uniform Law on Notarial Acts, before a notary public or other public official authorized by a law of a State or the United States to take acknowledgment of deeds; or (b) a certificate issued under the Hague Convention Abolishing the Requirement for Legalisation of Public Documents, 1961.

* * * * *

Secretary means the Secretary of Transportation.

* * * * *

3. Section 67.17–3 is amended by adding paragraph (c), with the existing note to follow paragraph (c), to read as follows:

§ 67.17–3 Registry.

* * * * *

(c) A vessel otherwise eligible for a registry endorsement under paragraph (b) of this section loses that eligibility during any period in which it is mortgaged to a person which does not meet the requirements of § 67.35–3 of this part.

* * * * *

4. Section 67.17–5 is amended by revising paragraph (d) to read as follows:

§ 67.17–5 Coastwise license.

* * * * *

(d) A vessel otherwise eligible for a coastwise license endorsement under paragraph (b) of this section loses that eligibility during any period in which it is owned by a corporation which does not meet the requirements of § 67.03–9(b) of this part, or it is mortgaged to a person which does not meet the requirements of § 67.35–3 of this part.

5. Section 67.17–7 is amended by revising paragraph (d) to read as follows:

§ 67.17–7 Great Lakes license.

* * * * *

(d) A vessel otherwise eligible for a Great Lakes license under paragraph (b) of this section loses that eligibility during any period in which it is owned by a corporation which does not meet the requirements of § 67.03–9(b) of this part, or it is mortgaged to a person which does not meet the requirements of § 67.35–3 of this part.

6. Section 67.23–1 is revised to read as follows:

§ 67.23–1 Requirement for renewal.

Except as provided in this subpart, each license endorsed upon a Certificate of Documentation is valid for one year. Upon expiration of that year, the owner must apply for renewal of each license in accordance with § 67.25–1 of this part.

§ 67.23–3 [Amended]

7. Section 67.23–3 is amended by removing paragraph (b) and redesignating existing paragraphs (c), (d) and (e) as paragraphs (b), (c) and (d), respectively.

8. Section 67.23–5 is revised to read as follows:

§ 67.23–5 Restrictions on surrender; mortgagee consent.

(a) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage of record may not be surrendered for a cause arising under § 67.23–3(a) (1) through (9) of this subpart without consent of the mortgagee.

(b) When the consent of the mortgagee is required under paragraph (a) of this section, the owner must comply with the provisions of § 67.25–9 of this part.

9. Section 67.23–7 is amended by revising paragraphs (a) and (b) to read as follows:

§ 67.23–7 Requirement for replacement.

(a) Certificates of Documentation must be replaced when lost, mutiliated, or wrongfully withheld from the vessel owner.

(b) When a Certificate is replaced because it is mutilated; the existing Certificate must be physicially given up to the documentation officer to whom application is made

* * * * *

10. Section 67.23–9 is amended by revising the introductory text of paragraph (a), paragraph (a)(4), paragraph (c), and the note following paragraph (d) to read as follows:

§ 67.23–9 Requirement for deletion.

(a) Except as provided in paragraph (c) of this section, a Certificate of Documentation issued to a vessel is

subject to deletion from the roll of documented vessels when: * * *

(4) The owner fails to renew the license(s) as required by § 67.23–1 of this part.

* * * * *

(c) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded in accordance with Subpart 67.33 or 67.35 of this part remains valid for the purpose of Chapter 313, Title 46 U.S.C., sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. App. 808, 835(b)), and section 902 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1242).

* * * * *

Note: Certificates for vessels which have been deleted are filed at the last home port of record.

11. Section 67.23–11 is amended by revising paragraph (c) and the note following paragraph (c) to read as follows:

§ 67.23–11 Requirement for cancellation.

* * * * *

(c) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded in accordance with Subpart 67.33 or 67.35 of this part remains valid for the purpose of Chapter 313, Title 46 U.S.C., sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. App. 808, 835(b)), and section 902 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1242). Such a Certificate may, however, be subject to surrender to correct the error which would normally give rise to cancellation.

Note: Certificates for vessels which have been deleted are filed at the last home port of record.

§ 67.27–5 [Removed]

12. Section 67.27–5 is removed.

13. Subpart 67.29 is revised to read as follows:

Subpart 67.29—Filing and Recordation of Instruments—General Provisions

Sec.

§ 67.29–1 Instruments eligible for filing and recordation.

The following instruments, and no others, are eligible for filing and recordation:

(a) Bills of sale and instruments in the nature of bills of sale;

(b) Deeds of gift;

(c) Chattel mortgages, and assignments, assumptions, supplements, amendments, satisfactions, and releases thereof;

(d) Preferred mortgages, and assignments, assumptions, supplements, amendments, satisfactions, and releases thereof; and

(e) Notices of claim of lien, assignments, amendments, and satisfactions and releases thereof.

§ 67.29–3 Restrictions on filing and recordation.

(a) An instrument otherwise eligible for filing and recordation under § 67.29–1 (a) or (b) of this part may not be filed and recorded if any vendee or transferee under the instrument is not a citizen of the United States as defined in 46 U.S.C. App. 802 unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument. This restriction does not apply to an instrument conveying an interest in a vessel that has been operated only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101) or a vessel that has been operated only for recreation.

(b) The restriction imposed by paragraph (a) of this section does not apply to a bill of sale or deed of gift conveying an interest in a vessel which was neither documented nor was last documented pursuant to these regulations or any predecessor regulations thereto, at the time the instrument was executed.

(c) An instrument otherwise eligible for filing and recordation under § 67.29–1(c) of this part may not be recorded if the mortgagee or assignee is not a citizen of the United States as defined in 46 U.S.C. App. 802 or a trustee as defined in 46 U.S.C. 31328, unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument. This restriction does not apply to an instrument conveying an interest in a vessel that has been operated only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101) or a vessel that has been operated only for recreation.

(d) An instrument otherwise eligible for filing and recordation under § 67–29–1(d) of this part may not be recorded if the mortgagee or assignee is not a person described in 46 U.S.C. 31322(a)(1)(d). This restriction does not apply to an instrument conveying an interest in a vessel that has been operated only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101) or a vessel that has been operated only for recreation.

(e) An instrument otherwise eligible for filing and recordation under § 67.29–1 of this part may not be filed and recorded if it bears a material alteration.

§ 67.29–5 Requirements for vessel identification.

(a) Every instrument presented for filing and recordation must contain sufficient information to clearly identify the vessel.

(b) Instruments pertaining to vessels which have been documented must contain the vessel's name and official number, or other unique identifier.

(c) Vessels which have never been documented must be identified by one of the following:

(1) The vessel's Hull Identification Number assigned in accordance with 33 CFR 181.25; or

(2) Other descriptive information, which clearly describes the vessel. Such information may include length, breadth, depth, year of build, name of manufacturer, and any numbers which may have been assigned in accordance with 33 CFR part 173.

§ 67.29–7 Requirement for date and acknowledgment.

(a) Every instrument presented for filing and recordation must:

(1) Bear the date of its execution; and

(2) Contain an acknowledgment.

(b) No officer or employee of the Coast Guard is authorized to take such acknowledgments.

§ 67.29–9 Required number of copies.

Except as provided in § 67.35–5 of this part, with respect to preferred mortgages, all instruments presented for filing and recordation must be presented in duplicate; at least one copy must bear original signatures.

§ 67.29–11 Requirement for citizenship declaration.

(a) Instruments in the nature of a bill of sale or deed of gift, mortgages, and assignments of mortgages, are not eligible for filing and recordation unless accompanied by a properly executed declaration stating information about the citizenship of the grantee or other information to show that the transaction does not violate sections 9 or 37 of the Shipping Act, 1916 (46 U.S.C. App. 808, 835).

(b) The requirement for presentation of a citizenship declaration does not apply to instruments in which the grantee is a government of the United States or a political subdivision thereof or a corporate entity which is an agency of such governments.

(c) Citizenship declarations must be executed on the form prescribed by the Maritime Administration at 46 CFR 221.5. These forms are available from documentation officers at all ports of documentation or from the Vessel Transfer and Disposal Officer (MAR-745.1), Maritime Administration, United States Department of Transportation, Washington, DC 20590.

§ 67.29-13 Place of filing and recordation.

(a) Filings made at the same time as application is made for issuance of or a change to a Certificate of Documentation are made at the port where such application is made; mortgages filed in conjunction with such applications may be filed at the same port at any time prior to the time when the Certificate of Documentation has been issued or changed. All other filings must be made at the home port of the vessel.

(b) No filing may be made unless:

(1) The vessel has a valid Certificate of Documentation; or

(2) An application for documentation which is in substantial compliance with the applicable regulations has been made at the port where the filing is made.

(c) All recordations are made at the documentation office at the home port(s) or the vessel(s) affected by the instrument.

(d) Where the home port of a vessel is being changed, recordation is effected at the new home port.

§ 67.29-15 Date and time of filing and recordation.

(a) The date and time of filing of an instrument is the actual date and time at which the instrument is delivered to the documentation officer at the port where the filing is made.

(b) The date and time of recordation is the actual date and time at which the recording documentation officer designates the book into which the instrument will be placed and the page it will occupy in that book. The designation of book and page is not made until the documentation officer is satisfied that the instrument is in substantial compliance with all requirements for recordation.

§ 67.29-17 Termination of filing and disposition of instruments.

(a) A filing will be deemed terminated if:

(1) It is determined that the instrument cannot be recorded because the instrument itself is not in substantial compliance with the applicable regulations in this part;

(2) The filing was not made in compliance with the requirements of § 67.29-13 of this subpart; or

(3) The application for issuance of or change to a Certificate of Documentation was not made in substantial compliance with the applicable regulations of this part.

(b) If the filing of an instrument is terminated, the instrument will be returned to either:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof; or

(3) The claimant, if a notice of claim of lien.

14. Subpart 67.31 is revised to read as follows:

Subpart 67.31—Filing and Recordation of Instruments—Bills of Sale, Etc.

Sec.

§ 67.31-1 General requirements.

An instrument in the nature of a bill of sale or a deed of gift must meet all of the requirements of subpart 67.29 of this part, in addition to the requirements of this subpart.

§ 67.31-3 Required signatures.

An instrument presented for filing and recordation under this subpart must be signed by or on behalf of all the seller(s) or donor(s).

§ 67.31-5 Required recitations.

An instrument presented for filing and recordation under this subpart must recite:

(a) The name(s) and address(es) of the seller(s) or donor(s) and the interest in the vessel held by the seller(s) or donor(s); and

(b) The name(s) and address(es) of the buyer(s) or donee(s) and the interest in the vessel held by each buyer or donee.

§ 67.31-7 When filing permitted.

An instrument presented for filing and recordation under this subpart must be filed in conjunction with either an application for initial documentation or redocumentation of the vessel or a change to the vessel's outstanding Certificate of Documentation.

15. Subpart 67.33 is revised to read as follows:

Subpart 67.33—Filing and Recordation of Instruments—Chattel Mortgages and Related Instruments

Sec.

§ 67.33-1 General Requirements.

(a) A chattel mortgage presented for filing and recordation must meet all the requirements of §§ 67.33-3 and 67.33-5 of this subpart.

(b) An instrument which meets the requirements of paragraph (a) of this section is nonetheless not eligible for filing and recordation if the mortgagor did not actually hold legal title to the interest in the vessel being mortgaged at the time of filing of the mortgage.

§ 67.33-3 Required signatures.

A chattel mortgage presented for filing and recordation must be signed by or on behalf of the mortgagor(s).

§ 67.33-5 Required recitations.

A chattel mortgage presented for filing and recordation must recite:

(a) The name(s) and address(es) of the mortgagor(s) and the interest in the vessel held by the mortgagor(s);

(b) The name(s) and address(es) of the mortgagee(s) and the individual interest in the vessel held by each mortgagee; and

(c) The amount of the direct or contingent obligations that is or may become secured by the mortgage, excluding interest, expenses, and fees. The amount may be recited in one or more units of account as agreed to by the parties.

§ 67.33-7 General requirements for assignments of chattel mortgages.

An assignment of a chattel mortgage presented for filing and recordation must meet all the requirements of subpart 67.29 of this part and the requirements of §§ 67.33-9 and 67.33-11 of this subpart.

§ 67.33-9 Required signatures for assignments of chattel mortgages.

An assignment of chattel mortgage presented for filing and recordation must be signed by or on behalf of the assignor(s).

§ 67.33-11 Required recitations for assignments of chattel mortgages.

An assignment of chattel mortgage presented for filing and recordation must recite:

(a) The name(s) and address(es) of the assignor(s) and the interest in the mortgage held by the assignor(s);

(b) The name(s) and address(es) of the assignee(s) and the individual interest in the mortgage held by each assignee; and

(c) Information which clearly identifies the mortgage being assigned. Such information will normally consist of the book and page where that mortgage is recorded, and the date and time of recordation. If the assignment is being submitted prior to recordation, the information should include the names of all parties to the mortgage, the date of the mortgage, and the amount of the mortgage.

§ 67.33-13 General requirements for assumptions of chattel mortgages.

(a) An assumption of chattel mortgage presented for filing and recordation must meet all the requirements of subpart 67.29 of this part, and the requirements of §§ 67.33-15 and 67.33-17 of this subpart.

(b) An instrument which meets the requirements of paragraph (a) of this section is nonetheless not eligible for filing and recordation if the assuming party(ies) did not actually hold legal title to the interest in the vessel covered by the assumption at the time of filing of the assumption.

§ 67.33-15 Required signatures for assumptions of chattel mortgages.

An assumption of chattel mortgage presented for filing and recordation must be signed by or on behalf of the original mortgagor(s), the mortgagee(s), and the assuming party(ies).

§ 67.33-17 Required recitations for assumptions of chattel mortgages.

An assumption of chattel mortgage presented for filing and recordation must recite:

(a) The name(s) and address(es) of the original mortgagor(s) and the interest in the vessel mortgaged by the original mortgagor(s);

(b) The name(s) and address(es) of the assuming party(ies) and the individual interest in the mortgage assumed by each party; and

(c) Information which clearly identifies the mortgage being assumed. Such information will normally consist of the book and page where that mortgage is recorded, and the date and time of recordation. If recording information cannot be provided because the assumption is presented prior to recordation of the original mortgage, the instrument must recite the amount of the mortgage and other such information as to clearly identify the mortgage being assumed.

§ 67.33-19 General requirements for amendments of or supplements to chattel mortgages.

An amendment of or supplement to a chattel mortage presented for filing and recordation must meet all the requirements of subpart 67.29 of this part and the requirements of §§ 67.33-21 and 67.33-23 of this subpart.

§§ 67.33-21 Required signatures for amendments of or supplements to chattel mortgages.

An amendment of or supplement to a chattel mortgage presented for filing and recordation must be signed by or on behalf of the mortgagor(s) and the mortgagee(s).

§ 67.33-23 Required recitations for amendments of or supplements to chattel mortgages.

An amendment of or supplement to a chattel mortgage presented for filing and recordation must recite:

(a) The name(s) and address(es) of the mortgagor(s) and mortgagee(s);

(b) The nature of the change effected by the instrument; and

(c) Information which clearly identifies the mortgage being amended or supplemented. Such information will normally consist of the book and page where that mortgage is recorded, and the date and time of recordation. If recording information cannot be provided because the amendment or supplement is presented prior to recordation of the original mortgage, the instrument must recite the amount of the mortgage and other such information as to clearly identify the mortgage being amended or supplemented.

§ 67.33-25 General requirements for instruments subordinating chattel mortgages

An instrument subordinating a chattel mortgage presented for filing and recordation must meet all the requirements of subpart 67.29 of this part and the requirements of §§ 67.33-27 and 67.33-29 of this subpart.

§ 67.33-27 Required signatures for instruments subordinating chattel mortgages.

An instrument subordinating a chattel mortgage presented for filing and recordation must be signed by or on behalf of the mortgagee whose mortgage is being subordinated.

§ 67.33-29 Required recitations for instruments subordinating chattel mortgages.

An instrument subordinating a chattel mortgage presented for filing and recordation must recite:

(a) The name(s) and address(es) of the mortgagee(s) whose mortgage is being subordinated and the name(s) and address(es) of the parties holding the mortgage to which it is made subordinate; and

(b) Information which clearly identifies the mortgage being subordinated and the mortgage to which it is subordinated. Such information will normally consist of the book and page where that mortgage is recorded, and the date and time of recordation. If recording information cannot be provided because the subordination instrument is presented prior to recordation of the original mortgage, the instrument must recite the amount of the mortgage and other such information as to clearly identify the mortgage being subordinated.

16. Subpart 67.35 is revised to read as follows:

Subpart 67.35—Filing and Recordation of Instruments—Preferred Mortgages and Related Instruments

Sec.

§ 67.35-1 General requirements for preferred mortgages.

(a) A mortgage presented for filing and recordation as a preferred mortgage must:

(1) Meet all of the requirements for filing and recordation of a chattel mortgage contained in subpart 67.29 of this part, and the requirements of §§ 67.33-1, 67.33-3, and 67.33-5 of this part; and

(2) Cover the whole of a vessel.

(b) A mortgage which secures more than one (1) vessel may, at the option of the parties, provide for separate discharge of such vessels.

§ 67.35-3 Restrictions on filing and recordation.

An instrument which meets the requirements of § 67.35-1 of this subpart is not eligible for filing and recordation if the mortgagee is not:

(a) A State;

(b) The United States Government;

(c) A federally insured depository institution, unless disapproved by the Secretary;

(d) An individual who is a citizen of the United States;

(e) A person qualifying as a citizen of the United States as defined in 46 U.S.C. App. 802; or

(f) A person approved by the Secretary.

Note: Disapproval of a federally insured depository institution as a preferred mortgagee under § 67.35-3(c) of this subpart, and approval of a person as a preferred mortgagee under § 67.35-3(f) of this subpart is determined by the Maritime Administration pursuant to regulations in 46 CFR part 221.

§ 67.35-5 Required number of copies.

(a) Except as provided in paragraph (b) of this section, each filing of a preferred mortgage must consist of an original, a copy to be retained by the home port, a copy to be certified for the owner, and a copy to be certified for each vessel covered by the mortgage. The original mortgage and the mortgage copy retained by the home port must bear original signatures.

(b) A copy for certification is not required for a non-self-propelled vessel.

§ 67.35-7 Requirements for instruments supplemental to preferred mortgages.

An assignment, assumption, instrument waiving the preferred status of or subordinating a preferred mortgage, amendment or supplement to a preferred mortgage presented for filing, recordation, and indexing must:

(a) Meet the recordation requirements of equivalent instruments in Subpart 67.33 of this part; and

(b) Be filed in the number of copies required by § 67.35-5 of this part.

§ 67.35-9 Restrictions on filing and recordation.

An assignment, amendment, or supplement to a preferred mortgage is not eligible for filing and recordation if it results in a mortgage interest being held by a person which does not meet the criteria of § 67.35-3 of this subpart.

17. Subpart 67.37 is revised to read as follows:

Subpart 67.37—Filing and Recordation of Instruments—Notices of Claim of Lien

Sec.

§ 67.37-1 General requirements.

A notice of claim of lien presented for recordation must meet all the requirements of subpart 67.29 of this part and the requirements of this subpart.

§ 67.37-3 Required signatures.

A notice of claim of lien presented for filing and recordation must be signed by or on behalf of the claimant.

§ 67.37-5 Required recitations.

A notice of claim of lien presented for filing and recordation must recite:

(a) The name and address of the claimant;

(b) The nature of the lien claimed;

(c) The date on which the lien was established; and

(d) The amount of the lien claimed.

§ 67.37-7 Restriction on filing and recordation.

A notice of claim of lien is not entitled to filing and recordation unless the vessel against which the lien is claimed is covered by a preferred mortgage filed or recorded with the Secretary.

18. Subpart 67.39 is revised to read as follows:

Subpart 67.39—Removal of Encumbrances.

Sec.

§ 67.39-1 General requirements.

A chattel mortgage, notice of claim of lien, or preferred mortgage of record against a vessel may be removed from that record by the filing of:

(a) A court order, affidavit, or Declaration of Forfeiture described in § 67.39-3 of this subpart; or

(b) A recordable satisfaction or release instrument described in §§ 67.39-5 through 67.39-9 of this subpart.

§ 67.39-3 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.

The encumbrances described in § 67.39-1 of this subpart are removed from the record upon filing of:

(a) A certified copy of an order from a court of competent jurisdiction declaring title to the vessel to be free and clear, or declaring the encumbrance to be of no effect, or ordering the removal of the encumbrance from the record;

(b) A certified copy of an order from a federal district court in an *in rem* action requiring the free and clear sale of the vessel at a marshal's sale accompanied by a certified copy of the order confirming such sale, where issued under local judicial procedures;

(c) A certified copy of an order from a federal district court declaring the vessel itself to be forfeit, or the proceeds of its sale to be forfeit to the government of the United States for a breach of its laws; or

(d) Where the vessel was forfeited to the government of the United States under an administrative forfeiture action, an affidavit from an officer of the agency which performed the forfeiture, who has personal knowledge of the particulars of the vessel's forfeiture, or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

§ 67.39-5 General requirements for instruments evidencing satisfaction or release.

An instrument satisfying or releasing a chattel mortgage, a notice of claim of lien, or a preferred mortgage, which is presented for filing and recordation must meet all the requirements of subpart 67.29 of this part and the requirements of §§ 67.39-7 and 67.39-9 of this subpart.

§ 67.39-7 Required signatures for instruments evidencing satisfaction or release.

(a) A satisfaction or release of a chattel mortgage must be signed by or on behalf of the mortgagee(s).

(b) A satisfaction or release of a notice of claim of lien must be signed by or on behalf of the claimant(s).

§ 67.39-9 Required recitations for instruments evidencing satisfaction or release.

A satisfaction or release instrument presented for filing and recordation must recite:

(a) The name(s) of the mortgagor(s) if any and the name(s) of the mortgagee(s) or claimant(s);

(b) The amount of the mortgage or lien; and

(c) Information which clearly identifies the mortgage or claim being satisfied or released. Such information will normally consist of the book and page and date where that mortgage is recorded, and the date and time of recordation.

* * * * *

Dated: September 18, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-23998 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 74 and 76

[MM Docket 85-349, GEN Docket No. 87-107, RM-6152; DA 89-915]

Carriage of TV Signals on Cable Systems and Input Selector Switches Used in Conjunction With Cable Television Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is correcting oversights to rule changes that were adopted in the *Order* in MM Docket No. 85-349 and GEN Docket 87-107, 54 FR 25715 (June 19, 1989). That *Order*, among other things, redesignated the paragraph sequence in 47 CFR 76.5. After the redesignation of these paragraphs, several of the paragraphs contained incorrect references to other paragraphs within this section. A rule section in 47 CFR 74 and several other rule sections in 47 CFR 76 also contained incorrect references to paragraphs within this section. Corrections to these errors are contained herein, and also in the Commission's erratum, DA 89-915, released October 6, 1989.

EFFECTIVE DATE: November 13, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION: The following corrections are made to the rule changes as adopted in the *Order* in MM Docket No. 85-349 and GEN Docket 87-107, published in the **Federal Register** on June 19, 1989, 54 FR 25715 (FR Doc. 89-14425).

List of Subjects

47 CFR Part 74

Television broadcasting.

47 CFR Part 76

Cable television.

PART 74—[AMENDED]

1. The authority citation for part 74 continues to read as follows:

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

2. Section 74.801 is amended by revising the first definition to read as follows:

§ 74.801 Definitions.

Cable television system operator. A cable television operator is defined in § 76.5(cc) of the rules.

* * * * *

3. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 154, 303, and 521.

4. Section 76.5 is amended by revising paragraphs (k), (o) and (q) to read as follows:

§ 76.5 Definitions.

* * * * *

(k) *Partial network station.* A commercial television broadcast station that generally carries in prime time more than 10 hours of programming per week offered by the three major national television networks, but less than the amount specified in paragraph (j) of this section.

* * * * *

(o) *Cablecasting.* Programming (exclusive of broadcast signals) carried on a cable television system. See paragraphs (y), (z) and (aa) (Classes II, III, and IV cable television channels) of this section.

* * * * *

(q) *Legally qualified candidate.* (1) Any person who:

(i) Has publicly announced his or her intention to run for nomination or office;

(ii) Is qualified under the applicable local, State or Federal law to hold the office for which he or she is a candidate; and

(iii) Has met the qualifications set forth in either paragraphs (q)(2), (3) or (4) of this section.

(2) A person seeking election to any public office including that of President or Vice President of the United States, or nomination for any public office except that of President or Vice President, by means of a primary, general or special election, shall be considered a legally qualified candidate if, in addition to meeting the criteria set forth in paragraph (q)(1) of this section, that person:

(i) Has qualified for a place on the ballot, or

(ii) Has publicly committed himself or herself to seeking election by the write-in method and is eligible under applicable law to be voted for by sticker, by writing in his or her name on the ballot or by other method, and makes a substantial showing that he or she is a bona fide candidate for nomination or office.

Persons seeking election to the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered legally qualified candidates only in those States or territories (or the District of Columbia) in which they have met the requirements set forth in paragraphs (q)(1) and (2) of this rule; except that any such person who has met the requirements set forth in paragraphs (q)(1) and (2) in at least 10 States (or nine and the District of Columbia) shall be considered a legally qualified candidate for election in all States, territories and the District of Columbia for purposes of this Act.

(3) A person seeking nomination to any public office except that of President or Vice President of the United States, by means of a convention, caucus or similar procedure, shall be considered a legally qualified candidate if, in addition to meeting the requirements set forth in paragraph (q)(1) of this section, that person makes a substantial showing that he or she is a bona fide candidate for such nomination; except that no person shall be considered a legally qualified candidate for nomination by the means set forth in this paragraph prior to 90 days before the beginning of the convention, caucus or similar procedure in which he or she seeks nomination.

(4) A person seeking nomination for the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered a legally qualified candidate only in those States or territories (or the District of Columbia) in which, in addition meeting the requirements set forth in paragraph (q)(1) of this section.

(i) He or she, or proposed delegates on his or her behalf, have qualified for the

primary of Presidential preference ballot in that State, territory or the District of Columbia, or

(ii) He or she has made a substantial showing of bona fide candidacy for such nomination in that State, territory of the District of Columbia; except that such person meeting the requirements set forth in paragraph (q) (1) and (4) in at least 10 States (or nine and the District of Columbia) shall be considered a legally qualified candidate for nomination in all States, territories and the District of Columbia for purposes of the Act.

(5) The term "substantial showing" of bona fide candidacy as used in paragraph (q) (2), (3) and (4) of this section means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

* * * * *

5. Section 76.33 paragraph (a)(1) is revised to read as follows:

§ 76.33 Standard for rate regulation.

(a) * * *

(1) Only basic cable service as defined in § 76.5(gg) may be regulated;

* * * * *

6. Section 76.66, paragraph (c)(6) is revised to read as follows:

§ 76.66 Input selector switches and consumer education.

* * * * *

(c) * * *

(6) Identify for their subscribers, by call sign and channel number, any full service broadcast signals not carried on the cable system whose predicted Grade B contour covers any portion of the cable community or that are "significantly viewed" in the cable community, as defined § 76.5(i) of the rules (the list of stations must be current to within one month of the distribution of the information required pursuant to this paragraph);

* * * * *

7. Section 76.67 paragraph (a) is revised to read as follows:

§ 76.67 Sports broadcasts.

(a) No community unit located in whole or in part within the specified zone of a television broadcast station licensed to a community in which a sports event is taking place, shall, on request of the holder of the broadcast rights to that event, or its agent, carry the live television broadcast of that event if the event is not available live on a television broadcast signal carried by the community unit meeting the criteria specified in §§ 76.5(gg)(1) through 76.5(gg)(3) of this part. For purposes of this section, if there is no television station licensed to the community in which the sports event is taking place, the applicable specified zone shall be that of the television station licensed to the community with which the sports event or team is identified, or, if the event or local team is not identified with any particular community, the nearest community to which a television station is licensed.

* * * * *

8. Section 76.400 is amended by revising paragraph (a) to read as follows:

§ 76.400 Operator, mail address, and operational status changes.

* * * * *

(a) The legal name of the operator and whether the operator is an individual, private association, partnership or corporation. See § 76.5(cc). If the operator is a partnership, the legal name of the partner responsible for communications with the Commisson shall be supplied;

* * * * *

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-24082 Filed 10-11-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 565

Vehicle Identification Number; Content Requirements

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

ACTION: Final rule.

SUMMARY: This notice amends the applicability section of part 565 to substitute a reference to part 591 of this title for a reference to 19 CFR 12.80. This amendment conforms part 565 with the requirements of amendments made to the National Traffic and Motor Vehicle Safety Act by Public Law 100-562.

DATE: The effective date of the rule is January 31, 1990.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: The National Traffic and Motor Vehicle Safety Act was amended by the Imported Vehicle Safety Compliance Act of 1988 (Public Law 100-562). Those amendments were enacted on October 31, 1988, and will become effective January 31, 1990. The amendments revoke the joint authority previously provided by 15 U.S.C. 1397(b)(3) under which motor vehicles subject to the Federal motor vehicle safety standards are admitted into the United States pursuant to joint regulations issued by the Departments of Treasury and Transportation. Instead, the Vehicle Safety Act, as amended, vests the primary importation regulatory authority in the Department of Transportation.

The existing joint vehicle importation regulation is 19 CFR 12.80. The forthcoming importation regulation of this agency is 49 CFR part 591. Paragraph S2, Applicability of 49 CFR Part 565, *Vehicle Identification Number—Content Requirements* exempts "Vehicles imported into the United States under 19 CFR 12.80(b)(1)(iii), other than by a corporation which was responsible for assembly of that vehicle or a subsidiary of such a corporation * * *." This relates to the importation of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards. The section of the new importation regulation that corresponds to 12.80(b)(1)(iii) is 49 CFR 591.5(f). This notice amends part 565 to delete reference to the old authority and to add reference to the new one.

Since the amendment substitutes one authority for another and is procedural in nature, it is hereby found that notice and public comment thereon is unnecessary.

List of Subjects in 49 CFR Part 565

Imports, Motor vehicle safety, motor vehicles.

In consideration of the foregoing, part 565 is amended to read as follows:

PART 565—VEHICLE IDENTIFICATION NUMBER—CONTENT REQUIREMENTS

1. The authority citation for part 565 continues to read as follows:

Authority: 15 U.S.C. 1395, 1397, 1401, 1407, and 1412; delegation of authority at 49 CFR 1.50.

§ 565.2 [Amended]

2. In § 565.2, the citation "19 CFR 12.80(b)(1)(iii)" is changed to read "§ 591.5(f) of this chapter."

Issued on: October 5, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89-24006 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

Federal Motor Vehicle Safety Standards: Vehicle Identification Number—Basic Requirements

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

ACTION: Final rule.

SUMMARY: This notice amends the applicability section of Motor Vehicle Safety Standard No. 115 to substitute part 591 of this title for 19 CFR 12.80, to conform the regulation with the requirements of Public Law 100-562.

DATE: The effective date of the rule is January 31, 1990.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: Public Law 100-562 The Imported Vehicle Safety Compliance Act of 1988 was enacted on October 31, 1988. It will become effective January 31, 1990. The Act revokes the joint authority previously provided by 15 U.S.C. 1397(b)(3) under which motor vehicles subject to the Federal motor vehicle safety standards are admitted into the United States pursuant to joint regulations issued by the Departments of Treasury and Transportation. Instead, it vests the primary importation regulatory authority in the Department of Transportation.

The existing joint vehicle importation regulation is 19 CFR 12.80. The forthcoming importation regulation of this agency is 49 CFR part 591. Paragraph S2, Application of 49 CFR part 571.115, Motor Vehicle Safety Standard No. 115, *Vehicle Identification Number—Content Requirements,* exempts from certain of its requirements "Vehicles imported into the United States under 19 CFR 12.80(b)(1)(iii), other than by a corporation which was responsible for assembly of that vehicle or a subsidiary of such a corporation * * *." This relates to the importation of vehicles not originally manufactured to conform to the Federal motor vehicle safety standards. The section of the new importation regulation that corresponds to 12.80(b)(1)(iii) is 49 CFR 591.5(f), and it is necessary to amend Standard No. 115 to delete the old authority and to add the new one.

Because the amendment substitutes one authority for another and is procedural in nature, it is hereby found that notice and public comment thereon is unnecessary.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, motor vehicles.

In consideration of the foregoing, 49 CFR 571.115, Motor Vehicle Safety Standard No. 115 is amended to read as follows:

PART 571—[AMENDED]

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

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

§ 571.115 [Amended]

2. In paragraph S2 the citation "19 CFR 12.80(b)(1)(iii)" is changed to read "§ 591.5(f) of this chapter."

Issued on: October 5, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89-24007 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 54, No. 196
Thursday, October 12, 1989

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 80

[Docket No. 86-005]

Paratuberculosis in Domestic Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: A document published in the Federal Register on September 17, 1985, proposed to remove the paratuberculosis regulations and thereby delete Federal restrictions on the interstate movement of domestic animals affected with paratuberculosis. This document withdraws the proposal. This action is warranted in order to help prevent the interstate spread of paratuberculosis.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Essey, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, Room 733, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5533.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 80 and certain regulations in 9 CFR part 71 (referred to below as the regulations) contain provisions concerning the interstate movement of domestic animals affected with paratuberculosis. Paratuberculosis, also known as Johne's disease, is a chronic infectious disease of cattle and other ruminants.

A document published in the Federal Register on September 17, 1985 (50 FR 37673-37674, Docket Number 85-019), proposed to remove 9 CFR part 80, "Paratuberculosis in Domestic Animals," and certain regulations in 9 CFR part 71, thereby deleting Federal restrictions on the interstate movement of domestic animals affected with paratuberculosis. This document withdraws the proposal.

The proposal invited the submission of written comments on or before November 18, 1985. In a document published in the Federal Register on December 6, 1985 (50 FR 49937, Docket Number 85-121), the comment period was reopened and extended until January 6, 1986. Comments were received from State Departments of Agriculture, a veterinary association, two farm bureaus, and several individuals. Two commenters supported the proposed removal of the paratuberculosis regulations; five commenters opposed it. The comments have been carefully considered and are discussed below.

One commenter indicated support for the proposed removal of the paratuberculosis regulations, but did not state any rationale. A second commenter apparently opposes the existing regulations concerning paratuberculosis, asserting that they discriminate against herd owners who are trying to free their herds of paratuberculosis because they discourage herd owners from attempting to detect and treat paratuberculosis.

The five other commenters opposed the proposed removal of the paratuberculosis regulations. One of these commenters asserted that the existence of Federal regulations enhances the efforts of the individual States to control the spread of the disease. Another elaborated that deletion of the paratuberculosis regulations would subvert State paratuberculosis programs because the action would be interpreted to mean that paratuberculosis is unimportant or impractical to attempt to control. The commenters suggested further that Federal regulations contribute to the conformity of movement restrictions.

Generally, commenters who opposed removal of the paratuberculosis regulations were of the opinion that any effective control program would have to be national and mandatory, and they urged that Federal restrictions be maintained and strengthened.

After further review, we have determined that the regulations should remain in effect. We believe that those comments urging withdrawal of the proposal have merit and that maintaining the regulations in place would help restrict the interstate spread of paratuberculosis. Therefore, the proposal of September 17, 1985, is withdrawn.

Authority: 21 U.S.C. 111-113, 114a, 114a-1, 115-117, 120-126, 127, 134b, 134c, 134e, 134f, 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 6th day of October 1989.

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

[FR Doc. 89-24067 Filed 10-11-89; 8:45 am]
BILLING CODE 3410-34-M

9 CFR Part 94

[Docket No. 89-183]

Change in Disease Status of Chile Because of Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of comment period for proposed rule.

SUMMARY: We are extending the comment period for a proposed rule to amend the regulations by adding Chile to the list of countries declared to be free of rinderpest and foot-and-mouth disease, and also to add Chile to the list of countries that, although declared free of rinderpest and foot-and-mouth disease, are subject to special restrictions on the importation of their meat and other animal products into the United States. Extending the comment period will give interested persons additional time to prepare comments.

DATES: Consideration will be given only to comments received on or before November 15, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 88-216. Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Jr., Senior Staff Veterinarian, Import-Export Products Staff, VS, APHIS, USDA, Room 753,

Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7885.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) regulate, among other things, the importation into the United States of certain animals, meat, and other animal products. These regulations are designed, among other things, to prevent the introduction into the United States of rinderpest, foot-and-mouth disease, African swine fever, hog cholera, swine vesicular disease, and viscerotropic velogenic Newcastle disease.

On August 17, 1989, we published in the **Federal Register** (54 FR 33918–33920, Docket No. 88–216) a proposed to amend the regulations by adding Chile to the list of countries declared to be free of rinderpest and foot-and-mouth disease, and also to add Chile to the list of countries that, although declared free of rinderpest and foot-and-mouth disease, are subject to special restrictions of the importation of their meat and other animal products into the United States. Our proposal invited the submission of written comments, which were required to be received on or before October 16, 1989.

We have received requests from the United States Animal Health Association (USAHA), a milk producers federation, and three State departments of agriculture to extend the comment period until after the annual meeting of the USAHA in early November. We have also received a request from a law firm representing the International Llama Association to extend the comment period until November 27, 1989. In response to these requests, we are extending the comment period for an additional 30 days. We believe this would allow participants at the USAHA meeting, as well as other interested persons, to further discuss the proposed rule and formulate comments concerning it, including its impact on small entities under the Regulatory Flexibility Act. We will consider all written comments received on or before November 15, 1989.

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

Done in Washington, DC, this 6th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–24066 Filed 10–11–89; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–148–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to all Boeing Model 747 Series airplanes, which currently requires the installation of placards; inspections and repair, if necessary; mechanical and/or electrical tests and repairs, if necessary; special interim operating procedures; and modification of forward and aft lower lobe cargo doors. This action would also require modification of the visual warning systems for the forward and aft lower lobe cargo doors and for the side main deck cargo door, if installed. This proposal is prompted by an accident in which the forward lower lobe cargo door may have opened in flight, resulting in the uncontrolled decompression of the airplane. The FAA has determined that design changes are necessary to ensure that the cargo door warning system detects cargo doors that are not fully closed, latched, and locked.

DATES: Comments must be received no later than December 27, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 89–NM–148–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airlines, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 431–1931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

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.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89–NM–148–AD." The post card will be date/time stamped and returned to the commenter.

Discussion:

On March 14, 1989, the FAA issued AD 89–05–54, Amendment 39–6166 (54 FR 11937; March 23, 1989), to require installation of placards; inspections and repair, if necessary; mechanical and/or electrical tests and repair, if necessary; special interim operating procedures; and reduction of the compliance time for the modification of the forward and aft lower lobe cargo doors. That action was prompted by an accident in which a Boeing Model 747 airplane experienced an uncontrolled decompression, which may have been caused by the forward lower lobe cargo door opening in flight and subsequently being torn from the airplane.

Since issuance of that AD, the FAA has determined that the current cargo door warning system may be inadequate under some circumstances. That system currently monitors the door locking mechanism, but does not monitor whether the door is closed or latched. Therefore, it is possible that the system would indicate that the doors are properly closed, latched, and locked

when the locks have been actuated but the doors have not been properly closed and latched. This condition, if not corrected, could result in the uncontrolled decompression of the airplane.

Since this condition is likely to exist on other airplanes of this type design, an AD is proposed which would revise AD-89-05-54 to require modification of the warning systems for the forward and aft lower lobe cargo doors, and for the side main deck cargo door, if installed. The modification must provide visual warning signals to flight crewmembers and ground crew personnel when cargo doors are not fully closed and the latch cams are not rotated to the closed position. The visual warning signal for flight crewmembers must be located on a forward panel. The latch cam mechanism must be monitored directly. The design must be approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

The manufacturer is currently developing a modification to the cargo door warning systems. If this modification is developed, approved, and available in the near future, the FAA may consider referencing it in the final rule for this AD action.

The requirements of paragraphs A. through D. of AD 89-05-54, Amendment 39-6166, would not be changed by this proposed rule.

Since issuance of AD 89-05-54, Boeing has issued Revision 5 to Service Bulletin 747-52A2206, dated March 30, 1989, and Revision 2 to Service Bulletin 747-52A2209, dated March 30, 1989. The revised service bulletins are merely clarifying in nature. The FAA has reviewed and approved these revisions and has determined that compliance may also be made with the procedures as specified in the revisions. Paragraph D. of this proposal includes a reference to these later revisions.

There are approximately 780 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 140 airplanes of U.S. registry would be affected by this AD; of this number, it is estimated that 20 airplanes have the side main deck cargo door installed. It would take approximately 90 manhours per airplane to accomplish the required actions; those airplanes with the side main deck cargo door installed would require an additional 30 manhours. The average labor cost would be $40 per manhour. Parts are estimated at $1,700 per airplane. Parts for airplanes with the side main deck cargo door installed are estimated to be an additional $400 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $774,000.

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.

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

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 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by revising AD 89-05-54, Amendment 39-6166 (54 FR 11937; March 23, 1989), as follows:

Boeing: Applies to Model 747 series airplanes, line number 001 and subsequent, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inadvertent opening of lower lobe forward and aft cargo doors and the main deck side cargo door, if installed, accomplish the following, (paragraph A. through D. apply to lower lobe cargo doors only):

A. Within the next 10 days after April 3, 1989 (the effective date of Amendment 39-6166), install Boeing placards, P/N 27EBY115 for hook operation, and P/N 27EBY114 for latch operation, or equivalent, adjacent to the respective drive ports.

B. Except for airplanes that have been modified in accordance with Boeing service bulletins specified in paragraph D., below, or on which a production equivalent has been installed, within the next 10 days after April 3, 1989, accomplish the following:

1. Visually inspect for broken, bent, or otherwise damaged lock sectors which could affect the integrity of the door locking mechanism, and repair or replace damaged sectors prior to further flight, in accordance with FAA-approved procedures. This inspection must be repeated at intervals not to exceed 30 days, and after the next door opening following each manual operation of the door.

2. Conduct the mechanical and electrical system tests specified in Boeing Service Bulletin 747-52A2206, Revision 3, Revision 4, or Revision 5, paragraphs III.A and B. Airplanes which fail mechanical and/or electrical tests must be repaired prior to further flight, in accordance with FAA-approved procedures. Repeat these tests at intervals not to exceed 30 days and repeat the electrical test after restoration of electrical power following manual operation.

C. Within the next 14 days after April 3, 1989, change the operating procedures for the lower lobe cargo door to include the requirements specified below, and thereafter comply with those revised procedures.

The procedures required by this paragraph must be accomplished by qualified and trained mechanics, and the training program must be approved by the FAA Principal Maintenance Inspector (PMI). Methods for documentation of compliance with the following procedures must be approved by the FAA PMI.

1. Prior to takeoff following each operation of the door, conduct a visual verification, through the external viewports, to ensure proper engagement of the latching cams to ensure the door is fully latched closed. This information must be relayed to and acknowledged by the flight crew.

2. When operating the door manually, the cranking torque shall not exceed 70 inch-pounds, and power tools shall not be used to operate latch and hook mechanisms in the manual mode.

D. Within the next 30 days after April 3, 1989, accomplish the following:

1. For those airplanes specified in Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987; Revision 4, dated April 14, 1988; or Revision 5, dated March 30, 1989: Modify the doors in accordance with paragraphs III.H. through III.O. of the applicable revision of the service bulletin.

2. For those airplanes specified in Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987; Revision 1, dated April 14, 1988; or Revision 2, dated March 30, 1989: Modify the doors in accordance with paragraphs III.E. through III.L. of the applicable revision of the service bulletin.

Accomplishment of these modifications constitutes terminating action for the repetitive requirements of paragraph B., above.

E. Within the next 12 months after the effective date of this Amendment, install a system which provides visual warning signals

to alert flight crewmembers and ground crew personnel when forward and aft lower lobe cargo doors, and side main deck cargo door, if installed, are not fully closed, the latch cams are not rotated to the closed position, or the locks are not in the locked position. The warning system must monitor the door closed, latched, and locked condition directly. A red visual warning signal for flight crewmembers must be located on a forward panel. Incorrect indication, either open or closed, must be improbable. The modification must be approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. Accomplishment of this modification constitutes terminating action for the special operating procedure required by paragraph C.1., above.

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

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

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

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

Issued in Seattle, Washington, on September 29, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24010 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

[Docket No. 90913-9213]

RIN 0692-AA07

Metric Conversion Policy for Federal Agencies

AGENCY: Office of the Secretary, Under Secretary for Technology, Commerce.

ACTION: Proposed rule.

SUMMARY: The Department has previously chosen 15 CFR part 19 subpart B as the place for Federal agency policy on the voluntary use of the metric system of measurement by agencies, industry and the public. This revision to the rule removes the voluntary aspect of metric transition for Federal agencies, as mandated by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, sec. 5164).

The policy set out below was stated in a prior notice: "Metric Conversion Policy for Federal Agencies," 50 FR 27577, July 5, 1985. The basic statement of policy has been taken directly from the prior notice. However, this proposed rule amends the earlier policy to bring the references and text up-to-date. The policy clarifies and strengthens Federal program requirements. Implementing agency initiatives are expected.

DATE: Commments should be submitted on or before November 13, 1989.

ADDRESS: Written comments should be sent to the U.S. Department of Commerce, Metric Programs Office, Room 4841, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: G.T. Underwood, Metric Programs Office, Room 4841, U.S. Department of Commerce, Washington, DC 20230; Phone (202) 377-0944.

SUPPLEMENTARY INFORMATION:

Background

The Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 5164) declares the metric system to be the "preferred measurement system for U.S. trade and commerce." Federal agencies are also now required to use the metric system in procurement, grants and other business-related activities, by a date certain and to the extent economically feasible by the end of fiscal year 1992. These vital declarations and the accompanying report of the Congressional conferees require this updating of the existing Federal policy document.

Rulemaking Requirement

Under Executive Order 12291 the Department must judge whether a regulation is major within the meaning of section 1 of the Order and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. This policy statement is not a major rule because it is not likely to result in (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or in the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, a Regulatory Impact Analysis will not be prepared.

These proposed guidelines do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

This action is exempt from the analysis requirements of the Regulatory Flexibility Act because notice and opportunity for comment are not required for this policy statement by section 553 of the Administrative Procedure Act of any other law. Therefore, no initial or final regulatory flexibility analysis will be prepared.

This policy statement does not contain a collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 15 CFR Part 19

Science and technology; Metric system.

For the reasons set out in the preamble, part 19 of title 15 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority for 15 CFR part 19 is revised to read as follows:

Authority: 15 U.S.C. 1512 and 3710, 15 U.S.C. 205a *et seq* and DOO 10-17.

2. Subpart B is revised to read as follows:

Subpart B—Metric Conversion Policy for Federal Agencies

Sec.
19.20 Purpose.
19.21 Definition.
19.22 General policy.
19.23 Guidelines.
19.24 Recommendations for agency organizations.

Subpart B—Metric Conversion Policy for Federal Agencies

§ 19.20 Purpose.

This provides policy direction for Federal agencies as they change to the use of the metric system of measurement.

§ 19.21 Definition.

The term "metric system", as used in this document, means the International System of Units established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978. (The last revision as of the date of this

publication may be found in National Institute of Standards and Technology (formerly the National Bureau of Standards) Special Publication 330, 1986 Edition, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.)

§ 19.22 General policy.

The Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, 5164) amended the Metric Conversion Act of 1975 to, among other things, require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(a) Federal agencies shall coordinate and plan for the use of the metric system in their procurements, grants and other business-related activities consistent with the requirements of the Metric Conversion Act as amended. Federal agencies shall encourage and support an environment which will facilitate the transition process. When taking initiatives, they shall give due consideration to known effects of their actions on State and local governments and the private sector, paying particular attention to effects on small business.

(b) Each Federal agency shall be responsible for developing plans, establishing necessary organizational structure, and allocating appropriate resources to carry out this policy.

§ 19.23 Guidelines.

(a) Coordinate and plan for metric conversion, taking into account the interests, views and conversion plans of other Federal agencies, State and local governments and the private sector;

(b) Identify areas where metrication is dependent upon agency initiative, and take action that reflects the needs of the United States. Such action should not unduly restrict competition, or cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units or where the change would otherwise place U.S. firms at a competitive disadvantage;

(c) Assist in resolving metric-related problems brought to the attention of the agency that are associated with agency actions, activities or programs undertaken in compliance with these guidelines or other laws or regulations;

(d) Identify measurement-sensitive agency policies and procedures and ensure that regulations, standards, specifications procurement policies and appropriate legislative proposals encourage private sector transition to the metric system;

(e) Consider cost effects of metric use in setting agency policies, programs and actions and determine criteria for the assessment of their economic feasibility. Such criteria should appropriately weigh both agency costs and national economic benefits related to changing to the use of metric;

(f) Provide for full public involvement and timely information about significant metrication policies, programs and actions;

(g) Seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in agency publications;

(h) Consider particularly the effects of agency metric policies and practices on small business; and

(i) Consistent with the Federal Acquisition Regulations System (48 CFR), accept, without prejudice, metric goods and services when they are offered at competitive cost and meet the needs of the Government.

§ 19.24 Recommendations for agency organization.

Each agency shall:

(a) Participate, as appropriate, in the Interagency Committee on Metric Policy (ICMP), and/or its working committee the Metrication Operating Committee (MOC) in coordinating and providing policy guidance for the U.S. Government's transition to use of the metric system.

(b) Designate a senior official to be responsible for agency metric policy and to represent the agency on the ICMP.

(c) Designate an appropriate official to represent the agency on the Metrication Operating Committee (MOC), an interagency committee reporting to the ICMP.

(d) Maintain liaison with private sector groups (such as the American National Metric Council and the U.S. Metric Association) that are involved in planning for or coordinating National use of the metric system.

(e) Provide for internal guidelines, training and documentation to assure employee awareness and understanding of agency metric policies and programs.

Dated: October 2, 1989.

Lee W. Mercer,

Deputy Under Secretary for Technology.

[FR Doc. 89–24016 Filed 10–11–89; 8:45 am]

BILLING CODE 3510–18–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 254

[RIN 0596–AA42]

Land Exchanges; Extension of Comment Period

AGENCY: Forest Service, USDA.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: On August 18, 1989, at 54 FR 34368, part IV, the Chief of the Forest Service published a notice of proposed rulemaking to complement the Federal Land Exchange Facilitation Act. The public was invited to comment on the rules by October 2, 1989. A number of organizations have indicated that the 45-day review period was not sufficient time to review and analyze the complex new rules and the impacts on their organizations and have requested additional time to prepare comments on this rulemaking. In response, the Forest Service has decided to extend the comment period an additional 60 days to December 1, 1989.

DATE: Comments must be received in writing and postmarked no later than December 1, 1989.

ADDRESS: Send comments to F. Dale Robertson, Chief, (5430), Forest Service, U.S. Department of Agriculture, P.O. Box 96090, Washington, DC 20090–6090..

FOR FURTHER INFORMATION CONTACT: Jerry Sutherland, Assistant Director of Lands. (703) 235–8212, or James M. Dear, Land Specialist, (703) 235–2493.

Dated: October 5, 1989.

James C. Overbay,

Deputy Chief.

[FR Doc. 89–24064 Filed 10–11–89; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3670–5]

Approval and Promulgation of State Implementation Plans; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of public comment deadline.

SUMMARY: By this notice, EPA is extending from October 16, 1989, to November 15, 1989, the deadline for receiving written comments on the Agency's proposed approval of the amendments to the Alaska "State Air Quality Control Plan" as a revision to the Alaska State Implementation Plan.

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

ADDRESSES: Comments should be addressed to: Laurie Kral, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-4253, FTS: 399-4253.

SUPPLEMENTARY INFORMATION: On September 14, 1989 (54 FR 37948), EPA solicited public comment on its proposal to approve a revision to the Alaska State Implementation Plan. Specifically, revision is to section IV.F "Project Review Procedures" and title 18, chapter 50, section 300 "Permit to Operate" of the Alaska Administrative Code (18 AAC 50) which requires fugitive emissions to be included when determining whether certain sources are subject to permit review but allows fugitive emissions to be excluded for all other source categories. EPA is also proposing to approve a number of other revisions to 18 AAC 50 which relate to the Alaska permit to operate regulations and to the emission limitations for asphalt plants.

As a result of a request to extend the public comment period, EPA is granting a 30-day extension. A copy of this request has been placed into the docket along with the State submittal and may be reviewed during normal business hours at the following location: Air Programs Branch AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Interested parties are invited to comment on all aspects of this proposal. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice.

Dated: October 4, 1989.

Randall F. Smith,

Acting Regional Administrator.

[FR Doc. 89-24073 Filed 10-11-89; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201-2, 201-6, 201-7, 201-8, 201-11, 201-16, 201-17, 201-18, 201-19, 201-20, 201-21, 201-22, 201-23, 201-24, 201-26, 201-30, 201-31, 201-33, 201-34, 201-38, 201-39, 201-41, and 201-44

Implementation of Second Phase of the Federal Information Resources Management Regulation Improvement Project

AGENCY: Information Resources Management Service, GSA.

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: This NPR announces the availability of a proposed Federal Information Resources Management Regulation (FIRMR) that is the second phase of the FIRMR Improvement Project to reorganize and replace the current FIRMR. The initial phase of this project consolidated FIRMR contracting policies and procedures in a new FIRMR part 201-39 issued as a separate proposed rule dated February 6, 1989 (54 FR 5904). The intent of this NPR is to present regulatory policy coverage concerning the acquisition, management, and use of automatic data processing (ADP) and telecommunications resources in a life cycle format. This phase of the FIRMR Improvement Project establishes Subchapter C of the replacement FIRMR and implements laws, executive orders, and responsibilities assigned to GSA concerning information resources management within the Federal Government. It includes a new part 201-24 covering the use of mandatory GSA services. This NPR also includes a revision to FIRMR section 201-39.803, regarding the use of GSA nonmandatory schedule contracts. The revision requires contracting officers to provide prompt notification of award to firms that respond to a CBD synopsis.

This NPR uses an umbrella term, Federal information processing (FIP) resources, to identify ADP and telecommunications resources that are subject to GSA's exclusive procurement authority under Public Law 99-500.

ADDRESSES: To request a copy or to submit comments on this proposed rule contact the General Services Administration (KMPP), Project 89-1, Washington, DC 20405.

DATES: Comments must be received no later than December 11, 1989.

FOR FURTHER INFORMATION CONTACT: Paul Whitson, David Mullins, Patricia Phillips, or Jack Stewart, GSA, Office of Information Resources Management Policy, telephone (202) or FTS 535-7462.

SUPPLEMENTARY INFORMATION:

(a) In the January 11, 1988, Federal Register, GSA announced the FIRMR Improvement Project and sought agency comments on a proposed new FIRMR structure. A proposed rule dated February 6, 1989 (54 FR 5904) sought public comment on a new FIRMR part 201-39, Acquisition of Federal Information Processing Resources by Contracting.

(b) This NPR will establish a new FIRMR subchapter C, consisting of parts 201-17 through 201-24, covering the life cycle of FIP resources. It will replace 17 existing FIRMR parts that cover all aspects of the management and use of ADP and telecommunications resources. Subchapter C covers such phases of the information resources life cycle as planning and budgeting, acquisition, operations, review and evaluation, and disposition. The Subchapter begins with a brief overview of the most important policies regarding the management and use of FIP resources and ends with the rules for using GSA mandatory programs, such as telecommunications.

(c) GSA plans to issue FIRMR subchapters A and B for public comment later this year. FIRMR part 201-39 (FIRMR subchapter D) is expected to be issued as a final rule in the first quarter of fiscal year 1990; Subchapters A, B, and C will be issued as a final rule in the second quarter resulting in the replacement of the entire current FIRMR. The new FIRMR will then consist of the following subchapters:

Subchapter A, General (Consisting of four parts)

Subchapter B, Management and Use of Information and Records (four parts)

Subchapter C, Management and Use of Federal Information Processing Resources (seven parts)

Subchapter D, Acquisition of Federal Information Processing Resources by Contracting (one part)

(d) Substantial guidance and procedures contained in the current FIRMR will be transferred to new FIRMR bulletins that are included with this proposed rule. Current FIRMR bulletins will be cancelled or revised and incorporated into new bulletins. A summary of the new FIRMR subchapter C follows:

(1) Part 201-17, "Predominant Considerations," provides a brief overview of policies that must be addressed by senior-level officials responsible for the management of agency information resources.

(2) Part 201-18, "Planning and Budgeting," prescribes policies for multi-

year IRM planning. It describes how GSA uses agency planning in the delegation process and includes a requirement for agencies to submit copies of their planning documents to GSA.

(3) Part 201–19, is reserved.

(4) Part 201–20, "Acquisition," prescribes policies and procedures key to the acquisition of FIP resources. It covers requirements analysis, analysis of alternatives, and such implementation activities as delegation of procurement authority and implementation of standards. (Acquisition by contracting is covered in new part 201–39.) FIRMR section 201–20.305 explains the authorities and conditions under which GSA delegates its exclusive procurement authority for FIP resources to agencies. The section continues GSA's current practice, and clarifies the manner in which that practice implements section 111(b)(3) of the Federal Property and Administrative Services Act of 1949 (the Property Act) (40 U.S.C. 759(b)(3)), which was added in 1986 by Public Law 99–500. That section of the law authorizes GSA to make delegations under certain conditions directly to the agency designated senior official (DSO) as provided for in the Paperwork Reduction Act of 1980 (44 U.S.C. 3506(b)). The delegations of procurement authority granted by GSA to a DSO may be redelegated to qualified officials. However, the DSO remains responsible for the conduct of and accountability for the acquisitions made under that authority. Furthermore, a delegation of procurement authority from GSA does not make the DSO a contracting officer. Contracting officers are appointed under authority vested in agency heads, and via procedures established by agency heads under FAR subpart 1.6.

(5) Part 201–21, "Operations," prescribes policies for the operation of FIP resources, including policies regarding security, sharing, personal telephone calls, and restrictions on listening-in to or recording telephone conversations.

(6) Part 201–22, "Review and Evaluation," prescribes each Federal agency's responsibility for the continuous evaluation of its information resources management program and addresses GSA's two Governmentwide review programs: The Federal Information Resources Management Review Program (triennial review) and The Information Resources Procurement and Management Review Program.

(7) Part 201–23, "Disposition," contains policies for reuse or disposal of Government-owned FIP equipment, including procedures for reporting excess equipment, with an original acquisition cost of over $1 million, to GSA for interagency screening.

(8) Part 201–24, "GSA Services and Assistance," describes policies and procedure for using GSA mandatory programs. FIRMR coverage on the use of FTS2000 services will ultimately appear in part 201–24. However, the section that would contain FTS2000 coverage is reserved in this proposed regulation. It will appear in FIRMR Interim Rule 2. Interim Rule 2 is scheduled to be issued soon after this NPR, and it will request public comment on its FTS2000 FIRMR coverage. The final version of FIRMR subchapter C will codify Interim Rule 2 and will contain GSA's final coverage on FTS2000.

(e) In addition to the new FIRMR parts described above, this NPR includes:

(1) Twenty-one new FIRMR bulletins that supersede 38 current bulletins. These new FIRMR bulletins also cover guidance and procedures transferred from the current FIRMR. FIRMR bulletins are not regulatory.

(2) A revised set of definitions of terms relating to subchapter C.

(f) This NPR amends the current FIRMR by removing or redesignating the following parts:

(1) Part 201–2, "Definitions," only definitions relating to subchapter "C" are included in this package. All FIRMR definitions will be consolidated in a new part 201–4 at the completion of the FIRMR Improvement Project.

(2) Part 201–6 "Protection of Personal Privacy"

(3) Part 201–7 "Security of Information Resources Systems"

(4) Part 201–8 "Implementation of Federal Standards"

(5) Part 201–11 "Competition"

(6) Part 201–16 "Planning and Budgeting for Information Resources Activities"

(7) Part 201–19 "Information Resources Management Reviews"

(8) Part 201–20 "ADP Management Programs"

(9) Part 201–21 "Telecommunications Management Programs"

(10) Part 201–23 "Delegations of Authority"

(11) Part 201–24 "Acquisition Policies"

(12) Part 201–26 "Reporting Requirements"

(13) Part 201–30 "Information Resources Operations"

(14) Part 201–31 "Sharing of ADP Resources"

(15) Part 201–33 "Reuse of ADP Equipment"

(16) Part 201–34 "Supporting ADP Activities"

(17) Part 201–38 "Management of Information Resources"

(18) Part 201–41 "Routine Changes and Use of the Federal Telecommunications System"

(g) This NPR redesignates part 201–22, "Records Management Programs" as part 201–44.

(h) The NPR includes a change to the new FIRMR section 201–39.803 on the use of GSA nonmandatory schedule contracts. The revision implements a ruling by the General Services Board of Contract Appeals (GSBCA) case No. 9793–P covering notification of award to respondents of a CBD notice. The full text of 201–39.803 and subpart 201–39.5, Publicizing Contract Actions, is included to help the reviewer see the proposed change in context. FIRMR changes that included 201–39.5 and 201–39–803 were provided for public comment with the NPR published February 6, 1989. The text provided with this NPR reflects the reconciliation of the comments received on that proposed rule plus incorporation of the GSBCA ruling.

(i) The General Services Administration (GSA) has determined that the proposed rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of the rule. The rule is written to ensure maximum benefits to Federal agencies. This is a Governmentwide management regulation that will have little or no net cost effect on society. The rule is therefore not likely to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601-et seq.)

List of Subjects in 41 CFR Parts 201–2, 201–6, 201–7, 201–8, 201–11, 201–16, 201–17, 201–18, 201–19, 201–20, 201–21, 201–22, 201–23, 201–24, 201–26, 201–30, 201–31, 201–33, 201–34, 201–38, 201–39, 201–41, and 201–44

Competition, Computer technology, Contracting, Federal Telecommunications System, Information resources activities, Privacy, Standards for information resources, Telecommunications.

Dated: October 5, 1989.

Francis A. McDonough,

Deputy Commissioner for Federal Information Resources Management.

[FR Doc. 89–24012 Filed 10–11–89; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-429,RM-6874]

Radio Broadcasting Services; Wellington, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Johnson Enterprises, Inc., proposing the substitution of FM Channel 230C2 for Channel 228A at Wellington, Kansas, and modification of the license for Station KZED(FM) accordingly. The coordinates for Channel 230C2 are 37–17–00 and 97–32–00. The allotment of Channel 230C2 at Wellington is contingent on Station KSPI–FM, Stillwater, Oklahoma, being licensed on Channel 229C2 in lieu of Channel 230C2.

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

ADDRESSES: Federal Comunications 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:

Richard R. Zaragoza, John J. McVeigh, Fisher, Wayland, Cooper and Leader, 1255 23rd Street, NW., Suite 800, Washington, DC 20037–1125.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–429, adopted September 12, 1989, and released October 6, 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 Commissioin proceedings, such as this one, which involve channel allotments. See 47 CFR Section 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 Kensinger,

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

[FR Doc. 89–24084 Filed 10–11–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–428, RM–6872]

Radio Broadcasting Services; Winona, MN.

AGENCY: Federal Communications Commissions.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KAGE, Inc., proposing the substitution of FM Channel 237C3 for Channel 237A at Winona, Minnesota, and modification of its license for Station KAGE–FM to specify Channel 237C3. The coordinates for Channel 237C3 are 44–03–00 and 91–42–00.

DATE: 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: David E. Hilliard, Edward A. Yorkgitis, Jr., Wiley, Rein & Fielding, 1776 K Street NW., Washington, DC. 20006 (Counsel for the petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–428, adopted September 12, 1989, and released October 6, 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 section 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 Kensinger,

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

[FR Doc. 89–24085 Filed 10–11–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–427, RM–6914]

Radio Broadcasting Services; Canton, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Bick Broadcasting Company proposing the substitution of FM Channel 272C3 for Channel 272A at Canton, Missouri. Petitioner also requests modification of its license for Station KQCA(FM) to specify operation on the higher class channel. The coordinates for Channel 272C3 are 40–16–13 and 91–33–04.

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

ADDRESSES: Federal Comunications 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: James E. Janes, President, Bick Broadcasting Company, 119 North Third St. Box 711, Hannibal, Missouri 63401.

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

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

Proposed Rule Making, MM Docket No. 89-427, adopted September 12, 1989, and released October 6, 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 Section 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 Kensinger,

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

[FR Doc. 89-24086 Filed 10-11-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-742; DA 89-1279]

Broadcast Services; Abuse of License Renewal Process

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action extends the comment period in the above-captioned proceeding. The Docket's *Third Further Notice of Inquiry and Notice of Proposed Rule Making (Third Further Notice)*, 54 FR 35357 (Aug. 25, 1989), solicited comment on an additional proposal for determining how an incumbent licensee may obtain a renewal expectancy in a comparative renewal hearing. The deadlines for filing such comments were established as October 10, 1989, for initial comments and October 25, 1989, for reply comments. These deadlines are extended as requested by the National Association of Broadcasters because of the Commission's desire to develop as complete a record as possible on which to base a decision in this proceeding, and because of the complexity of the issues involved. The action is taken to provide commenters with the additional time necessary to analyze these issues and provide the Agency with accurate, complete information.

DATES: Comments are now due on November 9, 1989, and reply comments on December 1, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting, Radio broadcasting.

In the matter of formulation of policies and rules relating to broadcast renewal applicants, competing applicants, and other participants to the comparative renewal process and to the prevention of abuses of the renewal process.

Order Granting Motion for Extension of Time for Filing Comments and Reply Comments

Adopted: October 4, 1989.
Released: October 5, 1989.

By the Chief, Mass Media Bureau:

1. On August 16, 1989, the Commission released a *Third Further Notice of Inquiry and Notice of Proposed Rule Making ("Third Further Notice")* in the above-captioned proceeding, soliciting comment on an additional proposal for determining how an incumbent licensee may obtain a renewal expectancy in a comparative renewal hearing.[1] The Commission proposes to continue to award a renewal expectancy based upon an incumbent licensee's past meritorious service, but adopt a new order of proof to apply this standard. The deadlines for filing comments and reply comments in response to the *Third Further Notice* are currently October 10, 1989, and October 25, 1989, respectively.

2. On September 25, 1989, a motion for extension of time for filing comments and reply comments was filed by the National Association of Broadcasters ("NAB"). The motion requests that the deadline for filing comments be extended by 30 days to November 9, 1989, and that the deadline for filing replies be extended by 37 days to December 1, 1989.

3. NAB contends that the extension of time is necessary because of the complexity and importance of the issues raised in the *Third Further Notice*. It notes that the *Third Further Notice* raises questions such as the workability of the proposal, its consistency with the Communications Act, and its compatibility with other renewal expectancy reforms proposed in this proceeding. NAB believes that such an analysis requires an in-depth consideration of the many facets of this proceeding, taken as a whole, and thus necessitates a greater amount of time to prepare comments than has been provided. NAB alleges that, by granting the requested extension, the Commission will facilitate commenters in making a thorough analysis, thereby resulting in the development of a more complete and accurate record in this proceeding.

4. Although § 1.46(a) of the Commission's Rules provides that extensions of time should not be routinely granted, we believe that, in this case, NAB has presented valid reasons for granting the requested extensions. In particular, we agree that it is of the utmost importance to develop a complete record on the question of how to award renewal expectancies in comparative renewal hearings. Indeed, even after proffering further proposals in the *Second Further Notice of Inquiry and Notice of Proposed Rule Making* (53 FR 31894, August 22, 1988) and considering the comments filed in response thereto, we determined that further study was necessary.[2] We also acknowledge that devising a meaningful renewal expectancy standard and method for applying it is a complex and difficult task. Given the importance of this issue, we believe that an additional amount of time to respond to the latest proposal is warranted.

5. Accordingly, *It is ordered*, That the motion for extension of time filed by the National Association of Broadcasters IS GRANTED and that the time for filing comments and reply comments in BC Docket No. 81-742 IS HEREBY EXTENDED to November 9, 1989, and December 1, 1989, respectively.

6. This action is taken pursuant to authority found in sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b), 0.283, and 1.45-46 of the Commission's Rules.

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[1] 4 FCC Rcd 6363 (1989), *summarized* at 54 Fed. Reg. 35357 (Aug. 25, 1989).

[2] *See Third Further Notice*, 4 FCC Rcd at 6364-65.

Federal Communications Commission.
Roy J. Stewart,
Chief, Mass Media Bureau.
[FR Doc. 89-24083 Filed 10-11-89; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Battery Explosions

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

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by Dr. C.J. Abraham and Dr. Malcolm Newman of Inter-City Testing and Consulting Corporation to require a protective shield on wet cell automotive batteries. The agency is denying the petition because the accident data indicate that the vast majority of these injuries are not severe. The agency further notes that there has been a significant and continuing downward trend in injuries from battery explosions which we believe is the result of safety-related design improvements associated with batteries. In addition, the agency believes that the shield may be ineffective in many real-world settings. For these reasons, requiring such a device would increase consumer costs without a corresponding increase in safety.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavey, Office of Rulemaking, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. Telephone: (202) 366-5271.

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) has promulgated Federal motor vehicle safety standards at 49 CFR part 571 that set forth performance and labeling requirements related to motor vehicles and certain items of motor vehicle equipment. The agency presently does not have any safety standard directly related to automotive batteries.

At the request of the United States Consumer Product Safety Commission (CPSC), NHTSA began investigating injuries resulting from the explosion of motor vehicle batteries in 1976. On August 31, 1981, NHTSA issued a notice terminating a rulemaking in which it had considered establishing performance and labeling requirements for batteries (46 FR 43718). The agency based its decision to terminate that rulemaking on the following reasons: (1) A study conducted by the Society of Automotive Engineers (SAE) indicated that over 70 percent of the ignition sources leading to battery explosions started outside the battery; (2) manufacturers were designing safer "maintenance free" batteries and batteries whose vents contain flame attenuator devices; and (3) the CPSC already requried warning labels on all wet cell storage batteries, the type used in motor vehicles. NHTSA noted that it would continue to monitor any incidents of battery explosions to evaluate the safety of the new types of batteries.

Petition

On January 21, 1988, Dr. C.J. Abraham and Dr. Malcolm Newman of Inter-City Testing and Consulting Corp. (Inter-City) petitioned NHTSA to reopen rulemaking related to battery explosions claiming that "the number of injuries due to battery explosions continues to maintain epidemic proportions." The petitioner stated that it had identified fesible performance requirements and standards that would reduce the incidence of wet cell battery explosion injuries. In particular, it requested that all batteries be required to have the plastic shielding device that it had developed. The petitioner claimed that this shield would redirect battery explosion by-products (e.g., acid spray and solid fragments) away from the upper torso and eyes of bystanders. Inter-City claimed that requiring the battery shield would virtually eliminate any significant injuries from battery explosions. It supplied laboratory test data in support of these claims.

Inter-City also requested that pursuant to NHTSA's information gathering powers at 49 CFR Part 510, the agency subpoena documents related to battery explosions from Johnson Controls, a battery manufacturer. The agency notes that its subpoena authority is discretionary in nature, and that in the rulemaking at hand, the agency has sufficient information from the petitioner, the CPSC, the battery manufacturers, and other sources to determine whether to grant or deny the petition. Therefore, NHTSA has declined to subpoena the documents requested by the petitioner.

NHTSA Determination

In response to Inter-City petition, NHTSA reexamined the problem of battery explosions in general and the effectiveness of battery explosions in general and the effectiveness of the petitioner's shield in particular. The agency has decided to deny the petition for the reasons set forth below.

A. Battery Explosions

Inter-City claimed that that there were more than 100,000 injuries due to battery explosions in the years from 1981 to 1986. These injuries typically involve the upper torso, eyes, head, and face. The petitioner further stated that in 1982 there were approximately 21,000 battery explosion injuries and that these injuries were "on the increase." The petitioner also claimed that in 1986 there were more than 6,400 battery-related eye injuries reported to the CPSC. Additionally, the petitioner submitted data indicating that there were 692 such injuries in California and 118 such injuries in Ohio between 1981 and 1988. Finally, in a supplemental submission, Inter-City cited a study by the Greater Detroit Society for the Blind which predicted that there may have been as many as 46,513 injuries related to battery explosions over an eight year period or an annual average of approximately 5,800.

NHTSA analyzed the accident data to determine whether there was a significant safety problem related to injuries caused by exploding batteries. The agency obtained data from the CPSC's National Electronic Injury Surveillance System (NEISS), a program through which the CPSC monitors injuries treated in hospital emergency rooms and then extrapolates the number of accidents nationwide. The CPSC data estimated that the number of injuries from wet cell battery explosions was 9,343 in 1983, 7,136 in 1984, 6,711 in 1985, 5,359 in 1986, 5,385 in 1987 and 4,423 in 1988. This was an average of 6,393 battery explosion injuries per year. The agency notes that a significant number of battery-related injuries cited by the petitioner involve skin or eye irritation from acid vapors, spillage, and splashing during ordinary battery handling and servicing, and not from battery explosions. In addition, the agency received accident information from the Battery Council, a manufacturer's organization that monitors litigation related to battery explosions. This information indicated that, in recent years, there was an annual average of 150 battery explosions that resulted in litigation and thus were presumably serious.

NHTSA notes that the number of battery explosion injuries reported by the CPSC is significantly lower than the number claimed by the petitioner. Further, the CPSC data indicates that 98 percent of the battery explosions

resulted in injuries that were "not severe" (i.e., those injured were treated and released from a hospital without requiring additional hospital care), and the number of reported "severe" cases ranged from a high of 354 in 1983 to zero cases in 1986 and 1988. Similarly, the agency is not aware of any fatalities from battery explosions. Contrary to the petitioner's assertion that battery explosions continue at "epidemic" levels, the CPSC data reveals a significant and continual downward trend in these accidents.

NHTSA believes that the major reasons for this downward accident trend are improved battery design and warning labels. For instance, motor vehicles are increasingly being manufactured with a solid state electronic voltage regulator, which helps prevent battery explosions by reducing battery overcharging, and the ensuing concentration of explosive gases. Other design improvements incorporated in virtually all new automotive batteries include stronger and more durable plastic (polypropylene) battery containers in place of rubber containers, non-removable flame arresters to reduce ignition from external sources, lead calcium terminals in place of anitmony to reduce gassing, improved welding and plate connections to reduce internal ignition sources, hot sealed covers and elimination of filler caps to prevent consumer access, improved hydrogen gas venting systems, and improved plate material to reduce gassing and sparks. In addition, a significant proportion of new batteries are designed with side terminals that divert potential sparks away from the explosive gas which collects at the top of the battery, large flat cover sections on top of the battery which provide fewer small sharp projectiles, and built in hydrometers which indicate the battery's condition. The agency further notes that battery and automotive manufacturers continue to develop other designs to reduce battery explosions such as using absorbing materials to fill the ullage space and designing a pressurized system to reduce the amount of hydrogen emissions. Based on CPSC statistics and these design innovations that appear to reduce a battery's potential to explode, NHTSA anticipates that the number of injuries from exploding batteries will continue to decrease.

B. Analysis of Safety Shield

Inter-City requested that NHTSA issue a safety standard to require a protective safety shield for automotive batteries. It stated that the shield would act to eliminate injuries from battery explosions by directing the by-products from an exploding battery away from the torso and face. In support of its request, the petitioner submitted laboratory tests of controlled explosions.

In deciding whether to require a battery shield, NHTSA reviewed the petitioner's product and the supporting data. The agency notes that there are serious shortcomings with the battery shield. The shield might hinder the dissipation of the explosive gases away from the battery. It also might interfere with the attachment and removal of jumper cables and battery cables, impede the servicing of traditional non-maintenance free batteries, and interfere with the shortest routing of heavy battery cables. Finally, the presence of a shield on replacement batteries would hamper the replacement of OEM batteries for the existing vehicle population.

NHTSA further believes that the petitioner's test data, which were generated in a controlled laboratory environment, do not adequately reflect the typical real world events surrounding battery explosions. For instance, despite the petitioner's claim that battery servicing or jump starting could be achieved with the shield in place, the agency believes that this would be highly impracticable because the shield makes it difficult for a servicer to see and to have access to the battery connectors and terminals. Therefore, the agency anticipates that the servicer would typically have to remove the shield during the time that a battery explosion injury is most likely to occur, thus losing the benefit of the shield. Therefore, NHTSA believes that while the battery shield might be effective in a controlled test environment, the benefits from mandating its use are much more doubtful in real world situations.

NHTSA notes that the overall costs associated with the request would be large. While the petitioner claimed the cost would be less than $0.50 cents per battery, NHTSA believes that a more realistic cost to the consumer is $1.25 per battery. NHTSA has calculated the overall costs as follows. Since there are approximately 10 million batteries for new passenger cars and 65 million replacement batteries sold each year, the annual cost to require the battery shield is estimated to be ($1.25) X (75 million) or $93.75 million per year. The agency further notes that as a result of this requirement, over 50 different size covers would have to be developed to accommodate all the different battery sizes. In addition, a vehicle manufacturer might have to devote more space to the battery possibly affecting a vehicle's aerodynamic styling and hence fuel efficiency, and might also have to modify the hold-down designs.

In conclusion, given the fact that 98 percent of injuries related to battery explosions are not severe, that the safety problem is much smaller than the petitioner alleges, that there has been a significant downward trend in the injuries from battery explosions, that there have been improvements in wet cell battery designs, that there are practical shortcomings with the protective shield in real world situations, and that there are large costs related to this device, NHTSA has determined that requiring the petitioner's shield would result in increased costs without a sufficient corresponding improvement in safety. NHTSA notes that even though the agency has decided not to require the battery shield, a manufacturer may use this device at its discretion.

For the reasons set forth in this notice, NHTSA has concluded that there is no reasonable possibility that a rule requiring a battery shield in accordance with Inter-City's petition would be issued at the conclusion of the requested rulemaking proceeding. Therefore, the petition is denied.

Authority: 15 U.S.C. 1392, 1407, 1410a, delegations of authority at 49 CFR 1.50 and 49 CFR 501.8

Issued on October 5, 1989.

Barry Felrice

Associate Administrator for Rulemaking.

[FR Doc. 89-24005 Filed 10-11-89, 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 90756-9156]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of proposed modification to area of foreign fishing and inseason adjustment to specifications, and request for comments.

SUMMARY: NMFS announces and requests comments on two proposed actions: (1) Authorization to allow foreign vessels to operate south of 39° N. latitude, under special conditions, and receive U.S.-caught shortbelly rockfish; and (2) an inseason adjustment to

increase the optimum yield for shortbelly rockfish caught in the ocean off Washington, Oregon, and California from 10,000 to 13,000 metric tons. These actions are authorized under the Pacific Coast Groundfish Fishery Management Plan. The purpose of these actions is to encourage utilization of shortbelly rockfish, which currently are underutilized, and to provide new business opportunities for U.S. fishermen.

DATES: Comments on these proposed actions will be accepted until October 27, 1989. The proposed action to allow foreign vessels south of 39° N. latitude, in finalized, will remain in effect through December 31, 1990, unless modified, superseded, or rescinded. The proposed increase to OY, once finalized, would apply only to the 1989 season unless continued under 50 CFR 663.24.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., Bldg. 1, Seattle WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526–6140; or Rodney R. McInnis at (213) 514–6202.

SUPPLEMENTARY INFORMATION: At its April 1989 meeting, the Pacific Fishery Management Council (Council) recommended that the Northwest Regional Director, NMFS, issue experimental fishing permits to authorize U.S. fishing vessels to use smaller mesh than currently is allowed to harvest shortbelly rockfish in joint venture fishing operations. Because shortbelly rockfish are found in fishable concentrations only south of 39° N. latitude, fishing must occur in this area to be commercially viable. However, current regulations prohibit foreign processing vessels from receiving fish south of 39° N. latitude.

To facilitate the development of a joint venture for shortbelly rockfish, the Council recommended that the Secretary of Commerce (Secretary) authorize foreign processing and support vessels to operate as far south as 35° N. latitude. More restrictive areas are proposed in this notice, however, resulting from concerns raised by NMFS and other concerns expressed by the Department of the Navy (Navy) after the April Council meeting.

Current regulations at 50 CFR 611.70(d)(3)(i) provide the procedure by which the Secretary may authorize foreign processing vessels to operate south of 39° N. latitude. In this notice, NMFS proposes to authorize foreign vessels to operate no further south than 36°38′, the same southern boundary established for experimental joint venture fisheries for shortbelly rockfish in 1982. NMFS also proposes in this notice to prohibit foreign processing vessels from operating in and around the environmentally sensitive marine sanctuary in the Gulf of Farrallons. Juvenile shortbelly rockfish provide food for many species of seabirds and marine mammals in this area. The area also is proposed to be closed to prevent conflicts with the large recreational salmon fishery operating out of the San Francisco area. The marine sanctuary is proposed to be no larger than the area east of 123°40′ W. longitude and between 38°20′ an 37°30′ N. latitude. The exact dimensions of the sanctuary will be determined after the public comment period following publication of this proposal to allow foreign vessels south of 39° N. latitude.

The regulations at 50 CFR 611.3(1)(1) provide for the imposition of additional restrictions for the national defense or security if the Assistant Administrator determines that such interests would be significantly impaired without such restrictions. Consequently, additional area closures south of 37°30′ N. latitude, will apply to all foreign vessels and include the area fished in the experimental joint venture in 1982. The closure specified by the Navy includes the area eastward of 123°20′ W. longitude to shore and would be bordered to the north and south respectively by 37°30′ and 36°45′ N. latitudes.

It is possible that these closures will not provide enough area to support a viable joint venture fishery for shortbelly rockfish. If implemented, authorization for foreign vessels to operate south of 39° N. latitude would remain in effect through December 31, 1990, unless modified, superseded, or rescinded.

To provide the amount of harvest requested by U.S. fishermen, the Council also recommended that the Secretary increase the optimum yield (OY) for shortbelly rockfish by 30 percent, from 10,000 metric tons (mt) to 13,000 mt, as provided for at 50 CFR 663.22(b) and 663.23. The criteria that the Secretary must consider before increasing an OY inseason also are addressed in this notice.

These actions are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs groundfish fisheries in the exclusive economic zone (EEZ) 3–200 nautical miles offshore of Washington, Oregon, and California.

Authorizing Foreign Fishing Vessels South of 39° N. Latitude

The foreign fishing regulations of 50 CFR 611.70(d)(3) provide the procedure by which, at any time during the year, the Secretary may establish or modify seasons or areas for either directed foreign fisheries or joint venture fisheries for species other than Pacific whiting. The procedures require the Secretary not only to consult with the Council, but also to consider the factors addressed below.

(1) *Observed rates of incidental catches in previous foreign directed fishery or joint venture operations.* Shortbelly rockfish are caught fairly selectively. A small joint venture operation for shortbelly rockfish conducted in October 1982 caught 638 mt of shortbelly rockfish and 77 mt of incidental species, of which 75 mt were Pacific whiting, 1 mt was rockfish excluding Pacific ocean perch, 1 mt was sablefish, with trace amounts of flatfish and other fish. No salmon or Pacific halibut were taken. There has been no directed foreign fishery for shortbelly rockfish.

(2) *Current estimates of the relative abundance and availability of species caught or received incidentally.* Pacific whiting was the dominant incidental (bycatch) species taken in the 1982 joint venture for shortbelly rockfish, with a bycatch rate of 11 percent. The Council recommended a 15 percent incidental retention limit for the purpose of this experimental fishery in 1989. As an extreme example, if the OY for shortbelly rockfish is increased 30 percent to 13,000 mt as proposed in this notice, the OY is designated entirely for joint ventures, and the full 15 percent is taken, then approximately 2,000 mt of Pacific whiting would be caught. This amount would be subtracted from the 1989 JVP for Pacific whiting (currently 207,000 mt), reducing the amount available to the target fishery for that species by about 2,000 mt. Requests substantially exceed the 207,000 mt JVP for Pacific whiting.

Incidental catches of other species are expected to be negligible. The council recommended an incidental retention allowance of 2 percent for all other groundfish species combined. In the 1982 joint venture, the bycatch of other species was less than 0.5 percent of the total catch.

(3) *Ability of the foreign fishery to attain the total allowable level of foreign fishing (TALFF) or JVP.* Because this is an experimental fishery to develop processing techniques and markets, it is not known whether the full

JVP for shortbelly rockfish will be taken. Foreign processing capacity to utilize all of it clearly exists if given adequate time to deploy vessels.

(4) *Past and projected foreign and U.S. fishing efforts.* Domestic landings of shortbelly rockfish have been below 100 mt annually. The only joint venture for this species occurred in 1982; 638 mt of shortbelly rockfish and 77 mt of incidental species were taken. Although TALFF has been designated for shortbelly rockfish in the past, there has been no interest in a directed foreign fishery for this species.

The joint venture companies have asked to participate in the experimental fishery in 1989 and have requested 13,000–15,000 mt. The experimental joint venture fishery will not occur unless foreign processing vessels are authorized to operate south of 39° N. latitude.

(5) *Status of the stock.* Shortbelly rockfish virtually is unexploited. The most recent estimate of the maximum sustainable yield (MSY) is 44,250 mt, the amount that can be harvested annually over a long period of time without jeopardizing the resource.

(6) *Impact on domestic industry.* The joint venture is considered a domestic fishery, and thus the domestic industry will be enhanced if the experiment is successful. Shore-based processing plants also may benefit if new markets develop for this species. However, the joint venture fishery for Pacific whiting could be reduced by as much as 2,000 mt because the incidental catch of whiting taken in the shortbelly joint venture would count against the JVP for Pacific whiting. No other U.S. fishery is expected to be adversely affected.

The joint venture would be conducted by approximately 10 to 12 U.S. catcher vessels delivering to approximately four foreign processing vessels. Gear conflicts or preemption of fishing grounds are not expected with these few vessels. However, heavy vessel traffic occurs off San Francisco in Cordell Banks and the Gulf of Farallons, where substantial domestic commercial and recreational fisheries operate. The area which would remain closed to foreign processing vessels would include the waters around Cordell Banks and in the Gulf of Farallons in order to minimize the probability of gear conflicts and preemption of fishing grounds.

(7) *Other relevant scientific information.* There is evidence that shortbelly rockfish is a major source of food for salmon, adult rockfish, marine mammals and seabirds. Natural mortality, including the needs of other species preying on shortbelly rockfish, was a factor in the determination of the acceptable biological catch (ABC) of 10,000 mt for shortbelly rockfish. The prohibition of joint venture operations in the Cordell Banks and the Gulf of Farallons which are home to many predator species should diminish the effect on these species of the increase in OY to 3,000 mt over ABC. It is believed that this increase will not have a significant adverse impact upon predator-prey relationships. Even if the OY were increased to 13,000 mt, it would remain considerably lower than the estimated level of maximum sustainable yield (MSY) of 44,250 mt. Thus, harvests at this level are not expected to have a noticeable impact on any resource.

Proposed Action

In light of these factors, the Secretary proposes to allow foreign processing and support vessels to operate in joint venture operations for shortbelly rockfish in the EEZ as far south as 36°38′ N. latitude, excluding the area around Cordell Banks and in the Gulf of Farallons that is no larger than the area enclosed by a line drawn due west at 38°20′ N. latitude to 123°40′ W. longitude, south to 37°30′ N. latitude, then due east to shore. The closure specified by the Navy includes the area eastward of 123°20′ W. longitude to shore and would be bordered to the north and south respectively by 37°30′ and 36°45′ N. latitude. Authorization to operate south of 39°, if granted, and any area restrictions, will appear in the additional restrictions attached to foreign vessel permits.

Increasing the OY for for Shortbelly Rockfish

The implementing regulations for the FMP at 50 CFR 663.22(b) provide for inseason increases to OY that cumulatively do not exceed the OY set at the beginning of the current fishing year by more than 30 percent. At its April 1989 meeting, the Council recommended increasing the 1989 coastwide OY for shortbelly rockfish by 30 percent, from 10,000 mt to 13,000 mt. There is no new stock assessment for this species so the ABC estimate would remain at 10,000 mt. The council recommended the maximum inseason increase th OY for shortbelly rockfish to accommodate the requests of the joint venture companies. The Council hoped to promote development of the fishery for this under-utilized species and to establish new markets.

The regulations at 50 CFR 662.22(b) require that the Council be consulted and that the factors addressed below be considered before determining the increase an OY during the fishing year.

(1) *Exploitable biomass and spawning biomass relative to MSY levels.* Data are inadequate to determine the relationship between the exploitable biomass, the spawning biomass, and the MSY.

(2) *Fishing mortality rate relative to MSY levels.* The most recent estimate of MSY is 44,250 mt. Fishing mortality of 13,000 mt is not expected to jeopardize the shortbelly rockfish resource.

(3) *Magnitude of incoming recruitment.* The magnitude of incoming recruitment is unknow. However, insofar as this is virtually a virgin biomass that has been lightly exploited, the level of incoming recruitment is not a critical factor at this time.

(4) *Projected effort and corresponding catches relative to ABC.* The ABC remains at 10,000 mt because a new stock assessment for shortbelly rockfish is not yet available. Catches might reach the proposed OY of 13,000 mt only if the experimental fishing permits are issued and foreign processing vessels are allowed to operate in the joint venture for shortbelly rockfish south of 39° N. latitude. As stated in paragraph (3) of this section, catches of 13,000 mt are expected to pose no risk to the shortbelly rockfish resource.

(5) *In the case of species normally taken in mixed catches, the relative contribution of the species to the total catch.* Shortbelly brockfish are caught fairly selectively. See paragraph (1) under "Authorizing Foreign Fishing Vessels South of 39 Degrees N. Latitude."

(6) *The Impact, if any, of the proposed increase in OY on other species.* The effect of the proposed increase in OY from 10,000 mt to 13,000 mt would have little or no effect on other species. As discussed above, the amount of shortbelly needed as forage for other species already has been considered in the determination of ABC. Also, the target fishery for Pacific whiting may be reduced by as much as 2,000 mt to compensate for incidental catches of Pacific whiting in a joint venture for shortbelly rockfish. However, the total amount of Pacific whiting harvested would not change.

Proposed Action

After consultation with the Council, and in light of the above findings indicating that incresing the OY for shortbelly rockfish from 10,000 mt to 13,000 mt would not cause biological stress to shortbelly rockfish or any other species and would promote full utilization for the groundfish resource, the Secretary herein proposes increasing the OY for shortbelly rockfish for 10,000

mt to 13,000 mt, and requests public comment on this proposed action.

Because domestic shore-based processors and joint venture operations intend to use all available shortbelly rockfish, none of the proposed increase would be made available for foreign fishing. Therefore, the proposed 3,000 mt increase would be divided 600 mt for the reserve (which would equal 2,600 mt, 20 percent of the proposed 13,000 mt OY), and 2,400 mt for JVP, increasing the 1989 JVP from 5,000 mt to 7,400 mt. Because the estimate of domestic annual processing (DAP) remains at 1,000 mt, the estimated domestic annual harvest (DAH), DAP plus JVP, would also be increased by 2,400 mt, from 6,000 mt to 8,400 mt. The total allowable level of foreign fishing (TALFF) remains unchanged at 2,000 mt.

Table 2 (published at 54 FR 32, January 3, 1989) is proposed to be revised as indicated below. Only the portions that pertain to shortbelly rockfish are revised and printed here. All other portions remain unchanged.

TABLE 2.—FINAL SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1989

[In thousands of metric tons]

	Total OY	DAP	JVP	DAH	Reserve	TALFF
Shortbelly rockfish	13.0	1.0	7.4	8.4	2.6	2.0

The estimates of DAP, JVP, DAH, and TALFF may be modified later in the year subsequent to an inseason survey of the domestic fishing industry's needs, according to the foreign fishing regulations at 50 CFR 611.70(d).

Classification

These proposed actions are based on the most recent data available. During the public comment period, the aggregate data upon which these proposed actions are based will be available for public inspection at the Regional Offices during business hours. (See ADDRESSES.)

These proposed actions are taken under the authority of 50 CFR 611.7(d) to allow for foreign vessels south of 39° N. latitude, and 50 CFR 663.22 and 663.23 to increase the OY for shortbelly rockfish. These actions comply with Exective Order 12291, and are covered by the regulatory flexibility analysis prepared for the implementing regulations.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02-10.

List of Subjects in 50 CFR Parts 611 and 663

Administrative practice and procedure, Fisheries, Fishing, Foreign relations.

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

Dated: October 3, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries National Marine Fisheries Service.

[FR Doc. 89-23997 Filed 10-11-89; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 54, No. 196
Thursday, October 12, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committees on Adjudication, Administration, and Governmental Processes; Public Meetings

Committee on Adjudication

Summary: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States. The Committee has scheduled this meeting to discuss a report on the Social Security Administration (SSA) Administrative Appeals Process prepared for ACUS at SSA's request by Professor Frank S. Bloch of Vanderbilt University. The Committee will discuss whether to take any action on the report's recommendations.

Date: Friday, November 3, 1989, 10:00 a.m.

Location: Administrative Conference Library, 2120 L Street NW., Suite 500.

For Further Information Contact: Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500 (202) 254–7020.

Committee on Administration

Summary: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States. The Committee has scheduled this meeting to consider a proposed recommendation on improved use of medical decisionmakers in social security disability determinations in light of comments received from the public.

Date: Friday, November 3, 1989, 2:00 p.m.

Location: Administrative Conference Library, 2120 L Street NW., Suite 500.

Committee on Governmental Processes

Summary: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States. The Committee will discuss possible recommendations on federal personnel complaint, appeal and grievance procedures. The Conference's consultant for this project is William V. Luneburg of the University of Pittsburgh School of Law.

Date: Wednesday, October 18, 1989, 12:15 p.m.–2:30 p.m.

Location: Covington & Burling, 1201 Pennsylvania Avenue NW., Conference Room 1118, Washington, DC.

For Further Information Contact: David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500 (202) 254—7020.

Public Participation: Committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meetings. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: October 6, 1989.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 89–24149 Filed 10–11–89; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 89–168]

National Boll Weevil Cooperative Control Program Environmental Impact Statement, Extension of Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of comment period.

SUMMARY: We are extending the comment period for the draft environmental impact statement prepared by the Animal and Plant Health Inspection Service for the National Boll Weevil Cooperative Control Program. This action is needed to allow interested persons adequate time in which to prepare comments.

DATE: Consideration will be given only to comments received on or before November 3, 1989.

ADDRESSES: To help ensure that you written comments are considered, send an original and three copies to Michael T. Werner, Deputy Director, Environmental Documentation, BBEP, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that you comments refer to Docket 89–134. Comments we receive may be inspected at USDA, 14th and Independence Avenue SW., Room 1141, South Building, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Copies of the draft environmental impact statement (DEIS) are available for review at the following locations: Southeastern Boll Weevil Eradication Program, USDA–APHIS–PPQ, 2119 East South Boulevard, Medical Plaza Building, Suite 204, Montgomery, Alabama 36116, (205) 288–0237; USDA–APHIS–PPQ, 611 East 6th Street, Room 202, Austin, Texas 78701, (512) 482–5241; Southwest Boll Weevil Eradication Program, USDA–APHIS–PPQ, 4320 East Broadway, Phoenix, Arizona 85040, (602) 261–3670; and the APHIS Reading Room, USDA, Room 1141 South Building, 14th and Independence Avenue SW., Washington, DC 20250.

Interested persons may obtain a copy of the DEIS by writing to the person listed under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Michael T. Werner, Deputy Director, Environmental Documentation, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8565.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 1989, we published in the **Federal Register** (54 FR 31710–31711, Docket No. 89–134) a document announcing the availability of a draft

environmental impact statement for the National Boll Weevil Cooperative Control Program. The document also requested comments on or before October 2, 1989, and gave notice of meetings by the Animal and Plant Health Inspection Service to allow public involvement in the development of the final environmental impact statement (FEIS) for the National Boll Weevil Cooperative Control Program. We have received notice from interested parties that they did not receive copies of the National Boll Weevil Cooperative Control Program Draft Environmental Impact Statement in time for adequate review and preparation of comments prior to the October 2 closing date. These persons have requested an extension of the comment period. Therefore, we are extending the comment period to allow adequate time for the preparation of comments. Accordingly, additional comments must be received on or before November 3, 1989.

Following the comment period, a FEIS will be prepared. A "Notice of Availability" of the FEIS will be published in a subsequent **Federal Register** notice.

Done in Washington, DC, this 6th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-24065 Filed 10-11-89; 8:45 am]

BILLING CODE 3410-34-M

Soil Conservation Service

Middle Road Critical Area Treatment; RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Noice of a finding of no significant impact.

SUMMARY: Pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (42 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Middle Road Critical Area Treatment RC&D Measure, Essex County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The measure concerns a plan to provide for stabilization of an eroding roadbank adjacent to Middle Road. Sediment and boulders dislodged from the eroding bank come to rest on the road surface creating a severe safety hazard to users of the highway. Much of the sediment produced enters Putnam Creek, impairing the water quality. The integrity of the roadbank will be assured through the installation of project measures. The planned works of improvement include installation of gabion baskets, shaping of the bank above the gabions, and seeding and fertilizing the site to establish vegetation.

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

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901-Resource Conservation and Development-and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials)

Dated: September 28, 1989.

Paul A. Dodd,

State Conservationist.

[FR Doc. 89-24041 Filed 10-11-89; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Economic Development Administration, Commerce.

Title: Marketing and Capacity Information Report; and Primary Beneficiary Marketing and Capacity Information Report.

Form Number: Agency Form ED-220 and ED-220PB; OMB-0610-0082.

Type of Request: Extension of the expiration date.

Burden: 40 respondents; 80 hours.

Average Hours per Response: 2 hours.

Needs and Uses: To determine competitive impact of EDA financial assistance to increase production capacity/service delivery by a particular firm/industry as required by 13 CFR 309.2, entitled "Unfair Competition".

Affected Public: Enterprises benefitting solely or primarily from proposed EDA grant or loan assistance.

Frequency: Once during application process.

Respondents's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Donald Arbuckle, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Oficer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 5, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-24015 Filed 10-11-89; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[C-223-401]

Final Negative Countervailing Duty Determination: Portland Hydraulic Cement from Costa Rica

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that the manufacturers, producers, or exporters or portland hydraulic cement ("the subject merchandise"), as described in the "Scope of Investigation section of

this notice, from Costa Rica did not export to the United States during the review period, calendar year 1988. Therefore, our determination in this investigation is negative.

EFFECTIVE DATE: October 12, 1989.

FOR FURTHER INFORMATION CONTACT: Michelle L. O'Neill or Carole A. Showers, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-1673 or 377-3217.

SUPPLEMENTARY INFORMATION:

Final Determination

Based on our investigation, we determine that the manufacturers, producers, or exporters of the subject merchandise from Costa Rica did not export to the United States during the review period, calendar year 1988.

Case History

On June 21, 1984, we received a petition from the Puerto Rican Cement Co., Inc. and the San Juan Cement Co., Inc. on behalf of the U.S. industry, and on July 11, 1984, we initiated our investigation of portland hydraulic cement from Costa Rica. We issued an affirmative preliminary determinatin on September 14, 1984 (49 FR 37134, September 21, 1984). We preliminarily determined that there was a reasonable basis to believe or suspect that certain benefits which constitute boundaries or grants within the meaning of the Act were being provided to Industria Nacional de Cemento, S.A. (INCSA), the only cement manufacturer to export cement from Costa Rica to the United States during the review period, calendar year 1983, and that the net boundary or grant was 15 percent *ad valorem*. On October 29, 1984, we initiated a proposed suspension agreement pursuant to section 704 of the Act. In accordance with section 704(g) of the Act, the Department will continue the investigation if a request is received within 20 days after the date of publication of our notice of suspension agreement. We did not receive such a request; therefore we issued no final determination.

On July 11, 1989, the suspension agreement was cancelled and we resumed our investigation of portland hydraulic cement from Costa Rica. [See, "Portland Hydraulic Cement from Costa Rica; Final Results of Countervailing Duty Administrative Review, Determination To Cancel Suspension Agreement, and Resumption of Investigation" (54 FR 29078, July 11, 1989).] On July 24, 1989, we informed all interested parties of our resumption of the investigation. As discussed in the "Review Period" section below, we determined that our review period in this resumed investigation would be calendar year 1988, and therefore on July 27, 1989, we sent a questionnaire to the Government of Costa Rica in Washington, DC. On August 11, 1989, we received certifications of non-exportation of the subject merchandise from the Government of Costa Rica, INCSA, and Cementos del Pacifico, S.A. From August 24 through August 25, 1989, we conducted verification of the government and companies certifications of non-exportation in San Jose, Costa Rica. On September 20, 1989, we received a case brief filed on behalf of the petitioner.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS sub-headings are provided for convenience and Customs purposes. The written description remains dispositive.

The product covered by this investigation is portland hydraulic cement, other than white non-staining portland cement, from Costa Rica. This merchandise is currently classifiable under HTS item number 2523.29.00.

Review Period

At the time of the resumption of this investigation, the information on the record covered the review period, calendar year 1983. We determined that this information did not reflect current importing trends of the subject merchandise. Therefore, for the purposes of this final determination, calendar year 1988 was determined to be the most accurate review period by which to measure whether benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to the manufacturers, producers, or exporters in Costa Rica of the subject merchandise.

Interested Party Comment

Petitioners contend that the Department should issue a final affirmative determination and that a countervailing duty of 15 percent *ad valorem* should be assessed against any imports of portland hydraulic cement from Costa Rica to the United States. Petitioners argue that substantial amounts of cement from Costa Rica were being imported into the United States at the time of the filing of the petition and at the time the investigation was originally initiated in 1984. Petitioners further argue that portland hydraulic cement from Costa Rica was being imported into the United States at the time of the suspension agreement and at the time of the Department's review of the agreement. In addition, the Government of Costa Rica has admitted that, and the Department has found that, countervailable subsidies have been and are available to exporters of portland hydraulic cement from Costa Rica to the United States during the most recent review period. The decision of the Costa Rican cement producers to stop exporting to the United States should be disregarded by the Department and should not constitute a basis for reaching a negative final determination.

DOC Position

As discussed in "Portland Hydraulic Cement From Costa Rica; Final Results of Countervailing Duty Administrative Review, Determination to Cancel Suspension Agreement, and Resumption of Investigation" (54 FR 29078, July 11, 1989), we resumed our investigation on the date of publication of this notice of final results of the review. We determined that in order to measure whether the manufacturers, producers, or exporters of portland hydraulic cement from Costa Rica are being provided benefits which constitute bounties or grants within the meaning of section 303 of the Act, the review period should reflect the most recently completed fiscal or calendar year.

The Department's official import statistics do not list any exports of the subject merchandise from Costa Rica to the United States from 1987 through the present. Based on verification of the certifications of non-exportation submitted for the purposes of this investigation, we have determined that the manufacturers, producers, or exporters of portland hydraulic cement from Costa Rica did not export to the United States during the review period, calendar year 1988. Therefore, we determine that subsidized imports of portland cement did not enter the United States during the review period.

Verification

We verified the information used in making our final determination in

accordance with section 776(b) of the Act. During verification we followed standard verification procedures including meeting with government and company officials, examining relevant documents and accounting records, tracing information in the responses to source documents, accounting ledgers and financial statements, and collecting additional information that we deemed necessary for making our final determination. Our verification results are outlined in detail in the public versions of the verification reports, which are on file in the Central Records Unit (Room B-099) of the Main Commerce Building.

This determination is published pursuant to section 705(d) of the Act [19 U.S.C. 1671d(d)].

Dated: September 25, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-23980 Filed 10-11-89; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

October 6, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: October 16, 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. 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).

On June 28, 1989, the Government of the United States requested with the Government of the United Arab Emirates regarding Categories 336/636 and 342/642, produced or manufactured in the United Arab Emirates.

The United States Government has decided to establish a twelve-month limit on Categories 336/636 and 342/642 for the period June 28, 1989 through June 27, 1990.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the United Arab Emirates, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 53 FR 27547, published on July 21, 1988.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 6, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 16, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in the United Arab Emirates and exported during the period which began on June 28, 1989 and extends through June 27, 1990, in excess of the following restraint limits:

Category	Restraint Limit [1]
336/636	48,501 dozen.
342/642	96,768 dozen.

[1] The limits have not been adjusted to account for any imports exported after June 27, 1989.

Textile products in Categories 336/636 and 342/642 which have been exported to the United States prior to June 28, 1989 shall not be subject to the limits established in this directive.

Textile products in Categories 336/636 and 342/642 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Also, you are directed to charge the following amounts to the limits established in this directive for Categories 336/636 and 342/642. These charges are for goods imported during the period June 28, 1989 through July 31, 1989.

Category	Amount to be charged [1]
336	874 dozen.
342	800 dozen.
636	935 dozen.
642	3,734 dozen.

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. 89-24018 Filed 10-11-89; 8:45 am]

BILLING CODE 3510-PR-M

Establishment of Import Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in the United Arab Emirates

October 6, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: October 16, 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. 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).

On July 29, 1989, the Government of the United States requested consultations with the Government of the United Arab Emirates regarding man-made fiber textile products in Categories 638/639 and 647/648, produced or manufactured in the United Arab Emirates.

The United States Government has decided to control imports in Categories 638/639 and 647/648 for the twelve-month period which began on July 29, 1989 and extends through July 28, 1990.

The United States remains committed to finding a solution concerning these

categories. Should such a solution be reached in consultations with the Government of the United Arab Emirates, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 54 FR 33592, published on August 15, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 6, 1989.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 16, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in the following categories, produced or manufactured in the United Arab Emirates and exported during the period which began on July 29, 1989 and extends through July 28, 1990, in excess of the following restraint limits:

Category	Restraint Limit [1]
638/639	76,052 dozen.
647/648	54,207 dozen.

[1] The limits have not been adjusted to account for any imports exported after July 28, 1989.

Textile products in Categories 638/639 and 647/648 which have been exported to the United States prior to July 29, 1989 shall not be subject to this directive.

Textile products in Categories 638/639 and 647/648 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

Import charges will be provided as data become available.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-24019 Filed 10-11-89; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Science Board; Partially Closed Meeting

In accordance with section 10a(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 30 October-2 November 1989

Time: 0800-1700 hours each day

Place: Fort Benning, Georgia

Agenda: The 1989 Army Science Board Fall General Membership Meeting will include:

30 October, 0800-1630—Closed
31 October, 1015-1545—Closed
1 November, 0840-1145—Closed, 1545-1700—Closed
2 November, 0745-1130—Closed

Subjects to be discussed include briefings on "Maintaining State of the Art in ATCCS", "International R&D", Army Science Board Functional Subgroup Reports, and briefings will be presented by personnel from Fort Benning. Those portions of the meeting indicated above will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-24002 Filed 10-11-89; 8:45 am]

BILLING CODE 3710-8-M

DEPARTMENT OF ENERGY

Savannah River Operations; Financial Assistance Award; Intent To Award a Noncompetitive Cooperative Agreement

AGENCY: Department of Energy.

ACTION: Notice of Noncompetitive Cooperative Agreement.

SUMMARY: The Department of Energy (DOE) announces that it plans to award a Cooperative Agreement to the University of South Carolina at Aiken (USC-A) in the amount of $334,583 over a five year period beginning October 26, 1989. This Cooperative Agreement is in support of USC-A's maintenance and operation of a Public Reading Room which houses DOE documents available to the general public in accordance with (a) the Freedom of Information Act, 5 U.S.C. 552(a)(2); (b) the Environmental Protection Agency's (EPA) requirement to establish an information repository at all remedial action sites and any removal sites likely to extend beyond fifteen days; and (c) EPA's requirement that an information repository be established for administrative records which are required by the Superfund established for administrative records which are required by the Superfund Amendments and Reauthorization Act (SARA). Pursuant to Subpart 600.7(b)(2)(i)(A&D) of the DOE Assistance Regulations (10 CFR Part 600), DOE has determined that eligibility for this Cooperative Agreement award shall be limited to the USC-A.

PROCUREMENT REQUEST NUMBER: 09-89SR18117.

PROJECT SCOPE: The University of South Carolina at Aiken has provided facilities and services to DOE since September 1984 by operating a Public Reading Room containing DOE documents available to the general public. Under the proposed five-year Cooperative Agreement, USC-A will continue to provide facilities and services, including staff expertise; space to house 8,000 plus documents; computerized indexing and filing system; a document security tag system; maintenance and updates of documents as appropriate; the indexing and filing of approximately 400 new documents per quarter; preparation and maintenance of a document master file; assistance to users in locating documents; recommendations for operation improvements; reproduction services; and an account of all requests for documents. In order to insure effective dissemination of DOE documents, the Department of Energy has determined that this Cooperative Agreement award to the University of South Carolina at Aiken on a noncompetitive basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Ronald D. Simpson, Contracts & Services Division, U.S. Department of

Energy, P.O. Box A, Aiken, SC 29802, (803) 725–2096.

Issued at Aiken, South Carolina on October 3, 1989.

John D. Wagoner,

Deputy Manager, Head of the Contracting Activity, Savannah River Operations Office.

[FR Doc. 89–24068 Filed 10–11–89; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Noncompetitive Financial Assistance Award Resource for the Future

October 5, 1989.

SUMMARY: The Federal Energy Regulatory Commission announces that pursuant to 10 CFR 600.6(a)(2), discretionary award of a cooperative agreement resulting from a unsolicited proposal will be awarded to Resource For The Future (RFF). The FERC is conducting negotiations with RFF for suport of joint in-depth policy research and analysis on immediate and long-term issues in the area of energy economics, regulatory economics and environmental economics, relevant to FERC's regulatory responsibilities in meeting statutory obligations. These neogiations are expected to result in the issuance of Cooperative Agreement Number DE–FC39–89RC90024, in which FERC will provide $225,000 of the total estimated cost of $250,000 for a performance period of five years estimated to begin November 1, 1989.

OBJECTIVE. The objective of the proposed agreement is for RFF and FERC to work cooperatively to perform timely independent and objective research on economic and regulatory issues facing the FERC.

FOR FURTHER INFORMATION CONTACT: Federal Energy Regulatory Commission, Division of Procurement, ED–33, ATTN: Charlotte A. Greenwell, Contract Specialist, 941 North Capitol Street, NE, Washington, DC 20426, Telephone Number (202) 357–5620.

Lois D. Cashell,

Secretary.

[FR Doc. 89–23994 Filed 10–11–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP89–2175–000, et al.]

Paiute Pipeline Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Paiute Pipeline Company

[Docket No. CP89–2175–000]

September 28, 1989.

Take notice that on September 27, 1989, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193–4197, filed in Docket No. CP89–2175–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Westar Marketing Company (Westar), a marketer, under the blanket certificate issued in Docket No. CP87–309–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Paiute states that pursuant to a transportation agreement dated June 1, 1989, under its Rate Schedule IT–1, it proposes to transport up to 19,750 MMBtu per day equivalent of natural gas for Westar. Paiute states that it would transport the gas through its system from the existing interconnection between the facilities of Paiute and Northwest Pipeline Corporation at the Idaho-Nevada border, and would redeliver the gas to Westar at the delivery points identified in the transportation service agreement.

Paiute advises that service under § 284.223(a) commenced July 20, 1989, as reported in Docket No. ST89–4457–000 (filed August 11, 1989). Paiute further advises that it would transport 1 MMBtu on an average day and 365 MMBtu annually.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89–2154–000]

September 28, 1989.

Take notice that on September 22, 1989, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP89–2154–000 a request, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon certain facilities in Jersey City, New Jersey, under the authorization issued in Docket No. CP82–426–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is alleged that Transco and Public Service Electric and Gas Company (PSE&B) are parties to gas service agreements under Transco's Rate Schedules CD, FT, IT, PS, GSS, LSS, LG–A, S–2, WSS, and X–222 pursuant to which Transco delivers certain quantities of natural gas to PSE&G at several delivery points on Transco's system including the West End Gas Plant, located at St. Pauls and Duffield Avenues in Jersey City, New Jersey (West End Delivery Point). The West End Delivery Point consists of a metering and regulating station and a twelve-inch pipeline of approximately one thousand twenty-five feet connecting Transco's pipeline system to PSE&G facilities.

Transco avers that the construction and operation of the West End Delivery Point was authorized by the Commission in Docket No. G–2075. Transco contends that the West End Delivery Point facilities are no longer being utilized and that PSE&G has consented to the abandonment. Transco, therefore, proposes to abandon such facilities and the related gas services provided through the West End Delivery Point facilities. It is alleged that there would be no change in the maximum contract quantities of the underlying service agreements as a result of the proposed abandonment.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of the notice.

3. United Gas Pipe Line Company

[Docket No. CP89–2163–000]

September 28, 1989.

Take notice that on september 25, 1989, United Gas Pipe line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–2163–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to provide interruptible transportation service on behalf of Graham Energy Marketing Corporation, a marketer of natural gas, under United's blanket certificate issued in docket No. CP88–6–000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that the interruptible gas transportation agreement, dated November 9, 1989, as amended on June 27, 1989, proposes to transport a maximum daily quantity of 123,600 MMBtu, 45,114,000, and that service commenced on July 24, 1989, as reported in docket No. ST89–4493–000, pursuant to § 284.223(a) of the Commission's Regulations.

United further states that existing facilities would be used to provide this transportation service.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP89–2107–000]

September 28, 1989.

Take notice than on September 15, 1989, Arkla Energy Resources, a division of Arkla, Inc., (AER) P.O. Box 21734, Shreveport Louisiana 71151, filed herein an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act, for a blanket certificate of public convenience and necessity authorizing AER: (a) To sell natural gas for resale on an interruptible basis in accordance with a new Interruptible Sales Service Rate Schedule; (b) to transport natural gas in interstate commerce for interruptible direct sale to end-users; and (c) upon termination of the service agreements underlying individual interruptible sales, to abandon such sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

AER states that it proposes to charge a negotiated rate for sales under the proposed Rate Schedule ISS ranging between a maximum rate equal to AER's 100 percent load factor rate found in its Rate Schedule CD and a minimum rate equal to AER's actual weighted cost of gas (WACOG), for the month in which gas is delivered adjusted for a representative amount for out-of-period adjustments, plus fuel, the variable costs of delivering the gas and other applicable charges. AER implies that the proposed service would be made with existing facilities.

Comment date: October 19, 1989, in accordance with Standard Paragraph F at the end of this notice.

5. Southern Natural Gas Company

[Docket No. CP89–2181–000]

September 28, 1989.

Take notice that on September 27, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–2181–000 a request pursuant to § 157.205 of the Commissions Regulations under the Natural-Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Gulf Ohio Corporation (Gulf Ohio), a marketer, under the blanket certificate issued in Docket No. CP88–316–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Southern states that pursuant to a service agreement dated July 20, 1989, under its Rate Schedule IT, it proposes to transport up to 550 MMBtu per day equivalent of natural gas for Gulf Ohio. Southern states that it would transport the gas from various receipt points in Texas, Louisiana, offshore Texas, offshore Louisiana, Mississippi and Alabama, and would deliver the gas to various points in Georgia.

Southern advises that service under § 284.233(a) commenced August 1, 1989, as reported in Docket No. ST89–4636. Southern further advises that it would transport 293 MMBtu on an average day and 107,000 MMBtu annually.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Equitrans, Inc.

[Docket No. CP89–2160–000]

September 28, 1989.

Taken notice that on September 25, 1989, Equitrans, Inc. (Equitrans), 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205, filed in Docket No. CP89–2160–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Consolidated Fuel Corporation (Consolidated), under Equitrans' blanket certificate issued in Docket No. CP86–553–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans proposes to transport on a firm basis 4,813 Mcf of natural gas on a peak day, 4,707 Mcf on an average day and 1,718,055 Mcf on an annual basic for Consolidated Equitrans states that it would perform the transportation service for Consolidated under Equitrans' Rate Schedule FTS. Equitrans indicates that it would transport the gas from an interconnection with Tennessee Gas Pipeline in Allegheny County, Pennsylvania to three delivery points in Allegheny County, Pennsylvania.

It is explained that the service commenced September 1, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–4746. Equitrans indicates that no new facilities would be necessary to provide the subject service.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

Texas Gas Transmission Corporation

[Docket No. CP89–2166–000]

September 28, 1989.

Take notice that on September 26, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–2166–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of EnTrade Corporation (EnTrade), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000, pursuant to section 7 of the National Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport, on an interruptible basis, up to a maximum to 50,000 MMBtu of natural gas per day for EnTrade from receipt points located in Louisiana, offshore Louisiana, Indiana, Kentucky, Texas, Tennessee, Illinois, Arkansas and Ohio to delivery points located in Louisiana. Texas Gas anticipates transportating an annual volume of 18,200,000 MMBtu.

Texas Gas states that the transportation of natural gas for EnTrade commenced August 11, 1989, as reported in Docket No. ST89–4685–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP88–686–000.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Southern Natural Gas Company

[Docket No. CP89–2180–000]

September 29, 1989.

Take notice that on September 27, 1989, Southern Natural Gas Company (Southern) P.O. Box 2563, Birmingham, Alabama 35303–2563, filed in Docket No. CP89–2180–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Phibro Distributors Corporation (Phibro) under the authorization issued in Docket No. CP88–316–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern would perform the proposed transportation service for Phibro, a marketer of natural gas, pursuant to a service agreement dated July 25, 1989, under Southern's Rate Schedule IT (Service Agreement No. 851220). It is stated that the term of the service agreement is effective from July 25, 1989,

and shall be in full force and effect for a primary term of one month and shall continue and remain in force and effect for successive terms of one month thereafter until cancelled by either party giving five days written notice to the other party. Southern proposes to transport on a peak day up to 100,000 MMBtu; on an average day 100,000 MMBtu; and on an annual basis 36,500,000 MMBtu of natural gas for Phibro. Southern proposes to receive the gas at various receipt points in offshore Texas, offshore Louisiana, Texas, Louisiana, Mississippi, and Alabama for delivery to various points in Georgia and South Carolina. Southern asserts that no new facilities are required to implement the proposed service.

Southern states that it would perform such transportation service to Phibro pursuant to its Rate Schedule IT. It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Regulations. Southern commenced such self-implementing service on August 1, 1989, as reported in Docket No. ST89-4637-000.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Forest Oil Corporation

[Docket No. CP89-2158-000]

September 29, 1989.

Take notice that on September 22, 1989, Forest Oil Corporation (Forest), 1500 Colorado National Building, 950 Seventeenth Street, Denver, Colorado 80202, filed in Docket No. CP89-2158-000 a petition for a declaratory order requesting that certain offshore facilities that Forest intends to construct constitute production and gathering facilities and are therefore exempt from the Commissions' Natural Gas Act (NGA) jurisdiction. In the alternative, Forest seeks a certificate of public convenience and necessity authorizing it to undertake construction and operation of the proposed offshore facilities, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Forest states that the proposed facilities consist of three pipelines in the offshore federal domain to be used for gathering natural gas from wells attached to offshore production platforms and delivering it to subsea taps with the jurisdictional interstate transmission lines offshore. Forest requests expeditious disposition of its petition.

Forest states that the largest of the three lines will consist of 5.4 miles of 12¾-inch pipe running from a production platform in Eugene Island Block 366 to an existing subsea tap located on TGPL Ship Shoal Eugene Island Block 349 Line (referred to as TTT) in Eugene Island Block 342. Forest states that near its terminus, the proposed line will cross transmission lines owned by Tarpon Gas Pipeline Company, Tennessee Gas Pipeline Company, and Northern Natural Gas Company. Inasmuch as interconnection with any of these three other pipelines would not have materially shortened the proposed line, and interconnection with these other lines was not feasible due either to economic or engineering constraints, Forest states that its proposal represents the shortest line suitable for gathering production from the Block 366 platform for the purpose of delivery to an interstate pipeline.

Forest further states that initially, two wells connected to the Block 366 platform will be brought on line with an initial combined daily deliverability of 90 MMcf per day (MMcfd) and operating pressures of about 1100 psig. Forest states that its present plans include the drilling of two additional wells on this platform, which will be developed on a schedule intended to increase deliverability from the platform to a level approximating the 100 MMcfd design capacity of the proposed gathering line. Forest avers that therefore, the 12¾ inch line is sized no greater than necessary to gather the anticipated production from the block 366 platform for delivery into an interstate pipeline.

Forest states it does not intend to install compression on the Block 366 platform in conjunction with construction of the 12¾ inch line. Compression may be installed at some date in the future, but, according to Forest, only if declines in reservoir pressure necessitate compression to maintain deliverability or to meet pipeline operating pressures.

Forest adds that no gas processing will take place on the platform. Forest states it will flow the gas through a separator on the platform, measure the stream's condensate and water content, and reinject the liquids into the gas stream. Any processing will occur at some point onshore.

Forest states that its second proposed line will consist of 1.44 miles of 10¾ inch pipeline running from Forest's production platform in Eugene Island Block 325 to an interconnection at an existng subsea tap with TTT in Eugene Island Block 320. Forest states that this line will not cross any other transmission lines. According to Forest, TTT is the nearest interstate pipeline to the Block 325 platform, and the subsea tap Forest proposes to employ is the nearest feasible point of interconnection with TTT.

Forest states that initially, four wells will be brought on line with a combined daily deliverability of 65 MMcfd. Forest states it presently has plans to drill five more wells on this platform, which will be developed on a schedule that will increase deliverability to a level approximating the 100 MMcfd design capacity of the proposed gathering line. Forest states that thus, the proposed 10¾ inch line is the shorest possible line suitable and is sized no greater than necessary for gathering production from the Block 325 platform for delivery into an interstate pipeline.

Forest also states that as with the 12¾ inch line, the gas will flow at operating wellhead pressures of about 1100 psig, without compression. Compression would only be added at some later date if declining reservoir pressures necessitate compression to maintain deliverability or to meet TTT's operating pressures. Forest states that liquids resulting from the operation of a separator to be located on the platform will be transported onshore via an oil pipeline that will originate on the Block 325 platform. Forest states that further processing, if any, will occur onshore.

Forest states that the third proposed line will consist of 0.34 mile of 4½ inch pipe running from Forest's production platform in Ship Shoal Block 277 to an interconnection with ANR Pipeline Company (ANR) in Ship Shoal Block 276. According to Forest, the 4½ inch line will not cross any other transmission lines, and the ANR interconnection represents the nearest feasible point at which Forest's production can be injected into an interstate pipeline. Forest states that initially, it will bring on line three oil wells, from which the casinghead gas production will amount to approximately 8 MMcfd. After initial deliveries commence, Forest states it will develop a fourth well, and it is expected that this well will increase the total casinghead deliverability to approximately the 20 MMcfd capacity of the line. Forest states that the 4½ line is no larger than necessary to gather Forest's anticipated production from this platform for delivery into an interstate pipeline.

Because of the lower operating pressures of the oil wells connected to the Block 277 platform, Forest states that compression will be necessary from the outset to deliver the casinghead gas that will flow from this line into ANR's transmission line. Forest states that the

Block 277 platform will contain a separator for the separation of gas from the oil stream and a dehydrator to meet the gas specification requirements of ANR's transmission line. Forest adds that all other processing of the gas stream will occur onshore.

Forest states that the proposed facilities should be found to be nonjurisdictional. However, because time is of the essence and Forest must begin construction in October 1989 if gas is to begin flowing December 1 as planned, Forest alternatively seeks a certificate of public convenience and necessity authorizing construction in the event the Commission determines that the proposed facilities are subject to NGA jurisdiction. Forest states that it wished to make clear that its request for alternative relief is made for the purpose of expediting disposition of this petition and does not constitute acknowledgment that these proposed facilities require certification under the NGA.

Additionally, Forest seeks waiver of such Commission Regulations as are necessary to accept its petition as an application for a certificate. Forest specifically seeks waiver of §§ 157.14(a)(6)(D), (14), (17) and (18) of the regulations. To the extent that the Commission deems any of the omitted material indispensable to the issuance of a certificate, Forest requests that the Commission issue a certificate conditioned upon Forest's submitting the essential data in a form acceptable to the Commission prior to acceptance of any certificate.

Comment date: October 20, 1989, in accordance with Standard Paragraph F at the end of this notice.

10. Texas Gas Transmission Corporation

[Docket No. CP89-2168-000]

September 29, 1989

Take notice that on September 26, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-2168-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for American Central Gas Marketing Company (American Central) under the blanket certificate issued in Docket No. CP88-686-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport on a peak day up to 100,000 MMBtu of natural gas for American Central, with an estimated average daily quantity of 50,000 MMBtu. On an annual basis, American Central estimates a volume of 18,250,000 MMBtu.

Transportation service for American Central commenced August 15, 1989, under the 120-day automatic provisions of Section 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89-4520.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Tennessee Gas Pipeline Company

[Docket No. CP89-1511-001]

September 29, 1989

Take notice that on September 27, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed a request with the Commission in Docket No. CP89-1511-001 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to amend its transportation service for Chevron USA, Inc. (Chevron), a natural gas producer, under the blanket certificate issued in Docket No. CP87-115-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is open to public inspection.

Tennessee proposes to amend its offshore transportation service for Chevron, as authorized in Docket No. CP89-1511-000, by transporting an additional 19,500 dekatherms (dth) equivalent per day of natural gas for a daily total of 21,500 dth. Tennessee also proposes, pursuant to § 157.211 of the Regulations and under the blanket certificate issued in Docket No. CP82-413-000, to construct six hot tap delivery points in order to deliver Chevron's gas. Tennessee proposes to construct these delivery points in West Delta 27, Main Pass Block 35, West Cameron Block 20, South Pass Block 55, Sabine Pass Block 13, and South Tambalier Block 37, offshore Louisiana.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

12. Williston Basin Interstate Pipeline Company

[Docket No. CP89-2183-000]

September 29, 1989

Take notice that on September 27, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP89-2183-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon in place three sales taps and appurtenant facilities under the blanket authorization issued in Docket Nos. CP82-487-000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Williston Basin proposes to abandon three Washakie County, Wyoming, sales taps and appurtenant facilities located on its natural gas transmission system. It is stated that the customers, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., and Wyoming Gas Company no longer require service through these taps. Williston Basin estimates that the total cost of the abandonment is approximately $959 and states that the original cost of the respective facility was borne by the customer.

Comment date: November 13, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-23987 Filed 10-11-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-676-000)

Centel Corp.; Filing

October 3, 1989.

Take notice Centel Corporation (Centel) on September 28, 1989 tendered for filing the following Contracts: Full Requirements Contract between Centel and each of the following individual municipals: Cawker City, Glasco, Glen Elder, Lucas and Mankato; Municipal Interconnection Contract between Centel and each of the following individual municipals: Ashland, Beloit, Lincoln Center, Osborne and Stockton; Transmission Service Contract between Centel and the following municipal: Lindsborg. These Contracts and the applicable Service Schedules are intended to supersede Centel's existing service agreements with those municipal wholesale customers who have made arrangements to receive entitlements of Western Area Power Administration (WAPA) Capacity and Associated Energy to supplement their own general supply requirements. It also allows for the transmission of the WAPA Capacity and Associated Energy over the Centel transmission system. Additionally, Lincoln Center and Lindsborg will become new customers of Centel. While the Contracts and Service Schedules provide for new and supplemental services including the transmission of WAPA entitlements, all rates include in the applicable Service Schedules are the same as Centel's currently effective transmission and wholesale rates that were approved by the Commission in Docket No. ER88-261-000 by letter dated December 1, 1988. Waiver of the notice has been respectfully requested and an effective date of this filing has been requested for October 1, 1989.

Copies of the filing were served upon the Municipal's agent, Kansas Municipal Energy Agency (KMEA) and the Utilities Division, Kansas Corporation Commission, Topeka, Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-23995 Filed 10-11-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-1-49-000]

Williston Basin Interstate Pipeline Co.; Purchased Gas Cost Adjustment Filing October 4, 1989.

Take notice that on September 28, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing as part of its FERC Gas Tariff the following tariff sheets:

First Revised Volume No. 1
- Nineteenth Revised Sheet No. 10
- Fourth Revised Sheet No. 97;

Original Volume No. 1-A
- Fifteenth Revised Sheet No. 11
- Eighteenth Revised Sheet No. 12
- Eighth Revised Sheet No. 97A;

Original Volume No. 1-B
- Eighth Revised Sheet No. 10
- Eighth Revised Sheet No. 11;

Original Volume No. 2
- Twenty-first Revised Sheet No. 10
- Thirteenth Revised Sheet No. 11B.

The Company requests an effective date for the tariff sheets of November 1, 1989.

Nineteenth Revised Sheet No. 10 (First Revised Volume No. 1) and twenty-first Revised Sheet No. 10 (Original Volume No. 2) reflect an increase in the Current Gas Cost Adjustment applicable to Rate Schedules G-1, SGS-1, E-1 and X-1 of 19.541 cents per dkt as compared to that contained in the Company's June 1, 1989 PGA filing in Docket No. TA89-1-49-000, effective August 1, 1989.

Pursuant to the Commission's Interim Rule (Order No. 514) in Docket No. RM 89-13-000, issued June 8, 1989, Williston Basin also submitted Fourth Revised Sheet No. 97 (Original Volume No. 1), reflecting a revision to the formula for computing monthly carrying charges in PGA filings.

The remaining tariff sheets submitted in the instant filing reflect an increase of 0.639 cents per dkt in the fuel reimbursement charge component of the Company's relevant transportation rates as compared to that contained in the Company's June 1, 1989 filing in Docket No. TA89-1-49-000, effective August 1, 1989. Such increase in the fuel reimbursement charge is a result of the changes in Williston Basin's average cost of purchased gas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 12, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-23996 Filed 10-11-89; 8:45 am]

BILLING CODE 6717-01-M

[ERA DOCKET NO. 88-64-NG]

Office of Fossil Energy

Boundary Gas, Inc.; Application to Amend a Long-Term Authorization to Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application to amend a long-term authorization to import natural gas from Canada

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on October 12, 1988, of an application filed by Boundary Gas, Inc. (Boundary), to amend its authorization to import Canadian natural gas. Boundary requests that its authorization be amended to allow it to import up to 92,500 Mcf per day through January 15, 2003. Boundary would purchase the natural gas from TransCanada PipeLines Limited (TransCanada) and resell the gas to the 15 stockholders of Boundary. Tennessee Gas Pipeline Company (Tennessee) will transport the gas in the U.S. for all the stockholders except National Fuel Gas Supply Corporation, which will transport its own volumes. No new facilities will be needed for the importation and transportation of gas under the proposed amendment.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., November 13, 1989.

ADDRESS: Office of Fuels Programs, Fossil Energy, Room 3F–056, FE–50, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Lot Cooke, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3H–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8116.

Diane Stubbs, National Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION:

Boundary is a closed corporation under the laws of Delaware and is wholly owned by the 15 stockholders of Boundary (the Repurchasers), all of which are local distribution companies or natural gas pipelines primarily serving affiliated distribution companies located in the northeastern United States. The Repurchasers are: the Brooklyn Union Gas Company, Granite State Gas Transmission, Inc., New Jersey Natural Gas Company, Boston Gas Company, the Connecticut Light and Power Company, Consolidated Edison Company of New York, Inc., National Fuel Gas Supply Corporation, Long Island Lighting Company, Connecticut Natural Gas Corporation, Essex County Gas Company, Manchester Gas Company, Gas Service, Inc., Valley Gas Company, Berkshire Gas Company, and Fitchburg Gas and Electric Light Company.

On August 9, 1982, the Administrator of the Economic Regulatory Administration (ERA) issued DOE/ERA Opinion and Order No. 45 (Order No. 45), 1 ERA Para 70,539 conditionally authorizing Boundary to import natural gas for service into the northeastern United States. Final authority was conditioned upon completion of the appropriate environmental analyses. The gas was to be purchased from TransCanada. Boundary was authorized to import a total of 675.25 Bcf of natural gas, up to 185,000 Mcf of gas per day, for a period not to exceed ten years from the date deliveries commenced or from November 1, 1982, whichever occurred first, plus one year for receipt of make-up gas.

Subsequent to the issuance of Order. No. 45, Boundary reduced the scope of its original import proposal as a result of the Canadian National Energy Board's (NEB) January 27, 1983, omnibus export decision in which TransCanada was authorized to export and sell to Boundary less than half of its requested volumes. Because of the limitations on pipeline capacity in Canada and the U.S. at the time the natural gas sales were to begin, TransCanada and Boundary agreed to divided the reduced Boundary project into two phases. The first phase, termed Boundary Phase I, involved importing 40,000 Mcf of gas per day over existing facilities commencing November 1, 1984, until facilities were available for Boundary Phase II, at which time the full 92,500 Mcf per day authorized by the NEB would be imported. On February 8, 1984, DOE/ERA Opinion and Order No. 45B (1 ERA Para. 70,560) was issued authorizing the importation of the Boundary Phase I volumes.

On March 5, 1985, Boundary, pursuant to DOE's new natural gas import policy guidelines (49 FR 6684, February 22, 1984), submitted, for informational purposes, an amendment to its gas purchase contract with TransCanada (Phase I contract). The Phase I contract, as amended, featured a two-part demand/commodity rate structure with monthly adjustments, an annual renegotiation provision, an arbitration clause and elimination of take-or-pay requirements. On December 17, 1985, Boundary submitted an informational filing enclosing the gas purchase contract between Boundary and TransCanada for the Boundary Phase II volumes (Phase II contract). The relevant pricing, arbitration and take-or-pay terms of the Phase II contract were essentially the same as those contained in the amended Phase I contract.

In its current application, Boundary is seeking authorization to amend and extend its import authorization in accordance with the provisions of the August 31, 1988, Precendent Agreement to First Amendment to Phase II Gas Purchase Contract (precendent agreement) and the form of the First Amendment to Phase II Gas Purchase Agreement (Phase II amendment). The Phase II amendment will be entered into by Boundary and TransCanada as soon as the conditions of the precendent agreement have been met.

The Phase II contract currently provides for a total contract quantity of 330,070 MMcf of natural gas with daily contract quantities (DCQ) of 92,500 Mcf from November 1, 1988 through October 31, 1994, which then decrease until end of the contract term on November 1, 1996. The Phase II amendment would increase the total contract quantity to 552,716 MMcf and extend the contract through January 15, 2003. The DCQ would be 92,500 Mcf for the term of the contracts. The Phase II amendment would conform the Phase II contract with the terms of the gas transportation contracts between Tennessee and the Repurchasers.

In addition to extending the term and increasing the contract quantities of the Phase II contract, the Phase II amendment would eliminate the producer fixed cost component from the Phase II demand charge and would further amend the demand charge provision to reflect the adoption of a two-part rate by NOVA, an Alberta corporation. The Phase II amendment also contains a revised gas supply provision that would provide Boundary with specific assurances regarding the deliverability of the gas over the term of the contract, including a commitment by TransCanada to indemnify Boundary for any increased costs incurred as a result of a deliverability shortfall.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that

may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that the amended Phase II contract is fully consistent with the gas import policy guidelines and thus is consistent with the public interest. Parties opposing this arrangement bear the burden of overcoming this assertion.

All parties should be aware that if this request is granted, the authorization would be conditioned on the filing of quarterly reports to facilitate monitoring of the operation and effectiveness of DOE's import program.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, can be accomplished by means of a categorical exclusion. On March 27, 1989, the DOE published in the **Federal Register** (52 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the DOE's action is not a major Federal action under NEPA. Unless the DOE receives comments indicating that the presumption does not or should apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices on intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If any additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Boundary's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 4, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89–24069 Filed 10–11–89; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

Technical Subgroup of Radio Advisory Committee; Meeting

October 5, 1989.

The Technical Subgroup of the Advisory Committee on Radio Broadcasting will reconvene at 10 a.m. on Wednesday, October 25, 1989, in the McCollugh Room of the National Association of Broadcasters, 1771 N Street, NW., Washington, DC.

As decided and announced at the October, 3, 1989 meeting of the Subgroup, this next session will be a continuation of that meeting, and will address the same agenda, which is set out below.

As the forthcoming October 25, 1989 session, the Subgroup will continue its consideration of:

Adjacent channel interference standards for AM stations, including the report of the working party presented at the July 13, 1989 Technical Subgroup meeting;

Proposed US/Mexican expanded AM band agreement; and

Other business relating to radio broadcasting.

The Subgroup's meetings are continuing ones, and may be resumed after each session as decided by the participants. All meetings of the Radio Advisory Committee and the Technical Subgroup, are open to the public. All interested persons are invited to participate.

For further information, please call Wallace Johnson, Chairman of the Technical Subgroup, at (703) 824–5660.

Federal Communications Commission.

Donna R. Searcy,

Secrtary.

[FR Doc. 89–24087 Filed 10–11–89; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

Home Savings & Loan Association, New Orleans, LA; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Home Savings & Loan Association, New Orleans, Louisiana on August 3, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board

John F. Ghizzoni,

Assistant Secretary.

[FR Doc 89–24049 Filed 10–11–89; 8:45 am]

BILLING CODE 6720–01–M

South Savings and Loan Association, Slidell, LA; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance

Corporation as sole conservator for South Savings and Loan Association, F.A., Slidell, Louisiana, on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-24050 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Appointment of Receiver; Home Savings & Loan Association, New Orleans, LA

Notice is hereby given that, pursuant to the authority contained in section 406(c)(1)(B)(i)(1) of the National Housing Act, as amended, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Home Savings & Loan Association, New Orleans, Louisiana on August 3, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-24046 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

South Savings and Loan Association, Slidell, LA; Replacement of Conservator with Receiver

Notice is hereby given that pursuant to the authority contained in § 5(d)(6)(D) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. § 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly replaced the Federal Savings and Loan Insurance Corporation ("FSLIC") as Conservator for South Savings and Loan Association, Slidell, Louisiana ("Association"), with the FSLIC as sole Receiver for the Association on August 7, 1989.

Dated: August 8, 1989.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 89-24057 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 89-21]

Filing of Complaint and Assignment

October 4, 1989.

In the matter of *Resources Trucking, Inc.* v. *Evergreen Marine Corp., Evergreen Handt Corp. and Evergreen International (USA) Corp.*

Notice is given that a complaint filed by Resources Trucking, Inc. ("Complainant") against Evergreen Marine Corp. ("EMC"), Evergreen Handt Corp. ("EHC"), and Evergreen International (USA) Corp. ("EIC") was served October 4, 1989. Complainant alleges that EMC engaged in violations of sections 10(b) (1), (2), (3), (4), (6), (8), (10), and (12) of the Shipping Act of 1984, 46 U.S.C. app. 1709(b) (1), (2), (3), (4), (6), (8), (10) and (12), and that respondents EHC and EIC violated section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709(a)(1), by improperly and unlawfully seeking per diem charges, and cancelling an equipment interchange agreement with Complainant as a result of Complainant's refusal to pay the per diem charges.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by October 4, 1990, and the final decision of the Commission shall be issued by February 4, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 89-23978 Filed 10-11-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Constitution Bancorp, Inc., et al., Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 1, 1989.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Constitution Bancorp, Inc.*, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Constitution Bank, Philadelphia, Pennsylvania.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *The Estes Park Bank Restated Employee Stock Ownership 401(k) Plan*, Estes Park, Colorado; to become a bank holding company by acquiring 30 percent of the voting shares of Estes Bank Corporation, Estes Park, Colorado, and thereby indirectly acquire The Estes Park Bank, Estes Park, Colorado.

Board of Governors of the Federal Reserve System, October 5, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24088 Filed 10-11-89; 8:45 am]

BILLING CODE 6210-01-M

The Fuji Bank, Ltd.; Acquisition of Company Engaged in Permissible Nonbanking Activities.

The organization listed in this notice has applied under § 225.23(a) (2) or (f) of the Board's Regulation Y (12 CFR 225.23(a) (2) or (f)) 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 acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank

holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 2, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Fuji Bank, Limited,* Tokyo, Japan; to acquire 75.1 percent of Kleinwort Benson Government Securities, Inc., Chicago, Illinois, and thereby engage in (1) underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks of the Federal Reserve System may be authorized to underwrite and deal in under 12 U.S.C. 24 and 335, including bankers' acceptances and certificates of deposit, under the same limitations as would be applicable if the activity were performed by a bank holding company's subsidiary member banks or its subsidiary nonmember banks as if they were member banks (such obligations being "eligible securities"), pursuant to § 225.25(b)(16) and activities incidental thereto, including repurchase and reverse repurchase transactions on such securities, collateralized borrowing and lending of such securities, clearing, settling, accounting, record keeping and other ancillary services pursuant to § 225.21(a)(2) of Regulation Y; (2) engaging in futures, forward and options contracts on eligible securities for hedging purposes in accordance with 12 CFR 225.142; (3) providing portfolio investment advice and research and furnishing general economic information and advice, general economic statistical forecasting services and industry studies in connection with, and as an incident to, the proposed eligible securities activities, pursuant to § 225.25 (b) (4) (iii) and (iv); (4) acting as a future commission merchant ("FCM") for affiliated and nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts for bullion, foreign exchange, government securities, certificates of deposit and other money market instruments that a bank may buy or sell in the cash market for its own account, and providing investment advice to institutional customers in conjunction therewith, pursuant to § 225.25 (b) (18); and (5) providing investment advice including counsel, publication, written analyses and reports, with respect to the purchase and sale of futures contracts and options on futures contracts, pursuant to § 225.25 (b) (19) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 5, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24089 Filed 10-11-89; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Information Resources Management Service

ACTION: Notice of adoption of standard.

SUMMARY: The purpose of this notice is to announce the adoption of a Federal Telecommunication Standard (FED-STD). FED-STD 1023, "Telecommunications: Interoperability Requirements for Encrypted, Digitized Voice Utilized with 25 KHZ Channel FM Radios Operating Above 30 MHZ" is approved by the General Services Administration and will be published.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Fenichel, Office of Technology and Standards, National Communications System, telephone (202) 692-2124.

SUPPLEMENTARY INFORMATION: 1. The General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of telecommunication standards for NCS interoperability and the non-computer communication interface.

2. On January 26, 1988, a notice was published in the **Federal Register** (53 FR 2111) that a proposed draft Federal Telecommunications Standard entitled "Telecommunications: Interoperability Requirements for Encrypted, Digitized Voice Utilized with 25 KHZ Channel FM Radios Operating Above 30 MHZ" was being proposed for Federal use.

3. The justification package as approved by the Director, Office of Science and Technology Policy (OSTP), Executive Office of the President was presented to GSA by NCS with a recommendation for adoption of the standard. These data are a part of the public record and are available for inspection and copying at the Office of Technology and Standards, National Communications System, Washington, DC 20305-2010.

4. The approved standard contains four sections. Sections 1 and 2 provide information regarding description, objectives, application, definitions and referenced documents. Sections 3 and 4 provide the technical requirements of the standard.

5. A copy of the standard is provided as an attachment to this notice. Interested parties may purchase the standard from GSA, acting as agent for the Superintendent of Documents. Copies are for sale at the GSA Specifications Unit (WFSIS), Room 6039, 7th and D Streets SW., Washington, DC 20407; telephone (202) 472-2205.

Dated: September 22, 1989.

Richard H. Hope III,

Acting Commissioner, Information Resources Management Service.

Attachment.

[FED-STD-1023]

Federal Standard Telecommunications: Interoperability Requirements for Encrypted, Digitized Voice With 25 kHz Channel FM Radios Operating Above 30 MHz

This standard is issued by the General Services Administration pursuant to the Federal Property and Administrative Services Act of 1949, as amended

1. Scope

1.1 *Description.* This standard establishes interoperability requirements regarding the analog to digital conversion, encryption (with related synchronization), and

modulation of encrypted voice associated with Frequency Modulation (FM) radio systems employing 25 kHz channels and operating above 30 MHz. In this standard, voice is digitized using 12 kbit/s Continuously Variable Slope Delta-modulation (CVSD) and then encrypted using a National Security Agency (NSA) Commercial COMSEC Endorsement Program (CCEP) Type I encryption algorithm.

1.2 *Purpose.* This standard is to facilitate interoperability between telecommunication facilities and systems of the Federal Government.

1.3 *Application.* This standard shall be used by all Federal departments and agencies in the design and procurement of digitized voice Type I encryption equipment for use with nominal 25 kHz channel FM radio systems that operate above 30 MHz and digitize voice at greater that 4.8 kbits/s and less that is kbits/s. All such equipment must be capable of digitizing voice using 12 kbits/s Continuously Variable Slops Delta-modulation (CVSD).

Note: This standard applies only to Type I (i.e., protection of classified information) systems and does not restrict the use of other systems, such as Data Encryption Standard (DES) encryption or analog and quasi-analog scrambling systems.

2. Referenced Documents

a. NSA Specification 86–33, INDICATOR Interface Control Document (FOUO)

b. NSA Specification 86–32, WINDSTER Interface Control Document (FOUO)

c. Communications Security Equipment System Document 14, TSEC/KY–57/58 (CONFIDENTIAL)

Note: All references to the above document assume the KY-57/58 has been modified to operate at 12 kbits/s (i.e., 75 percent normal clock rate).

The above three documents are published by the National Security Agency (NSA), Fort Meade, MD 20755, and can be made available to Government departments and agencies and to manufactures participating in the NSA Commercial COMSEC Endorsement Program (CCEP).

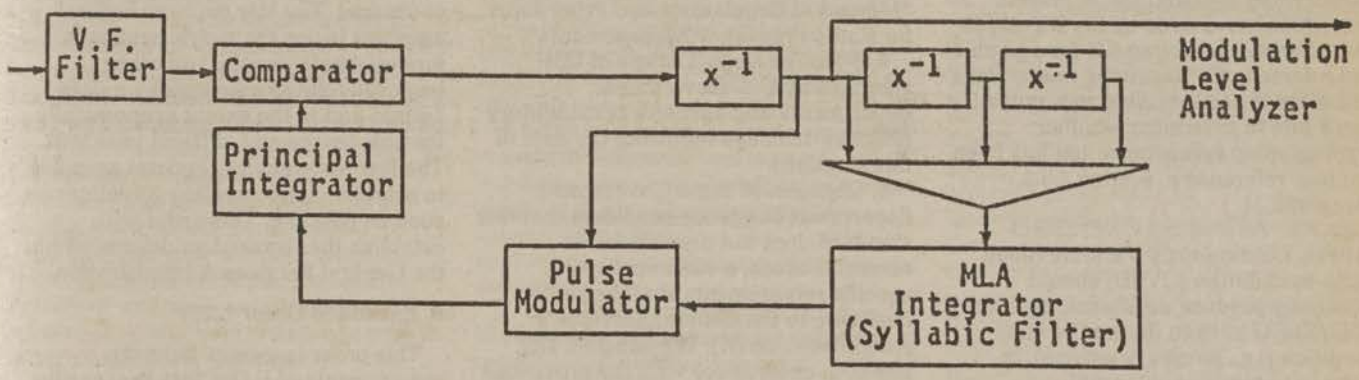
3. Requirements

3.1 *Overview.* This standard describes interoperability-related requirements for the conversion of analog voice to digital form (section 3.2), its encryption and related synchronization (section 3.3), and subsequent frequency modulation (section 3.4).

3.2 *Analog to Digital Conversion*

3.2 Digital Rate. Voice shall be converted, using Continuously Variable Slope Delta-modulation (CVSD), to a 12,000 bit/s +.018 percent digital stream.

3.2.2 Block Diagram and General Description. The following diagram is a typical representation of the CVSD analog-to-digital conversion process.



In the typical CVSD representation above, the incoming analog voice signal is passed through a Voice Frequency (V.F.) Filter and then compared, by a Comparator, with the output of the Principal Intgrator. The previous bit output of this Comparator is used: (1) As the digital output of the CVSD encoder, (2) to determine the polarity of the pulse by the Pulse Modulator, and (3) as input of the Modulation Level Analyzer. The Modulation Level Analyzer provides indication to the MLA Integrator whenever the last and previous two bits from the Comparator are either all ONEs or all ZEROs. (This is referred to as run-of three coincidence coding). The MLA Integrator determines the step size, which is variable and based upon the MLA output, and provides this pulse amplitude information to the Pulse Modulator. The Pulse Modulator provides pulses to the Principal Integrator as the Principal Integrator attempts to follow the shape of the input voice waveform.

3.2.3 V.F. Filter. The V.F. Filter should have an attenuation at 6 kHz and higher frequencies relative to frequencies between 300 and 3,000 Hz of at least 20 dB. It is recommended that the filter be essentially flat (i.e., +3 dB) between 300 and 3,000 Hz.

3.2.4 Comparator. The binary digital output of the Comparator shall be either ONE or ZERO, depending upon whether the amplitude of the input voice signal is greater than or less than the output of the Principal Integrator.

3.2.5 Modulation Level Analyzer. The Modulation Level Analyzer (MLA) shall charge the MLA Integrator whenever the last and two immediately preceding bits from the Comparator are either all ONEs or all ZEROs (i.e., there is run-of-three coincidence).

3.2.6 MLA Integrator. The MLA Integrator (often called Syllabic Filter) provides pulse amplitude from one bit time to the next (i.e., quantizing step size) should vary, in a linear manner, from a run-of-three coincidence rate of 0 percent to a rate of 50 percent by a voltage ratio of approximately 10 to 1 (i.e., 20 dB). The time constant of the MLA Integrator shall be 6+2 ms.

3.2.7 Pulse Modulator. The pulse modulator shall create pluses using amplitude information from the MLA Integrator and polarity information form the Comparator.

3.2.8 Principal Integrator. The Principal Integrator shall have a time constant of 1+.25 ms.

3.3 *Encryption*

3.3.1 Encryption Algorithm. Encryption of the digitized voice shall be accomplished with the encryption algorithm used in the INDICATOR and WINDSTER COMSEC Modules (see references a and b) using the cryptographic mode that has cryptographic compatibility with the KY-57/58. (Other compatible implementations may be substituted.)

3.3.2 Encryption Operating Mode. The encryption process shall use the cryptographic operating mode of the Indicator and Windster COMSEC Modules designated for compatibility with the KY-57/58. (Other compatible implementations may be substituted.)

3.3.3 Cryptographic Synchronization

3.3.3.1 Synchronization Check Bits. Transmitting radios shall predictably force synchronization check bits in the unencrypted digitized voice, prior to encryption, as is done by the KY-57/58 (see reference a section 5.3, paragraph 2) and reference C). Receiving radios shall utilize these predictable synchronization check bits to determine whether cryptographic synchronization has been lost (see reference a, section 5.3.3, paragraph 3).

3.3.3.2 Alternating ONE/ZERO pattern. Continuously Variable Slope Delta-modulation (CVSD) should inherently produce an alternating binary ONE/ZERO pattern during the idle condition (i.e., pauses in speech). In order to promote rapid initial synchronization and resynchronization, transmitting radios shall ensure that a segment of alternating ONE/ZERO pattern at least 95 percent the length of the segment produced by the KY-57/58 (see reference c) is produced in the encrypted bit stream, prior to encryption, at least once every two seconds. All receiving radios shall be capable of initial synchronization and subsequent resynchronization (after detecting absence of synchronization check bits) utilizing segments of alternating ONE/ZERO pattern in the decrypted bit stream.

3.3.4 End-of-Message Sequence. Radios shall transmit the same encrypted End-of-Message sequence used by the KY-57/58, with a duration between 60 and 120 percent of that transmitted by the KY-57/58, at the end of each half-duplex transmission, followed by 160+10 ms of unencrypted alternating ONE/ZERO pattern, to mark the end of a transmisison. (Note: this is to assist encryption equipment and repeaters of distinguishing between a fade condition and an actual end of transmission.)

3.3.5 Additional Non-voice Sequences. Radios may employ additional, unspecified, non-voice sequences at the start of transmissions (e.g. KY-57/58 initial synchronization). However, use of these additional sequences shall not impair interoperations with radios not utilizing such additional sequences.

3.4 *Modulation Deviation and Coding.* Transmitter deviation shall be +4 kHz (+10 percent) from the carrier frequency. Receiving radios shall operate satisfactorily regardless of whether transmitted binary ONEs (or ZEROs) were coded as positive or negative 4 kHz shifts in carrier frequency.

3.5 *Spectrum Standards.* Applicable spectrum standards for Federal Government radiocommunication systems are given in Chapter 5 of the National Telecommunications and Information Administration's (NTIA) "Manual of Regulations and Procedures for Radio Frequency Managements"

4. *Effective Date.* The use of this standard by U.S. Government departments and agencies is mandatory effective 180 days following the date of this standard.

5. *Changes.* When a Government department or agency considers that this standard does not provide for its essential needs, a statement citing specific requirements shall be sent in duplicate to the General Services Administration (K), Washington, DC 20405, in accordance with the provisions of Federal Property Management Regulation 41 CFR 101-29.403-1. The General Services Administration will determine the appropriate action to be taken and will notify the agency.

Preparing Activity

National Communication System, Office of Technology and Standards, Washington, DC 20305-2010

[FR Doc. 89-24013 Filed 10-11-89; 8:45 am]

BILLING CODE 6820-25-M

General Services Administration Order; GSA Metric Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice.

SUMMARY: This notice invites comments on a proposed order that will establish the metric system of measurement within the General Services Administration. The Omnibus Trade and Competitiveness Act of 1988, which amended the Metric Conversion Act of 1975, requires that each agency of the Federal Government establish guidelines to carry out the policy set forth in the law. This order will meet that requirement within the General Services Administration.

DATE: Comments are due in writing on or before November 13, 1989.

ADDRESS: Comments should be addressed to the GSA Metric Steering Group, Office of Acquisition Policy (V), 18th and F Streets NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Rizzi, GSA Office of Acquisition Policy, (202) 566-1043.

SUPPLEMENTARY INFORMATION:

A. Background

Sec. 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418) designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce. The law requires Federal agencies to use the metric system in procurements, grants, and other business-related activities by a date certain and to the extent economically feasible by the end of fiscal year 1992. The law also requires Federal agencies to establish implementing guidelines as soon as possible. This order will establish the required guidelines within the General Services Administration.

B. Executive Order 12291

This order is exempt from the requirements of E.O. 12291 because the order relates to agency organization and management (section 1.(a)(3)).

C. Regulatory Flexibility Act

This action is exempt from the analysis requirements of the Regulatory Flexibility Act because notice and opportunity for comment are not required for this policy statement by section 553 of the Administrative Procedure Act or any other law. Therefore, no initial or final regulatory flexibility analysis will be prepared.

D. Paperwork Reduction Act

This order does not contain a collection of information for purposes of the Paperwork Reduction Act.

For the reasons set out in the preamble, it is proposed to issue GSA Order ADM 8000.1A as follows:

Authority: 40 U.S.C. 486(c).

Dated: October 4, 1989.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

GSA Order

Subject: GSA Metric Program

1. *Purpose.* This order establishes policies and assigns responsibilities for implementing the metric system of measurement within the General Services Administration.

2. *Cancellation.* ADM 8000.1 is canceled.

3. *Background.*

a. The Metric Conversion Act of 1975 (Pub. L. 94–168) stated that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.

b. On August 23, 1988, the President signed the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418, section 5164), which amended the Metric Conversion Act of 1975 to declare:

(1) That the metric system of measurement is the preferred system of weights and measures for United States trade and commerce:

(2) That each Federal agency, by a date certain and to the extent economically feasible by the end of fiscal year 1992, use the metric system of measurement in its procurements, grants and other business-related activities (unless metric usage is impractical or would have an adverse impact on the market share of U.S. firms); and

(3) That agencies seek out ways to increase understanding of the metric system of measurement through educational information and guidance in government publications.

4. *Applicability.* This order applies to all Central Office services and staff offices and regional offices.

5. *Definitions.*

a. *Metrication.* Any act that increases the use of the metric system including metric training and initiation or conversion of measurement-sensitive processes and systems to the metric system.

b. *Metric system.* The International System of Units (Le Systeme International d'Unites (SI)) of the International Bureau of Weights and Measures. The units are listed in Federal Standard 376A, Preferred Metric Units for General Use by the Federal Government.

c. *Hard metric.* The use of standard metric (SI) measurements only in specifications, standards, supplies, and services.

d. *Soft metric.* The result of mathematical conversion of inch-pound measurements to metric equivalents in specifications, standards, supplies, and services. The physical dimensions are not changed.

e. *Dual systems.* The use of both inch-pound and metric systems. For example, an item is designed, produced, and described in inch-pound values with soft metric values also shown for information or comparison purposes.

f. *Hybrid systems.* The use of both inch-pound and hard metric values in specifications, standards, supplies, and services; e.g., an engine with internal parts in metric dimensions and external fittings or attachments in inch-pound dimensions.

6. *Policies.*

a. GSA will implement the metric system in a manner and on a schedule consistent with Pub. L. 100–418.

b. GSA will support Federal transition and National conversion to the metric system through participation on the Interagency Committee on Metric Policy and on Government/industry subcommittees, working panels, and groups.

c. Central Office services and staff offices and regional offices will use the metric system in all procurement and other business-related activities consistent with security, operational, economic, technical, logistical, training, and safety requirements.

d. GSA will encourage industry in the change to the metric system by acquiring commercially available metric products and services that meet the functional requirements of GSA and its customers, so long as competition is maintained.

e. Specifications and standards for Federal or GSA procurement will be developed in metric when metric is the accepted industry system. Commercially developed metric specifications and internationally developed voluntary standards using metric will be adopted whenever possible. When metric is not the accepted industry system, soft metric, hybrid, or dual systems may be used during transition. As soon as practical, soft, dual, and hybrid English/metric measurements will be replaced with hard metric measurements.

f. Existing specifications and standards in inch-pound units need not be converted, unless conversion is necessary or advantageous.

g. The measurement units in which a system is originally designed may be retained for the life of that system, unless conversion is necessary or advantageous.

h. Bulk (loose, unpackaged) materials normally will be specified and accepted in metric units. Measuring devices, shop, and laboratory equipment should be procured in metric or dual units when possible.

i. Metric conversion costs will be handled in GSA as normal operating expenses rather than as special one time costs. However, these costs are to be identified to the extent feasible. This includes the cost of metric aids, tools, equipment, and training.

j. GSA will establish training plans and practices that increase employee awareness and understanding of metric system conversion.

7. *Interagency coordination.* Interagency coordination of metrication activity within the United States is the function of the following organizations:

a. *Interagency Committee on Metric Policy (ICMP).* The ICMP provides for high-level coordination of metric policy between Federal agencies. The Associate Administrator for Acquistion Policy (V) represents GSA on this Committee.

b. *ICMP Metrication Operating Committee (MOC).* The MOC coordinates appropriate interagency metrication activities and is composed of Federal agency metric coordinators. The MOC undertakes tasks assigned by the ICMP.

c. *MOC Functional Area Subcommittees.* Subcommittees are formed by the MOC to coordinate in specific functional areas and to keep agency officials informed of metric progress being made by industry in those functional areas as it affects Federal activities. MOC subcommittes exist in such functional areas as construction, procurement and supply, transportation, and consumer affairs. GSA is represented on the subcommittees by individuals from the services and staff offices having direct interest in their activities.

d. *American National Metric Council (ANMC).* Because the private sector has an essential role in the transition to the use of metric measurements, its needs and capabilities must be considered along with those of the Federal Government. The ANMC has traditionally been regarded as the principal representative of private sector metric interests, plans, and conversion actions. Federal agencies, including GSA, work closely with the ANMC to aid in exchanging ideas, plans, and methods needed to fulfill the intent of Publ. L. 100–418.

8. *Responsibilities.*

a. The Associate Administrator for Acquisition Policy will:

(1) Ensure GSA's implementation of Pub. L. 100–418.

(2) Represent GSA on the ICMP.

(3) Establish GSA policy for use of the metric system of measurement and approve or disapprove deviations from that policy.

(4) Ensure appropriate GSA office representation on MOC subcommittees.

(5) Appoint the GSA Metric Coordinator to serve on the MOC and its Executive Committee and to chair the GSA Metric Steering Group.

b. The GSA Metric Steering Group will formulate metric policy for the approval of the Associate Administrator for Acquisition Policy.

c. The Associate Administrator for Administration (C) will identify and coordinate appropriate metrication training programs for GSA employees.

d. The Associate Administrator for Public Affairs (X) will:

(1) Advise, clear, coordinate, and assist in the production of all publications and audiovisuals proposed by GSA services and staff offices to inform other Federal agencies or the public of new uses of the metric system in GSA programs. Projects must be coordinated and cleared, in the proposal stage, with the Publications Division (XSP), Office of Communications (XS), Office of the Associate Administrator for Public Affairs (X), by means of a GSA Form 3375, Proposal Brief for Publications and Audiovisuals. Procedures and applicabilities are detailed in GSA Order, Clearance and Coordination of GSA Publications and Audiovisuals (ADM 1035.6B).

(2) Devise and implement economical, effective means for informing GSA employees of new uses of the metric system within the agency and for increasing employee understanding of the metric system of measurement.

e. The Comptroller (B) will include in annual budget submissions to the Congress GSA's progress in implementing the metric system pursuant to section 12 of Public Law 100–418 (see paragraph 9).

f. Central Office services and staff offices regional offices will:

(1) Designate an organizational element to monitor metric conversion activities for which they are responsible;

(2) Appoint an individual as their Metric Coordinator; and

(3) Develop metric guidelines applicable to their specific mission and responsibility. Guidelines will be consistent with this order, the "Metric Handbook for Federal Officials" (available from the National Technical Information Service #PB89–226922) regarding the selection of proper metric units and symbols, and guidelines and interpretations developed by the GSA Metric Steering Group (see paragraph 10.b.).

9. *Reporting.*

a. Central Office services and staff offices and regional offices shall submit to the Office of Acquisition Policy, not later than November 1 of each year, a report for the past fiscal year including:

(1) Significant metric information, milestones, or accomplishments;

(2) Significant problems encountered in metric conversion;

(3) Any recommendations regarding GSA Metric Program policy or activities including actions planned for the current fiscal year to further implement the metric system; and

(4) Other relevant information. Such reporting shall cease in the year after full implementation.

b. The GSA Metric Coordinator shall consolidate the above reports into an annual GSA Metric Report. This report shall be submitted for approval to the Associate Administrator for Acquisition Policy by December 1 of each year. The Associate Administrator for Acquisition Policy shall present the final report to the Administrator by January 1 of each year for submission to Congress as part of the annual budget pursuant to section 12 of Public Law 100–418.

10. *Program operation.*

a. The GSA Metric Program will be operated through a Metric Steering Group, chaired by the GSA Metric Coordinator, and shall include a Metric Coordinator from each affected Central Office service and staff office. General guidance for the GSA Metric Steering Group will be provided by the Associate Administrator for Acquisition Policy as necessary.

b. The GSA Metric Steering Group will meet as necessary to assist in achieving a uniform and coordinated approach to implementing the requirements of Pub. L. 100–418. Guidelines and interpretations will be developed by the Group.

11. *Report.* Report control number _____ is assigned to this order.

12. *Forms.* This order provides for the use of GSA Form 3375, Proposal Brief for Publications and Audiovisuals. Additional forms should be obtained by forwarding an original and two copies of GSA Form 49, Requisition for Equipment, Supplies, or Services, to: General Services Administration, National Forms and Publications Center, Warehouse 4, Dock No. 1, 4900 South Hemphill Street, Forth Worth, TX 76115.

13. *Implementing actions.* Heads of Services and Staff Offices and Regional Administrators, in coordination with appropriate officials, shall initiate all actions necessary to implement this order.

[FR Doc. 89–24020 Filed 10–11–89; 8:45 am]
BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Program Announcement and Proposed Funding Priorities for Grants for Geriatric Education Centers

The Health Resources and Services Administration announces the acceptance of applications for Fiscal Year 1990, Grants for Geriatric Education Centers under the authority of section 789(a) of the Public Health Service Act, as amended by Public Law 100–607. Applications for this purpose are also being accepted under the authority of section 301 of the Act. Comments are being invited on the proposed funding priorities stated below.

To be eligible for a grant under section 789(a) of the PHS Act, the applicant must meet the requirements of a health professions school as defined by section 701(4), program for the training of physicians assistants as defined by section 701(8), or a school of allied health as defined in section 701(10). Applicants conducting projects to be administered in other types of public and nonprofit private entities may be considered for geriatric education center grants under section 301 of the PHS Act dependent upon appropriation and authorization. Applicants must be located in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (the Republic of Palau), the Republic of the Marshall Islands, or the Federated States of Micronesia.

The Administration's budget request for Fiscal Year 1990 does not include funding for the program. Applicants should be advised that this program announcement is a contingency action being taken to ensure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Grants may be awarded to support the improvement and development of collaborative arrangements involving several health professions. These arrangements, called Geriatric Education Centers (GEC's) are established to facilitate training of

medical, dental, optometric, pharmacy, podiatric, nursing, clinical psychology, health administration and appropriate allied health and public health faculty, students, and practitioners in the diagnosis, treatment, and prevention of diseases and other health problems of the aged.

Projects supported under these grants may address any combinations of the statutory purposes listed below:

(a) Improve the training of health professionals in geriatrics;

(b) Develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

(c) Expand and strengthen instruction in methods of such treatment;

(d) Support the training and retraining of faculty to provide such instruction;

(e) Support continuing education of health professionals and allied health professionals who provide such treatment; and

(f) Establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric medicine.

Grant supported projects may be designed to accomplish the statutory purposes in a variety of ways, emphasizing multidisciplinary, as well as discipline-specific approaches to the development of geriatric education resources. For example:

- Health professions schools within a single academic health center, or a consortium of several educational institutions, may share their educational resources and expertise through a Geriatric Education Center to extend a broad range of multidisciplinary educational services outward to other institutions, faculty, facilities and practitioners within a geographic ara defined by the applicant.
- Institutions with limited geriatric education resources and traditional linkages with geographic areas with substantial geriatric education needs may seek to establish Geriatric Education Centers designed to enhance and expand the capability of collaborating professional schools to serve as a geriatric education resource for such areas.
- Projects may support the development of Geriatric Centers designed to focus on multidisciplinary geriatric education emphasizing high priority services and high risk groups among the elderly, minority aging, or other special concerns.

Review Criteria

The following criteria will be considered in the review of applications:

(1) The degree to which the proposed project adequately provides for the project requirements described in 42 CFR 57.3904;

(2) The adequacy of the qualifications and experience of the staff and faculty;

(3) The administrative and managerial ability of the applicant to carry out the proposal in a cost-effective manner; and

(4) The potential of the project to continue on a self-sustaining basis.

The following mechanisms may be applied in determining the funding of approved applications:

(1) Funding preference—funding of a specific category or group of approved applications ahead of other categories of groups of applications, such as competing continuations ahead of new projects.

(2) Funding priorities—favorable adjustment of review scores when applications meet specified objective criteria.

(3) Special Consideration—enhancement of priority scores by individual merit reviewers of approved applications which address special areas of concern. Special consideration will be given when the special area being addressed is a matter of subjective professional judgment and generally not amenable to the application of a funding priority.

Funding Preference

In determining the order of funding of competing applications which have been recommended for approval, a funding preference is proposed to be given to approved applications for projects which will offer training involving four or more health professions, one of which must be allopathic or osteopathic medicine.

This funding preference was implemented in FY 1989 and the Administration is extending it in FY 1990.

Proposed Funding Priorities for Fiscal Year 1990

It is proposed to give a funding priority to:

1. Applications which identify minority faculty or scholars with substantial roles in carrying out the project and who have expertise in minority aging. (Only individuals already employed or recruited may be included). Minority faculty or scholars with expertise in minority aging may enhance program content, serve as role models and mentors, and through their leadership roles in the Geriatic Education Center program encourage health professions faculty who are minority group members to avail themselves of the opportunity for short-term training in geriatrics.

2. Applications documenting formal linkages (such as subcontracts, clinical teaching affiliation agreements, etc.) with predominantly minority education institutions or health facilities to accomplish specific aspects of the project protocol (e.g., involving minority faculty, students, or practitioners, developing curricula or expanding teaching concerning minority elderly, providing trainees with experience in caring for minority elderly, etc.) Formal affiliations with predominantly minority educational institutions and health care facilities provide an opportunity to familiarize trainees with culturally-sensitive educational approaches, to strengthen their understanding of distinctive health care needs of minority group members, and to acquaint trainees with appropriate ways of addressing those needs.

3. Projects which currently have or plan to provide for a high degree of area wide collaboration. Area-wide collaboration is emphasized in order to encourage efficiencies through resource sharing, notably optimal use of existing education and clinical resources.

Special Consideration

The Administration does not intend to apply any special considerations in the review of applications for Fiscal Year 1990.

Interested persons are invited to comment on the proposed funding priorities. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the Fiscal Year 1990 award cycle, this comment period has been reduced to 30 days. All comments received on or before November 13, 1989 will be considered before the final funding priorities are established. No funds will be allocated or final selections made until a final notice is published stating whether the final funding priorities will be applied.

Written comments should be addressed to: Acting Director, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8–103, Rockville, Maryland 20857.

All comments received will be available for public inspection and

copying at the Division of Associated and Dental Professions, Bureau of Health Professions, at the above address, weekdays (Federal Holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Questions concerning the programmatic aspects of grants should be directed to: Chief, Geriatric Education Section, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8–103, Rockville, Maryland 20857, Telephone: (301) 443–6887.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–31), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–22, Rockville, Maryland 20857, Telephone: (301) 443–6857.

Completed applications should be returned to the Grants Management office at the above address.

The standard application, form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement of this program, have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The application deadline is December 11, 1989. Applications shall be considered as meeting the deadline if they are either:

1. *Received on* or before the deadline date, or

2. Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications received after the deadline will be returned to the applicant. This program is listed at 13.969 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: September 13, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89–24032 Filed 10–11–89; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–89–2065

Submission of Proposed Information Collection to OMB

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Christy.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for emergency processing, an information collection package with respect to the Supportive Housing Demonstration Program.

The information collection requirements in this package are the result of amendments to the Supportive Housing program contained in the Stewart B. Mckinney Homeless Assistance Amendments Act of 1988, Public Law 100–628 (approved November 7, 1988). The Department is requesting emergency review in order to be ready to announce the competition for the Transitional Housing component of the Supportive Housing program at such a time that will give applicants maximum time to become familiar with the revised regulations and to prepare applications accordingly. Any control number issued by OMB to cover this emergency situation would be valid for no more than 90 days.

To ensure that the public has an adequate opportunity to comment on these information collection requirements, HUD also intends to submit the Supportive Housing notice to OMB for regular paperwork review. The public will then have an additional 60-day period in which to comment on the paperwork requirements.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 4, 1989.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

Submission of Proposed Information Collection to OMB

Proposal: Supportive Housing Demonstration Program (FR–2581).

Office: Community Planning and Development

Description: The application and environmental impact statement are necessary to allow HUD to determine the eligibility of private non-profit organizations or governmental entities to receive funding under the demonstration program, to assess the relative capability of these organizations to operate housing and support services for the homeless population, and to determine whether any adverse impact for the environment will result.

Form Number: None

Respondents: State or Local Governments and Non-Profit Institutions

Frequency of Submission: On Occasion

Reporting Burden:

	Number of Respondents	x	Frequency of Response	x	Hours per Response	=	Burden Hours
Permanent Housing	102		1		42		4,284
Environmental Assessment	75		1		14		1,050
Transitional Housing	400		1		42		16,800
Recordkeeping							200

Total Estimated Burden Hours: 22,334
Status: Revision
Contact: James N. Forsberg HUD, (202) 755-6300, John Allison, OMB, (202) 395-6880

Dated: October 4, 1989.

[FR Doc. 89-24004 Filed 10-11-89; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision and Deletion of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is deleting two and revising three notices describing systems of records maintained by the Minerals Management Service (MMS). Except as noted below, all changes being published are editorial in nature, and reflect organization, address, and other minor administrative changes which have occurred since the previous publication of the material in the Federal Register. The three revised notices are published in their entirety below.

Two systems of records notices are being deleted from the Department's compilation of systems notices describing records subject to the Privacy Act. A review was recently conducted by the MMS of its Privacy Act records concerning information being maintained on entrepreneurs. The review was prompted by an opinion issued by the General Counsel, Office of Management and Budget (OMB), on August 30, 1988, affirming OMB's 1975 guidelines which interpreted the statutory term "individual" to exclude natural persons acting in an entrepreneurial capacity from the coverage of the Privacy Act. In a memorandum dated March 8, 1989, the Department's Office of the Solicitor affirmed the opinion's applicability within the Department and clarified the extent of coverage under the Privacy Act of information maintained on entrepreneurs.

MMS's review indicated that two of its systems of records contain only information about persons in their entrepreneurial capacity and not in their capacity as individuals. Therefore, the two notices listed below are being deleted from the Department's compilation of Privacy Act systems of records notices.

1. Mineral Lease and Royalty Accounting Files—Interior, MMS-1 (previously published on March 17, 1986; 51 FR 9122).

2. Procurement Network System (PRONET)—Interior, MMS-10 (previously published on September 29, 1988; 53 FR 38088).

The notice titled "Minerals Management Service (MMS) Personnel Security System—Interior, MMS-4" (previously published on September 29, 1988; 53 FR 38088) is revised to clarify that the system includes information on building passes and keys issued to MMS employees. Appropriate revisions have been made to the sections of the notice describing the categories of records and individuals, and authority. Organization and address changes are made in the location and system manager sections of the notice.

In the notice titled "Advanced Budget/Accounting Control and Information System (ABACIS)—Interior, MMS-8" (previously published on March 10, 1987; 52 FR 7322 as amended on December 21, 1988; 53 FR 51325) address and organization changes are made in the location and system manager sections of the notice. Also, references to entrepreneur and business information in the section describing categories of individuals have been deleted.

The location and system manager sections of the notice titled "Lessee/Operator Training Files—Interior, MMS-12" (previously published on September 24, 1987; 52 FR 35968) are updated to reflect organization and address changes. The categories of records section of the notice is revised to provide a more detailed description of the information being maintained.

Since the foregoing revisions do not involve any new or intended uses of the information in the systems of records, the changes shall be effective on October 12, 1989.

Additional information regarding these revisions may be obtained from the Privacy Act Officer, Minerals Management Service, Mail Stop 631, U.S. Department of the Interior, 381 Elden Street, Herndon, Virginia 22070.

Dated: September 29, 1989.

Oscar W. Mueller, Jr.,

Director, Officer of Management Improvement.

INTERIOR/MMS-4

SYSTEM NAME:

Minerals Management Service (MMS) Personnel Security Sytem-Interior, MMS-4.

SYSTEM LOCATION:

Department of Interior, Minerals Management Service (MMS), Office of Administrative, Security Office, Mail Stop 630, 381 Elden Street, Herndon, Virginia 22070.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Minerals Management Service (MMS) employees and contract employees working for the MMS who: (1) Have been subject to personnel security investigations to determine suitability for placement in sensitive positions, require access to national security information, and/or require ADP access authorization; and/or (2) require access to MMS buildings or individual offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, sensitivity type, date of birth, place of birth, social security number, organization code, position title, grade, duty station, Office of Personnel file folder location (OPF), clearance, clearance date, access, clearance termination date, ADP type, grant date, ADP termination date, briefing information, suitability date, investigation basis, Agency conducting investigation, investigation completion dat, investigation update and upgrade information, MMS termination date, pending code, remarks. For building passes and keys the height, weight, hair and eye color and employment status information is required. The automated portion of this system is only a compilation of records manually maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10501; 40 U.S.C. 486(c); 41 CFR 101–20.103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary use of the records is to: (1) Ensure that investigative requirements of Federal Personnel Manual 731 are satisfied and to provide a current record of MMS employees with clearance and ADP access authorizations; and (2) provide access cards and keys to MMS buildings and offices. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation; and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Congressional office from the record of an individual in response to an inquiry the individual has made to the Congressional office; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant or other benefit; and, (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant or other benefit; (6) to the Office of Personnel Management for matters concerned with oversight activities necessary for the Office to carry out its legally authorized Governmentwide personnel management programs and functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual systems are maintained in locked GSA approved security containers. Automated data base system maintained on hard disk with password entry required. Backup disks maintained and stored in locked GSA approved security containers.

RETRIEVABILITY:

Indexed by individual name or social security number.

SAFEGUARDS:

Maintained within the Security Office meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

These records are maintained in accordance with the General Records Schedule Number 18, Item Number 23.

SYSTEM MANAGER AND ADDRESS:

Security Officer, Office of Administration, Minerals Management Service, Mail Stop 630, 381 Elden Street, Herndon, Virginia 22070.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the Security Officer. A signed request is required if an individual would like information concerning his/her records. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the Security Officer. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the Security Officer and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/MMS–8

SYSTEMS NAME:

Advanced Budget/Accounting Control and Information System (ABACIS)—Interior, MMS–8.

SYSTEM LOCATION:

Department of the Interior, Minerals Management Service, Office of Administration, Financial and Administrative Management Division, Mail Stop 632, 381 Elden St., Herdon, Virginia 22070.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All debtors including employees, former employees, persons paying for goods or services, returning overpayments, or otherwise delivering cash, business firms, private citizens and institutions. Some of the records in the system pertain to individuals and may reflect personal information. Only the records reflecting personal information are subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, address, amount owed by or to, goods or services purchased, overpayment, check number, date and treasury deposit number, awards, advances, destination, itineraries, modes and purposes of travel, expenses, amount claimed and reimbursed, travel orders, vouchers, and information pertaining to an amount owed on an outstanding or delinquent travel advance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 5514 (2) 31 U.S.C. 3511(3) 5 U.S.C. 5701–09 (4) 31 U.S.C. 3701, 3711, 3717, 3718, (5) U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to account for monies paid and collected by the Minerals Management Service, Financial and Administrative Management Division, and for billing and followup (b) to account for travel advances; (c) to compute vouchers to determine amounts claimed and reimbursed; (d) to account for travel orders, maintain records of modes and purposes of travel and itineraries. Disclosure outside the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court of adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (3) to a Member of Congress from the record of an individual in response to an inquiry

made at the request of that individual; (4) to the Department of the Treasury to effect payment of Federal, State, and local government agencies, nongovernmental organizations, and individuals; (5) to the Federal Agency for the purpose of collecting a debt owed the Federal Government through administrative or salary offset; (6) to other Federal Agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals; (7) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (8) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retenton of an employee, or the issuance of a security clearance, license, contract, grant or other benefit; (9) to disclose debtor information to the IRS, or another Federal agency or its contractor solely to aggregate information for the IRS, to collect debts owed to the Federal government through the offset of tax results.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer media with input forms and printed output in manual form and on microfilm.

RETRIEVABILITY:

Indexed by name, social security number, travel order number, data, appropriations, or fund to be audited.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

RETENTION AND DISPOSAL:

Retention and disposal is in accordance with General Records Schedule No. 7, Item Nos. 1–4 and in accordance with GSA Federal Travel Regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Financial and Administrative Management Division, Minerals Management Service, Mail Stop 632, 381 Elden St., Herndon, Virginia 22070.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of a record should be addressed to the System Manager. A written signed request stating that the individual seeks information concerning his/her records is required (43 CFR 2.60).

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Debtor, accounting records, individual remitters, supervisors and standard office references.

SYSTEM NAME:

Lessee/Operator Training Files—MMS–12.

SYSTEM LOCATION:

Inspection and Training Branch, Offshore Inspection and Enforcement Division, Offshore Minerals Management, Minerals Management Service (MMS), 381 Elden Street, Herndon, Virginia 22070

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel who have participated in well control, safety device, workover and well completion training programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of student certification consist of the name, social security number, job certification, blowout preventor stack qualification, test score, course type, completion date, school name, school location, and instructor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1332(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for training and certification pertaining to the structure, management and operation of the drilling well control, safety device, and workover and well completion/well control training programs. Disclosure outside the Department of the Interior may be made: (1) To the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Congressional office from the record of an individual in response to an inquiry the individual has made to the Congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computerized form

RETRIEVABILITY:

Indexed by social security number or MMS identifier.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records.

RETENTION AND DISPOSAL:

Determination of the disposition is pending approval of the archivist.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Inspection and Training Branch, Offshore Inspection and Enforcement Division, Offshore Minerals Management, Minerals Management Service, Mail Stop 647, 381 Elden Street, Herndon, VA 22070

NOTIFICATION PROCEDURE:

A written request addressed to the System Manager stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Training organizations.

[FR Doc. 89-23988 Filed 10-11-89; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Indian Affairs

Information Collection Submitted for Review

August 7, 1989.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1706-0004), Washington, DC 20503, telephone (202) 395-7340.

Title: 25 CFR, Part 125, Payment of Sioux Benefits

Abstract: Prescribes the eligibility criteria and application procedure governing payment of "Sioux Benefits" under the 1889 Sioux Allotment Act, as amended, the 1928 Sioux Benefits Act: and section 14 of the 1934 Indian Reorganization Act (25 U.S.C. 474). The data on this form is used by the BIA to determine the applicant's eligibility for Sioux Benefits.

Note: This is not a new program or a new information collection by BIA.

Bureau Form Number: BIA-4210

Frequency: Nonrecurring.

Description of Respondent: Eligible Cheyenne River Sioux Indians of the Cheyenne River Reservation, South Dakota.

Estimated Completion Time: 30 minutes

Annual Responses: 260

Annual Burden Hours: 130

Bureau Clearance Officer: Cathie Martin (202) 343-3577

Walter R. Mills,

Acting Deputy to the Assistant Secretary—Indian Affairs (Operations)

[FR Doc. 89-23991 Filed 10-11-89; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert Plan; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Notice is hereby given that the preplanning analysis for the 1989 Amendments to the California Desert Conservation Area Plan is available for public review and comment.

Nineteen proposed amendments have been accepted for consideration in the 1989 amendment review of the plan. The proposed amendments consist of a wide variety of actions, including designation of a new Area of Critical Environmental Concern (ACEC), adjustment of the boundaries of two existing ACECs, reclassification of six Special Areas to ACEC status, deletion of two ephemeral grazing allotments, changes in motorized vehicle access, changes in multiple-use class designations, definition of three categories of desert tortoise habitat, review of grazing restrictions in desert tortoise habitat, adjustment of multiple-use class designations for consistency with tortoise habitat categories, and modification of the Barstow to Las Vegas motorcycle race course.

The pre-plan describes the following topics:

1. Purpose and need for action;
2. Geographic setting;
3. Scope and level of analysis planned;
4. Significant Resource values and issues;
5. Alternatives;
6. EIS preparation schedule; and
7. Public participation schedule.

Comments are being accepted for the public until 30 days from the date of this Notice.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, CA 92507.

Dated: October 5, 1989.

Ron Yokota,

Acting District Manager.

[FR Doc. 89-24001 Filed 10-11-89; 8:45 am]

BILLING CODE 4310-40-M

Preparation of an Amendment to the California Desert Conservation Area Plan To Designate the Santa Rosa Mountains as a National Scenic Area.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent.

SUMMARY: Pursuant to 43 CFR 1610.5-5, notice is hereby given that the Palm Springs Resource Area of the California Desert District, Bureau of Land Management, will prepare an amendment to the California Desert Conservation Area Plan. The purpose is to evaluate the effect of designating a portion of the Santa Rosa and San Jacinto Mountains, in Riverside County, California as a National Scenic Area.

DATES: Written comments on this proposed amendment will be accepted for thirty days from the date of publication of this Notice.

ADDRESS: Comments should be sent to the Area Manager, Bureau of Land Management, 400 S. Farrell Drive, Suite B-205, Palm Springs, California 92262, ATTN: Santa Rosa Amendment.

FOR FURTHER INFORMATION CONTACT: Russell Kaldenberg or James Abbott at the aforementioned address or call (619) 323-4421.

SUPPLEMENTARY INFORMATION: It has been determined from new data and an alteration in circumstances that an amendment to the California Desert Conservation Area (CDCA) Plan be initiated. The purpose is to evaluate the effect of designating a portion of the Santa Rosa and San Jacinto Mountains, in Riverside County, California as a National Scenic Area. Generally, resources will be managed and new uses allowed with full consideration given to mitigating any adverse effect on the scenery and current activity levels within the area.

However, the outcome may result in a change in the terms, conditions and decisions of the approved CDCA Plan, as it applies to this area, so as to not threaten the numerous unique values through overuse. An Environmental Assessment (EA) will be prepared to evaluate the effect of this amendment. General issues identified by the California Desert District staff involved visual resources, wildlife, cultural resources, watershed, recreation, and land use. An interdisciplinary team, consisting of specialists in the aforementioned disciplines, will complete the EA for this proposed amendment. The Bureau of Land Management's scoping process for this EA will include: (1) Identification of specific issues and defining exact boundaries of the area; (2) identification of variable alternatives; and (3) notifying interested groups, individuals and agencies so that additional information concerning these issues can be obtained. The scoping process is hereby initiated and a scoping document, which further clarifies the proposed action, alternatives and significant issues being considered, will be prepared at the close of this comment

period. Copies of this scoping document will be available upon request.

Dated: October 5, 1989.

Ron Yokota,

Acting District Manager.

[FR Doc. 89-24000 Filed 10-11-89; 8:45 am]

BILLING CODE 4352-40-M

[FYO-00151; OR-050-4320-02: GPO-003]

Oregon; Prineville District Grazing Advisory Board Meeting

October 2, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: There will be a Prineville District Grazing Advisory Board meeting on Thursday, November 16, 1989. The meeting will be held at 10:00 a.m. at the Bureau of Land Management conference room, 185 East Fourth Street, Prineville, Oregon.

SUMMARY: Topic to be discussed will include:

1. Allotment evaluation results.
2. Brothers Rangeland Program Summary.
3. Advisory Board expenditures.
4. Allotment management plans completed in 1989 and planned for 1990.
5. Rangeland development completed in 1989 and planned for 1990.

James L. Hancock,

District Manager.

[FR Doc. 89-24021 Filed 10-11-89; 8:45 am]

BILLING CODE 4310-33-M

[AZ-920-09-4212-14; AZA-21619]

Arizona; Notice of Conveyance of Public Land in Pinal County

October 3, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of the conveyance of public land to Margaret Campbell.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to sections 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713, 1719), Margaret Campbell has purchased, by modified competitive sale for $22,800.00, the following described land:

Gila and Salt River Meridian

T. 1 N., R. 8 E.,

sec 27, S½NE¼SW¼SE¼.

The area described contains 5.00 acres in Pinal County, Arizona.

The purpose of this notice is to inform the public and interested State and local government officials of the transfer of this land out of Federal ownership.

Marsha L. Luke,

Chief, Branch of Lands Operations.

[FR Doc. 89-24022 Filed 10-11-89; 8:45 am]

BILLING CODE 4310-32-M

[NV-930-00-4212-14; N-50469]

Realty Action; Non-Competitive Sale of Public Lands in Clark County, NV

The following described public land in the City of North Las Vegas, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 202 of Public Law 94-579, the Federal Land Policy and Management Act of 1976 (FLPMA). The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register.**

Mount Diablo Meridian, Nevada

T. 19 S., R. 61 E.,
- sec. 13, N½, NE¼SW¼, SE¼;
- sec. 14, N½;
- sec. 15;
- sec. 16;
- sec. 17;
- sec. 18;
- sec. 19, Lots 1, 2, 3, E½, E½NW¼, NE¼SW¼;
- sec. 20;
- sec. 21, N½;
- sec. 23, N½NE¼, SW¼NE¼, E½NW¼;
- sec. 24, N½, NE¼SW¼, N½SE¼, SW¼SE¼.

T. 19 S., R. 62 E.,
- sec. 16;
- sec. 19;
- sec. 20.

Aggregating 7,470 acres (gross)

This parcel of land, situated in Clark County is being offered as a direct sale to the City of North Las Vegas.

This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interest being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay $50.00 non-returnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contained the following reservation to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. Oil, gas, sodium, potassium and saleable minerals. And will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County/ the City of North Las Vegas.

2. Those rights for railroad purposes which have been granted to the Los Angeles and Salt Lake Railroad Company by Permit No. CC-0360 under the Act of March 3, 1875, 18 Stat. 482, 43 U.S.C. 934-939.

3. Those rights for road purposes which have been granted to the Corps of Engineers by Permit No. Nev-045137 under the Act of January 13, 1916, 44 LD 513.

4. Those rights for power line purposes which have been granted to Nevada Power Company by Permit No. Nev-061985 and Nev-067348 under the Act of February 15, 1901, 31 Stat. 790, 43 U.S.C. 959.

5. Those rights for material site and road purposes which have been granted to the Nevada Department of Transportation by Permit No. N-32236 under the Act of August 27, 1958, 72 Stat. 916, 23 U.S.C. 317(A).

6. Those rights for power line purposes which have been granted to Nevada Power Company by Permit No. N-39815, N-42592 and N-49722 under the Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

A portion of the subject lands were segregated by classification N-43395 for recreation and public purposes and a lease was issued. By letter dated September 24, 1989, the lessee relinquished the following described lands from their lease in favor of the sale to the City of North Las Vegas: sec. 20, T. 19 S., R. 62 E. M.D.M.

Additional a portion of the subject lands were segregated for airport lease purposes by airport lease application N-30864. By letter dated July 6, 1989, the applicant withdrew the application in favor of the sale to the City of North Las Vegas.

Upon publication of this notice in the **Federal Register** the following will take place:

1. Recreation and Public Purposes Classification N-43395 is vacated and the segregated effect terminated as it

applies to sec. 20, T. 19 S., R. 62 E., M.D.M.

2. The segregated effect of airport lease application N–39864 is terminated.

3. All the lands identified for sale to the City of North Las Vegas in this Notice of Realty Action are segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance on a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the Federal Regiser, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94–579, or other applicable laws.

Dated: October 2, 1989.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 89–24023 Filed 10–11–89; 8:45 am]

BILLING CODE 4310–HC

Minerals Management Service

Receipt of Outer Continental Shelf Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 5748, 5064, 7844, and 5071, Blocks 863, 864, 907, and 908, respectively, Mobile Area, offshore Alabama. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on September 29, 1989. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources in reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of title 30 of the CFR.

Dated: October 2, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89–24024 Filed 10–11–89; 8:45 am]

BILLING CODE 4310–MR–M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Pacific Resources Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 8644, Block 106, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on September 29, 1989. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. W. Williamson; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2874.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of title 15 of the CFR, that the Coastal Management

Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of title 30 of the CFR.

Dated: October 2, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 24025 Filed 10–11–89; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF JUSTICE

Pollution Control Consent Decree; Bedford, NY

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. § 9622(d)(2), notice is hereby given that on September 29, 1989, a proposed Consent Decree in *United States* v. *Town of Bedford,* 89 Civ. 6481, was lodged with the United States District Court for the Southern District of New York. The Complaint filed by the United States alleged violations of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601 *et seq.* Defendant Town of Bedford is a political subdivision of the State of New York located in Westchester County, New York. The Town of Bedford operates and, at all relevant times, operated one or more facilities at or near the site known as the Katonah Municipal Well Site (the "Site"), which is located in the Hamlet of The Site is a Municipal well field which was used for the disposal of hazardous wastes and is registered on the National Priorities List, 40 CFR part 300, appendix B.

The Consent Decree provides that the defendant shall design and perform the clean-up of the Site. This clean-up shall include installation of a new production well and a new water treatment facility, implementation of a monitoring program and a general clean-up of the peninsula area of the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Town of Bedford,* D.J. No. 90–11–2–310.

The proposed Consent Decree may be examined at the Office of the United States Attorney, One St. Andrew's Plaza, New York, New York 10007, at the Region II office of the Environmental Protection Agency, Office of Regional Counsel, 26 Federal Plaza, New York, New York 10278, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to *United States* v. *Town of Bedford,* D.J. No. 90–11–2–310 and include a check for $8.00 (10 cents per page reproduction charge) payable to the United States Treasury.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89–23913 Filed 10–11–89; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Committee on Special Minimum Wages; Renewal

Notice is given that after consultation with the General Services Adminsitration (GSA), it has been determined that the Advisory Committee on Special Minimum Wages whose charter expires October 11, 1989 is hereby renewed for the period October 11, 1989 to October 11, 1991. This action is necessary and in the public interest.

The Committee will advise the Secretary on issues concerning the application of the Fair Labor Standards Act, the McNamara-O'Hara Service Contract Act, and the Public Contracts Act to workers with impaired productive capacity.

Committee membership is designed to ensure that all major groups affected by the Acts and the regulations issued thereunder are represented. The members are selected on the basis of their expertise and serve in their individual capacities, not as representatives of their organizations.

The Committee shall consist of 23 members selected to represent the respective viewpoints of the following groups: One each from labor, industry (other than workshops), the public, a State rehabilitation agency and a State labor agency; 9 consumer members (workers with disabilities or representatives of organizations representing such workers with disabilities or the parents or guardians of such workers); and 9 officials representing workshops, hospitals, or institutions or organizations of workshops, hospitals, or institutions. Committee members shall not be employees of the Government by virtue of their nomination to the Committee, except those who are compensated by the Department of Labor for their services on the Committee. The Committee may establish subcommittees from among its members as may be necessary.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The charter will be filed with GAS and the appropriate Congressional Committees.

Further information may be obtained from: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Room S3502, 200 Constitution Avenue, NW., Washington, DC 20210, phone 202–523–8305.

Signed at Washington, DC, this 5th day of October 1989.

Elizabeth Dole,

Secretary of Labor.

[FR Doc. 89–24078 Filed 10–11–89; 8:45 am]

BILLING CODE 4510–27–M

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veterans' employment was established under section 308, title III, Public Law 97–306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Wednesday, November 1, 1989, at 10:00 a.m., in the Secretary's Conference Room, S–2508, Frances Perkins, Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC.

Written comments are welcome and may be submitted by addressing them to: Veterans' Employment and Training, U.S. Department of Labor, 200

Constitution Avenue NW., Washington, DC 20210.

The primary item on the agenda is implemention of Public Law 100–323, the Veterans' Employment, Training and Counseling Amendments of 1988.

The public is invited.

Signed at Washington, D.C. this 6th day of October, 1989.

Donald E. Shasteen,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 89–24079 Filed 10–11–89; 8:45 am]

BILLING CODE 4510–79–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences, NSF.

Date & Time: October 26, 1989, 8:30 a.m.–10:00 p.m.; October 27, 1989, 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, Room 540.

Type of Meeting: October 26, & 27, 1989, Open.

Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC 20550 (202/357–9488).

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short-range and long-range plans in astronomy, including a recommendation of relative priorities.

Agenda:

Thursday, October 26

Long-Range Planning. Reports of Subcommittees on Optical/Infrared Astronomy; Radio Astronomy; Theoretical, Experimental and Laboratory Astophysics; and Education and Human Resources. National Academy of Sciences' Study of Solar Physics. FY 1990 Budget.

Friday, October 27

Continuation of Discussion of Topics from Previous Day.

Dated: October 5, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–23992 Filed 10–11–89; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–171]

Philadelphia Electric Co.; Consideration of Issuance of Amendment to Possession-Only License and Opportunity for Hearing Peach Bottom Atomic Power Station, Unit 1

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to License No. DPR–12, issued to Philadelphia Electric Company (the licensee), for the Peach Bottom Atomic Power Station, Unit 1 (Peach Bottom 1) located in York County, Pennsylvania. The amendment would involve revision of the Peach Bottom 1 License and associated Technical Specifications (TS) and a renewal of License No. DPR–12.

On October 31, 1974 Peach Bottom 1 was permanently shutdown. All spent fuel has been removed from the reactor site and License No. DPR–12 was amended to possession-only status on July 14, 1975. This amendment would accomplish the following:

(1) Revision of License No. DPR–12 to delete provisions of the license relating to fuel, sources and the fission product trapping system since these materials and the trapping system have been removed from the site.

(2) Revision of the TS to reflect the long term storage of residual radioactivity onsite. The TS requirements would be revised to reflect current licensee organization, to delete sections not applicable to SAFSTOR status, to add requirements for access control and inspections and to make TS consistant with current NRC record keeping and reporting requirements.

(3) Renewal of Possession-Only License No. DPR–12 for 40 more years to December 24, 2015 as requested by licensee.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By November 13, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility license and any person who interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the Local Public Document Room located at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the

hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is award and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, at 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Troy B. Conner, Jr., Esquire, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i) through (v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment for Items 1 and 2 above after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92. Issuance of the license renewal, Item 3, would require the completion of any required hearing regardless of the outcome of a no significant hazards consideration finding.

For further details with respect to this action, see the licensee's application dated November 24, 1975 as revised March 4, 1987, December 16, 1988, July 12, 1989 and August 23, 1989, which is available for public inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, DC 20555 and at the State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 4th day of October 1989.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Project Manager, Non-Power Reactor, Decommissioning and Environmental Project Directorate Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-24039 Filed 10-1-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272/311]

Public Service Electric & Gas Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-70 and DPR-75, issued to Public Service Electric and Gas Company (the licensee), for operation of the Salem Generating Station, Units 1 and 2, located in Salem County, New Jersey.

The amendments would revise the implementation schedule for License Amendment Nos. 101 and 78 for Salem, Units 1 and 2, respectively. As issued on August 28, 1989, these license amendments were to be implemented within 45 days after issuance. By letter dated October 4, 1989, the licensee proposes that License Amendments Nos. 101 and 78 be implemented prior to the respective reactor startup following the next plant shutdown to Mode 3, Hot Standby.

Soon after its receipt of License Amendment Nos. 101 and 78, the licensee discovered that one of its surveillance provisions could not be satisfied without incurring a shutdown of the Salem units. Upon discovery, the licensee promptly informed the staff of the circumstance and then filed the subject request for license amendments so that an unnecessary shutdown of the Salem units need not be incurred.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated because the vent system was used during the most recent refueling at each of the Salem units. The valves in question were verified open using an approved valve checklist prior to plant startup. Therefore, there is a high level of assurance that the reactor vessel head vent systems are functional.

The proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated because the operation of the Salem units with or without implementation of License Amendments Nos. 101 and 78 was acceptable and was authorized.

The proposed amendments would not involve a significant reduction in a margin of safety for the same reasons as detailed above.

The licensee has concluded and the staff agrees that the proposed amendments involve no significant hazards consideration.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW, Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 13, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commissioner or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedng on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington,

DC 20555, and to Mark J. Wetterhahn, Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 4, 1989, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 5th day of Octobr 1989.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–24038 Filed 10–11–89; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP); Withdrawal of Petition Under the 1989 Annual Review

This publication provides notice that the Producers Cotton Oil Company, California Oils Corporation, and Oilseeds International Limited have withdrawn their petition (Case number 89–HS–6) concerning Harmonized System subheading 1512.11.00.00. This case was being considered in the 1989 Annual Review of the GSP. The TPSC had formally initiated the review of these cases in a notice of August 10, 1989 (54 FR 32891). The GSP is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461–2465).

David A. Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 89–24028 Filed 10–11–89; 8:45 am]

BILLING CODE 3190–01–M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday, October 24, 1989, at the Madison Hotel, 15th & M Streets NW., Washington, DC.

The Subcommittee on Diagnostic and Therapeutic Practices will be meeting in Drawing Rooms I and II, second floor at 9 o'clock, October 24, 1989. The Subcommittee on Hospital Productivity and Cost-Effectiveness will convene its meeting at 9 o'clock, October 24, 1989 in Executive Chambers 1, 2 and 3.

The Full Commission will convene at 1:30 o'clock p.m. on October 24, 1989 in Executive Chambers 1, 2 and 3 on the second floor.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 89–23989 Filed 10–11–89; 8:45 am]

BILLING CODE 6820–BW–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–27322; File No. SR–CBOE–89–08]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change Relating to Index Hedge Exemption Pilot

On June 5, 1989, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to: (1) Extend an Exchange pilot program that exempts public customers from established position limits for broad-based index options if those customers hold pre-approved portfolios of long positions in common stocks; (2) expand the scope of the hedge exemption to permit an exemption for short stock positions; and (3) expand the securities eligible to serve as the underlying basis of the hedging stock portfolio position.

The proposed rule change was published for comment in Securities Exchange Act Release No. 26992 (June 29, 1989), 54 FR 29125 (July 11, 1989).[3] No comments were received on the proposed rule change.

In 1988, the Commission approved a CBOE proposal for a one year pilot program that allows public customers [4] to apply for a "Hedge exemption" from broad-based index option position limits.[5] Specifically, the approved pilot program permits the CBOE to exempt from its position limits any positions in broad-based index options traded on the Exchange that are hedged against qualified long portfolios of stock.[6] The maximum size of an exempted position, however, cannot exceed the unhedged value of the qualified stock portfolio, and no exempted position can exceed 75,000 contracts, regardless of the size of the stock portfolio.

The CBOE proposed to extend a revised pilot program for one year.[7] Specifically, the CBOE proposes to expand the scope of the exemption to permit public customer accounts with short stock positions in a diversified portfolio to utilize the hedge exemption.[8] The Exchange proposes that qualified public customer accounts with a short stock position could hedge their position with long calls or short puts, and receive the same hedge exemption that a qualified portfolio with a net long position in common stock would.

In addition, the Exchange proposes to include in qualified stock portfolios securities readily convertible into stock and, in the case of convertible bonds, those that are economically convertible

[1] 15 U.S.C. 78s(b)(12) (1988).

[2] 17 CFR 240.19b–4 (1988).

[3] The CBOE filed with the Commission a proposed rule change to extend the pilot program on April 24, 1989. The CBOE withdrew this filing on May 15, 1989 and replaced it with the current proposal filed on June 5, 1989. Currently, only three public customers have applied for the hedge exemption and no customers have utilized the exemption.

[4] The exemption is limited to public customers *i.e.* those customers whose trades would be eligible for placement on the public limit order book under CBOE Rule 7.4.

[5] *See* Securities Exchange Act Release No. 25739 (May 24, 1988), 53 FR 20204 (June 2, 1988).

[6] Under the pilot, the options positions that can be used to hedge against long stock positions are short calls or long puts, combinations thereof, or such equivalent positions as are approved by the Exchange in advance.

[7] The amended pilot program retains all the safeguards of the original pilot program that are designed to prevent exempted positions from being used to disrupt or manipulate the market. For example, among other things, the exemption may not be used for arbitrage in stock baskets. In addition, options orders subject to the hedge exemption must be designated "hedge" and customers must notify the CBOE of any material change in the stock portfolio or stock index futures positions which materially affect the unhedged value of the qualified portfolio. Moreover, a public customer with a hedge exemption must initiate and liquidate stock and option positions in an orderly manner.

[8] To be qualified, a public customer must hold a net long or short position in a portfolio consisting of at least four industry groups and contain at least 20 stocks, none of which accounts for more than 15% of the value of the portfolio.

into common stock. Currently, the pilot program, in establishing the value of the qualified stock portfolio available for hedging, only considers the value of the common stock held in the public customer's portfolio. The Exchange believes that these "equivalent" positions also should be eligible to serve as the underlying basis of a hedge exemption.

The Exchange believes that the proposed modifications to the pilot program will result in increased usage of the exemption. Additionally, the Exchange believes that by expanding the strategies that can utilize the exemption, customers will be more willing to apply for and use the exemption.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6.[9] The Commission concludes, as it did with the original CBOE pilot program and a similar American Stock Exchange pilot program,[10] that the amended pilot program will allow more effective hedging of stock portfolios and may increase the depth and liquidity of the stock index options market without significantly increasing concerns regarding manipulation of these products or disruptions of the stock market. Specifically, the Commission believes the amended proposal will enable public customers that have a short stock portfolio to utilize the hedge exemption. The Commission notes that, at present, institutions with significant short stock portfolios are generally constrained in their ability to hedge such positions with index options by current position limits. As a result, many institutions utilize financially equivalent index futures products to the competitive disadvantage of the options exchanges. Extending the public customer hedge exemption to institutions with short stock portfolios should provide such institutions with an alternative hedging technique. The Commission also notes that the CBOE's surveillance procedures will monitor unusual customer activity and take steps to withdraw exemptions if violations are found. Moreover, the Exchange has proposed the revised pilot program for one year and the CBOE and the Commission can monitor the effects of the hedge exemption on the market to ensure that problems have not arisen due to the increased position and exercise limits.

Additionally, the Commission believes that it is appropriate for the Exchange, on a case-by-case basis, to include economically convertible bonds and readily convertible securities to determine the underlying basis for the hedge exemption. In this regard, the Commission notes that the Exchange's Surveillance staff will review the application of this provision to specific corporate instruments and monitor the position and dollar value of all the instruments that comprise the basis for the hedge.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (SR-CBOE-89-08) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Dated: September 29, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24060 Filed 10-11-89; 8:45 am]

BILLING CODE 8010-01-M

[9] 15 U.S.C. 78f (1982).

[10] *See* Securities Exchange Act Release No. 25938 (July 22, 1988), 53 FR 25938 (July 29, 1988).

[11] 15 U.S.C. 78s(b)(2) (1982).

[12] 17 CFR 200.30-3(a)(12) (1988).

[Rel. No. 34-27335; File No. SR-NASD-89-44]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to its Informational Linkage with the International Stock Exchange of the United Kingdom and the Republic of 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 on September 29, 1989, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD hereby files a rule proposal to extend for one year its pilot program consisting of an informational linkage with the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd. ("ISE"). On October 2, 1987, the Commission issued an order authorizing operation of the linkage on a pilot basis for two years.[1] The NASD requests that the Commission approve the filing to extend the pilot program for an additional year, commencing from the date of the Commission's approval order.

The NASD's linkage with the ISE was the first transatlantic market linkage authorized by the Commission. In its present form, the NASD/ISE linkage provides for an electronic 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 securities. NASD and ISE members that function as market makers in any linkage securities traded in both the NASDAQ and ISE dealer markets ("common issues") may access linkage information without paying a separate charge for it.[2] Because the linkage will remain a pilot operation during the one-year extension, no change is proposed in the access terms applicable to participating NASD and ISE market makers. Nonetheless, the NASD and ISE may mutually agree to expand their pilot groups of securities during the one-year extension.[3] No modification in the

[1] Release No. 34-24979 (October 2, 1987) (the "October 1987 Order"). In Release No. 34-26710 (April 11, 1989), the Commission affirmed the October 1987 Order, which had been issued by the staff pursuant to delegated authority, and thus disposed of a petition for review filed by Instinet Corp. On September 9, 1989, the NASD submitted File No. SR-NASD-89-38 to obtain an interim extension of the current authorization through December 1, 1989. Accelerated approval of the interim extension was granted in Release No. 34-27320 (September 29, 1989).

[2] Thus, NASDAQ market maker in a common issue can receive linkage information on the ISE's pilot group of securities (*i.e.*, approximately 390 issues) at no added cost, on each of the firm's terminal devices or NASDAQ Workstation ™ units authorized for Level 3 NASDAQ service. Similarly, ISE members that function as market makers in one or more common issues can receive linkage information on the NASD's pilot group of securities at no added cost. ISE members obtain access to linkage information through TOPIC terminals located in the dealing areas of the participating ISE firms. ("TOPIC" is an acronym for Teletext Output of Price Information by Computer.) ISE dealers use separate terminal devices enabled for SEAQ and SEAQ International service to enter quote updates in U.K. domestic and foreign securities, respectively, in which they make markets. SEAQ/SEAQ International terminals do not display linkage information.

[3] In the original filing on the linkage, File No. SR-NASD-86-4, the NASD and ISE sought approval to operate the linkage with a maximum of 1,000 securities consisting of approximately 500 designated by each sponsoring market. Since the Commission order approving File No. SR-NASD-86-4 did not alter that proposed limit, it remains the applicable ceiling for the pilot operation. *See* Release No. 34-23158 (April 21, 1986). The NASD

Continued

linkage's operational features is being proposed at this time.

The sponsoring markets envision maintaining the linkage in its present form to provide eligible market makers with current market information on a limited group of linkage securities. A market-making commitment will continue to be required for NASD and ISE dealers to receive linkage information at no cost. Thus, during the proposed extension, the pilot program will remain an informational linkage between two market centers that utilize a system of competing dealers. The cost of the pilot program will continue to be borne jointly by the linked markets without the imposition of separate user charges on participating market makers or reciprocal billings between the sponsors based upon detailed cost allocations. In all materials respects, the NASD/ISE linkage will closely approximate the operation of other informational linkages that the Commission has approved between domestic and foreign securities exchanges. [4]

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 sepcified 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 purposes of File No. SR-NASD-89-44 are threefold: (i) To extend the pilot phase of the NASD/ISE linkage for one year; (ii) to allow additional time to assess the results of the pilot project in relation to the business objectives of the sponsoring markets; and (iii) to allow the sponsoring markets to evaluate the feasibility of enhancing the linkage to include automated order routing and execution capabilities as well as more efficient automated procedures for clearance and settlement of international securities transactions.

Since the inception of the NASD/ISE linkage, the objectives underlying its operation have essentially remained the same. Specifically, the linkage was designed to promote the ongoing process of internationalization of securities trading by providing an electronic interchange of quotation information on selected securities quoted in the sponsors' dealer markets. Further, it was believed that the linkage's implementation would foster closer cooperation between the NASD and the ISE in dealing with the internationalization process, promote the development of more efficient systems to process international securities transactions, and encourge expansion of market making commitments in linkage securities. The agreement betwen the NASD and ISE governing operation of the linkage also includes mutual commitments to share market regulatory information as needed. The linkage thereby contributes to strengthening the NASD's ties with U.K. self-regulators to facilitate the exchange of regulatory information.[5]

Many potential benefits of the linkage experiment remain unrealized, however, because of an unforeseeable event, the October 1987 market break. That event led to a substantial and prolonged dedication of NASD and ISE resources (as well as the resources of every other major market) to address the regulatory and operational concerns that were raised. The NASD's efforts in this regard extended into the latter half of 1988. Thus, the sponsoring markets have not had sufficient opportunity to operate, or consider enhancements to, the pilot linkage under more normal market conditions. Likewise, the 1987 market break has been followed by a period of reduced trading volumes in most markets and a contraction of broker-dealer operations, including international trading operations. Given these factors, the NASD believes that it is appropriate to extend its experimental linkage with the ISE for one year. If any operational enhancement of the linkage is developed during this interval, its implementation would require Commission approval via another Rule 19b-4 filing. At the end of the one-year period, the sponsoring markets should have sufficient information and experience to judge the feasibility of making the linkage permanent. Such a decision will also involve the sponsors' definition of future enhancements and the allocation of resources to implement those enhancements. Alternatively, the sponsors may determine to terminate the linkage altogther.

The Commission's previous deliberations of the NASD/ISE pilot linkage have focused mainly on issues raised by Instinet Corp. ("Instinet"), a commercial vendor of market information. Through counsel, Instinet has repeatedly objected to the NASD and ISE furnishing linkage information at no cost to their respective members who act as market makers in common issues. Instinet has argued that this aspect of the linkage places it at a competitive disadvantage in attempting to market its commercial quotation services to NASD and ISE member firms.[6] Despite the experimental character of the NASD/ISE linkage, Instinet has asserted that the Commission should require, as a condition for the pilot's operation, the imposition of user charges on ISE and NASD market makers eligible to receive linkage information. Alternatively, Instinet suggested that the NASD and ISE isolate their respective costs for operating the linkage and bill one another to recover those costs. The NASD notes that the Commission has

acknowledges that any expansion of the universe of linkage securities beyond 500 issues per market would require another Rule 19b-4 filing.

[4] *See* Release No. 34-23075 (March 28, 1986), approving a linkage between the Midwest Stock Exchange, Inc. and the Toronto Stock Exchange; Release Nos. 34-21499 (November 1, 1984) and 21925 (April 8, 1985) approving, respectively, Phases I and II of a linkage between the Boston Stock Exchange, Inc. and the Montreal Stock Exchange; and Release No. 34-22442 (September 20, 1985) approving a linkage between the American Stock Exchange, Inc. and the Toronto Stock Exchange.

[5] As a separate matter unrelated to the linkage, the NASD applied for and received recognition as a registered overseas investment exchange under the Financial Services Act of 1986. This status involves an ongoing commitment by the NASD to cooperate with U.K. regulators of the securities industry. In this regard, the NASD has entered into an agreement with The Securities Association ("TSA"), a major self-regulatory body in the U.K., to provide on-line access to final disciplinary information captured in the Central Registration Depository system. TSA provides reciprocal access to comparable disciplinary information on firms and individuals authorized to do business in the U.K.

[6] The National Quotation Data Service ("NQDS") is a data stream of market maker quote updates for all NASDAQ securities that the NASD supplies to Instinet for distribution to its subscribers. NQDS subscribers pay the NASD a monthly charge of $8.75 for access to all NASDAQ market makers' bids/offers on approximately 5,000 securities included in the NASDAQ market. (In contrast, ISE market makers in common issues receive no-cost access to linkage information on about 350 NASDAQ issues covered by the pilot program.) NASDAQ market makers currently pay $150/month for NASDAQ Level 3 service (exclusive of equipment and communications charges), which includes the capacity to access the current quotes of all registered market makers in any NASDAQ security and the ability to enter quote updates in those NASDAQ issues in which the Level 3 subscriber makes a market. Subscribers paying for the ISE's TOPIC service can receive access to ISE market makers' quotations in approximately 3,300 equities that are quoted either through SEAQ or SEAQ International. Hence, the ISE's component of linkage information on approximately 390 issues is a small fraction of the quotation information available to TOPIC subscribers paying for TOPIC service.

never required either method of cost recovery as a condition of its approval of similar linkage between certain U.S. and foreign securities exchanges.[7]

In approving the two year pilot for the NASD/ISE linkage, the Commission directed the sponsoring markets to assemble certain data regarding market maker participation, utilization of linkage information, and the costs of operating the linkage. It appears that the Commission sought this information in anticipation of receiving a filing for permanent approval of the NASD/ISE linkage before expiration of the current phase of the pilot program. On May 31, 1989, the NASD made a submission containing information on the number of common issues, the levels of market maker participation, aggregate monthly trading volumes in common issues, and query traffic emanating from participating NASDAQ market makers during the period from October, 1987 through early March, 1989 (the "May submission"). On September 11, 1989, the NASD also submitted information on its costs respecting operation of the linkage (the "September submission").[8] Both submissions are hereby incorporated by reference.

The May submission reveals several positive trends respecting the linkage's operation during the 18 months following issuance of the October 1987 Order. For example, the number of common issues rose from 41 to 65, and the number of NASD firms that were registered market makers in common issues increased from 98 to 114 firms through March 6, 1989. A subsequent review on May 5, 1989 revealed that 131 member firms [9] qualified for no-cost access to linkage information via 1,889 terminal devices/workstations authorized for NASDAQ market making (*i.e.*, Level 3 NASDAQ Service). These devices are located in members' trading rooms, which are not accessible to the general public. The May submission likewise included monthly statistics on queries entered by NASD market makers in common issues to access linkage information provided by the ISE. These monthly figures ranged from 17,017 (February 1988) to 35,630 queries (March 1989). The query figures suggest that qualifying NASD firms were actively utilizing linkage information in conjunction with their market making activities. They further support characterization of this pilot program as a marketplace-to-marketplace linkage, and not a commercial venture in competition with private vendors. Finally, the May submission includes monthly figures on the aggregate NASDAQ trading volume in each common issue for the eighteen-month peiod following the October 1987 Order. The NASD was unable to quantify impact of the linkage's operation on the monthly volume for any particular common issue.

The May submission also contained selected statistics furnished by the ISE regarding its members use of linkage information provided by the NASD. Based on a survey of one day per week over a six-month period, the ISE found that TOPIC queries for NASD linkage information ranged up to 2,000 requests per day.[10] Such requests emanated from a total of 51 users with 226 authorized terminals. The ISE reported 24 market maker firms with 133 terminals that qualified for no-cost access to linkage information (via the TOPIC service) because of their market making commitments in common issues.[11] The ISE also provided volume information on common issues during the period covered by the October 1987 Order. On their face, the latter figures did not exhibit any particular trend or correlation with the operation of the pilot linkage.

It should be noted that the absolute number of ISE market makers qualifying for no-cost access to linkage information is considerably smaller than the corresponding NASD number. This can be explained by the fact that the ISE's dealer markets consist of approximately 67 market maker firms that display quotes in SEAQ, SEAQ International, or in both systems. The subset of 24 ISE firms eligible for no-cost access represents about 36% of the ISE's universe of market makers while the NASD's subset of 131 firms comprises about 23% of all NASDAQ market makers. Hence, the two subsets of market makers qualifying for no-cost access to linkage information are roughly comparable portions of their respective market maker populations. This degree of equivalence supports the notion that the sponsoring markets are receiving offsetting benefits in return for absorbing the costs of maintaining the linkage.

With regard to linkage costs, the NASD's September submission revealed total costs (actual) of $230,347 for fiscal year 1988 and $252,940 (forecast) for fiscal year 1989. These aggregate figures reflect the following cost allocations by the NASD.

	Forecast FY 1989	Actual FY 1988
Shared satellite cost	$15,000	$15,000
Shared communications link to satellite	26,271	26,974
NASDAQ network allocation (.12%)	17,368	16,761
Tandem PC allocation (2.93%)	108,713	97,621
System development and maintenance	35,000	35,600
General and administrative overhead	50,588	38,391
Total	252,940	230,347

By any measure, these costs represent a very small percentage of the total costs of operating the NASDAQ market. For example, the 1989 total of $252,940 is less than 1% of the combined 1989 budgets of the NASD's operating subsidiaries, NASDAQ, Inc. and NASD Market Services, Inc.

Statutory Bases

The NASD submits that the statutory bases for this filing are found in sections 11A(a) (1)(B) and (C), 15A(b)(6), and 17A(a)(1) (B) and (C) 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, broader availability of information with respect to quotations for securities, and the execution of investor orders in the best market through the use of new data processing and communcations 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

[7] *See* note 4 *supra*.

[8] The ISE has declined to submit internal cost information relative to its operation of the pilot linkage. *See* letter dated June 1, 1989 from Peter Cox, Director–International Equity Market, ISE, to Robert E. Aber, Vice President and Deputy General Counsel, NASD. A copy of this letter was submitted to the Commission and is hereby incorporated by reference.

[9] At year-end 1988, the NASDAQ system encompassed 570 market maker firms. Based on that figure, the 131 market makers qualifying for no-cost access to linkage information in May constitute 23% of universe of NASDAQ market makers.

[10] During the survey period, the ISE reported that the daily totals of all TOPIC queries ranged between 5 and 6 million. It should be noted that the TOPIC service includes a large variety of financial data besides quotations on equities traded in the ISE's market.

[11] Of the 51 users there were 27 users with 50 terminals who pay the ISE a charge to receive linkage information because they do not satisfy the market-making requirement for no-cost access. The NASD understands that this revenue offsets the ISE's costs in providing linkage information to those TOPIC subscribers that are ineligible for no-cost access. Additionally, the ISE reported a total of 43 internal TOPIC terminals that are capable of accessing linkage information without charge. The bulk of these terminals are located at ISE sites where systems engineering and various administrative functions are performed.

impediments to and perfect the mechanism of a free and open market. . . ." Section 17A(a)(1) expresses the Congressional goal of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through the use of new data processing and communications techniques.

The NASD believes that Commission approval of a one-year extension of the NASD/ISE pilot linkage is fully consistent with the above-mentioned statutory provisions. It must be emphasized that continuation of the linkage in its present form is not the central purpose of the proposed extension. Rather, it is the task of defining the linkage's evolutionary path—including possible applications of advanced technology to order routing and clearance/settlement functions—that must be addressed by the sponsoring markets during the extension period. If the extension is not approved, the linkage's potential benefits to the linked markets and the constituencies that they serve may never be realized.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition *vis-a-vis* Instinet or any other party, that is not necessary or appropriate in furtherance of the Act. This belief is grounded on several factors: (i) The limited number of linkage securities; (ii) the limited scope of linkage information; (iii) the restriction of no-cost access to linkage information to qualifying market makers and the devices supporting their market making activities; (iv) the relatively small numbers of ISE and NASD members qualifying for no-cost access; (v) the inter-market character of the linkage's operation; and (vi) the pilot status of the linkage itself. Collectively, these factors justify recognition of the NASD/ISE linkage as an inter-market enhancement being operated experimentally to assess whether it can provide a sufficient range of benefits to warrant permanent status and added features. It is inappropriate, therefore, to view the linkage's delivery of limited data to firms accepting the responsibility of market making—and thereby creating the market—as a service competing against the more expansive data feeds marketed by Instinet (and other vendors) to a much broader base of end users. Instead, it is critical to view the linkage as an experiment undertaken to facilitate development of marketplace systems capable of supporting international transactions more efficiently. If this experiment proves successful, it will likely yield advances in computerized surveillance of international trading as well.

The NASD respectfully suggests, on its own as well as the ISE's behalf, that the proper time to focus on service charges for receipt of linkage information would be when the Commission considers a request for related system enhancements such as automated order routing/execution capabilities. At that point, the sponsoring markets will have completed their evaluation of the pilot program's benefits and determined to move forward with permanent enhancements to accommodate international trading more efficiently. Because that process will entail another Rule 19b–4 filing, all interested parties will have a further opportunity to comment on the applicable access terms and fees.

So long as the NASD/ISE linkage remains in an experimental mode with access to linkage information restricted in accord with the October 1987 Order, the linkage's operation for an additional year should not materially impact Instinet's commercial interests, or its competitive posture *vis-a-vis* the sponsoring markets. Accordingly, the NASD believes that it is appropriate for the Commission to approve the instant filing without the rigorous cost allocations and subscriber charge that normally accompany the proposal of a permanent service.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by November 2, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: October 3, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–24061 Filed 10–11–89; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27333; File No. PHLX–89–44]

Self-Regulatory Organizations; Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Revised Philadelphia Stock Exchange Automated Communication and Execution System ("PACE") Limit Order Execution Criteria

On July 10, 1989, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission ("Commission") a proposed rule change revising the Philadelphia Stock Exchange Automated Communication and Execution System ("PACE") limit order execution criteria. The Commission published notice of the proposal on August 14, 1989, in Securities Exchange Act Release No. 27141, 54 FR 34847. No comments were received regarding the proposal.

The PACE system provides to Phlx member organizations a cost efficient, competitive order delivery and execution system for public customer orders. In the years prior to 1983, the PACE system was considered to be a system for the delivery and execution of small orders, *e.g.*, 1 to 599 shares.

On May 17, 1983, the Securities and Exchange Commission ("SEC") approved a Phlx rule change (SR–PHLX–83–5) which permitted use of PACE

computer facilities to enable member organizations to electronically transmit, directly to the specialist post, orders in issues and of order size designated by the specialist, with a minimum order size of 600 shares.

On September 17, 1986, the SEC approved a Phlx rule change (SR–PHLX–86–30) which increased PACE order size eligibility from 599 to 1099 shares. Orders up to 599 shares continued to be executed in accordance with Phlx Rule 229. Orders of 600 to 1099 shares were not subject to the execution parameters of Rule 229 and such orders were executed in accordance with other applicable rules of the Phlx.

On May 19, 1988, the SEC approved a Phlx rule change (SR–PHLX–87–30) which provided for a professional execution for limit orders of 600 shares or greater routed to specialists over PACE as well as guidance to Phlx specialists, by identifying the types of trades that constitute a professional execution of this class of limit orders. Such standards imposed a number of trading obligations upon Phlx specialists when executing PACE limit orders of 600 shares or more.

By specifying the execution standards set forth in SR–PHLX–87–30, the Exchange provided for increased consistency in the execution of limit orders on the floor and, at the same time, provided notice to PACE users of the kind of execution they can expect for larger limit orders delivered over the PACE system. Such standards are reflected in Commentary .10(b) of Phlx Rule 229.

The purpose of the instant proposed rule change is to simplify and improve the standards approved on May 19, 1988, based upon experience gained during the approximately one year of their use. Under the proposed rule change, both market and limit orders up to 599 shares will continue to be executed in accordance with the current provisions of Rule 229 and its accompanying Commentary .01 through and including .10(a).

Prior to this amendment, paragraph .10(b) dealt only with orders delivered after the opening. The present proposal adds a standard of guaranteeing the opening price on orders entered at least three (3) minutes prior to the opening. In the case of orders received by the specialist less than three (3) minutes prior to the opening, a reasonable effort will be made to execute such orders at the opening price.

The standard under Circumstance 1 has been amended to delete reference to the New York market since both New York and American Stock Exchange issues are traded through PACE. The reference to New York caused confusion. Thus Phlx changed the reference to "primary market." In addition, reference to execution of marketable limit orders has been deleted because such standard applies to all orders, whether or not delivered through the PACE system and, therefore, it is confusing and redundant.

Circumstance 2 has been broadened to include a limit order price which is outside the PACE quote when received by the specialist. Under the revised rule, when the limit order price is away from (*i.e.*, outside) the PACE quote when received by the specialist or when the limit order price is on the PACE quote when received by the specialist, after ascertaining the primary market quotation size ("reference quote"), the specialist would be obligated to execute the limit order when the primary market prints a trade that is equivalent to the limit price and aggregates to the size of the reference quote.

Old Circumstance 3, which dealt with a limit order price which is outside the PACE quote when received by the specialist, has been deleted in its entirety and such orders have been included in the execution criteria of Circumstance 2. The previously established standard for execution of this type of order was confusing and difficult to administer. The new execution criteria improves and simplifies executions and provides better service to retail users of the PACE system.

New Circumstance 3 has been established to afford specialists the opportunity to seek execution of orders in other markets by means of the Intermarket Trading System ("ITS"). By the terms of Phlx rules, members must avoid trading through a superior bid or offer of another market which is an ITS participant. In order to avoid such an occurrence, a Phlx specialist may choose to send a commitment to trade to such other market against the superior bid or offer. Since the receiving market has up to two (2) minutes to respond to the commitment, at least that much time is required of the Phlx specialist to make such effort and receive a response prior to the close.

Old Circumstance 4, which dealt with a limit price traded through by a transaction reported on a market eligible to compose the PACE quote, has been deleted in its entirety because such standard applies to all orders whether or not delivered through the PACE system and, therefore, is confusing and redundant.

New Circumstance 4 provides that execution of an order under the conditions set forth in this proposal will not breach the existing primary market high or low. In other words, the order will be executed at or within the primary market high-low range existing at time of execution.

Equity specialists and member organizations may choose to participate in trading on the PACE system or they may choose not to do so. To the extent a specialist chooses to accept orders through the PACE system as described herein, such orders are entitled to an execution under the terms of the proposed rule.

Phlx stated that because each stock has unique depth, liquidity, volatility and other trading characteristics, not every stock may be suitable for a program involving execution of larger orders on the basis of predetermined execution criteria. Because of this, and in the interest of administrative ease, the Phlx rules will permit specialists to choose to participate in the program and will permit them to establish an order eligibility size of either 2500 shares or 5000 shares on a stock-by-stock basis. Orders up to either size will be executed under the terms of the proposed rule. Except under unusual circumstances, the specialist must remain committed to his order size eligibility elections for at least six months thereby proving stability and continuity to the list of issues in the program. The Rules provide, however, that under exceptional or extraordinary circumstances, the Floor Procedure committee may grant a specialist's withdrawal from the program.

The Commission believes that the proposal will lead to increased consistency in the overall execution of limit orders on the Exchange. The proposal will also facilitate the oversight of specialist performance and give investors adequate notice of how their orders will be executed.

The Commission therefore finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Phlx and, in particular, section 6(b)(5) of the Act in that it will promote just an equitable principles of trade, facilitate transactions in securities and protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act that the proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: October 3, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24062 Filed 10-11-89; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

October 4, 1989.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Colonial Intermarket Income Trust I
Shares of Beneficial Interest, No Par Value (File No. 7-5358)
Central Newspapers, Inc.
Class A Common Stock, No Par Value (File No. 7-5359)
Austria Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-5360)
Putnam Dividend Income Fund
Shares of Beneficial Interest, No Par Value (File No. 7-5361)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 26, 1989, written data, views and arguments concerning the above-referenced applications. 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. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24058 Filed 10-11-89; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

October 4, 1989.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Ashland Coal, Inc.
Common Stock, $0.01 Par Value (File No. 7-5362)
British Petroleum Company plc
American Depositary Shares "Warrants" (File No. 7-5363)
Chemical Banking Corporation
Adjustable Rate Cum. Pfd. Series C (File No. 7-5364)
Harcourt Brace Javanovich, Inc.
12% Preferred Stock (File No. 7-5365)
Nichols Institute
Common Stock, $0.10 Par Value (File No. 7-5366)
Sealed Air Corporation
Common Stock, $0.01 Par Value (File No. 7-5367)
Whittaker Corp.
Common Stock, $.01 Par Value (File No. 7-5368)
Americus Trust for American Express Shares
Score Component (File No. 7-5369)
Americus Trust for AT&T Shares
Series 2 Score Component (File No. 7-5370)
Americus Trust for Arco Shares
Score Component (File No. 7-5371)
Americus Trust for Chevron Shares
Score Component (File No. 5372)
Americus Trust for Coca Cola Shares
Score Component (File No. 7-5373)
Americus Trust for Dow Shares
Score Component (File No. 7-5374)
Americus Trust for Kodak Shares
Score Component (File No. 7-5375)
Americus Trust for Ford Shares
Score Component (File No. 7-5376)
Americus Trust for Dupont Shares
Score Component (File No. 7-5377)
Americus Trust for Hewlett-Packard Shares
Score Component (File No. 7-5378)
Americus Trust for Merck Shares
Score Component (File No. 7-5379)
Americus Trust for Mobil Shares
Score Component (File No. 7-5380)
Americus Trust for Sears Shares
Score Component (File No. 7-5381)
Hanson PLC
Warrants (File No. 7-5382)
Hannaford Bros. Co.
Common Stock, $0.75 Par Value (File No. 7-5383)
Synovus Financial Corp.
Common Stock, $1 Par Value (File No. 7-5384)
Central Newspapers, Inc.
Class A Common Stock, No Par Value (File No. 7-5385)
Putnam Diversified Premium Income Trust
Shares of Beneficial Interest, No Par Value (File No. 7-5386)
Putnam Dividend Income Fund
Common Shares of Beneficial Interest, No Par Value(File No. 7-5387)
Tasty Baking Company
Common Stock, $0.50 Par Value (File No. 7-5388)
The Austria Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-5389)
Allergran, Inc.
Common Stock, $0.01 Par Value (File No. 7-5390)
Smithkline Beecham plc
American Depositary Shares (representing A Ordinary Shares) (File No. 7-5391)
Smithkline Beecham plc
American Depositary Shares (Equity Units) (File No. 7-5392)
Airgas, Inc.
Common Stock, $0.01 Par Value (File No. 7-5393)
Alliance Capital Management LP
Units of Limited Partnership Interest (File No. 7-5394)
Cable & Wireless plc
American Depositary Shares (File No. 7-5395)
Franklin Universal Trust
Shares of Beneficial Interest (File No. 7-5396)
Wallace Computer Services, Inc.
Common Stock, $1 Par Value (File No. 7-5397)
Tosco Corporation
Common Stock, $0.75 Par Value (File No. 7-5398)
Tredegar Industries, Inc.
Common Stock, No Par Value (File No. 7-5399)
Vivra Incorporated
Common Stock, $0.01 Par Value (File No. 7-5400)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 26, 1989, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for

hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24059 Filed 10-11-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

[Public Notice 1136]

Certain Nonimmigrant Visas; Validity

Public Notice 1114 of July 3, 1989 authorized consular officers to issue, in their discretion, nonimmigrant visas under section 101(a)(15)(B) of the Immigration and Nationality Act valid for an indefinite period of time to otherwise eligible nationals of the countries listed in that Notice which offer reciprocal or more liberal treatment to nationals of the United States who are in a similar class.

This Notice adds Argentina to the list contained in Public Notice 1114 in order to conform with present reciprocal or more liberal treatment accorded United States nationals in a similar class.

This Notice amends Public Notice 1114 of July 3, 1989 (54 FR 27969).

Dated: October 5, 1989.

Harry L. Coburn,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 89-24031 Filed 10-11-89; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 89-082]

Chemical Transportation Advisory Committee; Request for Applications

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Chemical Transportation Advisory Committee (CTAC). The objectives and mission of the Committee are to provide advice and consultation to the Office of Marine Safety, Security and Environmental Protection with respect to water transportation of hazardous materials in bulk. Members of the Committee serve without compensation from the Federal Government.

Applications will be considered for nine expiring terms and any other existing vacancies. To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in applications from minorities and women.

The Committee usually meets at least once a year in Washington, DC, with subcommittee meetings for specific problems on an as-required basis.

DATE: Requests for applications should be received no later than December 1, 1989.

ADDRESS: Persons interested in applying should write to Commandant (G-MTH-1), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Mrs. Dawn Anderson at the above mailing address, or telephone (202) 267-1217.

Dated: October 4, 1989.

M.J. Schiro,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-23999 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Termination of Review of Noise Compatibility Program; Colorado Springs Municipal Airport, Colorado Springs, CO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces it has terminated its review of the noise compatibility program, at the request of the Director of Aviation of the Colorado Springs Municipal Airport, under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150.

EFFECTIVE DATE: The effective date of the FAA's termination of its review of the Colorado Springs Municipal Airport noise compatibility program is September 25, 1989.

FOR FURTHER INFORMATION CONTACT: Dennis G. Ossenkop; Federal Aviation Administration; Northwest Mountain Region; Airports Division, ANM-611; 17900 Pacific Highway South; C-68966; Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On July 7, 1989, the FAA determined that the noise exposure maps submitted by the Director of Aviation under part 150 were in compliance with applicable requirements and began its review of the noise compatibility program. On September 11, 1989, the City of Colorado Springs requested FAA to suspend its review and processing of the noise compatibility program pending a re-examination of various issues associated with the proposed new runway and resulting aircraft noise. When the FAA has received revised documentation, FAA will reissue appropriate notice establishing new review and approval periods in accordance with § 150.33(e) of 14 CFR part 150.

Questions may be directed to the individual named above under the heading **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle Washington on September 25, 1989.

James R. Houghton,

Acting Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 89-24011 Filed 10-11-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Date: October 5, 1989.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0086.
Form Number: Form 1040C.
Type of Review: Revision.
Title: U.S. Departing Alien Income Tax Return.
Description: Form 1040C is used by aliens departing the U.S. to report income received or expected to be

received for the entire tax year. The data collected are used to insure that the departing alien has no outstanding U.S. tax liability. Affected public are aliens departing the U.S.
Respondents: Individuals or households.
Estimated Number of Respondents: 2,000.
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping—2 hours, 5 minutes
Learning about the law or the form—37 minutes
Preparing the form—1 hour, 55 minutes
Copying, assembling, and sending the form to IRS—59 minutes
Frequency of Response: On occasion.
Estimated Total Recordkeeping/ Reporting Burden: 11,220 hours.
OMB Number: 1545–0971.
Form Number: Form 1041–ES.
Type of Review: Revision.
Title: Estimated Income Tax for Fiduciaries.
Description: Form 1041–ES is used by fiduciaries of estates and trusts to make estimated tax payments if their estimated tax is $500 or more. IRS uses the data to credit taxpayers' accounts and to determine if the estimated tax has been properly computed and timely paid.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 300,000.
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping—20 minutes
Learning about the law or the form—10 minutes
Preparing the form—1 hour, 10 minutes
Copying, assembling, and sending the form to IRS—20 minutes
Frequency of Response: Quarterly or Annually.
Estimated Total Recordkeeping/ Reporting Burden: 2,391,000 hours.
OMB Number: 1545–1032.
Form Number: 8689.
Type of Review: Revision.
Title: Allocation of Individual Income Tax to the Virgin Islands.
Description: Form 8689 is used by U.S. citizens or residents as an attachment to Form 1040 when they have Virgin Islands source income. The data is used by IRS to verify the amount claimed on Form 1040 for taxes paid to the Virgin Islands.
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 800.
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping—33 minutes
Learning about the law or the form—17 minutes
Preparing the form—55 minutes
Copying, assembling, and sending the form to IRS—20 minutes
Frequency of Response: Annually.
Estimated Total Recordkeeping/ Reporting Burden: 1,672 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89–23993 Filed 10–11–89; 8:45 am]

BILLING CODE 4810–25–M

Senior Executive Service; Performance Review Board

AGENCY: Treasury Department.

ACTION: Notice of members of Performance Review Board (PRB).

SUMMARY: This notice announces the appointment of members of the composite PRB for the U.S. Savings Bonds Division, the Bureau of the Public Debt, the Bureau of Engraving and Printing, the United States Mint, and the Financial Management Service.

FOR FURTHER INFORMATION CONTACT: Eugene H. Essner, Deputy Director of the Mint, 633 3rd Street, NW., Washington, DC; Telephone (202) 376–0434.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 4313(c)(4) and the Civil Service Reform Act of 1978, the members of the Senior Executive Service Performance Review Board for the U.S. Savings Bonds Division, the Bureau of the Public Debt, the Bureau of Engraving and Printing, the United States Mint, and the Financial Management Service are listed below. This Board reviews the performance of career senior executives below the level of bureau head and principal deputy in the five bureaus. At least three voting members constitute a quorum.

(INSERT ATTACHED CHART)

This notice does not meet the Department's criteria for significant regulation.

Andrew Cosgarea, Jr.,

Associate Director for Operations.

Bureau	Primary	Alternate
SB	Jerrold B. Speers, Executive Director	W. Lorn Harvey, Deputy Executive Director for Savings Bonds Division.
PD	Kenneth W. Rath, Assistant Commission (Administration)	Eleanor J. Holsopple, Assistant Commission (Securities and Accounting Services).
E&P	L. Paul Blackmer, Jr., Assistant Director (Administration)	Carl V. D'Alessandro, Assistant Director (Operations).
Mint	Eugene H. Essner, Deputy Director	Andrew Cosgarea, Jr., Associate Director for Operations.
FMS	Michael T. Smokovich, Assistant Commissioner, Federal Finance	Michael D. Serlin, Assistant Commissioner, Field Operations.
FMS	Diane E. Clark, Assistant Commissioner, Administration	Bland T. Brockenborough, Assistant Commissioner, Headquarters Operations.

[FR Doc. 89–24003 Filed 10–11–89; 8:45 am]

BILLING CODE 4810–37–M

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order of comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of

the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

Dated: October 3, 1989.

Kenneth W. Gideon,

Assistant Secretary for Tax Policy.

[FR Doc. 89-24033 Filed 10-11-89; 8:45 am]

BILLING CODE 4810-25-M

Office of Thrift Supervision

American Home Savings and Loan Association, Edmond, Oklahoma; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2(c) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for American Home Savings and Loan Association, Edmond, Oklahoma ("Association") on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24042 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

American Home Savings and Loan Association, F.A., Edmond, Oklahoma; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(c) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for American Home Savings and Loan Association, F.A., Edmond, OK ("Assocation") with the Resolution Trust Corporation as sole Receiver for the Association on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24051 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Family Federal Savings Bank, Sapulpa, Oklahoma; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(c) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for the Family Federal Savings Bank, Sapulpa, Oklahoma ("Savings Bank") on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24043 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Family Savings Bank, F.S.B. Sapulpa, Oklahoma, Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Family Savings Bank, F.S.B., Sapulpa, Oklahoma ("Savings Bank") with the Resolution Trust Corporation as sole Receiver for the Association on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24052 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings and Loan Association of Brenham, Brenham, Texas; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for First Federal Savings and Loan Association of Brenham, Brenham, Texas ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on September 21, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24054 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

First Garland Savings Association, Garland, Texas; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(c) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Garland Savings Association, Garland, Texas ("Association") on September 20, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24044 Filed 10-11-89, 8:45 am]

BILLING CODE 6720-01-M

First Garland Savings and Loan Association Garland, Texas; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as

Conservator for First Garland Federal Savings and Loan Association, Garland, Texas ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on September 20, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24055 Filed 10-11-89, 8:45 am]

BILLING CODE 6720-01-M

First Savings Association of Brenham Brenham, Texas; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(c) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Savings Association of Brenham, Brenham, Texas ("Association") on September 21, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24045 Filed 10-11-89, 8:45 am]

BILLING CODE 6720-01-M

Savers Federal Savings and Loan Association, Little, Rock, Arkansas, Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(a) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Savers Federal Savings and Loan Association, Little Rock, Arkansas ("Association") on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24047 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Seabank Savings, FSB Myrtle Beach, South Carolina; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(a) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Seabank Savings, FSB, Myrtle Beach, South Carolina ("Savings Bank") on September 20, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24048 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Savers Savings Association, a Federal Savings and Loan Association, Little Rock, Arkansas; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owner's Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly replaced the Resolution Trust Corporation as Conservator for Savers Savings Association, a Federal Savings and Loan Association, Little Rock, Arkansas ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on October 5, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24053 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-M

Seabank Federal Savings Bank, Myrtle Beach, South Carolina; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owner's Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for SeaBank Federal Savings Bank, Myrtle Beach, South Carolina ("Savings Bank") with the Resolution Trust Corporation as sole Receiver for the Association on September 20, 1989.

Dated: October 6, 1989.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24056 Filed 10-11-89; 8:45 am]

BILLING CODE 6720-01-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 F.R. 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 F.R. 27393, July 3, 1985), I hereby determine that the objects to be included in the exhibit "Masterworks in Metal: A Millennium of Treasures from the State Art Museum of Georgia, USSR" (see list [1]), imported from abroad for the temporary exhibition without profit within the 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 B Street Pier Exhibit Hall, B Street Pier, San Diego, California beginning on or about October 29, 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. 89-24035 Filed 10-11-89; 8:45 am]

BILLING CODE 8230-01-M

[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.

Sunshine Act Meetings

Federal Register
Vol. 54, No. 196
Thursday, October 12, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, October 17, 1989, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, October 19, 1989, 10 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Draft Advisory Opinion 1989-17
Mr. Dan Messamore on behalf of Ford Bank Group, Inc.
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: (202) 376-3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 89-24281 Filed 10-10-89; 3:40 pm]
BILLING CODE 6715-01-M

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet in executive session on Thursday, March 8, 1990, from 8:30 a.m. to 10:00 a.m. The public sessions of the Commission and the Committee meeting will be held on Thursday, March 8, from 10:00 a.m. to 5:30 p.m., on Friday, March 9, from 9:00 a.m. to 5:30 p.m., and on Saturday, March 10, from 9:00 a.m. to 1:00 p.m.

PLACE: The New Otani Kaimana Beach Hotel, 2863 Kalakaua Avenue, Honolulu, Hawaii 96815.

STATUS: The executive session will be closed to the public. At it, matters to personnel, the internal practices of the Commission, and international negotiations in process will be discussed. All other portions of the meeting will be open to public observation. Public participation will be allowed if time permits and it is determined to be desirable by the Chairman.

MATTERS TO BE CONSIDERED: The Commission and Committee will meet in public session to discuss a broad range of marine mammal matters. While subject to change, major issues that the Commission plans to consider at the meeting include high seas driftnet fisheries, domestic and international aspects of the tuna-porpoise problem, the Hawaiian monk seal program, the humpback whale recovery plan, the West Indian manatee, and implementation of the 1988 amendments to the Marine Mammal Protection Act.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1625 I Street, NW., Washington, DC 20006, 202/653-6237.

Dated: October 9, 1989.

John R. Twiss, Jr.,
Executive Director.

[FR Doc. 89-29189 Filed 10-10-89; 11:08 pm]
BILLING CODE 6820-31-M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Tuesday, October 17, 1989.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Minutes.
2. Economic Commentary.
3. Central Liquidity Facility Report and Review of CLF Lending Rate.
4. Insurance Fund Report.
5. Fiscal Year 1990 Overhead Transfer Rate.
6. Regulatory Review, NCUA's Rules and Regulations, Final Amendments to:
   a. Section 701.21(f), 15-Year Loans.
   b. Section 701.31, Nondiscrimination Requirements.
   c. Part 708, Ballot Box Provisions Regarding Voluntary Termination or Conversion of Federal Share Insurance.
7. Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) Amendments to NCUA's Rules and Regulations:
   a. Proposed Rule: Part 747, Establishing Rules and Procedures Applicable to Conduct of Investigations.
   b. Final Rule: Part 747, Administrative Action, Adjudicative Hearings, and Rules of Procedure and Practice.
   c. Proposed Rule: Part 745, Payment of Insurance and Insurance Appeals.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Tuesday, October 17, 1989.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Action under Section 120 of the Federal (9)(A)(ii), and (9)(B).
3. Appeal by a Federal Credit Union of a Field Of Membership Amendment Resulting in an Overlap. Closed pursuant to exemptions (8) and (9)(B).
4. Semiannual Report on ADP Long Range Plan. Closed pursuant to exemption (2).
5. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMAITON CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,
Secretary of the Board.

[FR Doc. 89-24256 Filed 10-10-89; 3:05 pm]
BILLING CODE 7535-01-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, November 8, 1989.

PLACE: Board Hearing Room Eighth Floor, 1425 K Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of October, 1989.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523–5920.

DATE OF NOTICE: October 6, 1989.

Charles R. Barnes,

Executive Director, National Medication Board.

[FR Doc. 89–24255 Filed 10–10–89; 3:04 pm]

BILLING CODE 7550–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 9, 16, 23, and 30, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 9

Thursday, October 12

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of October 16—Tentative

Thursday, October 19

10:00 a.m.
Briefing of Status of Comanche Peak (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of October 23—Tentative

Wednesday, October 25

10:00 a.m.
Briefing on Emerging Technical Issue (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of October 30—Tentative

Tuesday, October 31

8:30 a.m.
Collegial Discussion of Items of Commission Interest (Public Meeting)

Wednesday, November 1

10:00 a.m.
Briefing by General Electric on the Advanced BWR Standard Plant Review (Public Meeting)
11:00 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
1:00 p.m.
Briefing by Combustion Engineering on Advanced LWR Standard Plant (Public Meeting)
2:30 p.m.
Briefing by Westinghouse on Advanced LWR Programs (Public Meeting)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meetings call (recording)—(301) 492–0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill, (301) 492–1661.

Dated: October 5, 1989.

Andrew L. Bates,

Office of the Secretary.

[FR Doc. 89–24222 Filed 10–10–89; 1:32 am]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 54, No. 196
Thursday, October 12, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

[Docket No. 90524-9228]

RIN 0648-AC44

Atlantic Sea Scallop Fishery

Correction

In proposed rule document 89-23116 beginning on page 40463 in the issue of Monday, October 2, 1989, make the following corrections:

1. On page 40463, in the second column, in the first line of text, "shall" should read "shell".

2. On the same page, in the same column, under **DATE:**, in the second and third lines, the date should be "November 13, 1989."

3. On page 40464, in the first column, under **Proposed Action**, in the second paragraph, in the fourth line; in the second column, in the third complete paragraph, in the 10th line; and in the third column, in the first complete paragraph, in the third line, "(176.2 l)" should read "(176.2 L)".

4. On page 40465, in the third column, in the authority citation, "1081" should read "1801".

§ 650.7 [Corrected]

5. On page 40466, in the first column, in § 650.7(b), in the third line, "(176.1)" should read "(176.2 L)".

§ 650.21 [Corrected]

6. On the same page, in the same column, in § 650.21(c), in the third line, "(176.21)" should read "(176.2 L)".

7. On the same page, in the second column, in the table, in the second line, "JN" should read "NJ".

§ 650.25 [Corrected]

8. On the same page, in the same column, in § 650.25, the second paragraph should be designated "(b)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-940-09-4214-11; NM NM 010925]

Proposed Continuation of Withdrawal and Reservation of Land; New Mexico

Correction

In notice document 89-22369 beginning on page 39054 in the issue of Friday, September 22, 1989, make the following corrections:

1. On page 39054, in the third column, in the land description for **New Mexico Principal Meridian**, under "T. 12 N., R.4 E.," the third line should read "S½NW¼ SE¼SE¼,S½N½NW¼SE¼SE¼,N½ SE¼SE¼SE¼".

2. On the same page, in the same column, in the land description for **La Cueva Recreation Area**, under "T. 11 N., R. 4 E.," the second line should read "SE¼SE¼SW¼,E½SW¼SE¼ SW¼,E½".

3. On the same page, in the same column, under the same heading, in the third line, delete the comma between "W½" and "SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Research and Special Progams Administration

49 CFR Part 177

[Docket No. HM-164C; Notice No. 89-7]

Direct Route Transportation of Radioactive Materials

Correction

In proposed rule document 89-22987 beginning on page 40272 in the issue of Friday, September 29, 1989, make the following corrections:

1. On page 40272, in the second column, in the first complete paragraph, in the first line, "propose" should read "proposed".

2. On the same page, in the same column, in the second complete paragraph, in the 13th line, "then" should read "than".

3. On the same page, in the same column and paragraph, in the 18th line, "state" should read "stated".

4. On page 40273, in the first column, in the first paragraph, in the 12th line, "following" was misspelled.

5. On the same page, in the same column, in the second paragraph, in the 10th line, "addition" was misspelled.

6. On the same page, in the second column, in the second complete paragraph, in the fifth line, "registered" was misspelled.

7. On the same page, in the same column and paragraph, in the ninth line, "alternate" was misspelled.

8. On the same page, in the same column and paragraph, in the 14th line, "improve" was misspelled.

9. On the same page, in the third column, in the first complete paragraph, sixth line, "alternate" was misspelled.

10. On page 40274, in the second column, in the second complete paragraph, in the fourth line, "rule" was misspelled.

§ 177.825 [Corrected]

11. On page 40275, in the first column, in the 12th line, insert "a" between "unless" and "State".

12. On the same page, in the same column, in § 177.825(b)(1), in the first line "preferred" was misspelled and "of" should read "or".

13. On the same page, in the second column, in § 177.825(b)(1)(ii), in the fifth line, "Systems" should read "System".

14. On the same page, in the same column, in § 177.825(b)(iii), in the seventh line, "Administration" was misspelled.

15. On the same page, in the same column, in § 177.825(b)(2), in the first line, "operate" should read "operated".

16. On the same page, in the same column, in § 177.825(b)(2)(i), in the third line, remove "of".

BILLING CODE 1505-01-D

Federal Register

Thursday
October 12, 1989

Part II

Environmental Protection Agency

40 CFR Part 370

Community Right-to-Know Reporting Requirements; Interim Final Rule and Supplemental Notice to Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[FRL-3621-4]

RIN 2050-AC34

Community Right-to-Know Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA) or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to establish reporting thresholds (i.e., quantities) for hazardous chemicals present at a facility below which facilities would not routinely have to comply with the reporting requirements specified in sections 311 and 312 of Title III. EPA previously established reporting thresholds for the first two years of reporting (52 FR 38344; October 15, 1987). EPA also promulgated zero thresholds in that rulemaking to become effective in the third year of reporting, but stated in the preamble that it would conduct further studies of all reporting threshold alternatives and would propose final reporting thresholds before the beginning of the third year of reporting.

After completing its study of alternative thresholds, EPA published a Notice of Proposed Rulemaking (NPRM) proposing final reporting thresholds (54 FR 12992; March 29, 1989). Because of the time required to address the comments received on the NPRM and to promulgate a final rule, today EPA is publishing an Interim Final Rule extending, for manufacturing facilities, the reporting thresholds established for the first two years of reporting under the October 15, 1987 rule. For manufacturers, promulgation of the Interim Final Rule, therefore, limits, for one more year from the current effective date (i.e., October 17, 1989), the hazardous chemicals that must be reported under sections 311 and 312 to those which are present in an amount equal to or greater than 10,000 pounds, or which are extremely hazardous substances (EHSs) present in an amount greater than or equal to 500 pounds (or 55 gallons) or the threshold planning quantity (TPQ), whichever is lower.

DATES: *Effective date:* Although EPA is soliciting comments until November 13, 1989, and will change this Interim Final Rule if necessary, the Interim Final rule is being promulgated as a final rule requiring no further EPA action before becoming effective on October 17, 1989. Today's rule is being issued as an Interim Final Rule because EPA believes that it is impracticable to solicit comments, respond to such comments, and issue a final rule on the changes in today's Interim Final Rule before the October 17, 1989 reporting deadline for manufacturing facilities.

Comments: Written comments on the Interim Final Rule should be submitted on or before November 13, 1989.

ADDRESSES: Comments may be mailed or delivered to the Superfund Docket clerk. Attn: Docket Number 300RR-IF, Superfund Docket Room 2427 (OS-240), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Please send four copies of comments.

Copies of materials relevant to this rulemaking are contained in the Superfund Docket—Room 2427, 401 M Street SW., Washington, DC 20460. The docket may be inspected by appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Federal holidays. The docket phone number is (202) 382-3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Kathleen Brody, Project Officer, Chemical Emergency Preparedness and Prevention Office, Office of Solid Waste and Emergency Response, OS-120, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or the Emergency Planning and Community Right-to-Know Information Hotline at 1-800-535-0202, or in the Washington, DC metro area and Alaska at (202) 479-2449.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Introduction

A. Statutory Authority

These regulations are issued under sections 311, and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499; 42 U.S.C. 11001 *et seq.*). Title III is the Emergency Planning and Community Right-to-Know Act of 1986.

B. Background of This Rulemaking

Section 311 of Title III applies to the owner or operator of a facility where there are hazardous chemicals present for which the owner or operator must prepare or have available a Material Safety Data Sheet (MSDS) under the Hazard Communication Standards (HCS) (29 CFR 1910) promulgated under the Occupational Safety and Health Act of 1970. Under section 311 of Title III, the owner or operator of a facility must submit individual MSDSs, or a list of chemicals for which the facility is required to have MSDSs, to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and local fire department. The HCS does not list specific chemicals; a "hazardous chemical," as defined in the HCS, is one that poses either a physical or health hazard. The tens of thousands of chemicals covered by the HCS include petroleum products, explosives, and carcinogens.

The HCS regulations were restricted initially to facilities in Standard Industrial Classification (SIC) codes 20 through 39, that is, the manufacturing sector. On August 24, 1987, however, the Occupational Safety and Health Administration (OSHA) revised the HCS to cover facilities in the non-manufacturing sector as well as facilities in the manufacturing sector (52 FR 51852). A challenge to the revised standards by several industrial groups resulted in a temporary stay for non-manufacturing facilities. On July 22, 1988, OSHA clarified that the HCS was in effect for non-manufacturing facilities as of June 24, 1988, except for the construction industry (53 FR 27679). On February 15, 1989, OSHA notified EPA that all provisions of the HCS were in effect for all segments of industry, including the construction industry, as of January 30, 1989 (54 FR 6886).

For facilities in SIC codes 20 through 39, the initial MSDSs or lists were required to be submitted to the appropriate SERC, LEPC, and fire department by October 17, 1987. Non-manufacturers were required to submit their MSDSs or lists by September 24, 1988 (i.e., three months after they became subject to the HCS, as specified in 40 CFR 370.20(b)). Facilities in the construction industry were required to submit their MSDSs or lists by April 30, 1989. Thereafter, if a facility begins to use a chemical subject to the HCS in a quantity at or above the reporting thresholds, or if a facility learns that its

previously submitted MSDS is inaccurate for any reason, the facility must submit the new or correct information within three months to the appropriate SERC, LEPC, and local fire department (40 CFR 370.21(c)).

Under section 312 of Title III, owners and operators covered by section 311 of Title III are required to submit additional information on the presence and location of hazardous chemicals at their facilities. Beginning March 1, 1988 for manufacturers, March 1, 1989 for non-manufacturers, March 1, 1990 for the construction industry, and annually thereafter, all facilities affected by the HCS that have hazardous chemicals at or above the reporting thresholds must submit a "Tier I" inventory form and may be required to submit a "Tier II" inventory form to SERCs, LEPCs, and fire departments.

Tier I forms require general information on the amount and location of hazardous chemicals by category; Tier I forms must be submitted annually. Tier II forms require more detailed information on individual chemicals and must be submitted on request. Facilities may submit Tier II forms in lieu of Tier I forms.

Title III (section 311(b)) states that the EPA Administrator may establish reporting thresholds (i.e., quantities of hazardous chemicals) such that if the hazardous chemical subject to the HCS is present at a facility in a quantity that is below the reporting threshold, the facility is not required to report the presence of that chemical under the provisions of section 311 and 312 of Title III. On October 15, 1987, EPA promulgated regulations (52 FR 38334) establishing reporting thresholds under section 311(b) of Title III for facilities subject to the OSHA HCS. The reporting threshold established for the first two years was 10,000 pounds, except for EHSs, which must be reported at the lower of 500 pounds or the TPQ. Access to information below these thresholds was preserved in that facilities must provide any such information when requested in accordance with 40 CFR 370.20(b)(3).

A threshold of zero pounds is currently in effect for the third year of reporting; that is, there is no threshold as of the third year. For manufacturers, the third year of reporting begins on October 17, 1989; for non-manufacturers, the third year begins on September 24, 1990; and for the construction industry, the third year begins on April 30, 1991. In the final rule on thresholds, however, EPA intends to eliminate the different effective dates for various industry sectors and to establish uniform effective dates for all facilities subject to reporting requirements under sections 311 and 312. The uniform effective dates are described and explained in detail in a Supplemental Notice published elsewhere in today's **Federal Register**.

EPA stated in the October 15, 1987 final rule that because of the substantial number and variety of comments received on the final threshold issue and uncertainty over the impact of the requirements on the recipients of the reports and ultimately on the effectiveness of the program, it would conduct further studies of alternative thresholds and propose final reporting thresholds before the beginning of the third year of reporting. On March 29, 1989 (54 FR 12992), EPA published an NPRM proposing final reporting thresholds based on analyses conducted since the promulgation of the October 15, 1987 final rule. EPA received 167 comment letters addressing issues raised in the NPRM; 138 of the letters contained comments on the selection of final threshold levels. Many commenters supported maintaining the current reporting thresholds (i.e., 10,000 pounds for non-EHS hazardous chemicals and 500 pounds or the TPQ, whichever is lower, for EHSs) as proposed in the NPRM, and some suggested alternative thresholds. EPA believes that it is not feasible to consider properly and respond thoroughly to all the comments, and to finalize and promulgate final reporting thresholds before the zero pound threshold for manufacturers automatically goes into effect on October 17, 1989. EPA believes that it is prudent, therefore, and in the public interest to extend the current reporting thresholds for manufacturers for one additional year. This short extension of current reporting thresholds for the manufacturing sector will provide EPA additional time to evaluate the comments received on the NPRM and to promulgate final reporting thresholds for all facilities subject to reporting under sections 311 and 312 and EPA's implementing regulations.

Although EPA is soliciting comments until November 13, 1989, and will change this Interim Final Rule if necessary, the Interim Final rule is being promulgated as a final rule requiring no further EPA action before becoming effective October 17, 1989. Today's rule is being issued as an Interim Final Rule because EPA believes that it is impracticable to solicit comments, respond to such comments, and issue a final rule on the changes in today's Interim Final Rule before the October 17, 1989 reporting deadline for manufacturing facilities. Also, today's Interim Final Rule does not make substantive changes in the reporting requirements under sections 311 and 312 and EPA's implementing regulations. EPA is merely extending the thresholds already in existence for these provisions. Finally the extension promulgated is of limited duration as it extends current deadlines for just one additional year.

Without the changes made by today's Interim Final Rule, the zero threshold would go into effect automatically on the dates currently specified in 40 CFR 370.20. EPA does not believe that it is in the public interest to allow the zero threshold to go into effect for the short time required to promulgate final reporting thresholds that may differ from the zero threshold. Allowing the zero threshold to go into effect for the short time necessary to complete the evaluation of the comments and alternative thresholds would impose a substantial burden on the regulated community, SERCs, LEPCs, and local fire departments without a commensurate public benefit.

Neither does EPA want to promulgate final reporting thresholds without thoroughly reviewing and evaluating all comments and the many issues raised by the commenters. Today's Interim Final Rule will allow the time necessary for EPA to evaluate and address all comments on the March 29, 1989 NPRM without imposing any additional burden on the regulated community, SERCs, LEPCs, and local fire departments. The Interim Final Rule will also enable the Agency to promulgate a final rule giving the regulated community ample time to prepare and submit required reports in accordance with the finalized thresholds.

The promulgation of today's rule should not be construed, however, to imply any evaluation of either the zero threshold or the 10,000 pound level as final reporting thresholds. All alternative thresholds will be discussed fully in the final rule, as will any additional issues raised by comments. EPA is aware that for non-manufacturers the zero threshold for reporting under section 311 will go into effect on September 24, 1990, unless a final rule is promulgated before that date. EPA intends to promulgate the final reporting thresholds, however, well in advance of September 24, 1990, in order to give the regulated community ample time to prepare and submit the first reports required to be submitted in accordance with the final thresholds. In addition EPA is proposing to extend the current second-year threshold for non-manufacturers from September 24, 1990 to October 17, 1990 in a Supplemental

Notice published elsewhere in today's Federal Register.

II. Interim Final Rule

A. Extension of the Two-Year Thresholds for Manufacturers

By extending the current reporting thresholds for manufacturers, today's Interim Final Rule limits for an additional year the hazardous chemicals that must be reported by facilities in SIC codes 20 through 39 under sections 311 and 312 to those that are present at the facility in an amount equal to or greater than 10,000 pounds, or at which EHSs are present in an amount equal to or greater than 500 pounds (or 55 gallons) or the TPQ, whichever is lower. Accordingly, the following changes are made in 40 CFR 370.20: (1) the date specified at 40 CFR 370.20(b)(1)(ii) for reporting all hazardous chemicals present at a manufacturing facility in quantities between 10,000 and zero pounds for which an MSDS has not yet been submitted is changed from October 17, 1989 to October 17, 1990; (2) the amounts specified at 40 CFR 370.20(B)(2)(iii) for the third year of Tier I reporting for all hazardous chemicals present at a manufacturing facility during the preceding calendar year is changed to amounts equal to or greater than 10,000 pounds or extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds (or 55 gallons) whichever is lower; and (3) the date specified at new section, 40 CFR 370.20(b)(2)(iv), is March 1, 1991, for reporting under the current final threshold for all hazardous chemicals and all extremely hazardous substances present at a manufacturing facility during the preceding calendar year in amounts equal to or greater than zero pounds.

IV. Regulatory Analyses

A. Regulatory Impact Analysis

A Regulatory Impact Analysis is not necessary for today's Interim Final Rule because it makes no change in current reporting thresholds but merely extends those currently in effect for one additional year. Costs and benefits associated with reporting requirements under the thresholds specified at 40 CFR 370.20 will remain unchanged.

B. Regulatory Flexibility Act Analysis

A Regulatory Flexibility Act Analysis is not necessary for the Interim Final Rule because the impact of the current third-year reporting thresholds was analyzed for the October 15, 1987 final rule and today's Interim Final Rule makes no change in the reporting thresholds or their impact on small businesses.

C. Paperwork Reduction Act

Office of Management and Budget approval is not necessary for this Interim Final Rule because it has no effect on the reporting burden imposed by 40 CFR 370.

List of Subjects in 40 CFR Part 370

Chemicals, Hazardous substances, Extremely hazardous substances, Intergovernmental relations, Community right-to-know, Chemical accident prevention, Chemical emergency preparedness, Community emergency response plan, Contingency planning, Reporting and recordkeeping requirements.

Dated: September 29, 1989.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, part 370 of subtitle J of title 40 of the Code of Federal Regulations is amended as follows:

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

1. The authority citation for part 370 continues to read as follows:

Authority: 42 U.S.C. 11011, 11012, 11024, 11025, 11028, 11029.

2. Section 370.20 is amended by revising paragraph (b)(1)(ii) by redesignating paragraph (b)(2)(iii) as paragraph (b)(2)(iv), by revising the newly redesignated paragraph (b)(2)(iv) and by adding a new paragraph (b)(2)(iii) to read as follows:

Subpart B—Reporting Requirements

§ 370.20 Applicability.

* * * * *

(b) * * *

(1) * * *

(ii) On or before October 17, 1990 for facilities in Standard Industrial Classification Codes 20 through 39 (manufacturing facilities) (or 2 years and 3 months after the facility first becomes subject to this Subpart for non-manufacturing facilities), for all hazardous chemical present at the facility between 10,000 and zero pounds for which MSDS has not yet been submitted.

(2) * * *

(iii) On or before March 1, 1990 for facilities in Standard Industrial Classification Codes 20 through 39 (manufacturing facilities) covering all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds or that are extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds (or 55 gallons) or the TPQ, whichever is less.

(iv) On or before March 1, 1991 for facilities in Standard Industrial Classification Codes 20 through 39 (manufacturing facilities) (or March 1 of the third year after the facility first becomes subject to this Subpart for non-manufacturing facilities), and annually thereafter, covering all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than zero pounds or that are extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds (or 55 gallons) or the TPQ whichever is less.

* * * * *

[FR Doc. 89-23831 Filed 10-11-89; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 370

[FRL-3657-9]

Community Right-to-Know Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice to proposed rule; notice of availability.

SUMMARY: Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA) or Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to establish reporting thresholds (i.e., quantities) for hazardous chemicals present at a facility below which facilities would not routinely have to comply with the reporting requirements specified in sections 311 and 312 of Title III. EPA previously established reporting thresholds for the first two years of reporting (52 FR 38344; October 15, 1987). EPA also promulgated zero thresholds in that rulemaking to become effective in the third year of reporting, but stated in the preamble that it would conduct further studies of all threshold alternatives and would propose final reporting thresholds before the beginning of the third year of reporting.

After completing its study of alternative thresholds, EPA published a Notice of Proposed Rulemaking (NPRM) proposing final reporting thresholds (54 FR 12992; March 29, 1989). Also as part of the NPRM, EPA proposed to eliminate the language in 40 CFR 370.20 that established the three-year phased-in reporting requirements established by the October 17, 1987 final rule, intending to subject all sectors of industry to the same final reporting thresholds on the same effective dates. In today's Supplemental Notice, EPA is clarifying and soliciting comments on its intent to establish, in the final rule on reporting thresholds, uniform effective dates for final reporting thresholds for all facilities required to submit reports under sections 311 and 312, regardless of the threshold option selected in the final rule. In this Supplemental Notice, EPA is using the term "final" rather than "permanent" threshold to avoid the misapprehension that no changes in the thresholds could ever be made in the future.

Also, EPA is today announcing the availability of the results of an analysis of reporting thresholds under State Right-to-Know laws.

Elsewhere in today's **Federal Register**, EPA is promulgating an Interim Final Rule extending, for manufacturing facilities, the reporting thresholds established for the first two years of reporting under the October 15, 1987 rule.

DATES: Comments must be received on or before November 13, 1989.

ADDRESSES: Comments may be mailed or delivered to the Superfund Docket clerk. Attn: Docket Number 300RR-IF, Superfund Docket Room 2427 (OS-240), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Please send four copies of comments.

Copies of materials relevant to this Supplemental Notice and to the March 29, 1989 NPRM are contained in the Superfund Docket—Room 2427, 401 M Street SW., Washington, DC 20460. The Docket may be inspected by appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Federal holidays. The docket phone number is (202) 382-3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Kathleen Brody, Project Officer, Chemical Emergency Preparedness and Prevention Office, Office of Solid Waste and Emergency Response, OS-120, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or the Emergency Planning and Community Right-to-Know Information Hotline at 1-800-535-0202, or in the Washington, DC metro area and Alaska at (202) 479-2449.

SUPPLEMENTARY INFORMATION: The contents of today's Supplemental Notice are listed in the following outline:

I. Introduction

A. Statutory Authority

This Supplemental Notice is issued under sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499; 42 U.S.C. 11001 *et seq.*). Title III is the Emergency Planning and Community Right-to-Know Act of 1986.

B. Background

Section 311 of Title III applies to the owner or operator of a facility where there are hazardous chemicals present for which the owner or operator must prepare or have available a Material Safety Data Sheet (MSDS) under the Hazard Communication Standards (HCS) (29 CFR 1910) promulgated under the Occupational Safety and Health Act of 1970. Under section 311 of Title III, the owner or operator of a facility must submit individual MSDSs, or a list of chemicals for which the facility is required to have MSDSs, to the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and the local fire department. The HCS does not list specific chemicals; a "hazardous chemical," as defined in the HCS, is one that poses either a physical or health hazard. The tens of thousands of chemicals covered by the HCS include petroleum products, explosives, and carcinogens.

The HCS regulations were initially restricted to facilities in Standard Industrial Classification (SIC) codes 20 through 39, that is, the manufacturing sector. On August 24, 1987, however, the Occupational Safety and Health Administration (OSHA) revised the HCS to cover facilities in the non-manufacturing sector as well as facilities in the manufacturing sector (52 FR 51852). A challenge to the revised standards by several industrial groups resulted in a temporary stay for non-manufacturing facilities. On July 22, 1988, OSHA clarified that the HCS was in effect for non-manufacturing facilities as of June 24, 1988, except for the construction industry (53 FR 27679). On February 15, 1989, OSHA notified EPA that all provisions of the HCS were in effect as of January 30, 1989 for all segments of industry, including the construction industry (54 FR 6886).

For facilities in SIC codes 20 through 39, the initial MSDSs or lists were required to be submitted to the appropriate SERC, LEPC, and fire department by October 17, 1987. Non-manufacturers were required to submit their MSDSs or lists by September 24, 1988 (i.e., three months after they became subject to the HCS, as specified in 40 CFR 370.20(b)). Facilities in the construction industry were required to submit their MSDSs or lists by April 30, 1989. Thereafter, if a facility begins to use a chemical subject to the HCS in a quantity at or above the reporting threshold, or if a facility learns that its previously submitted MSDS is inaccurate for any reason, the facility must submit the new or correct information within three months to the appropriate SERC, LEPC, and the local fire department (40 CFR 370.21(c)).

Under section 312 of Title III, owners and operators covered by section 311 of Title III are required to submit

additional information on the presence and location of hazardous chemicals at their facilities. Beginning March 1, 1988 for manufacturers, March 1, 1989 for non-manufacturers, March 1, 1990 for the construction industry, and annually thereafter, all facilities affected by the HCS that have hazardous chemicals at or above the reporting thresholds must submit a "Tier I" inventory form and may be required to submit a "Tier II" inventory form to SERCs, or LEPCs, and fire departments.

Tier I forms require general information on the amount and location of hazardous chemicals by category; Tier I forms must be submitted annually. Tier II forms require more detailed information on individual chemicals and must be submitted on request. Facilities may submit Tier II forms in lieu of Tier I forms.

Title III (section 311(b)) states that the EPA Administrator may establish reporting thresholds (i.e., quantities of hazardous chemicals) such that if the hazardous chemical subject to the HCS is present at a facility in a quantity that is below the reporting threshold, the facility is not required to report the presence of that chemical under the provisions of sections 311 and 312 of Title III. On October 15, 1987, EPA promulgated regulations (52 FR 38334) establishing reporting thresholds under section 311(b) of Title III for facilities subject to the OSHA HCS regulations. The reporting threshold established for the first two years was 10,000 pounds, except for EHSs, which must be reported at the lower of 500 pounds or the TPQ. Access to information below these thresholds was preserved in that facilities must provide any such information when requested in accordance with 40 CFR 370.20(b)(3).

A threshold of zero pounds is currently in effect for the third year of reporting; that is, there is no threshold as of the third year. In the preamble to the October 15, 1987 final rule, however, EPA stated its intention to reevaluate the reporting thresholds and, if appropriate, to promulgate final reporting thresholds different from zero prior to the beginning of the third year of reporting.

On March 29, 1989 (54 FR 12991), EPA published an NPRM in which it proposed to maintain the current reporting thresholds through and beyond the third year of reporting (i.e., final reporting thresholds would be established at 10,000 pounds for all non-EHS hazardous chemicals and 500 pounds or the TPQ, whichever is lower, for EHSs). In the proposed regulatory language in 40 CFR 370.20, EPA eliminated the terminology providing for three-year phased-in reporting that was established by the October 15, 1987 final rule. Today's Supplemental Notice clarifies that in the final rule, EPA intends to eliminate phased-in reporting, and to establish uniform effective dates for all facilities reporting under sections 311 and 312 and EPA's implementing regulations, regardless of the threshold option that is selected for promulgation. Under the proposed provisions, therefore, for all facilities subject to reporting under sections 311 and 312, including facilities in the construction industry and facilities newly subject to the reporting requirements, October 17, 1990 will be the effective date for final reporting thresholds for reports submitted under section 311; March 1, 1991 will be the effective date for final reporting thresholds for reports submitted under section 312.

EPA believes that today's clarification is necessary to allow the public to understand fully the implications of all of the proposed threshold options. Regardless of the threshold option promulgated in the final rule, the effective date will be the same. This issue was not addressed in the NPRM because the proposed final reporting thresholds simply extended current reporting levels and, therefore, the issue of a phase-in was moot. EPA wants to ensure with today's clarification, however, that all commenters understand EPA's intent to eliminate the phase-in.

EPA established the three-year phase-in reporting requirements in the October 15, 1987 final rule to address several concerns. First, because the Title III reporting requirements were new and unfamiliar to many facilities, especially smaller facilities more likely to have smaller inventories of chemicals, and because many State and local governments needed time to obtain funding and to establish the organizations and information management systems necessary to process reported information, EPA believed that phase-in reporting thresholds for facilities in all industrial sectors, including the manufacturing sector, were necessary to minimize the possibility of overwhelming the SERCs, LEPCs, and local fire departments during the initial implementation of the reporting requirements and to allow time for facilities with smaller chemical inventories to learn about and become familiar with the reporting requirements.

Second, EPA was aware that the OSHA HCS requirements were likely to be extended beyond the manufacturing sector. The OSHA extension to the non-manufacturing sector would result in a very large increase in the number of facilities that would be subject to the requirements of sections 311 and 312 of Title III. To facilitate compliance by these non-manufacturing facilities at a time when they were first becoming familiar with the HCS regulations, EPA believed it was most prudent to phase-in the lower reporting thresholds.

These purposes for phase-in reporting are no longer valid. State and local governments have improved their data management capabilities and all industry sectors have been required to submit at least initial reports under section 311 and have some knowledge and understanding of the reporting requirements. In addition, EPA has participated in extensive outreach activities, helping both large and small facilities to understand the Title III reporting requirements. EPA believes, therefore, that eliminating phased-in reporting and establishing uniform effective dates for compliance with final reporting thresholds will not impose a significant burden on the regulated community or on the SERCs, LEPCs, and fire departments.

For non-manufacturing facilities, other than the construction industry, the deadline for compliance with the final reporting thresholds under section 311 would actually be extended several weeks from September 23, 1990 to October 17, 1990. For section 312 reporting, the effective date for compliance with the final threshold would remain March 1, 1991.

EPA acknowledges that these changes would shorten the phase-in period for facilities in the construction industry. Instead of having to comply with the third-year reporting thresholds for section 311 on April 30, 1991 and for section 312 on March 1, 1992, facilities in the construction industry would have to comply with the third-year reporting thresholds on October 17, 1990 for section 311 and March 1, 1991 or section 312. EPA expects to promulgate the final rule well before the third-year reporting deadlines become effective, however, providing the construction industry ample time to prepare and submit reports in compliance with the final thresholds. Also, although EPA is aware that under the proposed uniform dates, new facilities must comply with the final thresholds without a phase-in period, EPA believes that the number of these facilities will not be large and that the impact of compliance will be mitigated by the simplification of the reporting requirements.

In fact, uniform effective dates will simplify reporting requirements and lessen the likelihood of reporting errors across all industry sectors by requiring that all facilities report under the same thresholds on or before the same dates. As a result, State and local authorities

will receive information in compliance with consistent reporting thresholds at consistent times during the year. EPA believes that the importance of receiving information on chemical inventories and the inherent simplicity associated with the uniform reporting dates more than justify the additional burden on the construction industry and newly-affected facilities. EPA believes, therefore, that the overall effect of the changes clarified in today's Supplemental Notice will be to reduce the effort required to prepare, submit, and evaluate reports under section 311 and 312. EPA solicits comments on the clarification in today's Supplemental Notice.

C. Proposed Uniform Effective Dates for Compliance with Reporting Thresholds under SARA sections 311 and 312

Establishing uniform effective dates for all sectors of industry subject to reporting requirements under sections 311 and 312 would result in the following changes in the reporting requirements under 40 CFR 370.20: (1) For non-manufacturing facilities other than in the construction industry, the effective date for final reporting thresholds under section 311 would be extended from September 24, 1990 to October 17, 1990; for section 312 reporting, the effective date for final thresholds would remain March 1, 1991; (2) For facilities in the construction industry, the effective date for final reporting thresholds under section 311 would be changed from April 30, 1991 to October 17, 1990; for section 312 reporting, the effective date would be changed from March 1, 1992 to March 1, 1991; and (3) For facilities newly subject to the reporting requirements of sections 311 and 312, final reporting thresholds for sections 311 and 312 would become effective on October 17, 1990 and March 1, 1991, respectively. The manufacturing sector would not be affected by this clarification.

II. Notice of Availability.

In response to comments received on the March 29, 1989 NPRM, EPA conducted an analysis of State Right-to-Know laws to determine the reporting thresholds imposed by State regulatory programs. The results of the analysis are available in the docket for this rulemaking (Docket Number 300RR–IF, Superfund Docket Room 2427 (OS–240), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460).

Dated: September 29, 1989.

Johathan Z. Cannon,

Acting Assistant Administrator.

[FR Doc. 89–23833 Filed 10–11–89; 8:45 am]

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Federal Register

Thursday
October 12, 1989

Part III

Department of Transportation

Research and Special Programs Administration

49 CFR Part 195

Transportation of Carbon Dioxide by Pipeline; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-112; Notice 1]

RIN 2137-AB72

Transportation of Carbon Dioxide by Pipeline

AGENCY: Office of Pipeline Safety (OPS), RSPA, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes new regulations to provide for the safe transportation of carbon dioxide by pipeline facilities. Section 211 of the Pipeline Safety Reauthorization Act of 1988 (Pub. L. 100-561) requires that the DOT regulate such pipelines under the hazardous liquid pipeline safety regulations.

DATE: Comments must be received by December 11, 1989. Late filed comments will be considered so far as is practicable.

ADDRESS: Send comments in duplicate to the Dockets Unit, Room 8417, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Identify the docket and notice numbers stated in the heading of this notice. All comments and docketed material will be available for inspection and copying in Room 8426 between 8:30 a.m. and 5:00 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: Cesar De Leon, (202) 366-1640, regarding changes to safety standards; or the Dockets Unit, (202) 366-5046, for copies of this notice or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

The regulations in part 195 currently prescribe safety standards and accident reporting requirements for pipeline facilities used in the transportation of hazardous liquids. Hazardous liquid is defined to include petroleum, petroleum products, or anhydrous ammonia. Therefore, part 195 does not currently apply to the transportation of carbon dioxide (CO_2) by pipeline.

Physical Properties of CO_2

At normal temperatures and atmospheric pressure, CO_2 is an odorless and colorless gas, not flammable, with a density 1.5 times the density of air. It will not support combustion nor will it sustain life if inhaled.

Carbon dioxide may exist simultaneously as a gas, liquid, and solid at its triple point which is −69 °F and 60.43 psig. Below the triple point, it may be either a solid or gas depending on temperature and pressure. Dry ice for refrigeration is a common use of CO_2 in solid form. Dry ice at a temperature of −109 °F and atmospheric pressure will sublime, that is, pass to the gas phase without going through the liquid state. The critical temperature of CO_2 is 87.8 °F. When pressure reaches 1,200 psig, CO_2 enters what is called the supercritical phase (also referred to as a dense vapor phase). Pipeline transportation in the supercritical phase is more desirable than transportation in the gaseous phase.

Carbon dioxide as a gas is considered to be inert and does not easily react with other gases in the atmosphere. Carbon dioxide's chemical reaction with water is most significant in pipeline transportation, since it forms carbonic acid, which has a pH of 3 and is corrosive to metals, including steel pipe, valves, and fittings. Because of this chemical reaction, it is essential that a CO_2 pipeline be dried out completely after a hydrostatic test.

Carbon Dioxide Pipelines

Gases have been used for many years to aid in the production of crude oil. They were initially used as a cap on the oil, injected into oil reservoirs to slow down the pressure decline from production. The displacement during production of crude oil by these gases was principally of the immiscible (not capable of mixing) type.

Research in the 1950s and 1960s was conducted into the use of gas which would mix with the crude oil and displace it in the formation. Because of its high degree of solubility in crude oil and abundance from natural sources, CO_2 became a natural candidate for use in enhanced oil recovery (EOR) projects.

Carbon dioxide extracts crude oil from the formation. Under favorable conditions of pressure, temperature, and composition, the CO_2 mixes with the crude oil. The CO_2 that dissolves in the crude oil increases the volume and decreases the viscosity making the oil more mobile. It also exerts an acidic effect on some types of reservoir rocks and vaporizes some of the oil.

There are a number of sources of CO_2 for EOR projects. It can be produced commercially in natural gas plants, ammonia plants, and recovered from power plant stack gas. These sources generally require a considerable amount of energy to compress CO_2 for introduction into a pipeline. A better source is from undergound reservoirs where CO_2 under pressure occurs naturally. The reported location and size of the largest such reservoirs are presented in Table 1.

TABLE 1.—CO_2 FIELDS IN THE U.S. AND THEIR RESERVES 1987

Field	Location (state)	Proven reserves (TCF)
Jackson Dome	Mississippi	3
Paradox Basin	Utah	1
Farnam Dome	Utah	1.5-2.2
LaBarge-Big Piney	Wyoming	20-55
Doe Canyon/ McElmo Dome	Colorado	10-12
Sheep Mountain	Colorado	1-2
Bravo Dome	New Mexico	6-8

There are various modes of transportation for CO_2, but for the large volumes required in EOR projects, pipeline transportation is the most reliable and economical. A paper by Dwight L. Recht titled "Carbon Dioxide Pipeline Design Considerations" presented at Interpipe 85 in Houston, Texas, in 1985 describes the design of pipelines for transporting CO_2. The most significant points concerning the design of CO_2 pipelines are:

- Pipeline transportation in the supercritical phase (where pressure exceeds 1,200 psig at any temperature) is more desirable than transportation in the gaseous phase. When transporting CO_2 in the gaseous phase at pressures above 700 psig in winter conditions, two-phase flow may occur, resulting in excessive pressure losses in hilly terrain and requiring the installation of expensive liquid separation equipment at booster stations.
- The pressure at which CO_2 will mix with crude oil (its miscibility pressure) can be as high as 3,000 psig, necessitating very high design pressures for pipelines.
- To minimize the formation of carbonic acid, CO_2 gas should be dehydrated to a water dewpoint below the minimum CO_2 service temperature.
- Temperature variations during pipeline transportation produce nonlinear fluctuations in hydraulic characteristics of the CO_2, requiring design by short sections, particularly in hill terrain.
- Supercompressibility must be considered in design, even in the supercritical phase. This results in negligible pressure surges caused by valve closings or the starting/shutdown of pumps.

• The refrigeration effects when pressures are reduced from 1200 psig or higher to atmospheric during initial fill of a pipeline or during blow down during operation results in very low temperatures so that steel pipe and components must be chosen with suitable properties to prevent brittle fracture failures.

The discussion above indicates that CO_2 pipelines require certain special design considerations in addition to those used for most natural gas or hazardous liquid pipelines that the Department currently regulates.

Table 2 lists a summary of existing CO_2 pipelines.

TABLE 2—SUMMARY OF EXISTING CO_2 PIPELINES

Pipeline	Operator	Length (miles)	Diameter (inch)	Location
Cortez Pipeline Co.	Shell Pipeline Corp.	500	30	Colorado to Texas.
Bravo Pipeline Co.	Amoco Pipeline	218	20	New Mexico to Texas.
Sheep Mt. Pipeline	ARCO Pipeline	408	24, & 20	Colorado to Texas.
Central Basin Pipeline	Enron Corp.	144	26, 24, 20, & 16	Texas.
West Texas Carbon Dioxide Pipeline	Big Three Industries, Inc.	125	12, 10, & 8	Texas.
Choctaw Pipeline	Shell Pipeline Corp.	140	20 & 10	Mississippi.
Raven Ridge Pipeline	Chevron Pipeline Co.	129	16	Wyoming to Colorado.
Pecos Pipeline	Marathon Pipeline	26	8	Texas.
Canyon Reef Carrier Pipeline (Sacroc Pipeline).	Chevron U.S.A.	180, 40	16, 12	Northern Texas.
Texas Tertiary Ventures	Production Operators, Inc.	110	6	Texas.
Ranger Carriers	Production Operators, Inc.	15	6	California.
Shute Creek—Rock Springs	Exxon Company, USA	48	24	Wyoming.
Bairoil Pipeline	Exxon Company, USA	112	20	Wyoming.
Seminole to Means Pipeline	Exxon Company, USA	25	12	Texas.
Denver City to Cornell	Exxon Company, USA	4	6	Texas.
Denver City to Shell Tie-In	Exxon Company, USA	4	6	Texas.

Generally these pipelines originate in the reservoirs of the Four Corners area and terminate in the Permian Basin oil field in Texas where most of the EOR projects exist. An exception is the Choctaw Pipeline which originates near Jackson, Mississippi, and terminates near McComb, Mississippi.

Pipeline Safety Reauthorization Act of 1988

There have been Congressional concerns regarding the transportation of CO_2 by pipeline over a number of years. The report on the Pipeline Safety Reauthorization Act of 1988 from the House Committee on Energy and Commerce in the 1987 session of the 100th Congress points out that "* * * The Committee has for sometime recommended the safety regulation and inspection of CO_2 pipelines." The Committee further notes that:

* * * The CO_2 pipeline industry has a good safety record and performs an essential service for enhanced oil recovery, but it is a very new industry. It is not a question of its safety record that caused the requirement for safety regulation, but rather the unique potential for disaster if there were ever a break in a CO_2 pipeline.

Despite its pervasive nature and absolute necessity to life, CO_2 has the potential to be as lethal as any other gas when it is present in concentrations greater than 10 percent. This could happen if a CO_2 pipeline ruptured. Water is equally benign, but in a flood it can kill. CO_2 is similar; in concentrations over 10% it is deadly.

The industry suggested that since they have a good safety record, they do not need safety inspection under the HLPSA or any other appropriate statute. When DOT asked for industry comments on the need for CO_2 safety regulations, a typical industry comment was, "CO_2 is not a toxic substance * * *." By strict definition, this is correct; CO_2 is not toxic substance. Rather CO_2 causes death by asphyxiation.

A recent event demonstrated just how lethal CO_2 can be. On August 21, 1986, a catastrophic release on gas dissolved in Lake Nyos in Cameroon, Africa, killed 1,700 people. At the time, the news media characterized the gas as "toxic," "poisonous" and "lethal." Subsequent investigation proved the gas was carbon dioxide.

As far as the source of the carbon dioxide is concerned, the Lake Nyos incident bears no relation to a pipeline. The CO_2 in Lake Nyos was derived from volcanic sources. The result of this CO_2 release from the lake could be similar to the results if a CO_2 line under 3000 psi were to rupture. The quantity of CO_2 released at Lake Nyos, however, was approximately eight times greater than the volume would be released from any existing pipeline.

The Committee recognizes the role CO_2 will play in expanding the enhanced oil recovery industry. It is for this very reason additional CO_2 lines are likely to be constructed. The Committee does not want to limit the future construction of CO_2 pipelines because of unnecessary safety regulations. None-the-less the Committee believes that since CO_2 is deadly, CO_2 pipelines should have appropriate Federal safety regulations.

The requirement to issue regulations for the pipeline transportation of carbon dioxide was included in section 211 of title II of the Pipeline Safety Reauthorization Act of 1988. That section added section 219 to the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (49 U.S.C. 2001 *et seq.*) as follows:

Section 219—Carbon Dioxide

(a) *General Rule.* In addition to hazardous liquids, the Secretary shall regulate under this title carbon dioxide which is transported by pipeline facilities.

(b) *Regulations.* The Secretary, as necessary and appropriate, shall amend regulations issued with respect to hazardous liquids under this title and shall issue new regulations to ensure the safe transportation of carbon dioxide by pipeline facilities.

Discussion of Proposed Revisions

On March 16, 1989, the American Petroleum Institute (API) petitioned the Department to amend part 195 to include the regulation of pipelines that transport CO_2. The recommendations contained in this petition are the product of a task force formed under API auspices, consisting of representatives of nine companies that own or operate CO_2 pipelines. The participating companies were Amerada Hess Corporation, Amoco Pipeline Company, ARCO Pipeline Company, Chevron Pipe Line Company, Enron Corporation, Exxon Pipeline Company, Mobil Pipe Line Company, Production Operators, Inc., and Shell Pipe Line Corporation.

The API recommended that OPS amend existing part 195 rather than attempt to write a new part for CO_2

pipelines only. API felt the addition of a new set of regulations specific to CO_2 pipelines would complicate matters unnecessarily for both pipeline operators and OPS alike. OPS has adopted this approach, noting that it is consistent with the requirements of section 219(b) of the HLPSA.

The API stated that the hazard of CO_2 is significantly different from that of hazardous liquids subject to part 195. The term "hazardous liquid" is defined in part 195 as petroleum, petroleum product, or anhydrous ammonia. All of these substances are flammable or toxic or both, while CO_2 is not flammable, nor is it toxic. The primary hazard of CO_2 is the potential for asphyxiation if a high concentration of CO_2 is accidentally released from a pipeline.

Because of this difference in hazards, API considers it inappropriate to include CO_2 as another substance under the definition of "hazardous liquid." API argued that the two terms should not be confused to prevent the possibility of indiscriminate future application to CO_2 pipelines of regulations suited for hazardous liquid pipelines, and vice versa. OPS has no good reason to dispute this notion, especially since Congress distinguished the terms in the Reauthorization Act. Thus, part 195 would be applied to CO_2 pipelines without calling CO_2 a hazardous liquid.

API recognized that some of the requirements in part 195 are not appropriate for CO_2 pipelines. OPS agrees that CO_2 pipelines need to be exempt from certain parts of the existing regulations. In other instances new regulations need to be applied to CO_2 pipelines, but not to the other pipelines regulated under part 195. In addition, revisions have been proposed to those sections that need to be amended to make those regulations compatible with the pipeline transportation of CO_2.

The following is a discussion of the proposed changes to part 195:

Title

API's petition suggested that the title be changed to "Transportation of Hazardous Liquids and Carbon Dioxide by Pipeline." While OPS agrees that carbon dioxide should not be included in the definition of "hazardous liquids," the current title of part 195 would not be amended to include CO_2, because it would result in an awkward title. Similarly, Congress did not see fit to change the title of the statute which authorizes the regulation of CO_2 pipelines; it remains "Hazardous Liquid Pipeline Safety Act of 1979."

Subpart A—General

Section 195.0 General

This section would be amended to make part 195 applicable to the transportation of carbon dioxide by pipeline.

Section 195.1 Applicability

Section 195.1(a) would be amended to state that part 195 applies to the pipeline transportation of CO_2 in or affecting interstate or foreign commerce (covering both interstate pipelines and intrastate pipelines), with the exceptions noted below.

Section 195.1(b)(5) would be revised to exclude from regulation the transportation of CO_2 in offshore pipelines that are located upstream from the outlet flange of each facility on the Outer Continental Shelf where carbon dioxide is produced. This change is consistent with the existing jurisdictional limit of part 195 regarding offshore pipelines under the jurisdiction of the Department of the Interior.

Sections 195.1(b) (6) and (7) would be revised to exclude from regulation transportation of CO_2 through onshore production, refining, and manufacturing facilities, and transportation by modes of transit other than pipelines. Again, this is consistent with the jurisdictional limits of the HLPSA.

The exemption under § 195.1(b)(6) would exclude from the regulations CO_2 production facilities over reservoirs and other facilities where CO_2 is produced. In these facilities carbon dioxide is prepared for pipeline transportation by removal of water, methane, and other hydrocarbons or elements. This is similar to the exemption that currently applies to petroleum production facilities and other facilities used in the production of hazardous liquids. Also, excluded under this section would be CO_2 recycling systems. These are used to reprocess CO_2 after injection into a petroleum reservoir. They are more in the nature of a petroleum production facility than CO_2 pipeline transportation.

A proposed § 195.1(b)(8) would exclude from regulation the transportation of carbon dioxide through CO_2 distribution systems in petroleum production fields. This exemption would apply downstream from the first flange, or other connection, where carbon dioxide is delivered to a CO_2 distribution system. The CO_2 pipeline facilities that would be included in this exemption typically are located in rural areas away from the general public. The HLPSA exempts onshore petroleum production facilities from regulation, and since CO_2 distribution lines in a petroleum production field are closely involved with petroleum production, OPS believes the CO_2 distribution systems are exempt from regulation under this statutory provision.

Section 195.2 Definitions

"*Carbon dioxide*" has been defined to provide a means of distinguishing facilities that transport this fluid from facilities that transport hazardous liquids.

The definition of "production facility" would be changed to include piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of carbon dioxide, or associated storage or measurement. The revision is needed in order to include those facilities used in the process of extracting carbon dioxide from the ground and preparing it for transportation by pipeline. A provision would be added to specifically include piping between treatment plants that extract carbon dioxide, and facilities utilized for the injection of carbon dioxide for recovery operations.

In addition to the revision to the definition of "production facility," "carbon dioxide" has been added to the definitions of "interstate pipeline," "pipe," "pipeline," and "pipeline facility" to assure that these terms include carbon dioxide as a necessary component of those definitions.

Section 195.4 Compatibility Necessary for Transportation of Hazardous Liquids or Carbon Dioxide

It is important to recognize the importance of the chemical compatibility of carbon dioxide to the pipeline system in which it is being transported. OPS believes the inclusion of carbon dioxide in this paragraph and § 195.418, Internal corrosion control, would address any corrosivity questions properly. This paragraph would require that carbon dioxide be chemically compatible with the pipeline, including all components, and any other commodity with which it may come into contact.

Section 195.8 Transportation of Hazardous Liquids or Carbon Dioxide in Pipelines Constructed With Other Than Steel Pipe

This proposed revision would require that the Department be notified before operators transport carbon dioxide in pipelines constructed of material other than steel.

Subpart B—Reporting Accidents and Safety-Related Conditions

Section 195.50 Reporting Accidents

Accident and safety-related condition reporting for carbon dioxide pipelines would be subject to the same criteria that apply to non-HVL hazardous liquids. An appropriate change would be made to § 195.52 to require the telephonic reporting of certain carbon dioxide releases. Report Form 7000–1, or a facsimile, would be used for reporting CO_2 pipeline accidents, even though the title of the form bears the name hazardous liquid pipelines.

Subpart C—Design Requirements

Section 195.102 Design Temperature

Low temperatures produced by pressure reduction situations or during the initial fill of the pipeline are important considerations when designing a carbon dioxide pipeline. OPS believes the language of existing § 195.102 should be revised to assure that materials for carbon dioxide are chosen properly for the low temperatures encountered during these situations. The proposed revision is not limited to problems that may arise from the cold nature of carbon dioxide, but recognizes that other commodities may also expose the pipeline to similar problems.

Section 195.111 Fracture Propagation

A new section is proposed to be added to account for the potential problem of a propagating fracture in a carbon dioxide pipeline. Because they operate at such high pressures, CO_2 pipelines contain a great amount of stored energy, much more than in a gas transmission pipeline. Performance language has been chosen for this new requirement to allow the operator of the pipeline system to determine the best method to mitigate a propagating fracture. Available methods include installation of heavy walled pipe or a mechanical device on the exterior of the pipe wall. It should be noted that some carbon dioxide pipelines with line pipe of adequate toughness may not require any additional special methods.

Section 195.116 Valves

Material compatibility of pipeline components and the commodity being transported is always a concern of an operator, regardless of the commodity involved. The proposed addition of carbon dioxide to the scope of this section would clearly indicate this concern for carbon dioxide pipelines.

Subpart D—Construction

API thought that due to the nonpolluting nature of carbon dioxide, valves located on either side of a water crossing should not be required. The OPS does not agree. While CO_2 may not be of a polluting nature, carbon dioxide bubbling through water can result in an asphyxiating cloud formation if carbon dioxide is released in large quantities as shown by the release of carbon dioxide in Lake Nyos in Cameroon, Africa. While it appears that a pipeline could not release sufficient quantities of carbon dioxide under a water crossing to create a problem, there is insufficient evidence to determine the quantity of a carbon dioxide release that would result in an unsafe condition. The OPS believes that placing valves on each side of a water crossing that is more than 100-feet wide is not an onerous requirement. Some current carbon dioxide pipelines have been constructed with valves on each side of major water crossings. If an operator finds this requirement to be significantly burdensome because the pipeline is located in swamps or crosses numerous times in meandering streams, the operator can petition for a finding that valves are not justified (an option that is available under § 195.260(e), and has been used by operators of hazardous liquid pipelines).

Subpart E—Hydrostatic Testing

Section 195.306 Test Medium

This section is proposed to be revised to allow inert gas or carbon dioxide to be used as a test medium instead of water in carbon dioxide pipelines. This is desirable to reduce the potential for internal corrosion problems caused by the mixing of water and carbon dioxide to form carbonic acid. The use of inert gas or carbon dioxide offers particular advantages to facilities that have areas that are difficult to dry, such as meter stations with several branch connections or fittings.

Subpart F—Operation and Maintenance

Section 195.401 General Requirements

Revisions are proposed to distinguish between hazardous liquid pipelines and carbon dioxide pipelines regarding the applicability dates of the design and construction requirements.

Section 195.402 Procedural Manual for Operations, Maintenance, and Emergencies

Revisions are proposed to include carbon dioxide pipelines in the requirements for a procedural manual for operations, maintenance, and emergencies.

Section 195.403 Training

Revisions are proposed to include carbon dioxide pipelines in the requirements for establishing and conducting a continuing training program.

Section 195.410 Line Markers

The term "carbon dioxide pipeline" is proposed for use in carbon dioxide pipeline markers.

Section 195.414 Cathodic Protection

The proposed revisions would require that carbon dioxide pipelines be cathodically protected similarly to hazardous liquid pipelines. Carbon dioxide pipelines must be protected against corrosion to assure the integrity of the pipeline. However, the proposed rules require that the carbon dioxide pipelines be cathodically protected in a shorter period than was provided for the hazardous liquid pipelines because most of the existing CO_2 pipelines are already cathodically protected.

Section 195.418 Internal Corrosion Control

Carbon dioxide pipelines have a unique internal corrosion potential. Water can combine with carbon dioxide to form a compound that may be corrosive under pipeline operating conditions. The addition of the words "carbon dioxide" to this paragraph would require operators to investigate this corrosive effect and take adequate steps to mitigate such corrosion.

Section 195.440 Public Education

Revisions are proposed to require CO_2 pipeline operators to establish a continuing education program to enable the public to recognize a carbon dioxide pipeline emergency.

Paperwork Reduction Act

This proposed rulemaking contains collection of information requirements in §§ 195.5(c), subpart B, 195.266, 195.310, 195.402, and 195.404. These requirements will be submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. chap. 35) and 5 CFR 1320. Persons desiring to comment on these proposed information collection requirements should submit their comments to: Desk Officer, Research and Special Programs Administration, Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503.

Persons submitting comments to OMB are also requested to submit a copy of their comments to OPS, as indicated above under **ADDRESS**.

Impact

The proposed rules would extend the part 195 pipeline safety regulations to pipelines that transport CO_2, which are few in number. Pipelines under construction before the effective date of the final rule would be subject only to the accident reporting and operation and maintenance requirements of these regulations. Because almost all the proposals follow industry recommended practices, the fiscal impact of the proposed rules should be small. Therefore, this proposal is considered to be nonmajor under Executive Order 12291, and is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since the proposed rule should require minimal compliance expense, it does not warrant preparation of a Draft Evaluation. Also, based on the facts available concerning the impact of this proposal, I certify under section 605 of the Regulatory Flexibility Act that it would not if adopted as final, have a significant economic impact on a substantial number of small entities. This action has been analyzed under the criteria of Executive Order 12612 (52 FR 41685) and found not to warrant preparation of a Federalism Assessment.

List of Subjects in 49 CFR Part 195

Carbon dioxide, Pipe, Pipeline safety.

In consideration of the foregoing, OPS proposes to amend 49 CFR part 195 as follows:

PART 195—[AMENDED]

1. The authority citation for part 195 is revised to read as follows:

Authority: 49 App. U.S.C. 2001 *et seq.*; 49 CFR 1.53.

2. Section 195.0 would be revised to read as follows:

§ 195.0 Scope.

This part prescribes safety standards and reporting requirements for pipeline facilities used in the transportation of hazardous liquids or carbon dioxide.

3. In § 195.1, paragraphs (a) and (b)(5), (6), and (7) would be revised, and paragraph (b)(8) would be added to read as follows:

§ 195.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids or carbon dioxide associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf.

(b) * * *

(5) Transportation of a hazardous liquid or carbon dioxide in offshore pipelines which are located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons or carbon dioxide is produced or where produced hydrocarbons or carbon dioxide is first separated, dehydrated, or otherwise processed, whichever facility is farther downstream;

(6) Transportation of a hazardous liquid or carbon dioxide through onshore production (including flow lines), refining or manufacturing facilities, or storage or implant piping systems associated with such facilities;

(7) Transportation of a hazardous liquid or carbon dioxide by vessel, aircraft, tank truck, tank car, or other vehicle or terminal facilities used exclusively to transfer hazardous liquids or carbon dioxide between such modes of transportation.

(8) Transportation of carbon dioxide downstream from the first outlet flange or other connection, where carbon dioxide is delivered to a production field distribution system.

4. In § 195.2, a definition of "carbon dioxide" would be added nd definitions of the following terms would be revised to read as follows:

§ 195.2 Definitions.

* * * * *

"*Carbon dioxide*" means a fluid consisting predominately of carbon dioxide molecules compressed to a supercritical state.

* * * * *

"*Interstate pipeline*" means a pipeline or that part of a pipeline that is used in the transportation of hazardous liquids or carbon dioxide in interstate or foreign commerce.

* * * * *

"*Pipe*" or "*line pipe*" means a tube, usually cylindrical, through which a hazardous liquid or carbon dioxide flows from one point to another.

"*Pipeline*" or "*pipeline system*" means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

"*Pipeline facility*" means new and existing pipe, rights-of-way and any equipment, facility, or building used in the transportation of hazardous liquids or carbon dioxide.

"*Production facility*" means piping or equipment used in the production, extraction, recovery, lifting, stabilization, separation or treating of petroleum or carbon dioxide, or associated storage or measurement. (To be a production facility under this definition, piping or equipment must be used in the process of extracting petroleum or carbon dioxide from the ground and preparing it for transportation by pipeline. This includes piping between treatment plants which extract carbon dioxide and facilities utilized for the injection of carbon dioxide for recovery operations.)

* * * * *

5. Section 195.4 would be revised to read as follows:

§ 195.4 Compatibility necessary for transportation of hazardous liquids or carbon dioxide.

No person may transport any hazardous liquid or carbon dioxide unless the hazardous liquid or carbon dioxide is chemically compatible with both the pipeline, including all components, and any other commodity that it may come into contact with while in the pipeline.

6. Section 195.8 would be revised to read as follows:

§ 195.8 Transportation of hazardous liquid or carbon dioxide in pipeline constructed with other than steel pipe.

No person may transport any hazardous liquid or carbon dioxide through a pipe that is constructed after October 1, 1970, for hazardous liquids or (the effective date of this regulation) for carbon dioxide of material other than steel unless the person has notified the Secretary in writing at least 90 days before the transportation is to begin. The notice must state the chemical name, common name, properties and characteristics of the hazardous liquid or carbon dioxide to be transported and the material used in construction of the pipeline. If the Secretary determines that the transportation of the hazardous liquid or carbon dioxide in the manner proposed would be unduly hazardous, he will, within 90 days after receipt of the notice, order the person that gave the notice, in writing, not to transport the hazardous liquid or carbon dioxide in the proposed manner until further notice.

7. The introductory text and paragraph (b) of § 195.50 would be revised to read as follows:

§ 195.50 Reporting accidents.

An accident report is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

* * * * *

(b) Loss of 50 or more barrels of hazardous liquid or carbon dioxide.

* * * * *

8. The introductory text of § 195.52(a) would be revised to read as follows:

§ 195.52 Telephonic notice of certain accidents.

(a) At the earliest practical moment following discovery of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in paragraph 195.50, the operator of the system shall give notice, in accordance with paragraph (b) of this section, of any failure that:

* * * * *

9. Section 195.102 would be revised to read as follows:

§ 195.102 Design temperature.

Material for components of the system must be chosen for the temperature environment in which the components will be used so that the pipeline will maintain its structural integrity. Materials for pipelines transporting commodities in a highly pressurized supercritical state must be chosen for the low temperatures that can be produced during rapid reduction of pressure or during the initial fill of the line.

10. A new § 195.111 would be added to read as follows:

§ 195.111 Fracture propagation.

A carbon dioxide pipeline system must be designed to mitigate the effects of fracture propagation.

11. Section 195.116(c) would be revised to read as follows:

§ 195.116 Valves.

* * * * *

(c) Each part of the valve that will be in contact with the carbon dioxide or hazardous liquid stream must be made of materials that are compatible with carbon dioxide or each hazardous liquid that it is anticipated will flow through the pipeline system.

12. In § 195.306, paragraph (a) would be revised and paragraph (c) would be added to read as follows:

§ 195.306 Test medium.

(a) Except as provided in paragraphs (b) and (c) of this section, water must be used as the test medium.

* * * * *

(c) Carbon dioxide pipelines may use inert gas or carbon dioxide as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure that produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The maximum hoop stress during the test does not exceed 80 percent of specified minimum yield strength;

(4) Continuous communication is maintained along entire test section; and

(5) The pipe involved is new pipe having a longitudinal joint factor of 1.00.

13. Section 195.401(c) would be revised to read as follows:

§ 195.401 General requirements.

* * * * *

(c) Except as provided by § 195.5, no operator may operate any part of any of the following pipelines unless it was designed and constructed as required by this part:

(1) An interstate pipeline, on which construction was begun after March 31, 1970, that transports hazardous liquid.

(2) An interstate offshore gathering line, on which construction was begun after July 31, 1977, that transports hazardous liquid.

(3) An intrastate pipeline, on which construction was begun after October 20, 1985, that transports hazardous liquid.

(4) A pipeline, on which construction was begun after (day before effective date), that transports carbon dioxide.

14. In § 195.402, paragraphs (c) (7), (9), and (12) and (e) (2), (4), (5), and (7) would be revised to read as follows:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

* * * * *

(c) * * *

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by paragraph 195.406, consider the hazardous liquid or carbon dioxide in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

* * * * *

(9) In the case of facilities not equipped to fail safe that are identified under § 195.402(c)(4) or that control receipt and delivery of the hazardous liquid or carbon dioxide, detecting abnormal operating conditions by monitoring pressure, temperature, flow or other appropriate operational data and transmitting this data to an attended location.

* * * * *

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a hazardous liquid or carbon dioxide pipeline emergency and acquaint the officials with the operator's ability in responding to a hazardous liquid or carbon dioxide pipeline emergency and means of communication.

* * * * *

(e) * * *

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility, accidential release of hazardous liquid or carbon dioxide from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

* * * * *

(4) Taking necessary action, such as emergency shutdown or pressure reduction, to minimize the volume of hazardous liquid or carbon dioxide that is released from any section of a pipeline system in the event of a failure.

(5) Control of released hazardous liquid or carbon dioxide at an accident scene to minimize the hazards, including possible intentional ignition in the cases of flammable highly volatile liquid.

* * * * *

(7) Notifying fire, police, and other appropriate public officials of hazardous liquid or carbon dioxide pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

* * * * *

15. In § 195.403, paragraphs (a) (2), (3), and (4) would be revised to read as follows:

§ 195.403 Training.

(a) * * *

(2) Know the characteristics and hazards of the hazardous liquids or carbon dioxide transported, including, in the case of flammable HVL, flammability of mixtures with air, odorless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the

consequences of facility malfunctions or failures and hazardous liquid or carbon dioxide spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of hazardous liquid or carbon dioxide and to minimize the potential for fire, explosion, toxicity, or environmental damage;

* * * * *

16. Section 195.410(a)(2) would be revised to read as follows:

§ 195.410 Line markers.

(a) * * *

(2) The marker must state at least the following: "Warning" followed by the words "Petroleum (or the name of the hazardous liquid transported) Pipeline" or "Carbon Dioxide Pipeline" (in lettering at least 1 inch high with an approximate stroke of one-quarter inch on a background of sharply contrasting color), the name of the operator and a telephone number (including area code) where the operator can be reached at all times.

* * * * *

17. Section 195.414 would be revised to read as follows:

§ 195.414 Cathodic protection.

(a) No operator may operate a hazardous liquid interstate pipeline after March 31, 1973, a hazardous liquid intrastate pipeline after October 19, 1988, or a carbon dioxide pipeline after (2 years less one day after the effective date of this regulation), that has an effective external surface coating material, unless that pipeline is cathodically protected. This paragraph does not apply to breakout tank areas and buried pumping station piping. For the purposes of this subpart, a pipeline does not have an effective external coating and shall be considered bare, if its cathodic protection current requirements are substantially the same as if it were bare.

(b) Each operator shall electrically inspect each bare hazardous liquid interstate pipeline before April 1, 1975, each bare hazardous liquid intrastate pipeline before October 20, 1990, and each bare carbon dioxide pipeline before (3 years after the effective date of this regulation) to determine any areas in which active corrosion is taking place. The operator may not increase its established operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found, the operator shall provide cathodic protection. Section 195.416 (f) and (g) apply to all corroded pipe that is found.

(c) Each operator shall electrically inspect all breakout tank areas and buried pumping station piping on hazardous liquid interstate pipelines before April 1, 1973, on hazardous liquid intrastate pipelines before October 20, 1988, and on carbon dioxide pipelines before (3 years after the effective date of this regulation) as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

18. Section 195.418(a) would be revised to read as follows:

§ 195.418 Internal corrosion control.

(a) No operator may transport any hazardous liquid or carbon dioxide that would corrode the pipe or other components of its pipeline system, unless it has investigated the corrosive effect of the hazardous liquid or carbon dioxide on the system and has taken adequate steps to mitigate corrosion.

* * * * *

19. Section 195.440 would be revised to read as follows:

§ 195.440 Public education.

Each operator shall establish a continuing educational program to enable the public, appropriate government organizations and persons engaged in excavation-related activities to recognize a hazardous liquid or a carbon dioxide pipeline emergency and to report it to the operator or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the operator's operating areas.

Issued in Washington, DC, on October 5, 1989.

Richard L. Beam,

Director, Office of Pipeline Safety, Research and Special Programs Administration.

[FR Doc. 89–23981 Filed 10–11–89; 8:45 am]

BILLING CODE 4910–60–M

federal register

Thursday
October 12, 1989

Part IV

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for June 1989

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53120; FRL-3650-9]

Premanufacture Notices; Monthly Status Report for June 1989

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for June 1989.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53120]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Room L-100, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during JUNE; (b) PMNs received previous and still under review at the end of JUNE; (c) PMNs for which the notice review period has ended during JUNE; (d) chemical substances for which EPA has received a notice of commencement to manufacture during JUNE; and (e) PMNs for which the review period has been suspended. Therefore, the JUNE 1989 PMN Status Report is being published.

Date: September 14, 1989.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report, June 1989

I. 99 Premanufacture Notices and Exemption Requests Received During the Month

PMN No.

P 89-0769	P 89-0770	P 89-0771	P 89-0772
P 89-0773	P 89-0774	P 89-0775	P 89-0776
P 89-0777	P 89-0778	P 89-0779	P 89-0780
P 89-0781	P 89-0782	P 89-0783	P 89-0784
P 89-0785	P 89-0786	P 89-0787	P 89-0788
P 89-0789	P 89-0791	P 89-0792	P 89-0793
P 89-0794	P 89-0796	P 89-0797	P 89-0798
P 89-0799	P 89-0800	P 89-0801	P 89-0802
P 89-0803	P 89-0804	P 89-0805	P 89-0806
P 89-0807	P 89-0808	P 89-0809	P 89-0810
P 89-0811	P 89-0812	P 89-0813	P 89-0814
P 89-0815	P 89-0816	P 89-0817	P 89-0818
P 89-0819	P 89-0820	P 89-0821	P 89-0822
P 89-0823	P 89-0824	P 89-0825	P 89-0826
P 89-0827	P 89-0828	P 89-0829	P 89-0830
P 89-0831	P 89-0832	P 89-0833	P 89-0834
P 89-0835	P 89-0836	P 89-0837	P 89-0838
P 89-0839	P 89-0840	P 89-0841	P 89-0842
P 89-0843	P 89-0844	P 89-0845	P 89-0846
P 89-0847	P 89-0848	P 89-0849	P 89-0850
P 89-0851	P 89-0853	P 89-0855	P 89-0856
P 89-0858	P 89-0859	P 89-0860	Y 89-0134
Y 89-0135	Y 89-0136	Y 89-0137	Y 89-0138
Y 89-0139	Y 89-0140	Y 89-0141	Y 89-0142
Y 89-0143	Y 89-0144	Y 89-0145	

II. 297 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.

P 85-0216	P 85-0535	P 85-0536	P 85-0619
P 85-0718	P 86-0294	P 86-0295	P 86-1189
P 86-1602	P 86-1603	P 86-1604	P 86-1607
P 87-0057	P 87-0058	P 87-0059	P 87-0105
P 87-0197	P 87-0198	P 87-0199	P 87-0200
P 87-0201	P 87-0323	P 87-0770	P 87-0794
P 87-0963	P 87-1028	P 87-1066	P 87-1104
P 87-1192	P 87-1226	P 87-1227	P 87-1273
P 87-1337	P 87-1379	P 87-1417	P 87-1542
P 87-1546	P 87-1547	P 87-1548	P 87-1549
P 87-1555	P 87-1759	P 87-1872	P 87-1881
P 87-1882	P 88-0049	P 88-0083	P 88-0156
P 88-0157	P 88-0195	P 88-0225	P 88-0275
P 88-0319	P 88-0320	P 88-0353	P 88-0387
P 88-0393	P 88-0468	P 88-0515	P 88-0522
P 88-0576	P 88-0622	P 88-0658	P 88-0671
P 88-0701	P 88-0726	P 88-0836	P 88-0864
P 88-0884	P 88-0888	P 88-0889	P 88-0890
P 88-0894	P 88-0898	P 88-0918	P 88-0972
P 88-0981	P 88-1005	P 88-1020	P 88-1021
P 88-1035	P 88-1063	P 88-1168	P 88-1189
P 88-1211	P 88-1212	P 88-1240	P 88-1271
P 88-1272	P 88-1273	P 88-1274	P 88-1303
P 88-1377	P 88-1443	P 88-1446	P 88-1473
P 88-1529	P 88-1543	P 88-1567	P 88-1568
P 88-1618	P 88-1619	P 88-1620	P 88-1621
P 88-1622	P 88-1630	P 88-1631	P 88-1632
P 88-1647	P 88-1648	P 88-1658	P 88-1682
P 88-1690	P 88-1691	P 88-1730	P 88-1739
P 88-1740	P 88-1748	P 88-1753	P 88-1761
P 88-1763	P 88-1774	P 88-1783	P 88-1807
P 88-1809	P 88-1811	P 88-1823	P 88-1844
P 88-1850	P 88-1856	P 88-1889	P 88-1898
P 88-1937	P 88-1938	P 88-1956	P 88-1980
P 88-1982	P 88-1984	P 88-1985	P 88-1995
P 88-1999	P 88-2000	P 88-2001	P 88-2002
P 88-2069	P 88-2100	P 88-2160	P 88-2169
P 88-2177	P 88-2179	P 88-2180	P 88-2181
P 88-2188	P 88-2196	P 88-2204	P 88-2210
P 88-2212	P 88-2213	P 88-2228	P 88-2229
P 88-2230	P 88-2231	P 88-2236	P 88-2237
P 88-2271	P 88-2275	P 88-2293	P 88-2341
P 88-2343	P 88-2344	P 88-2349	P 88-2367
P 88-2380	P 88-2389	P 88-2434	P 88-2435
P 88-2436	P 88-2437	P 88-2469	P 88-2470
P 88-2473	P 88-2484	P 88-2518	P 88-2529
P 88-2530	P 88-2536	P 88-2540	P 88-2562
P 88-2563	P 88-2564	P 88-2566	P 88-2568
P 88-2575	P 88-2582	P 88-2631	P 88-2632
P 89-0030	P 89-0031	P 89-0073	P 89-0077
P 89-0078	P 89-0089	P 89-0090	P 89-0091
P 89-0097	P 89-0116	P 89-0122	P 89-0184
P 89-0194	P 89-0195	P 89-0225	P 89-0234
P 89-0254	P 89-0268	P 89-0279	P 89-0292
P 89-0301	P 89-0303	P 89-0321	P 89-0326
P 89-0336	P 89-0344	P 89-0380	P 89-0383
P 89-0384	P 89-0385	P 89-0386	P 89-0387
P 89-0396	P 89-0413	P 89-0422	P 89-0423
P 89-0424	P 89-0427	P 89-0448	P 89-0474
P 89-0475	P 89-0476	P 89-0483	P 89-0506
P 89-0507	P 89-0520	P 89-0538	P 89-0539
P 89-0540	P 89-0576	P 89-0577	P 89-0583
P 89-0589	P 89-0596	P 89-0604	P 89-0613
P 89-0614	P 89-0617	P 89-0620	P 89-0626
P 89-0632	P 89-0641	P 89-0648	P 89-0650
P 89-0651	P 89-0653	P 89-0655	P 89-0657
P 89-0658	P 89-0659	P 89-0660	P 89-0661
P 89-0670	P 89-0672	P 89-0676	P 89-0687
P 89-0690	P 89-0694	P 89-0697	P 89-0698
P 89-0701	P 89-0703	P 89-0708	P 89-0711
P 89-0713	P 89-0714	P 89-0715	P 89-0721
P 89-0726	P 89-0728	P 89-0736	P 89-0739
P 89-0742	P 89-0749	P 89-0750	P 89-0755
P 89-0756	P 89-0760	P 89-0764	Y 89-0115
Y 89-0124			

III. 156 Premanufacture Notices and Exemption Request for Which the Notice Review Period Has Ended During the Month. (Expiration or the Notice Review Period Does Not Signify That the Chemical Has Been Added to the Inventory)

PMN No.

P 85-0619	P 86-1235	P 87-0963	P 87-1028
P 88-0997	P 88-0998	P 88-0999	P 88-1275
P 88-1277	P 88-1686	P 88-1807	P 88-1809
P 88-1811	P 88-1956	P 88-1958	P 88-2212
P 88-2213	P 88-2228	P 88-2229	P 88-2293
P 88-2328	P 88-2334	P 88-2405	P 88-2484
P 88-2587	P 89-0066	P 89-0117	P 89-0279
P 89-0298	P 89-0321	P 89-0340	P 89-0341
P 89-0450	P 89-0452	P 89-0453	P 89-0455
P 89-0456	P 89-0457	P 89-0458	P 89-0459
P 89-0460	P 89-0461	P 89-0462	P 89-0463
P 89-0464	P 89-0465	P 89-0466	P 89-0467
P 89-0468	P 89-0469	P 89-0471	P 89-0472
P 89-0473	P 89-0474	P 89-0475	P 89-0476
P 89-0477	P 89-0478	P 89-0479	P 89-0480
P 89-0481	P 89-0482	P 89-0484	P 89-0485
P 89-0486	P 89-0487	P 89-0488	P 89-0489
P 89-0490	P 89-0491	P 89-0492	P 89-0493
P 89-0494	P 89-0495	P 89-0496	P 89-0497
P 89-0498	P 89-0499	P 89-0500	P 89-0501
P 89-0502	P 89-0503	P 89-0504	P 89-0505

P 89-0508	P 89-0509	P 89-0510	P 89-0511	P 89-0533	P 89-0534	P 89-0535	P 89-0536	P 89-0559	P 89-0560	P 89-0561	P 89-0562
P 89-0512	P 89-0513	P 89-0514	P 89-0515	P 89-0537	P 89-0540	P 89-0541	P 89-0542	P 89-0563	P 89-0564	P 89-0565	P 89-0566
P 89-0516	P 89-0517	P 89-0518	P 89-0519	P 89-0543	P 89-0544	P 89-0545	P 89-0546	P 89-0567	P 89-0568	P 89-0569	P 89-0570
P 89-0521	P 89-0522	P 89-0523	P 89-0524	P 89-0547	P 89-0548	P 89-0549	P 89-0550	P 89-0571	P 89-0572	P 89-0573	P 89-0578
P 89-0525	P 89-0526	P 89-0527	P 89-0528	P 89-0551	P 89-0552	P 89-0553	P 89-0554	Y 89-0130	Y 89-0131	Y 89-0132	Y 89-0133
P 89-0529	P 89-0530	P 89-0531	P 89-0532	P 89-0555	P 89-0556	P 89-0557	P 89-0558	Y 89-0134	Y 89-0135	Y 89-0136	Y 89-0137

IV. 395 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Identity/generic name	Date of commencement
P 79-0034	Amido amine	Sept. 19, 1989.
P 80-0008	G Substituted-N-alkylquinoline	Sept. 14, 1987.
P 80-0230	G Fatty acid ester	June 16, 1983.
P 81-0204	G Aliphatic alcohol	Dec. 1, 1987.
P 82-0573	G Pentasubstituted pentanamide salt	Apr. 18, 1988.
P 83-0090	G Polymer of polysubstituted alkyl acrylates	Jan. 31, 1983.
P 83-0121	Polymer of diethylene glycol, polyethylene glycol, dimethylene phthalate, isophthalic acid, 5-sulfoisophthalic acid, dimethyl ester sodium salt.	July 15, 1988.
P 83-0453	G Polymer of mixed alkane diols, alkanetriol, propylene oxide, alkanoic acid, aliphatic isocyanate, and isopherone diisocyanate.	Dec. 22, 1986.
P 83-0474	2-Propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5(2h,4h,6h)-triyl) tri-2,1-ethanediyl ester	Oct. 9, 1984.
P 83-0513	G Polymer of isophorone diisocyanate, alkanoic acid, mixed alkane diols, alkane triol, oxo-hetero-polycycle; and neopentyl glycol.	Dec. 22, 1986.
P 83-0538	G Polymer of diethylenetriamine and higher polyamine with dibasic esters	July 20, 1983.
P 83-0543	G Polymer of diethylenetriamine and higher polyamine with dibasic esters, reacted with epichlorohydrin	July 20, 1983.
P 83-0904	G 4,4'-Thiodiether dianhydride	Nov. 13, 1985.
P 84-0031	G Modified polyethylene ionomer	Feb. 19, 1987.
P 84-0112	G Substituted aromatic polymer	July 24, 1987.
P 84-0191	G Polymer of laurolactam, caprolactam, alkanedioic acids and alkanediamines	Nov. 17, 1987.
P 84-0310	G Amine salt of a substituted organic acid	Aug. 14, 1987.
P 84-0347	G Fluorinated polyamide	Oct. 17, 1986.
P 84-0361	G Substituted cyclohexane	May 1, 1984.
P 84-0461	Copper ferrocyanide salt of CI basic blue 11	May 26, 1987.
P 84-0502	G Modified epoxy based resinous product	Oct. 10, 1986.
P 84-0527	G Unsaturated amino alkyl ester salt	Apr. 8, 1988.
P 84-0722	1-Naphthalenesulfonic acid, 4-2-(hydroxy-1-naphthalenyl)azo)-, barium salt (2:1)	Jan. 27, 1987.
P 84-0724	1-Naphthalenesulfonic acid 2-hydroxy-6-sulfo-1-naphthalenyl)azo salt (1:1)	Jan. 27, 1987.
P 84-0812	G Acrylourethane	Feb. 16, 1987.
P 84-0834	G Trisazo dye	Apr. 17, 1986.
P 84-0836	G Trisazo dye	Apr. 17, 1986.
P 84-0960	G Complex polyurethane	Jan. 20, 1987.
P 84-1167	G Epoxy ester	Feb. 16, 1985.
P 85-0080	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione	June 16, 1988.
P 85-0090	G Polymer of dimethyl terephthalate; ethylene glycol; dimethyl-5-sulfoisophthalate, sodium salt; and polyethylene glycol.	June 17, 1985.
P 85-0203	G Sulfur-containing polyalkylene oxides	Dec. 1, 1987.
P 85-0300	G Bis-arylmethyleneaminobutene, nickel complex	July 6, 1987.
P 85-0303	G Aliphatic polyester urethane	Apr. 20, 1987.
P 85-0367	G Haloalklyl substituted cyclic ether	May 20, 1989.
P 85-0368	G Haloalkyl substituted cyclic ether	May 30, 1989.
P 85-0433	1-Propanol,3-mercapto-	Apr. 20, 1987.
P 85-0522	G Polymer of functional acrylates and methacrylates	June 2, 1988.
P 85-0672	G Thionocarbamate derivative	Jan. 4, 1988.
P 85-0724	G Ethoxylated thiol ether	Jan. 27, 1987.
P 85-0729	G Acrylate/methacrylate polymer with styrene	Jan. 19, 1987.
P 85-0792	G Indole	Nov. 7, 1985.
P 85-1155	Benzene, methyl-,mono-C18-alkyl derivatives	Jan. 21, 1988.
P 85-1200	1,3-Bis-(dimethyl stearyl ammonium chloride)-2-propanol	Nov. 9, 1983.
P 85-1220	G Chlorinated fatty acids, polyoxy alkylene esters	Aug. 20, 1987.

IV. 395 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 85-1306	G Substituted isothiazolanthracene	Nov. 1, 1986.
P 85-1316	G 2-Naphthalenesulfonic acid, 6-acetamido-4-hydroxy-(substituted)azo, 1:2 metal complex, trisodium salt	June 9, 1987.
P 85-1331	Naphthalene, 1,2,3,4-tetrahydro(1-phenylethyl)	June 19, 1987.
P 85-1332	Polymer of mixture of diphenyl methane diisocyanate 2,4 and diphenyl methane diisocyanate 4,4; and trimethylol propane.	Aug. 1, 1987.
P 85-1338	G Acrylate-terminated polyurethane	Nov. 5, 1987.
P 85-1360	G Esterified polyamic acid	Nov. 1, 1986.
P 85-1370	G Alkyl(heterocyclicyl)pheny azo-heteromonocyclicpolyone	Dec. 1, 1987.
P 85-1386	Polymer of styrene; acrylonitrile; and maleic anhydride	Jan. 18, 1988.
P 85-1403	G Substituted phenylazo disubstituted naphthalenesulfonic acid, substituted alkylamine salt	Dec. 22, 1987.
P 85-1436	G Amine-boronhalide complex	Jan. 7, 1988.
P 85-1466	G (Dialkyl)phenyloxy, (n-dialkylamino and alkyl)aryl and (cyanophenylureido)aryl substituted hexanamide	May 21, 1986.
P 85-1468	G Hydroxylated resin	Aug. 10, 1987.
P 86-0008	Polymer of: terephthalic acid; isophthalic acid; adipic acid; 2,2-dimethyl-1,3-propanediol; ethylene glycol; and trimethylolpropane.	May 20, 1987.
P 86-0013	G Polyarylether ketone	July 29, 1987.
P 86-0028	G Aliphatic, aromatic copolyester	Jan. 14, 1987.
P 86-0077	G C9-11 Linear primary alcohol ethoxysulfate, ammonium salt	Sept. 6, 1988.
P 86-0090	G Poly(vinyl ester co-unsaturated dicarboxlylic acid ester co-olefin)	Feb. 16, 1987.
P 86-0104	1-(3'-Chloro-5'-(P-ethyl sulfonyl sulfuric ester sodium salt phenylamino)-5-triazinylamino)-5-(2''-naphthylazo-1''5''-disulfonic acid disodium salt)-6-hydroxy-4-naphthalene sulfonic acid sodium salt.	Feb. 10, 1988.
P 86-0105	G Dimer acids, dicarboxylic acid, ethylenediamine, diamine polyamide resin	Dec. 13, 1986.
P 86-0136	G Alkyl unsubstituted spiro heterocyclic	June 9, 1987.
P 86-0206	G Unsaturated isophthalic polyester acrylate copolymer	Feb. 20, 1986.
P 86-0226	G Monosubstituted carboxy benznesulfonamide	Dec. 5, 1986.
P 86-0233	G Hydroxy functional acrylic copolymer	Nov. 20, 1987.
P 86-0238	G Functional aliphatic ester	July 28, 1987.
P 86-0248	G Mixed polyol ester of normal and branched chain monocarboxylic acids	Aug. 14, 1987.
P 86-0257	G Substituted heterocycle azo naphthalenesulfonic acid, salt	Feb. 10, 1988.
P 86-0262	2,5-Dimethyl-2,5-hexanediamine	Mar. 1, 1988.
P 86-0293	G Alkyl oligoglycoside	Feb. 9, 1987.
P 86-0299	1-H-Pyrazole-3-carboxylic acid, 4,5-dihydro-5-oxo-1-(4-sulfophenyl)-4-((4-sulfophenyl)azo)-, mixed salt	Apr. 15, 1987.
P 86-0301	G Ammonium carboxylate-containing fluorochemical urethane	June 15, 1989.
P 86-0302	Silica, ((dimethylhydrogensilyl)ox) and ((trimethylsilyl)oxy) modified	Dec. 15, 1987.
P 86-0323	G Acrylourethane	Aug. 10, 1987.
P 86-0334	G Aromatic amino compound	May 4, 1987.
P 86-0336	G Aromatic polyamide	June 1, 1987.
P 86-0348	G Sulfurized alkene	Mar. 4, 1987.
P 86-0352	G Zirconium IV neoalkoxy trisneodecanoato-o	Sept. 13, 1986.
P 86-0353	G Zirconium-IV neoalkoxy tris dodecylbenzene sulfonato-o	Dec. 3, 1986.
P 86-0356	G Zirconium-IV neoalkoxy, bis(diisooctyl)pyrophophato adduct with 2 moles of a methacrylamido amine	Dec. 8, 1986.
P 86-0357	G Zirconium IV neoalkoxy tris isooctanolato	Dec. 18, 1986.
P 86-0396	G Aromatic polyamide	Aug. 20, 1987.
P 86-0397	G Substituted sodium benzoate	Dec. 5, 1986.
P 86-0424	Mixed thiodiphenol oligomers, sodium salts	Oct. 15, 1986.
P 86-0425	Mixed thiodiphenol oligomers, ammonium salts	Oct. 15, 1986.
P 86-0438	G Silyl ketene acetal	Nov. 18, 1986.
P 86-0439	G Acrylic silicon oligomer	May 20, 1989.
P 86-0440	G Acrylic silicon oligomer	May 20, 1989.
P 86-0441	G Acrylic silicon oligomer	May 20, 1989.
P 86-0443	G Acrylic silicon oligomer	May 20, 1989.
P 86-0444	G Acrylic silicon oligomer	May 20, 1989.
P 86-0494	G Aryl alkyl ketone	Oct. 13, 1986.
P 86-0495	G Aryl alkyl ketone	Oct. 7, 1987.
P 86-0513	G Substituted nitrogen heterocycle	June 15, 1987.
P 86-0525	G Vinyl resin or vinyl chloride-acrylic acid ester copolymer with oh-functional sites	Feb. 10, 1987.
P 86-0565	Urethane—modified polyester—acrylic copolymer	Apr. 29, 1987.
P 86-0566	1-Decanamine,N-decyl-N-methyl-n-oxide	June 10, 1988.
P 86-0576	G Aryl alyl oxime	Oct. 20, 1987.
P 86-0586	G Substituted naphthalene carboxamide	July 7, 1988.
P 86-0609	Benzenediazonium, 4,4'-bis(3-chloro)-, coupling product with N-(2,4-dimethylphenyl)-3-oxobutanamide and N-(4-chloro-2,5-dimethoxyphenyl)-3-oxobutanamide.	Oct. 27, 1987.
P 86-0650	G Methacrylic ester	Dec. 8, 1986.
P 86-0665	N-Methyl-benzene sulfonamide sulfur	Aug. 12, 1987.
P 86-0667	N,N-Di(phenylsulfonyl) methaneamine; 2532-06-1 n,n-dimethyl benzene sulfonamide 14417-01-7	July 8, 1987.
P 86-0690	G Maleic modified rosin ester, amino alcohol salt	May 22, 1987.
P 86-0711	G Heteropolycycle compound, with organic acid salt	Dec. 7, 1987.
P 86-0817	G Copolyamide from dicarbonic acid, diamine and lactames	Feb. 27, 1987.
P 86-0822	3-Pentenal, 2-methyl-2-(2-propenyl)-2,4-heptadienal, 2,4-dimethyl-cg-isomers of dimethylheptadiene	May 17, 1987.

IV. 395 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 86-0843	G Substituted phenylamino substituted carbopolycyclesulfonic acid salt	Sept. 18, 1987.
P 86-0844	G Substituted phenylamino substituted carbopolycyclesulfonic acid, salt	Sept. 26, 1987.
P 86-0854	G Alkylene polyether alkylate	Aug. 7, 1987.
P 86-0857	G Amine functional polyamide	Dec. 10, 1986.
P 86-0861	G Terminated polyester prepolymer	Apr. 22, 1987.
P 86-0890	G Polymer of acrylic and aromatic vinyl monomer, and a nitrile monomer	Apr. 24, 1987.
P 86-0892	G Aminophenyl-(substituted)carbomonocycli sulfonamide	Apr. 1, 1987.
P 86-0899	G Calcium sulfonate	Feb. 2, 1987.
P 86-0909	G Alkylated aromatic compound	May. 22, 1987.
P 86-0920	G Substituted-3-sulfoalkylenzothiazole, salt	June 14, 1988.
P 86-0947	G Perfluoralkyl propoxy polyalkethers	Dec. 17, 1986.
P 86-0987	G Alkyl alcohol, alkoxylated	Sept. 9, 1987.
P 86-1012	Mixed C5-C7 dimer and C5-C6 ethers; (gases, extractive, C4-C6, amylene rich, reaction products with olefins, and methanol, distillation residues).	Oct. 3, 1986.
P 86-1039	G Polyurethane	Feb. 3, 1987.
P 86-1051	G Polyether urethane polymer	Dec. 10, 1986.
P 86-1054	G Substituted polyacrylamide	Dec. 22, 1987.
P 86-1075	G Sulfated oil, sodium salts	June 4, 1987.
P 86-1077	Alkyl esters, sulfated, sodium salts	June 5, 1987.
P 86-1098	G Substituted nitrobenzoic acid, derivative	Feb. 9, 1987.
P 86-1104	Toluene isopropanol	Jan. 23, 1987.
P 86-1107	Substitued naphthalene	Aug. 28, 1986.
P 86-1116	G Polyurethane	Aug. 20, 1987.
P 86-1138	Substituted naphthalene bisazo dye	Jan. 23, 1987.
P 86-1139	G Substituted naphthalene trisazo dye	Jan. 23, 1987.
P 86-1149	G Styrenated acrylic polymer	Apr. 13, 1987.
P 86-1154	G Acrylated polyester	Dec. 22, 1987.
P 86-1193	Montanic acid	Feb. 20, 1987.
P 86-1197	G Alkyl amine	Aug. 4, 1987.
P 86-1198	Alkyl quaternary ammonium salt	Oct. 12, 1987.
P 86-1199	G Alkyl amine	Aug. 3, 1987.
P 86-1205	G Substitued aniline	Sept. 22, 1986.
P 86-1209	G Trisubstituted-ethoxylatedan ilineazo-substituted-benzoheterocycle	Sept. 22, 1986.
P 86-1211	G Substitued polyoxyethyleneaniline, carboxylic acid ester	Sept. 22, 1986.
P 86-1223	G Ethoxypropene derivative	Feb. 19, 1987.
P 86-1227	Chlorinated aromatic azo anthraquinone pigment	Dec. 1, 1986.
P 86-1236	G Phenolic polyester resin	Oct. 10, 1986.
P 86-1247	G Amino amido silicone	July 8, 1987.
P 86-1252	Boron ester	June 26, 1987.
P 86-1256	G Orthosilicate	Dec. 15, 1987.
P 86-1259	G Ethoxy propene derivative	Jan. 30, 1987.
P 86-1275	G Mixed polyol ester of normal and branched chain monocarboxylic acids	Oct. 17, 1986.
P 86-1292	G Polymer of acrylic acid esters, a vinyl monomer, and a methacrylic acid ester	Dec. 11, 1986.
P 86-1308	G Substituted aromatic alcohol	Oct. 28, 1986.
P 86-1322	G Aromatic diamine, thio-methylated	June 3, 1987.
P 86-1339	G Mercapto-functional paintable silicone fluid	July 2, 1987.
P 86-1415	G Epoxy resin	Mar. 3, 1987.
P 86-1417	G Epoxy modified polyester resin	Mar. 3, 1987.
P 86-1421	G Modified epoxy resin	Mar. 8, 1987.
P 86-1482	G Polyurethane	Aug. 20, 1987.
P 86-1493	G Substituted alkyl peroxyhexane carboxylates (mixed isomers)	Sept. 22, 1987.
P 86-1495	G Unsaturated organic substitued siloxane	Aug. 14, 1987.
P 86-1526	N,n-Octyl-2-pyrrolidone	May 22, 1989.
P 86-1531	G Silyated carboxylic acid	Feb. 3, 1987.
P 86-1538	Isophthalic, nonanic acid, isophorandiamine, triamine, trimethylolpropane, ester-amide polymer	Mar. 2, 1987.
P 86-1542	Mixture of: 3-methyl-2-(2-propenyl) phenol and 5-methyl-2-(2-propenyl) phenol	Mar. 13, 1987.
P 86-1592	G Halogenated substituted ethylene copolymer	Apr. 25, 1989.
P 86-1605	G N-Alkylaminoacrylamide quaternary salt	Mar. 25, 1987.
P 86-1616	G S-Alkenyl-O,O-Dialkyl dithiophosphate	Dec. 9, 1987.
P 86-1617	G Dialkyl dithiophosphoric acid	Dec. 9, 1987.
P 86-1634	G Azolactone	Nov. 4, 1987.
P 86-1667	G Pentacosapolyunsaturated acid	Jan. 23, 1987.
P 86-1668	G Aliphated polyether polyurethane	Feb. 19, 1987.
P 86-1669	G Aliphatic polyether polyurethane	Feb. 19, 1987.
P 86-1674	G Aliphatic, cycloaliphatic polymer	Jan. 14, 1987.
P 86-1675	G Blocked polyol-urethane	Jan. 14, 1987.
P 86-1676	G Aliphatic polyol-urethane	Jan. 14, 1987.
P 86-1691	G Substituted polystyrene	Feb. 4, 1987.
P 86-1692	G Aryloxy substituted alkyl aryloxyate	Nov. 30, 1987.

IV. 395 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 86-1700	G Brominated vinylic aromatic hydrocarbon	June 10, 1987.
P 86-1714	G Carbonylacrylic resins solution	May 21, 1987.
P 86-1719	G Polycyclic organic pigment	June 26, 1987.
P 86-1720	Mixture of: 4-(1,5-dimethylhexylidene)-1-methylcyclohexene 1; 4-(1-methylene-5-methylhexyl)-1-methylcyclohexene 1; and 4-(1,5-dimethyl-1-hexenyl)-1-methylcyclo-hexene 1	Dec. 29, 1986.
P 86-1734	G Aliphatic polyester urethane	Apr. 30, 1987.
P 86-1737	G A Polyamino-amide solution	May 30, 1987.
P 86-1750	G Maleic modified rosin ester	June 24, 1987.
P 86-1770	G Alkyd resin	Apr. 3, 1987.
P 87-0003	G Polymer of styrene with substituted acrylate and methacrylate	Feb. 10, 1988.
P 87-0106	G Mixture of 2-(4-hydroxy-phenyl)-2-(4-hydroxy-3-sulfophenyl)propane; 2,2-bis(4-hydroxy-3-sulfophenyl) propane; 2,2-bis(4-acetoxy-phenyl) propane; 2-(4-acetoxy-phenyl)-2-(4-acetoxy-3-sulfophenyl) propane; and 2,2-(bis(4-acetoxy-3-sulfophenyl) propane	Jan. 29, 1987.
P 87-0195	G Silyl ketene acetal	Oct. 21, 1987.
P 87-0205	G Polyurethane polymer	May 24, 1989.
P 87-0243	G Substituted polyacrylates	Apr. 23, 1987.
P 87-0368	G Diaminostilbene disulfonic acid derivation	Apr. 23, 1987.
P 87-0549	G Substituted naphthylazo substituted benzene	Sept. 9, 1988.
P 87-0581	G Tetraalykylammonium organoborate	May 31, 1989.
P 87-0664	G Substituted ethylene copolymer	May 4, 1989.
P 87-0667	Bis(phthalic anhydride) dianhydride	May 4, 1989.
P 87-0777	G 4,4'-bis(substituted)stilbene	July 30, 1987.
P 87-0778	G 2,5-Bis(substituted)-1,3,4-oxadiazole	July 30, 1987.
P 87-0779	G Pyrene derivative	July 30, 1987.
P 87-0780	G Phthalocyanine colorant	July 30, 1987.
P 87-0781	G Carbazole derivative	July 30, 1987.
P 87-0782	G Benzoic acid derivative	July 30, 1987.
P 87-0783	G 1,1'-Bis(substituted)-3-substituted-1-propane	July 30, 1987.
P 87-0784	G 2,5-Bis(substituted)-1,3,4-oxadiazole	July 30, 1987.
P 87-0785	G Carbazole derivative	July 30, 1987.
P 87-0886	G Aromatic Polyester polyol	May 27, 1989.
P 87-0958	G Substituted phenyl substituted naphthalene, metal complex, salt	May 30, 1989.
P 87-1034	G Octyl iminodipropionate	Sept. 8, 1987.
P 87-1039	G Polyurethane polymer	Sept. 1, 1987.
P 87-1046	N,N'-Dibutyl-2-(1-oxodecyl-amino) pentadiamide	Aug. 5, 1987.
P 87-1054	G Catalyst	Oct. 7, 1987.
P 87-1055	G Catalyst	Oct. 7, 1987.
P 87-1056	G Catalyst	Oct. 7, 1987.
P 87-1060	Mixture of pyroxenes, quartz, asbestiform tremolitefeldspars, & magnetite	Aug. 3, 1989.
P 87-1064	G Amino functional zircoaluminate chloride hydroxide polymer	Aug. 3, 1987.
P 87-1079	Nylon 22 polycondensate based on ethylene diamine and oxalic acid	Aug. 24, 1989.
P 87-1082	G Substituted azo naphtalenedisulfonic acid	Feb. 25, 1988.
P 87-1085	G Isocyanate terminated urethane propolymer	Aug. 6, 1987.
P 87-1089	G Substituted diazo sulfonyl naphthalene sulfonic acid	Feb. 25, 1988.
P 87-1094	G (Substituted phenol) substituted alkanamide	Nov. 30, 1987.
P 87-1096	G Modified acrylic resin	Aug. 15, 1987.
P 87-1099	G Ester of 4-methoxyphenol-2-propenoic acid	Aug. 17, 1987.
P 87-1256	G Glycol bis (cycloaliphatic acid ester)	Sept. 6, 1987.
P 87-1257	G Styrenated acrylic polymer	Aug. 19, 1988.
P 87-1258	G Aliphatic polyol polyester	Sept. 17, 1987.
P 87-1263	G Fluorinated polyol	Oct. 22, 1987.
P 87-1268	G Polyether	Oct. 5, 1987.
P 87-1270	G Arylaliphatic polyamine epoxy adduct	Oct. 9, 1987.
P 87-1271	2-Naphthalenecarboxamide, 3-hydroxy-N-phenol-	Dec. 17, 1987.
P 87-1275	G Acrylate acrylonitrile copolymer	Oct. 16, 1987.
P 87-1276	G Polyacrylate	Oct. 29, 1987.
P 87-1279	G Acrylate acrylonitrile copolymer	Oct. 15, 1987.
P 87-1283	G Fatty alcohol ester	Sept. 20, 1987.
P 87-1284	G Fatty alcohol ester	Sept. 20, 1987.
P 87-1285	G Fatty alcohol ester	Sept. 20, 1987.
P 87-1286	G Polyester resin of aryl & fatty acids w/alkane diols	Mar. 23, 1988.
P 87-1289	G Phenylated rosin ester	Dec. 27, 1987.
P 87-1293	9-Octadecen-1-amine oleate 1-hexadecanamine oleate unknown alkyl fatty amine oleates	Nov. 3, 1987.
P 87-1296	G Melamine-cured acrylated resin	Dec. 21, 1987.
P 87-1297	G Alkoxysilane	Dec. 4, 1987.
P 87-1299	G Alkoxysilane	Dec. 4, 1987.
P 87-1304	G Crosslinked ethylene interpolymer	Oct. 30, 1987.
P 87-1321	G Disubstituted quinoline bisulfate	Sept. 28, 1987
P 87-1322	G Substituted thioxotetrazole salt	Oct. 2, 1987.

IV. 395 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 87-1331	G Polymer from reactants including tert-butylphenol & isophoronediamine	Sept. 30, 1987.
P 87-1332	G Substituted azo triazine naphthalenedisulfonic acid	Mar. 14, 1988.
P 87-1340	G Xanthene dye	Oct. 20, 1987.
P 87-1343	G Substituted benzoxazine	Oct. 22, 1987.
P 87-1350	G Alkylamine alkanoate	Oct. 15, 1987.
P 87-1351	Tert—decanoic acid, zinc salt	Feb. 5, 1988.
P 87-1352	G Sodium fluorosilanolate	Nov. 6, 1987.
P 87-1357	G Poly(oxyalkylene-ethylene acrylonitrile styrene) polyol	Dec. 13, 1987.
P 87-1372	G Polycarboxylate, aqueous solution	Nov. 16, 1987.
P 87-1432	G Alkylbenzene sulfonic acid, calcium salt	May 24, 1989.
P 87-1433	Xanthylium, 9-(2-(methoxy carbonyl)phenyl)-3,6-bis(ethylamino)-2,7-dimethyl-,salt with 2 (or 5)-dodecyl-5 (or 2)-(sulfophenoxy) benzensulfonic acid (2:1).	Nov. 20, 1987.
P 87-1456	Polyamine urea-formaldehyde condensate	Aug. 12, 1987.
P 87-1503	G Alkyl aryl phosphonium halide	Dec. 1, 1987.
P 87-1504	G Urethane modified water reducible alkyd resin	Oct. 29, 1987.
P 87-1569	Acrylonitrile methacrylic acid ammonium sulfate	June 14, 1988.
P 87-1595	G Dibasic acid/glycol ester	Dec. 8, 1987.
P 87-1669	G Substituted Terpene resin	Nov. 11, 1987.
P 88-0061	G Organopolysiloxane containing metals	June 27, 1988.
P 88-0073	Polyethylene terphthalate; diethylene glycol; tetrabutyl titante	Jan. 8, 1988.
P 88-0076	G Isocyanate terminated urethane prepolymer	Jan. 18, 1988.
P 88-0091	G Heteromonocyclic methylene derivative of a heteropolycyclic-indenone	Apr. 19, 1988.
P 88-0092	G Polyampholyte	June 16, 1988.
P 88-0112	G Organopolysiloxane	Aug. 19, 1988.
P 88-0239	Bisphenol—a reaction product with formaldehyde	Mar. 14, 1988.
P 88-0291	G Unsaturated acidic polycarboxylic acid ester	May 4, 1988.
P 88-0334	G 1,2-Epoxyhexane	June 13, 1989.
P 88-0343	G Silylated polystyrene sulfonate	Mar. 9, 1988.
P 88-0346	G Substituted naphthalene sulfonic acid	June 23, 1988.
P 88-0358	G Silylated cationic acrylate polymer	Mar. 9, 1988.
P 88-0397	G Polyester acetate	Apr. 18, 1988.
P 88-0410	G Reaction product of alkanolamine and dicarboxylic acid	Nov. 14, 1988.
P 88-0427	G Substituted naphthalene sulfonic acid	May 4, 1989.
P 88-0447	G Substituted benzene sulfonic acid	May 25, 1988.
P 88-0555	G Aliphatic polyurethane	June 17, 1989.
P 88-0562	G Water-reducible alkyd resin	Mar. 20, 1988.
P 88-0626	G Alkylalkoxysilane	May 25, 1989.
P 88-0636	G Perfluoroalkylacrylate copolymer	July 20, 1988.
P 88-0637	G Perfluoroalkyl acrylate copolymer	July 20, 1988.
P 88-0647	G Oxime-blocked polyurethane polymer, waterborne	Apr. 29, 1988.
P 88-0675	G Organosilane	Aug. 24, 1988.
P 88-0683	G Organopolysiloxane	Aug. 3, 1988.
P 88-0756	Dicyclopentadiene, rosin, dimer fatty acid resin	June 15, 1989.
P 88-0768	2-((2-(2-(dimethylamino)ethoxyl)methylamino)ethanol	May 17, 1988.
P 88-0792	G Polyol acetal	Oct. 28, 1988.
P 88-0800	G Poly(vinyl ester counsaturated dicarboxylic acid ester co-olefin)	July 26, 1988.
P 88-0819	G Ethylene interpolymer	June 16, 1988.
P 88-0964	G Diphenol dicyanate	June 20, 1989.
P 88-1002	G Aromatic, acrylic ester polymers with monocarboxylic acids	May 3, 1989.
P 88-1010	G Polyether-modified organopolysiloxane	Aug. 3, 1988.
P 88-1228	G Sulfonated polyacrylated ammonium salt	Apr. 21, 1989.
P 88-1258	G Fluoroelastomer	June 14, 1989.
P 88-1315	4-(((2-Chloro-4-nitro)phenyl)azo)-(N-2-cyanoethyl,N-2-acetoxy ethyl)aniline	Nov. 11, 1988.
P 88-1375	Dimethyl octenes mixture and 2-methyl-6-methyleneoctane	Nov. 11, 1988.
P 88-1404	G Polymer alkyl poly (ethoxethyl) ester of monoethylenically carboxylic acid, mono-ethylenically unsaturated carboxylic acid, and alkyl ester of monoethylenically unsaturated carboxylic acid.	May 25, 1989.
P 88-1441	G Aromatic, polyether urethane	May 2, 1989.
P 88-1491	G Alkyl aryl polymercaptan	May 20, 1989.
P 88-1603	G Vinyl acrylic copolymer	Sept. 26, 1988.
P 88-1624	G Alkylheteromonocyclic derivatives of dialkyl-dihalo-heteropolycyclic-phenodioxaine	May 10, 1989.
P 88-1628	G Di(substituted) alkyl hydrogen acid phosphite	Dec. 6, 1988.
P 88-1642	G Perfluoroalkyl substituted acrylate polymer	May 24, 1989.
P 88-1735	G Modified epoxy resin	June 15, 1989.
P 88-1817	G Aliphatic polyester polyurethane-polyacrylate	May 16, 1989.
P 88-2087	G Derivative of copper phthalocyanine	May 30, 1989.
P 88-2154	G Urethane modified polyester	May 30, 1989.
P 88-2373	G Isooctyl acrylate containing terpolymer	May 5, 1989.
P 88-2417	G Epoxy/amine adduct	Apr. 21, 1989.
P 88-2430	Bis(3-trimethoxysilylpropyl)poly sulfane	May 9, 1989.

IV. 395 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/generic name	Date of commencement
P 88-2539	G Acrylic copolymer	May 30, 1989.
P 88-2556	G Epoxy triazine	May 15, 1989.
P 88-2557	G Modified aromatic polyether condensed with epoxy triazine	May 15, 1989.
P 88-2558	G Aromatic polyether copolymer with polyester	May 19, 1989.
P 89-0025	G Aryl bisphosphite	June 5, 1989.
P 89-0038	G Oxime-capped aromatic polyester urethane	May 1, 1989.
P 89-0084	G Aluminum oxide sulfate blend with aluminum sulfate	June 8, 1989.
P 89-0093	G Functionalized acrylate methacrylate	May 4, 1989.
P 89-0114	G Dithiocarbamate	May 18, 1989.
P 89-0170	G Alkylated aromatic diamine	May 12, 1989.
P 89-0177	G Aqueous dispersion of polyurethane use	Mar. 13, 1989.
P 89-0196	G Alkyl glyceryl ethers and condensates	Apr. 11, 1989.
P 89-0205	G Styrene containing acrylate polymer	May 1, 1989.
P 89-0249	G Acrylic solution polymer	May 20, 1989.
P 89-0261	Monoisopropanol amine; isophthalic acid; cyclohexane dimethanol; phosphorus acid	May 23, 1989.
P 89-0263	G Ethylene copolymer	May 15, 1989.
P 89-0266	G Ethylene polymer	May 14, 1989.
P 89-0271	G Acrylic polymer	Apr. 27, 1989.
P 89-0282	G Epoxy/amine adduct	May 31, 1989.
P 89-0283	G Epoxy/amine resin	May 21, 1989.
P 89-0286	G Modified alkyl alkoxy silane	May 15, 1989.
P 89-0289	G Acrylourether	Sept. 9, 1989.
P 89-0338	Dicyclopentadiene; hydrocarbon resin intermediate; hydrocarbon resin, intermediate	May 12, 1989.
P 89-0370	G Fluorinated polyurethane	May 9, 1989.
P 89-0371	G Substituted dicarboxylic acid	May 15, 1989.
P 89-0382	G Aliphatic dione	May 30, 1989.
P 89-0418	G Haloalkyl sulfonic acid salt	May 30, 1989.
P 89-0428	G Blocked aromatic isocyanate	June 1, 1989.
P 89-0429	G Blocked aromatic isocyanate	May 30, 1989.
P 89-0436	G Blocked aromatic isocyanate	June 1, 1989.
P 89-0438	G Polymethylene polyphenyl isocyanate	June 1, 1989.
P 89-0441	Ethanol, 2(Bis-2-hydroxpypropyl) amine	June 12, 1989.
P 89-0447	G Styrene acrylic peroxide copolymer	June 10, 1989.
Y 85-0032	G Terpolyamide (polymer)	Dec. 12, 1988.
Y 86-0001	G Polymer partial ester	Jan. 15, 1988.
Y 86-0092	G Tall oil fatty acid modified alkyd resin	Mar. 31, 1989.
Y 86-0102	G Alkyd resin	May 13, 1987.
Y 86-0185	G Hydroxy functional acrylic copolymer	Nov. 24, 1986.
Y 86-0187	G Acrylic resin	Sept. 24, 1987.
Y 86-0217	G Polystyrene acrylate	May 1, 1987.
Y 87-0079	G Polyester resin of aryl dicarboxylic acids, alkane diols and ester	Mar. 24, 1987.
Y 87-0081	G Modified polyamide	Feb. 9, 1987.
Y 87-0086	G Water-reducible methacryl-styrene copolymer	Apr. 20, 1987.
Y 87-0093	G Polyester resins of an alkyl dicarboxylic acid and alkyl diols	Mar. 13, 1987.
Y 87-0094	G Alkyd	Feb. 12, 1987.
Y 87-0127	G Unsaturated polyester resin	July 1, 1987.
Y 87-0129	Polymer of vegetable oil fatty acid; 1,2-benzendicarboxylic acid; benzoic acid; 2,2-dimethyl-1,3-propanediol and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	Aug. 1, 1987.
Y 87-0141	G Vinyl/acrylate polymer	May 19, 1987.
Y 87-0143	G Rosin modified alkyd resin	Aug. 23, 1987.
Y 87-0144	G Aliphatic polyester urethane	June 4, 1987.
Y 87-0145	G Short oil alkyd resin	Aug. 26, 1987.
Y 87-0146	G Polyester of carbomonocyclic diacid and alkylene glycols	June 5, 1989.
Y 87-0156	G Butadiene acrylate polymer	July 20, 1988.
Y 87-0163	Ethanol perioxic acid; 9-octadecenoic acid; 9,12,15-octadecenoic acid; eicosanoic acid; octadecanoic acid water	July 1, 1987.
Y 87-0170	Ethenylbenzene polymer with butyl-2-methyl-2-propenoate, butyl-2-propenoate, octadecyl-2-methyl-2-propenoate and 2-methyl-2-propenoic acid.	Aug. 17, 1987.
Y 87-0171	Ethenylbenzene polymer with butyl-2-methyl-2-propenoate and butyl-2-propenoate	Aug. 17, 1987.
Y 87-0172	Ethenylbenzene polymer with butyl-2-methyl-2-propenoate, octadecyl-2-methyl-2-propenoate and 2-methyl-2-propenoic acid.	Aug. 17, 1987.
Y 87-0177	G Acrylic resin	Aug. 13, 1987.
Y 87-0179	G Poly-alpha-alkenes	Aug. 25, 1987.
Y 87-0193	G Ethylene acrylic copolymer	Apr. 15, 1989.
Y 87-0194	G Alkyd	Apr. 17, 1989.
Y 87-0202	G Medium molecular weight saturated polyester	Aug. 26, 1987.
Y 87-0203	G Uralkyd resin	Aug. 11, 1987.
Y 87-0220	G High molecular weight linear saturated polyester	Sept. 17, 1987.
Y 87-0222	G Polyester	Oct. 22, 1987.
Y 87-0226	G Alkyd resin	Nov. 16, 1987.

IV. 395 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
Y 87-0228	G Linseed modified tall oil alkyd resin	Sept. 15, 1987.
Y 87-0229	G Linseed modified tall oil alkyd resin	Sept. 15, 1987.
Y 87-0230	G Linseed modified tall oil alkyd resin	Sept. 15, 1987.
Y 87-0231	G Linseed modified tall oil alkyd resin	Sept. 15, 1987.
Y 87-0232	G Linseed modified tall oil alkyd resin	Sept. 15, 1987.
Y 87-0233	G Modified polymer of bisphenol a derivative and benzene di- and tri- carboxylic acid derivatives	Dec. 24, 1987.
Y 88-0100	G Modified acrylic copolymer	Feb. 23, 1988.
Y 88-0243	4-Methyl-1-pentene; hydrogen	May 9, 1989.
Y 88-0251	G Saturated polyester	May 25, 1989.
Y 88-0263	G Polyester resin	Oct. 19, 1988.
Y 89-0018	G Acrylic alkyd copolymer	June 1, 1989.
Y 89-0066	G Styrene acrylic polymer salt	April 1, 1989.
Y 89-0072	G Chain terminated alkyd resin	May 15, 1989.
Y 89-0081	G Polyester resin solution	June 12, 1989.
Y 89-0082	Aliphatic polyester urethane	May 15, 1989.
Y 89-0087	G Oil modified polyester	May 26, 1989.
Y 89-0115	G Acrylic resin solution	May 24, 1989.
Y 89-0118	G Polyurethane	June 1, 1989.

V. 25 Premanufacture Notices for Which the Period Has Been Suspended

PMN No.

P 88-1740 P 88-2231 P 88-2237 P 88-2341
P 88-2587 P 89-0292 P 89-0326 P 89-0427
P 89-0483 P 89-0506 P 89-0507 P 89-0520
P 89-0538 P 89-0539 P 89-0648 P 89-0655
P 89-0657 P 89-0658 P 89-0659 P 89-0660
P 89-0736 P 89-0750 P 89-0760 P 89-0830
P 89-0831

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Federal Register

Thursday
October 12, 1989

Part V

Environmental Protection Agency

40 CFR Part 260

Hazardous Waste Management System; Use of Ground-Water Data in Delisting Decisions; Proposed Rule and Request for Comments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 260

[SW-FRL-3552-9]

RIN 2050-AC65

Hazardous Waste Management System; Use of Ground-Water Data in Delisting Decisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is today proposing to amend its regulations under the Resource Conservation and Recovery Act (RCRA) to clarify the Agency's authority to consider ground-water monitoring data in the evaluation of delisting petitions (submitted under 40 CFR 260.20 and 260.22), and also to clarify the ability of the Agency to require such data from petitioners. Accordingly, this proposal provides that petitions for wastes managed in a hazardous waste unit must include ground-water monitoring information, if a ground-water monitoring system for the unit is required under 40 CFR part 264 or 265, or equivalent authorized State requirements. Such petitioners should have adequate ground-water monitoring systems in place and should be conducting regular ground-water monitoring, except as specifically provided otherwise in 40 CFR part 261, 264, or 265. Facilities will be required to provide the following information as part of their petitions: A description of site geology and hydrology; a description of the ground-water monitoring systems for the units in which the petitioned waste is managed; the results obtained from the analysis of ground-water samples collected pursuant to 40 CFR part 264 or 265 or authorized State equivalent; a discussion of sampling and analytical procedures followed; and an interpretation of the information and data presented. The petitioner must also submit any additional ground-water information necessary to characterize the petitioned waste's impact on ground-water quality, including the analyses of ground water for any constituent deemed necessary by EPA. Alternatively, the petitioner may specify the titles of reports containing this information and identify the State or EPA Regional authority which has possession of the submitted reports. The Agency has in the past evaluated and will continue to evaluate ground-water monitoring data, where appropriate, as well as other factors (*e.g.*, waste constituent concentrations, mobility, pH, and reactivity) during the delisting petition review process.

DATE: EPA will accept public comments on this proposed rule until November 27, 1989. Comments postmarked after the close of the comment period may not be considered. Any person may request a hearing on this proposed rule by filing a request with Joseph S. Carra whose address appears below, by October 27, 1989.

ADDRESSES: The public must send an original and two copies of their comments to the Docket Clerk, Office of Solid Waste (OS-305), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number "F-88-GWRP-FFFF".

Requests for a hearing should be addressed to Joseph S. Carra, Director, Permits and State Programs Division, Office of Solid Waste (OS-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street SW., Room 2427, Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

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

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Authority

This regulation is issued under the authority of sections 2002(a) and 3001 of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a) and 6921).

II. Background

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from nonspecific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. The petitioner makes this demonstration by submitting manufacturing and treatment process information, raw materials lists, analytical data, mass balance arguments, and other administrative information.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the

hazardous characteristics (*i.e.*, ignitability, reactivity, corrosivity, and EP toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous wastes, generators remain obligated to determine whether or not their waste remains nonhazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. See 40 CFR 261.3 (c) and (d)(2). The substantive standard for "delisting" a treatment residue or a mixture is the same as previously described for listed wastes.

In the past, the Agency requested that petitioners submit ground-water monitoring data for the waste management units which contained the petitioned waste. This ground-water monitoring information was evaluated as part of the submitted petition on a case-by-case basis. In April 1985, the Agency published a guidance manual to assist facilities in preparing delisting petitions. See "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste (EPA/530–SW–85–003), April 1985. This manual informed petitioners that ground-water monitoring data would be collected, if available, from State and EPA Regional offices for consideration during petition reviews.

The Agency has also used (and currently uses, where appropriate) analytical models, such as the vertical and horizontal spread (VHS) model and the Land Treatment Model (LTM), to evaluate the mobility of toxicants from land-disposed wastes. See 50 FR 48896, November 27, 1985; 50 FR 48961, November 27, 1985; and 51 FR 41095, November 13, 1986. The Agency has relied, and currently relies where appropriate, on these models to quantify the potential hazards of a petitioned waste.

For wastes that contain toxic constituents (*i.e.*, constituents listed in 40 CFR part 261, Appendix VIII), the listing criteria require the Agency to consider a number of factors in determining if the waste poses a "substantial present or potential hazard to human health or the environment." 40 CFR 261.11(a)(3). These factors include the "potential of the constituent to migrate from the waste into the environment." 40 CFR 261.11(a)(3)(iii). In delisting evaluations, the Agency normally assesses the potential for migration from the waste into the ground water. Although EPA uses models to predict the movement of waste constituents, EPA views ground-water monitoring data from an adequate well system as important information in determining that the petitioned waste has not had or could not have an adverse impact on ground water. Therefore, the Agency routinely evaluates ground-water monitoring data for petitions involving on-site and dedicated off-site land-based hazardous waste units.

The Agency recognizes that modelling, by definition, is less accurate in predicting hazards at a particular site than data that reflect hazards posed by the actual disposal of a specific wastestream at that particular site. However, wastes which have been delisted may be disposed of at numerous locations where the hydrogeological and other conditions may vary substantially. Predictive models, therefore, are necessary to evaluate the hazards posed by disposal of specific wastestreams.

When data can be obtained to characterize the effects of past disposal practices for a given wastestream, the Agency believes this data will complement the use of predictive models. Such waste-specific data provide significant additional information that the Agency believes is important to characterize fully the hazards posed by disposal of a particular waste. For example, ground-water monitoring data from a particular site at which a specific waste was disposed may reflect contamination (*e.g.*, exceedance of health-based levels). Such data clearly indicate that the specific waste is hazardous at one location, and thus is potentially hazardous at many other locations.

EPA is proposing today's amendments to 40 CFR 260.22 to clarify the authority of the Agency to consider ground-water monitoring data as part of the evaluation of delisting petitions, and also to clarify the ability of the Agency to require such data from petitioners. (EPA is not soliciting, and will not respond to, comments on other existing elements of the delisting program or regulations.) EPA will require petitioners to submit, as part of delisting petitions, ground-water monitoring data sufficient to characterize the effects on underlying aquifers of waste disposed of at on-site and dedicated off-site hazardous waste units, if such units are required to have a ground-water monitoring system under 40 CFR part 264 or 265. EPA will not require such ground-water monitoring data from nondedicated off-site hazardous waste units for delisting petitions, because the ground-water data from such units would not provide useful information about the petitioned waste. In other situations, EPA will not require petitioners to provide this additional data, because ground-water monitoring data cannot be obtained (*e.g.*, in cases where petitioners have requested upfront delistings).

III. Overview of Ground-Water Monitoring Requirements Under 40 CFR Parts 264 and 265

Facilities that have not yet received final administrative disposition of their Part B permit application (*i.e.*, facilities with interim status) are required to comply with 40 CFR part 265. All other regulated subtitle C facilities managing hazardous wastes in on-site land disposal units are required to comply with a permit issued under 40 CFR part 264. As explained below, subpart F in both part 264 and part 265 generally require facilities that treat, store, or dispose of hazardous wastes in on-site surface impoundments, waste piles (40 CFR part 264 only), landfills, or land treatment facilities to implement a ground-water monitoring program that evaluates the ground-water quality in the uppermost aquifer underlying the facility. (See 40 CFR 264.90(a), 265.90(a)).

Interim status facilities are required under 40 CFR part 265, subpart F, to install a ground-water monitoring system capable of determining the facility's impact on the quality of ground water in the uppermost aquifer. Under 40 CFR 265.92 and 265.93, facilities are required to sample ground water at specified time intervals and to determine whether statistically significant increase (or for pH, increases and decreases) of indicator parameters (*e.g.*, specific conductance, pH, total organic carbon, total organic halogen) over background have occurred. If a statistically significant increase (or for pH, an increase or decrease) of an indicator parameter over its background level occurs, then the facility must develop and implement a ground-water assessment plan approved by the EPA Regional Office or the authorized State.

RCRA-permitted facilities are required under 40 CFR part 264, subpart F, to install a ground-water monitoring system capable of detecting hazardous constituents that have entered the uppermost aquifer. RCRA-permitted

facilities must sample ground water at specified time intervals and determine whether the levels of constituents or parameters specified in their permit have increased (or for pH, increased or decreased) statistically over background. If a statistically significant increase (or for pH, an increase or decrease) in a constituent or parameter is detected, the facility must develop and implement a compliance monitoring program (including immediate testing for constituents listed in Appendix IX to part 264 and, thereafter, an annual scan for all Appendix IX constituents) meeting the requirements of 40 CFR 264.99. If the levels of any constituent being monitored are found to exceed the concentration limits specified in the facility permit, the facility must prepare and implement a corrective action program in accordance with 40 CFR 264.100.

IV. Use of Ground-Water Monitoring Data in Delisting Decisions

Today's proposed amendment to 40 CFR 260.22 codifies the Agency's policy to require individuals who submit delisting petitions (under 40 CFR 260.20 and 260.22) for wastes managed in on-site (or off-site dedicated) hazardous waste management units to provide ground-water monitoring information as part of their petitions, if the units of concern are required to have ground-water monitoring systems under 40 CFR part 264 or 265. Generally, facilities that have submitted delisting petitions for waste managed in land-based hazardous waste management units already are required to monitor ground water under 40 CFR part 264 or 265, subpart F. Thus, ground-water information and analytical data should be readily available and can be provided for use in the delisting evaluation without any significant cost to petitioners. Petitioners will be required to provide the following information as part of their petitions: A description of site geology and hydrology; a description of the ground-water monitoring systems for the units in which the petitioned waste is managed; the results obtained from the analysis of ground-water samples collected pursuant to 40 CFR part 264 or 265, subpart F; a discussion of sampling and analytical procedures followed; and an interpretation of the information and data presented. The petitioner must also submit any additional information necessary for evaluating the petitioned waste's impact on ground-water quality, including the analyses of ground water for any constituent deemed necessary by EPA. EPA will consider failure to submit any of the above information as grounds for denial or dismissal of the delisting petition.

Facilities that have submitted delisting petitions for wastes managed in dedicated off-site units are also required to provide the above ground-water monitoring information, if these units are required to have a ground-water monitoring system under 40 CFR part 264 or 265. A dedicated off-site unit is a hazardous waste management unit, located apart from the facility proper, in which no hazardous waste other than the petitioned waste is managed. If the dedicated off-site unit is not under the petitioner's control, the petitioner must arrange to provide the required information. The Agency is not requiring ground-water monitoring information from nondedicated off-site units because such data would likely reflect constituent concentrations from numerous, codisposed hazardous waste streams. Thus, this data would have little value to the Agency's evaluation of the petitioned waste.

The Agency will, however, require the petitioner to submit ground-water data for all on-site units that contain the petitioned waste, including those units that also contain other wastes (i.e., nondedicated units) if the unit is subject to RCRA ground-water monitoring requirements. The Agency believes that such data may provide useful information for delisting because the petitioned waste is often a significant component of the waste contained in on-site, nondedicated units. As noted above, off-site nondedicated units are more likely to be large facilities that accept a wide variety of wastes. EPA will evaluate the importance of ground-water and other information for on-site nondedicated units on a case-by-case basis.

In general, the petitioner is required to submit ground-water monitoring information and analytical data for all ground-water wells that monitor the unit(s) in which the petitioned waste is managed. All available analytical results for upgradient and downgradient monitoring wells should be submitted. The Agency will normally require at least four rounds of monitoring data collected over the course of one year unless, in the judgment of EPA, data from a shorter time period are adequate to evaluate the impact of the petitioned waste on the ground water. The submitted data must represent any expected seasonal variation in ground-water quality. If the petitioner has previously submitted ground-water information in response to RCRA subpart F requirements, the petitioner may either resubmit the information in the delisting demonstration, or specify the titles of the reports containing the required information and identify the State or EPA Regional contact who has possession of the submitted reports. The Agency will coordinate with State and EPA Regional contacts to obtain this information, when appropriate. The Agency retains the authority to request the petitioner to submit additional information necessary for the delisting evaluation, if the reports submitted to the State or EPA Region are not adequate for this purpose.

This proposal also explains how the Agency intends to use the submitted ground-water monitoring information to support delisting decisions. Ground-water monitoring data from EPA Region or State-approved RCRA monitoring systems that show no unacceptable toxicant levels (*e.g.*, hazardous constituent concentrations above health-based levels) may support the Agency's decision to grant an exclusion. However, because the monitoring data from a particular site do not reflect the potential to contaminate other sites, these data alone are not sufficient evidence to grant an exclusion. The evaluation of many factors (*e.g.*, waste constituent concentrations, pH, and reactivity) and the Agency's evaluation of toxicant mobility from wastes using ground-water transport models (*e.g.*, the VHS model) may contribute to the final delisting decision. If the Agency believes that under reasonable worst-case conditions a waste will leach unacceptable levels of toxicants, then the Agency may consider the waste to be hazardous and subject to subtitle C control even though ground-water monitoring data may not indicate ground-water contamination. Ground-water monitoring data showing no contamination indicate that either contamination has not yet occurred or has not been detected, but do not indicate whether the waste will cause ground-water contamination in the future at the site assessed or at other potential sites. In addition, because wastes may be moved to a different location following exclusion, the evaluation of ground-water monitoring data from the current location will have no direct bearing on possible migration from a similar unit at a different waste management site which may have different hydrogeological conditions.

On the other hand, ground-water monitoring data that show ground-water contamination may support the Agency's decision to deny a petition, even when leachate test results and modeling evaluations would not indicate potential ground-water contamination.

The Agency intends to use results of ground-water monitoring data evaluations as a check on the reasonable worst-case evaluations performed in order to provide an additional level of confidence in its delisting decisions. Because ground-water monitoring data are descriptive of the impact of the petitioned waste under actual conditions, and not reasonable worst-case assumptions, the Agency believes that evidence of ground-water contamination originating from the unit(s) of concern may be a sufficient basis for petition denial.

A. Incomplete Delisting Information

The Agency's policy to dismiss incomplete petitions by letter is explained in detail in 53 FR 6822, March 3, 1988. Petitions that are substantially incomplete may be dismissed upon receipt. Facilities with petitions that are partially deficient will have a maximum of 6 months to submit the information necessary to complete their delisting petitions. In the event that the 6-month deadline passes without full submittal of the requested information, the Agency may dismiss the petition by written notice to the facility. The effect of the dismissal is to remove the petition from the petition review process and to close the petition file. The facility may submit a new petition with updated and complete information at any time.

Pursuant to this policy, the Agency will notify facilities when submitted ground-water monitoring information is insufficient to complete their petitions. Such incomplete petitions may be dismissed upon receipt or the facility may be given a maximum of six months within which to provide the necessary ground-water monitoring information.

B. Non-compliant Monitoring Systems

In most cases, the Agency will dismiss petitions for wastes in on-site and dedicated off-site waste management units if ground-water monitoring is not in compliance with the applicable 49 CFR part 264 or 265, subpart F ground-water monitoring regulations and such lack of compliance, in EPA's discretion, renders the ground-water monitoring data insufficient to properly characterize the impact of the petitioned waste on ground water. Compliance with supart F regulations will be determined after consultation with the appropriate State or EPA Regional offices. Such petitions generally will be dismissed upon finding the system out of compliance, because more than six months will typically be required to bring the monitoring system into compliance and/or to collect the requisite ground-water monitoring data. A facility may submit a new petition with updated and complete ground-water monitoring information after the ground-water monitoring system is brought into compliance and the required sampling information has been obtained.

If data submitted from non-compliant monitoring systems indicate that the petitioned waste may have caused ground-water contamination, the Agency may use this information to support a denial of the petition. The Agency believes that these data may be used as a separate basis to deny the petition because the ground-water monitoring results, even though the monitoring system is not in compliance, may indicate that the petitioned waste has adversely affected ground-water quality at the site. The petitioner may submit a new petition if the monitoring system is brought into compliance with the appropriate regulations and may attempt to provide sufficient information to demonstrate that the petitioned waste has not contributed to ground-water contamination.

In most cases, ground-water monitoring systems approved by the EPA Region or State will provide the data necessary for evaluating the impact of the petitioned waste on ground-water quality. In a few cases, however, a petitioner's approved ground-water monitoring system may not be adequate for determining the impact of only the petitioned waste on ground-water quality. For example, the EPA Region or State may have granted approval of a single ground-water monitoring system for a waste management area. A waste management area is defined by an imaginary line circumscribing more than one regulated unit. A well system which monitors several regulated units within a single waste management area may be inadequate for determining the petitioned waste's impact on ground-water quality where, for example, the petitioned waste is found only in one unit. Such situations will be evaluated on a case-by-case basis.

Other cases in which data from an approved ground-water system will not be adequate may arise for units that are subject only to the monitoring requirements in subpart F of 40 CFR part 265. The list of analytes required under part 265 is limited in scope and often will not include constituents that are of concern to EPA in evaluating delisting petitions. Therefore, EPA will require that petitioners provide ground-water analyses for any constituents that the Agency believes may be derived from the petitioned waste and might adversely affect ground-water quality.

C. Identification of Ground-water Contamination

1. Evaluation of Hazardous Constituent Concentrations

In evaluating a delisting petition, the Agency will consider to be unacceptable ground-water contamination that exceeds health-based levels in wells that monitor the units containing the petitioned waste. The health-based levels are Agency-reviewed levels of regulatory concern proposed for use in delisting decisions (see "Docket Report on Health-Based Regulatory Levels and Solubilities Used in the Evaluation of Delisting Petitions," June 8, 1988, located in the RCRA public docket). These levels include Maximum Contaminant Levels (MCLs) developed for drinking water, as well as Reference Doses (for noncarcinogens) and Risk Specific Doses (for carcinogens). Health-based levels are intended to protect humans from the possible adverse effects of chronic, low level exposure to hazardous constituents.

The Agency is aware that the ground-water monitoring regulations in subpart F to 40 CFR part 264 appear to take a somewhat different approach in evaluating contamination. Under part 264, detection of hazardous constituents in the ground water above certain concentration limits (ground-water protection standards) triggers the requirement for corrective action. These concentration limits are based on: (1) Maximum concentration limits for drinking water specified in part 264, (2) alternate concentration limits (ACLs) established in a permit to protect human health and the environment, or (3) background levels. (Subpart F to part 265, unlike part 264, does not provide any specific mechanism for corrective action. The focus of the part 265 regulations is on determining the extent and nature of ground-water contamination, not on its removal or treatment. The use of health-based levels in delisting ground-water evaluations is not inconsistent with subpart F to part 265, because part 265 does not contain procedures for evaluating what levels of constituents are unacceptable and require corrective action.)

The use of health-based levels (including MCLs) in evaluating ground water for delisting is clearly consistent with the use of MCLs and ACLs as ground-water protection standards in part 264, subpart F. (ACLs are site-specific limits developed from health-based levels similar to the levels used in delisting decision-making.) For delisting purposes, however, the Agency

generally will not use constituent levels above background as a sole basis for petition denial. EPA believes that health-based levels are more relevant to the delisting decision process; the delisting process determines which wastes are hazardous to human health and the environment, whereas subpart F is designed to protect human health and the environment by detecting and addressing releases from regulated and solid waste management units that could contaminate ground water.

Furthermore, this apparent difference of approach with part 264 subpart F has little practical impact. If increases above background are detected in ground water, the Agency's delisting program will await the submittal of the further ground-water date required under subpart F (i.e., Appendix IX to part 264) before determining if health-based levels are exceeded for any constituents of concern to delisting. In addition, today's proposed rule will require petitioners to analyze the ground water for any constituent deemed necessary by EPA for the delisting evaluation. If significant ground-water contamination exists at a site, it seems highly unlikely that no constituents of concern would be found above health-based levels. Finally, as noted previously, EPA Headquarters plans to coordinate closely with EPA Regional and State permitting authorities to ensure that any evidence that the petitioned waste has caused a ground-water problem is evaluated prior to delisting.

The exceedance of the health-based levels in ground-water samples collected from monitoring wells located hydraulically downgradient from a regulated unit in which the petitioned waste is managed indicates that the petitioned waste may be leaching constituents at levels of concern to the delisting program. Ground-water contamination in exceedance of health-based levels may provide grounds to deny a petition unless the petitioner can demonstrate one of the following: (1) The petitioned waste has not contributed to the contamination (*e.g.*, contamination is the result of other on-site sources), (2) the exceedance is due to an error in sampling or analysis or other factors not associated with the petitioned waste, or (3) the exceedance, although greater than the health-based levels, is not statistically significant. The Agency will review these demonstrations on a case-by-case basis.

(1) If the evaluation of ground-water monitoring information shows that constituent concentrations in the background (or upgradient) wells designated by the facility also exceed health-based levels, the petitioner will be required to demonstrate that the constituent concentrations in the background (or upgradient) wells are the result of a contaminant source other than the petitioned waste, and are not in fact related to factors such as inappropriate well construction or placement, ground-water mounding effects, or site-specific hydrogeologic factors that might cause background (or upgradient) wells to intercept flow from the petitioned unit.

If contamination is indicated in a downgradient well, a facility may attempt to demonstrate to the Agency's satisfaction that a source other than the petitioned waste caused the contamination. Such a demonstration may require that petitioners perform sampling and analyses in addition to 40 CFR part 264 or 265, subpart F requirements. This demonstration may include information such as background ground-water quality, waste composition data, mass balance demonstrations, results of the chemical analysis of other potential contaminant sources, and process and treatment information.

(2) The Agency also will consider a facility's claim that an exceedance is the result of an error in sampling or analysis. The petitioner must provide an explanation of why the error has occurred and sufficient data to show the exceedance is not representative of actual ground-water quality. Such a demonstration may include the presentation of field and laboratory QA/QC data (*e.g.*, equipment blanks, trip blanks, laboratory blanks, replicates).

(3) A facility may show that a constituent concentration, which is above a health-based level, is not a statistically significant exceedance. The Agency has approved the use of a variety of statistical methods for evaluating ground-water monitoring data from hazardous waste facilities. However, the appropriateness of a given procedure is governed by specified performance standards which require that the use of a statistical test be determined on a case-by-case basis. See the **Federal Register**, October 11, 1988, 53 FR 39720. Examples of accepted statistical procedures are an analysis of variance (ANOVA), a tolerance or prediction interval procedure, and control charts. Guidance materials are being developed that will discuss the tolerance interval method and an alternative confidence interval method of analysis that may be used in certain circumstances.

2. Evaluation of Indicator Parameters and Constituents

The results of indicator parameter analyses (*e.g.*, pH, specific conductance, total organic carbon, or total organic halogen) submitted in support of a facility's delisting demonstration, and any indicator parameter analyses obtained from State and EPA Regional offices, will be evaluating according to statistical procedures set forth in 40 CFR part 264 or 265 as appropriate. If this evaluation shows that there has been a statistically significant increase (or for pH, an increase or decrease) over background levels of an indicator parameter, the RCRA regulations require that the facility submit additional ground-water monitoring data to determine the concentrations of hazardous waste constituents in ground water (see 40 CFR parts 264 and 265, subpart F).

Part 264 also requires that facilities sample for constituents specified in their permit, and for all part 264 Appendix IX constituents if an exceedance of the specified constituents or parameters occurs. For delisting purposes, the Agency will require the submittal of this constituent data in order to demonstrate that levels of hazardous constituents in ground water are not exceeding health-based levels. In addition, today's proposed amendments to the delisting regulations require that petitioners submit ground-water data for any constituent deemed necessary by EPA (see § 260.22(i)(13)). EPA will usually require ground-water monitoring data (to include hazardous constituent analyses) collected over the course of at least one year.

If an evaluation of indicator parameter analyses shows that a statistically significant increase (or for pH, an increase or decrease) over background concentrations in the level of an indicator parameter has not occurred, the Agency may still require, for delisting purposes, that a petitioner perform additional sampling and analyses for one or more hazardous constituents. Similarly, the Agency may require analyses for constituents not specified in the permit, even without an exceedance for specified constituents or parameters. The request for additional information would be made when the Agency has sufficient reason to suspect that such constituents in the waste could have an adverse effect on ground-water quality. EPA Headquarters will coordinate with appropriate State and EPA Regional offices in determining the adequacy of existing ground-water monitoring data in demonstrating that

the petitioned waste has not adversely affected ground-water quality.

3. Evaluation of Vadose Zone Monitoring Data

In some instances a petitioner may be monitoring the vadose zone (i.e., the unsaturated zone between the waste and the ground water) in order to detect hazardous constituents migrating from a waste management unit before ground water has been adversely affected. Such a program is particularly advantageous and necessary when a waste management unit is located in a region where depth to ground water is substantial. The Agency intends to use vadoze zone monitoring data, when it is available from the petitioner or is required by EPA Regional or State authorities, to support the evaluation of a waste's potential impact on ground water and the environment. Should an analysis of vadose zone monitoring data indicate that contamination of the vadose zone has occurred or is occurring, the Agency may determine that the petitioned waste could cause ground water contamination if it were to migrate to ground water, or if, once excluded, the waste was transported to a disposal site with different hydrogeologic properties (*e.g.*, a shallow water table). The Agency will coordinate with appropriate State and EPA Regional offices in determining whether vadose zone monitoring data demonstrate that the petitioned waste is capable of adversely impacting ground water and the environment.

D. Impact on Future Hazardous Waste Generators

The Agency recognizes that some petitioners may be planning to generate new wastestreams that would be listed in 40 CFR 261.31 and 261.32 once generated. These petitioners may request an "upfront" delisting, submit pilot-scale waste constituent data, process descriptions, and other information in support of their delisting demonstrations prior to full operation of the new process. If these data and the information in the remainder of the petition demonstrate that the waste is not hazardous, the Agency may grant an upfront exclusion. Obviously, ground-water monitoring data for such wastes are not physically obtainable.

For an upfront delisting, the conditions of the exclusion will set maximum allowable constituent levels in the waste and will require the facility to submit representative sampling and analytical results from the full-scale process to verify that the allowable levels have been met in the generated waste. Such upfront delisting will be granted only when the Agency has sufficient reason to conclude, based upon information submitted about the process and waste and upon the conditions of the exclusion, that nonhazardous wastes will be generated.

E. Impact on Facilities Planning To Treat Stored Wastes

The Agency has received and currently is reviewing a number of petitions from facilities that are using various procedures (*e.g.*, stabilization, incineration, leachate treatment) to treat and to reduce constituent mobility in appropriate waste matrices. In a typical case, a petitioner may stabilize wastes contained in a land-based hazardous waste management unit. In all cases, petitioners must demonstrate that the treatment procedures are effectively reducing constituent mobility and/or concentrations to levels that are below regulatory concern.

Ground-water monitoring information from units used to store wastes prior to treatment will not be required for petitions for treated waste because the treatment process is expected to alter the chemical composition of the waste and/or the mobility of the waste constituents. Ground-water monitoring for the original unit, therefore, generally will not provide useful information on the impact of the treated waste on ground-water quality. If a petition for treated wastes is submitted on an upfront basis (*i.e.*, before the waste is treated), ground-water monitoring data from the treated wastes will not be physically obtainable. For wastes that have already been treated and placed in a new unit, ground-water monitoring data from the new unit will be required for delisting purposes, if the Agency believes that such data would be useful in evaluating the hazards of the treated waste.

EPA's decisions to delist a waste are generally retrospective and typically remove the waste management units holding the delisted waste from control under subtitle C of RCRA. In effect, the Agency has decided that these units have not received a hazardous waste. However, if waste from a hazardous waste management unit is treated and subsequently delisted, the unit in which the untreated waste was managed is not necessarily removed from regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR parts 270. Delistings also may be prospective and remove from subtitle C control only the waste sampled or newly disposed/generated waste. The Agency believes that the unit from which the untreated waste was removed should remain regulated until any hazardous residues remaining from disposal of the original (untreated) waste are managed to meet applicable requirements under RCRA (*e.g.*, clean closure requirements), or until these residues receive an exclusion based on a separate delisting petition. Before the unit itself could be removed from regulation, the petitioner must demonstrate (through ground-water monitoring and other data) that residues remaining at the unit that contain or are derived from the original (untreated) waste are not hazardous and that past waste management practices at the unit have not caused ground-water contamination.

V. Effective Date

This rule, when promulgated, will be effective immediately. Although Subtitle C regulations normally take effect six months after promulgation (RCRA section 3010(b)), the Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. Because today's rule merely clarifies the Agency's existing authority to require any additional information needed to evaluate a petition (see 40 CFR part 260.22(j)), the Agency believes that a six-month delay is unnecessary. In addition, a six-month deadline is not necessary to achieve the purpose of section 3010 and good cause exists to make the rule effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon promulgation, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

VI. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendment (HSWA) of 1984, a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no

longer applied in the authorized State, and EPA could not issue permits for any facilities in the State that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified timeframes. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time that they take effect in non-authorized States. EPA is directed to implement those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

B. Effect on State Authorizations

At this time, only a few States are authorized to administer the RCRA delisting program. EPA currently administers the RCRA delisting program in other States and territories.

Today's announcement proposes standards that would not be effective in authorized States because the requirements would not be imposed pursuant to the Hazardous and Solid Waste Amendments of 1984. Thus, the requirements will be immediately applicable upon promulgation only in those States that do not have authorization. In authorized States, the requirements will not be applicable unless the States revises its program to adopt equivalent regulations under State law and the State revisions are authorized. If a State is authorized for delisting, its program must be no less stringent than that of the Federal Program for the State to obtain and keep final authorization. Today's rule proposes to clarify EPA's exercise of its existing authority by codifying specific requirements to consider ground-water monitoring data as part of the Agency's evaluation of delisting petitions. EPA believes that this additional specificity of delisting regulations makes the delisting process more stringent. Therefore, the State program must include equivalent regulations in order for the State to obtain and to keep final authorization, upon promulgation of these requirements.

40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes and must subsequently submit the modifications to EPA for approval. The deadline by which the State must modify its program to adopt this proposed regulation will be determined by the date of promulgation of the final rule in accordance with 40 CFR 271.21(e). These deadlines can be extended in certain cases (40 CFR 271.21(e)(3)). Once EPA approves the modification, the State requirements become Subtitle C RCRA requirements.

States with authorized RCRA programs already may have requirements similar to those in today's proposed rule. These State regulations have not been assessed against the Federal regulations being proposed today to determine whether they meet the tests for authorization. Thus, a State will not be authorized to carry out these requirements upon their promulgation in lieu of EPA until the State program modification is submitted to EPA and approved. Of course, States with existing regulations may continue to administer and enforce their regulations as a matter of State law.

States that submit their official applications for final authorization less than 12 months after the effective date of these standards are not required to include standards equivalent to these standards in their application. However, the State must modify its program by the deadlines set forth in 40 CFR 271.21(e). States that submit official applications for final authorization 12 months after the effective date of these standards must include standards equivalent to these standards in their application. 40 CFR 271.3 sets forth the requirements a State must meet when submitting its final authorization application.

VII. Regulatory Analysis

A. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. A major rule is defined as a regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency has determined that today's proposal is not a major rule. If promulgated, this proposal would not significantly increase cost to the petitioner because the information requested in today's proposal generally should be available from facilities in compliance with 40 CFR part 264 or 265, subpart F. In addition, facilities have been given the option of specifying the titles of reports containing the requested information and identifying the State or EPA Regional contact who has possession of such reports, in lieu of resubmitting this information as part of the delisting application. Finally, EPA could require submission of this information under existing authority, so no significant cost of providing this information will be attributable to this proposed rule.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a General Notice of Rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant impact on a substantial number of small entities.

This amendment will not have an adverse impact on a substantial number of small entities, since the information requested in today's proposal generally is already required of petitioners under 40 CFR part 264 or 265, subpart F and 40 CFR part 270, subpart B, and can be requested under existing delisting authority. Accordingly, I hereby certify that this regulation upon promulgation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

C. Paperwork Reduction Act

The Information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Reporting and recordkeeping burden on the public for this collection is estimated to be 1,550 hours for the 50 respondents per year, with an average of 31 hours per petition. These burden estimates include all aspects of the collection effort and may include time for reviewing instructions, searching existing data sources, gathering and maintaining the data

needed, completing and reviewing the collection of information, etc.

If you wish to submit comments regarding any aspect of this collection of information, including suggestions for reducing the burden, or if you would like a copy of the information collection request (please reference ICR #1189), contact Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202-382-2745), and Paperwork Reduction Project 2050-0053, Office of Management and Budget, Washington, DC 20503. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

VIII. List of Subjects in 40 CFR Part 260

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: October 4, 1989.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for part 260 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, 3010, 3014, 3015, 3017, 3018, 3019, and 7004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974).

2. Amend paragraphs (a)(2), (c)(2), (d)(4), and (e)(4) of § 260.22 by replacing the ending period with a semicolon followed by the word "and".

3. Amend § 260.22(b) by adding to the end of the paragraph the sentence "During the review of the complete application, the Administrator will consider the ground-water monitoring information collected under paragraph (i)(13) of this section and evaluate the impact of a petitioned waste on ground water."

4. Amend § 260.22 by adding paragraphs (a)(3), (c)(3), (d)(5), (e)(5), and (i)(13) to read as follows:

§ 260.22 Petitions to amend part 261 to exclude a waste produced at a particular facility.

(a) * * *

(3) During the review of the complete application, the Administrator will consider the ground-water monitoring information collected under paragraph (i)(13) of this section and evaluate the impact of a petitioned waste on ground water.

* * * * *

(c) * * *

(3) During the review of the complete application, the Administrator will consider the ground-water monitoring information collected under paragraph (i)(13) of this section and evaluate the impact of a petitioned waste on ground water.

(d) * * *

(5) During the review of the complete application, the Administrator will consider the ground-water monitoring information collected under paragraph (i)(13) of this section and evaluate the impact of a petitioned waste on ground water.

(e) * * *

(5) During the review of the complete application, the Administrator will consider the ground-water monitoring information collected under paragraph (i)(13) of this section and evaluate the impact of a petitioned waste on ground water.

* * * * *

(i) * * *

(13) Ground-water monitoring information for a petitioned waste that is managed in a unit for which a ground-water monitoring system is required under 40 CFR part 264 or 265. The ground-water monitoring information to be submitted includes: a description of site geology and hydrology; a description of the ground-water monitoring systems for the units in which the petitioned waste is managed; the results obtained from the analysis of ground-water samples collected pursuant to 40 CFR part 264 or 265 or authorized State equivalent; a discussion of sampling and analytical procedures followed; and an interpretation of the information and data presented. The petitioner must also submit any additional ground-water information deemed necessary by the Administrator to characterize the petitioned waste's impact on ground-water quality including, but not limited to, the analysis of ground water for any constituents deemed necessary by the Administrator. In lieu of submitting this information as part of the application, a facility may specify the titles of reports containing this information and identify the State or EPA Regional authority who has possession of the submitted reports. The Agency retains the authority to request the petitioner to submit additional information on ground-water monitoring necessary for the delisting evaluation, if the reports submitted to the State or EPA Region are not adequate for this purpose.

* * * * *

[FR Doc. 89-24074 Filed 10-11-89; 8:45 am]

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federal register

Thursday
October 12, 1989

Part VI

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 37 and 52
Federal Acquisition Regulation (FAR); Continuity of Services Clause; Proposed Rule

Budget

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 37 and 52

Federal Acquisition Regulation (FAR); Continuity of Services Clause

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

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering revisions to FAR 37.110 to revise the prescription for the clause at 52.237–3, Continuity of Services, to limit its use and to provide examples of proper usage.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before December 11, 1989, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 89–68 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

This proposed rule will not have a significant effect beyond the internal operating procedures of contracting agencies or a significant cost or economic impact on contractors or offerors, because the rule is intended to clarify proper usage of the Continuity of Services clause. Consequently, the solicitation of public comments is not required and the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose any reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR parts 37 and 52

Government procurement.

Dated: October 5, 1989.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 37 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 37 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 37—SERVICE CONTRACTING

2. Section 37.110 is amended by revising paragraph (c) to read as follows:

§ 37.110 Solicitation provisions and contract clauses.

* * * * *

(c) The contracting officer may insert the clause at 52.237–3, Continuity of Services, in solicitations and contracts for services, when (1) The services under the contract are considered vital to the Government and must be continued without interruption and when, upon contract expiration, a successor, either the Government or another contractor, may continue them and (2) the Government anticipates difficulties during the transition from one contractor to another or to the Government. Examples of instances where use of the clause may be appropriate are services in remote locations or services requiring personnel with special security clearances. The 60-day period in paragraph (b) of the clause may be varied from 30 to 90 days.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.237–3 is amended by revising the introductory text to read as follows:

§ 52.237–3 Continuity of Services.

As prescribed in 37.110(c), insert the following clause:

* * * * *

[FR Doc. 89–24070 Filed 10–11–89; 8:45 am]

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Reader Aids

Federal Register

Vol. 54, No. 196

Thursday, October 12, 1989

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....40880

3 CFR

Proclamations:
6030.....40839
6031.....40849
6032.....40851
6033.....40853
6034.....41039
6035.....41041
6036.....41429
6037.....41431
6038.....41573
6039.....41577
6040.....41579
6041.....41581
6042.....41817

Executive Orders:
11145 (Continued by EO 12692).....40627
11183 (Continued by EO 12692).....40627
11287 (Continued by EO 12692).....40627
11776 (Continued by EO 12692).....40627
12131 (Continued by EO 12692).....40627
12171 (Amended by EO 12693).....40629
12190 (Continued by EO 12692).....40627
12196 (Continued by EO 12692).....40627
12216 (Continued by EO 12692).....40627
12296 (Revoked by EO 12692).....40627
12345 (Continued by EO 12692).....40627
12367 (Continued by EO 12692).....40627
12382 (Continued by EO 12692).....40627
12462 (Revoked by EO 12692).....40627
12528 (Revoked by EO 12692).....40627
12592 (Revoked by EO 12692).....40627
12601 (Revoked by EO 12692).....40627
12607 (Revoked by EO 12692).....40627
12610 (Superseded by EO 12692).....40627
12668 (Revoked by EO 12692).....40627
12692.....40627
12693.....40629

7 CFR

26.....41237
301.....40570
701.....41819
906.....41583
910.....40369, 41433
920.....41433
946L41585
989.....41586
1065.....41240
1079.....40857, 41241
1137.....41437
1427.....41237
1434.....41588
1435.....41043, 41588
1446.....40858
1477.....40369
1765.....41713

Proposed Rules:
51.....41597, 41599
401.....41246, 41248
403.....41249
906.....41249
926.....41251
955.....41252
966.....41253
968.....41601
1139.....41254
1948.....41626

9 CFR

319.....40631
327.....41045
381.....41045

Proposed Rules:
71.....41845
80.....41845
94.....41845

10 CFR

11.....40859
25.....40859
35.....41819
95.....40859

Proposed Rules:
2.....40780

12 CFR

312.....40377

Proposed Rules:
203.....41255
220.....41454

14 CFR

39.....40381, 40382, 40632, 40633, 40635, 40636-40639, 41051-41054, 41438, 41821
61.....41234
71.....41822
91.....40624, 41211
97.....41590

Proposed Rules:
Ch. I 40672
39 ..... 40672, 40673, 40675–40678, 40680, 41103–41106, 41456, 41846
71 ..... 41109, 41110, 41458, 41713

15 CFR
769 41439
770 40861
771 40861
776 40640
779 ..... 40643, 41055
799 ..... 40861, 41055
Proposed Rules:
19 41848
771 40681
772 40681
773 40681
774 40681
786 40681
799 40681
806 41275

16 CFR
305 41242

17 CFR
1 41068
3 41068
31 41068
145 41068
147 41068
200 40862
211 41084
Proposed Rules:
240 40395

18 CFR
154 41085
294 41086

19 CFR
171 41364
Proposed Rules:
12 40882
24 40882
132 40887
133 40882
142 40887

20 CFR
404 40779
416 40779
Proposed Rules:
404 40570

21 CFR
Ch. I 41363
177 40383
436 41823
442 ..... 40651, 40653, 41823
453 ..... 40654, 41823
455 ..... 40384, 41823
510 ..... 40656, 41441, 41713
522 ..... 40656, 41441
540 41441
544 41441
555 41441
558 ..... 40657, 41713
Proposed Rules:
10 41629
310 ..... 40618, 41629
314 41629
320 41629
341 40412
347 40808
348 40808
1316 40888

22 CFR
514 40386
Proposed Rules:
50 41459

23 CFR
Proposed Rules:
658 41278

24 CFR
1710 40863

26 CFR
1 ..... 41087, 41442
5h 41243, 41364
602 ..... 41087, 41243, 41442

29 CFR
1601 40657
1910 41364
1926 41088
Proposed Rules:
1910 ..... 41460, 41461

30 CFR
914 ..... 41824, 41828
Proposed Rules:
7 ..... 40950, 40995
70 40950
75 40950
917 40413
925 40414
943 41281

31 CFR
317 40830

33 CFR
100 41088
165 ..... 40868, 40869
241 40578
Proposed Rules:
154 41366
155 41366
156 41366
334 40572

34 CFR
600 40388

36 CFR
292 41069
Proposed Rules:
254 41849

38 CFR
1 ..... 40388, 40870
21 40871
Proposed Rules:
3 ..... 40684, 40686, 41110
21 ..... 40687, 40688, 41110

40 CFR
35 40798
52 ..... 40657, 40659, 40660, 41094, 41443, 41830
60 40662
61 40662
81 ..... 41094, 41831
123 40664
180 41098
261 41402
271 41402
300 ..... 41000, 41015
302 41402
370 41904
403 40664
795 41832
799 41832
Proposed Rules:
51 41218
52 ..... 40689, 40889, 41218, 41629, 41849
61 ..... 40779, 41113
81 41218
228 40415
260 41930
261 41114
300 40889
370 41907

41 CFR
Ch. 101 41244
101–6 41214
101–47 ..... 41099, 41244
Proposed Rules:
201–2 41850
201–6 41850
201–7 41850
201–8 41850
201–11 41850
201–16 41850
201–17 41850
201–18 41850
201–19 41850
201–20 41850
201–21 41850
201–22 41850
201–23 41850
201–24 41850
201–26 41850
201–30 41850
201–31 41850
201–33 41850
201–34 41850
201–38 41850
201–39 41850
201–41 41850
201–44 41850

42 CFR
405 41716
411 41716
412 41716
489 41716

43 CFR
Proposed Rules:
11 41363

44 CFR
64 40872
Proposed Rules:
67 ..... 40890, 41631

46 CFR
50 40590
56 40590
61 40590
67 41835
Proposed Rules:
30 41124
31 41124
32 41366
33 41124
35 ..... 41124, 41366
39 41366
70 41124
71 41124
75 41124
78 41124
90 41124
91 41124
94 41124
97 41124
107 41124
108 41124
109 41124
112 41124
154 41124
160 41124
161 41124
167 41124
168 41124
188 41124
189 41124
192 41124
196 41124
199 41124
580 40891
581 40891

47 CFR
1 40392
73 ..... 40393, 40873–40875, 41100, 41445, 41446
74 41842
76 41842
300 41447
Proposed Rules:
2 41464
15 ..... 41125, 41464
73 ..... 40419, 40420, 40893–40896, 41125–41128, 41465–41470, 41852, 41853

48 CFR
1532 40876
1552 40876
2801 40877
2813 40877
2819 40877
Proposed Rules:
20 40420
37 41941
52 41941

49 CFR
171 41447
172 41447
191 40878
195 40878
219 40879
383 40782
391 40782
531 40665
565 41843
571 41844
Proposed Rules:
177 41902
195 41912
217 40856
219 40856
225 40856
531 40689
571 ..... 40896, 41632, 41636, 41854
1022 41643
1043 41643

1044.....41643
1047.....41643
1051.....41643
1058.....41643
1061.....41643
1063.....41643
1067.....41643
1070.....41643
1080.....41643
1081.....41643
1083.....41643
1084.....41643
1085.....41643
1091.....41643
1104.....41643
1136.....41643
1143.....41643
1161.....41643
1167.....41643
1169.....41643
1170.....41643
1331.....41643

50 CFR

17.....41448
380.....40668
661.....41591, 41592
663.....41594
672.....40394, 41101
675.....40716, 41101

Proposed Rules:

17.....40444–40458, 41470–41475
23.....41282, 41475
24.....41295
216.....41654
222.....40699
228.....40703
264.....40779
265.....41296
611.....40716, 41855
641.....41297
650.....40463, 41902
651.....40466
663.....41855
672.....40716

LIST OF PUBLIC LAWS

Last List October 6, 1989

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H.R. 2835/Pub. L. 101-108

To provide for the relocation of certain facilities at the Gateway National Recreation Area, Sandy Hook, New Jersey, and for other purposes. (Oct. 6, 1989; 103 Stat. 680; 1 page) Price: $1.00

S. 85/Pub. L. 101-109

To authorize the acceptance of certain lands for addition to Harpers Ferry National Historical Park, West Virginia. (Oct. 6, 1989; 103 Stat. 681; 1 page) Price: $1.00

S. 1709/Pub. L. 101-110

To provide interim extensions of Department of Veterans Affairs programs of respite care for certain veterans, community-based residential care for homeless, chronically mentally ill veterans, State home construction grants, and leave transfers for certain health-care professionals, and of Department of Veterans Affairs home-loan fees. (Oct. 6, 1989; 103 Stat. 682; 2 pages) Price: $1.00

S.J. Res. 117/Pub. L. 101-111

To designate the week of November 19, 1989, through November 25, 1989, and the week of November 18, 1990, through November 24, 1990, as "National Family Week". (Oct. 6, 1989; 103 Stat. 684; 1 page) Price: $1.00

S.J. Res. 133/Pub. L. 101-112

Designating October 1989 as "National Domestic Violence Awareness Month". (Oct. 6, 1989; 103 Stat. 685; 2 pages) Price: $1.00

S.J. Res. 138/Pub. L. 101-113

Designating October 16, 1989, and October 16, 1990, as "World Food Day". (Oct. 6, 1989; 103 Stat. 687; 3 pages) Price: $1.00

S.J. Res. 148/Pub. L. 101-114

To designate the week of October 8, 1989, through October 14, 1989, as "National Job Skills Week". (Oct. 6, 1989; 103 Stat. 690; 1 page) Price: $1.00

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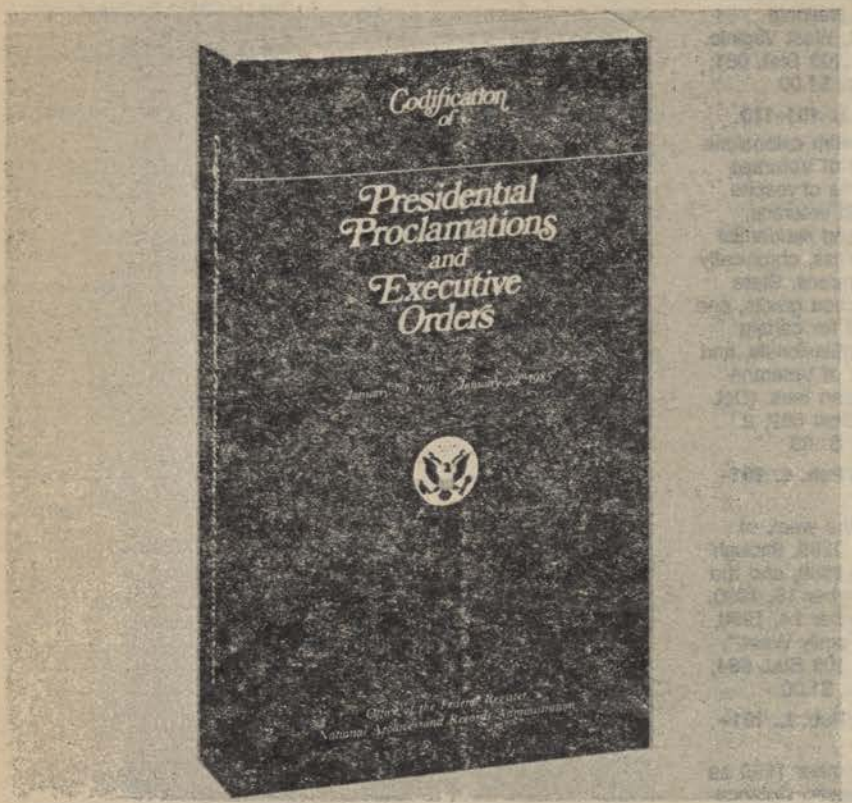

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