AUTHENTICATED
U.S. GOVERNMENT
INFORMATION

10-16-89
Vol. 54 No. 198

federal register

Monday
October 16, 1989

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

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

10-16-89
Vol. 54 No. 198
Pages 42287-42462

federal register

Monday
October 16, 1989

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 687]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 687 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 304,000 cartons during the period October 15 through October 21, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 687 (7 CFR part 910) is effective for the period October 15 through October 21, 1989.

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

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

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

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

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

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

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

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.987 is added to read as follows:

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

§ 910.987 Lemon Regulation 687.

The quantity of lemons grown in California and Arizona which may be handled during the period October 15, 1989, through October 21, 1989, is established at 304,000 cartons.

Dated: October 12, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-24489 Filed 10-13-89; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 20, 21, and 73

RIN 3150-AD37

Change in Commercial Telephone Number for Region III Office

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to indicate a change in the commercial telephone number for the NRC's Region III Office located in Glen Ellyn, Illinois. These amendments are necessary to inform the public of these administrative changes to NRC regulations.

EFFECTIVE DATE: November 11, 1989.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7086.

SUPPLEMENTARY INFORMATION: The commercial telephone number for the NRC's Region III Office will change on November 11, 1989. This notice is being published to inform the public of the change in the commercial telephone number.

Because these amendments deal with agency practice and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A).

Environmental Impact: Categorical Exclusion

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

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.)

List of Subjects

10 CFR Part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

10 CFR Part 21

Nuclear power plants and reactors, Penalty, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 73

Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

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 1975, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 20, 21, and 73.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for Part 20 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Appendix D—[Amended]

2. In Appendix D, the commercial telephone number for the NRC Region III Office (Glen Ellyn, Illinois) is changed from "(312) 790–5500" to "(708) 790–5500".

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

3. The authority citation for Part 21 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 21.3 [Amended]

4. In footnote 1 to § 21.3, the commercial telephone number for the NRC Region III Office (Chicago) is changed from "(312) 790–5500" to "(708) 790–5500".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

Authority: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Appendix A—[Amended]

6. In Appendix A, the commercial telephone number for the NRC Region III Office (Glen Ellyn, Illinois) is changed from "(312) 790–5500" to "(708) 790–5500".

Dated at Rockville, Maryland, this 3rd day of October 1989.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Executive Director for Operations.

[FR Doc. 89–24330 Filed 10–13–89; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–115–AD; Amdt. 39–6364]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes Equipped With Main Landing Gear (MLG) Barrel Hinge Arms, Messier Part Number C65381–4 or –6

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300 series airplaines, which requires replacement of certain main landing gear barrel hinge arms which have a pad cadmium coating. This amendment is prompted by one report of hinge arm rupture during landing gear extension. This condition, if not corrected, could lead to collapse of one main landing gear.

EFFECTIVE DATE: November 20, 1989.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Greg Holt, Standardization Branch, ANM–113; telephone (206) 431-1918. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Airbus Industrie Model A300 series airplanes, which requires replacement of certain main landing gear barrel hinge arms which have a pad cadmium coating, was published in the **Federal Register** on July 26, 1989 (54 FR 31046).

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

The commenter supported the rule.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 53 airplaines of U.S. registry will be affected by this AD, that it will take approximately 6 manhours per airplaine to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for parts is $270. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $27,030.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Applies to Model A300 B4–103 and B4–203 series airplaines, equipped with main landing gear (MLG) barrel hinge arms, Messier Part Number C65381–4 or –6, certificated in any category. Compliance is required within 12 months after the effective date of this AD, unless previously accomplished.

To prevent collapse of one main landing gear, accomplish the following:

A. Except as provided in paragraph B., below, replace all main landing gear (MLG) hinge arms having a pad cadmium coating, with either hinge arms that do not have a pad cadmium coating or hinge arms that have been reconditioned in accordance with MHB Service Bulletin 470–32–652, dated December 30, 1988.

Replacement is required in accordance with the procedures specified in Airbus Industrie Service Bulletin A300–32–390, Revision 1, dated December 20, 1989.

Note: Airbus Service Bulletin A300–32–390 references Messier-Hispano-Bugatti (MHB) Service Bulletin 470–32–651 for additional replacement procedures.

B. The following airplanes are not subject to the requirements of this AD:

1. Airplanes equipped with MLG hinge arms to which a pad cadmium coating has been applied in accordance with Airbus Industrie Service Bulletin A300–26–356, dated May 15, 1985 (which references MHB Service Bulletin 470–32–422), and have since undergone a main workshop overhaul and have been subjected to an electrolytic cadmium stripping and replating in a bath.

2. Airplanes equipped with MLG hinge arms that have been reconditioned in accordance with MHB Service Bulletin 470–32–652.

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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Moutain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington.

This amendment becomes effective November 20, 1989.

Issued in Seattle, Washington, on October 5, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–24311 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–103–AD; Amdt. 39–6362]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes equipped with Pratt and Whitney engines, which would require removal of two unused engine throttle control cable fairleads. This amendment is prompted by an FAA certification cable inspection test in which it was discovered that, under simulated elevator cable system proof load, there was enough cable slack for the elevator cable to hang up on the throttle fairlead at left buttock line (LBL) 14 and body station (BS) 310. This condition, if not corrected, could lead to the elevator control cables binding on the engine throttle control cable fairleads, which would result in the inability of the pilot to safely control the airplane.

EFFECTIVE DATE: November 20, 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 Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Airframe Branch, ANM–120S; telephone (206) 431–1919. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 757 series airplanes, which requires removal of two unused engine throttle control cable fairleads, was published in the **Federal Register** on July 13, 1989 (54 FR 29580).

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

The Air Transport Association (ATA) of America expressed no objection to adoption of the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 85 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 78 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,240.

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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 757 series airplanes equipped with Pratt and Whitney engines, listed in Boeing Service Bulletin 757-76-0006, dated March 16, 1989, certificated in any category. Compliance required within the next 12 months after the effective date of this AD, unless previously accomplished.

To prevent the elevator control cables binding on the engine throttle control cable fairleads, accomplish the following:

A. Remove two engine throttle control cable fairleads in accordance with Boeing Service Bulletin 757-76-0006, dated March 16, 1989.

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

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

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

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

This amendment becomes effective November 20, 1989.

Issued in Seattle, Washington, on October 5, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24314 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-111-AD; Amdt. 39-6363]

Airworthiness Directives; CASA C-212 Series Airplanes, Equipped With a Passenger Entry Step Installed Under Supplemental Type Certificate (STC) SA906GL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain CASA Model C-212 series airplanes, which requires removal of the step, handrails, door latch modifications, and associated hardware installed under STC SA906GL. This amendment is prompted by a report that the step installation may obstruct the visibility of and access to the cabin entry door handle. This condition, if not corrected, could result in impairment of passenger egress during an emergency evacuation.

EFFECTIVE DATE: November 20, 1989.

ADDRESSES: The applicable service information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth W. Payauys, Airframe Branch, ACE-120C; telephone (312) 694-7426. Mailing address: FAA, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain CASA Model C-212 series airplanes, which requires removal of the step, handrails, door latch modifications, and associated hardware installed under STC SA906GL, was published in the **Federal Register** on July 26, 1989 (54 FR 31051).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 6 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 manhours per airplane to accomplish the required actions, and that the average labor cost

will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,920.

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 govenment. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Casa: Applies to Model C–212 series airplanes equipped with a passenger entry step installed under Supplemental Type Certificate (STC) SA906GL, certificated in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To prevent delay in opening the passenger door in the event of an emergency evacuation, accomplish the following:

A. Remove the step, handrails, door latch modifications, and associated hardware installed in accordance with Fischer Brothers Aviation, Inc., Installation Instructions for FBD–206, Revision F, dated June 5, 1985.

B. Restore the door handle to the original CASA configuration.

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, Chicago Aircraft Certification Office, ACE–115C, FAA, Central Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Chicago Aircraft Certification Office, ACE–115C.

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.

The applicable service information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Chicago Aircraft Certification Office, 2300 East Devon Avenue, Des Plaines, Illinois.

This amendment becomes effective November 20, 1989.

Issued in Seattle, Washington, on October 5, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 89–24313 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–30–AD; Amdt. 39–6330]

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to McDonnell Douglas Model DC–10 series airplanes, which requires structural inspections, and repair or replacement, as necessary to assure continued airworthiness as these airplanes approach the manufacturer's original fatigue design life. This amendment is prompted by a structural reevaluation, which has identified certain significant structural components to inspect for fatigue cracks as these airplanes approach and exceed manufacturer's original design life goal. This condition, if not corrected, could result in a compromise of the structural integrity of these airplanes.

EFFECTIVE DATE: November 20, 1989.

The incorporation by reference of certain publications listed in this regulation is approved by the Director of the **Federal Register** as of November 20, 1989.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Manager, Technical Publication Operation C1–L71 (54–60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Ms. Dorenda D. Baker, Aerospace Engineer, Airframe Branch, ANM–121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach California 90806–2425; telephone 213–988–5231.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas DC–10 series airplanes, which requires structural inspections, and repair or replacement, as necessary, to assure continued airworthiness, was published in the **Federal Register** on May 9, 1989 (54 FR 19908).

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

The commenters who responded generally supported the adoption of the proposed rule. One operator expressed concern that the Structural Inspection Document (SID) program intervals for inspecting Principle Structural Elements (PSE) are less than its "C" check period. Although no alternate schedule was suggested, the FAA infers that the commenter has requested that the final rule be revised to extend these repetitive inspection intervals to coincide with this commenter's regular maintenance schedule. The FAA does not concur. The FAA has determined that the intervals specified in the SID represent the optimal inspection program for detecting significant structural cracking. The FAA recognizes that the SID program will be continually revised and updated as new data is made available. This AD may subsequently be amended to revise inspection intervals for selected PSE's, to provide alternative inspection methods, and the like, based on approval of this new data.

After careful review of the available data, including the comments noted

above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

There are approximately 423 Model DC–10 series airplanes of the affected design in the worldwide fleet. It is estimated that 252 airplanes of U.S. registry and 10 U.S. operators will be affected by this AD. It is estimated that incorporation of the Supplemental Inspection Program for a typical operator will take approximately 1,000 man-hours per operator to accomplish the required actions, and that the average labor cost will be $40 per man-hour. Based on these figures, the cost to U.S. operators to incorporate the SID program is estimated to be $400,000.

The recurring inspection cost to the affected operators is estimated to be 341 man-hours per airplane per year, at an average labor charge of $40 per man-hour. Based on these figures, the recurring inspection cost impact of the AD on U.S. operators is estimated to be $3,437,280.

Based on the above figures, the total cost impact of this AD is estimated to be $3,837,280 for the first year, and $3,437,280 for each year thereafter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

A. Within one year after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in Section 2 of Volume I of McDonnell Douglas Report No. L26–012, DC-10 Supplemental Inspection Document (SID), dated November 1988, in accordance with Section 2 of Volume III of that document. The non-destructive inspection techniques set forth in Volume II of the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions of Section 2 of Volume III of the SID.

B. Cracked structure detected during the inspections required by paragraph A., above, must be repaired before further flight in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

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

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

McDonnell Douglas Report No. L26–012, DC–10 Supplemental Inspection Document (SID), dated November 1988, identified and described in this directive, is incorporated by reference and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90806, Attention: Manager Technical Publication Operation C1–L71 (54–60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or 3229 East Spring Street, Long Beach, California.

This amendment becomes effective November 20, 1989.

Issued in Seattle, Washington, on September 13, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–24310 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 88–NM–191–AD; Amdt. 39–6361]

Airworthiness Directives; SAAB-Scania AB Model SF–340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to SAAB-Scania AB Model SF–340A series airplanes, which requires installation of a modified engine electrical control unit (ECU). This amendment is prompted by two reports of engine failure during takeoff and the subsequent failure of the autocoarsen system to coarsen the propeller on the failed engine due to torque spikes from the ECU. This condition, if not corrected, could lead to high propeller drag on the failed engine side of the airplane and loss of climb performance.

EFFECTIVE DATE: November 20, 1989.

ADDRESSES: The applicable service information may be obtained from SAAB-Scania, Aircraft Division, S.58188, Linköping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM–113; telephone (206) 431–1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway

South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to SAAB-Scania AB Model SF-340A series airplanes, which requires installation of a modified engine electrical control unit (ECU), was published in the **Federal Register** on June 14, 1989 (54 FR 25288).

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

One commenter supported the rule.

Another commenter stated that, as of July 17, 1989, approximately 50 percent of the affected U.S.-registered airplanes have accomplished the ECU modification in accordance with General Electric (GE) Service Bulletin 74-16. Based on projected work schedules, all of the remaining affected U.S.-registered planes could be modified within the proposed 60-day compliance period. However, in the event the Luftfartsverket (LFV), which is the airworthiness authority of Sweden, should elect to revise its related Airworthiness Directive No. 1-028 to include a requirement to install the modification within a specified compliance deadline, a worldwide parts availability problem would be created. Therefore, the commenter suggested that the proposed compliance time for modification be extended to 120 days.

The FAA does not concur with the suggestion to extend the compliance time since, currently, there is not a parts availability problem for affected U.S. operators and, further, the LFV has made no revision to its airworthiness directive. The FAA has determined that, in consideration of the safety implications of the addressed unsafe condition, an extension of the compliance time merely to consider a potential parts problem, which may or may not occur, is not warranted. However, in the event that ECU parts supply does become a problem for any individual operator, the FAA may consider any proposed alternate actions in accordance with the provisions of paragraph B. of this rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 79 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $400 per manhour. The required parts will be furnished by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $7,900.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Saab-Scania: Applies to Model SF-340A series airplanes, Serial Numbers SF340A-004 through -159, certificated in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To prevent high propeller drag and loss of climb performance during single engine operation (i.e., one engine failed) while operating with the autocoarsen system on, accomplish the following:

A. Install modified electrical control units (ECU) in accordance with General Electric Service Bulletin 74-16, dated March 22, 1989.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, 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, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to SAAB-Scania, Aircraft Division, S.58188, Linkoping, Sweden. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 20, 1989.

Issued in Seattle, Washington, on October 5, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24315 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 89-ASO-31]

Amendment to Control Zone, Fayetteville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the Fayetteville, NC, control zone from full-time to part-time. Weather reporting service is conducted by FAA Airport Traffic Control Tower (ATCT) personnel. Currently, the ATCT is not staffed during the period 0000 to 0600 local time. This amendment permits the control zone to be effective during the specified dates and times established by Notice to Airmen (NOTAM) and thereafter as published in the Airport/Facility Directory. Also, the airport name is changed from Fayetteville Municipal Airport (Grannis Field) to Fayetteville Regional/Grannis Field Airport and a minor correction is made in the airport geographic position coordinates.

EFFECTIVE DATE: 0901 U.T.C., November 16, 1989.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On July 31, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Fayetteville NC, control zone (54 FR 31540). This action proposed to change the control zone from full-time to part-time. The control zone would be effective during the specific dates and times established by NOTAM and thereafter as published in the Airport/Facility Directory. Also, the airport name would be changed to reflect the current name of Fayetteville Regional/Grannis Field Airport and a minor correction would be made in the airport geographic position coordinates. 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. This amendment is the same as that proposed in the notice. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations changes the Fayetteville, NC, control zone from full-time to part-time. Additionally, the airport name is changed in the control zone description from Fayetteville Municipal Airport (Grannis Field) to Fayetteville Regional/Grannis Field Airport and a minor correction is made in the airport geographic position coordinates.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

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

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Fayetteville, NC [Amended]

Change the phrase, "Within a five-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'22" N, longitude 78°52'52" W.)" to read, "Within a five-mile radius of Fayetteville Regional/Grannis Field Airport (latitude 34°59'29" N., longitude 78°52'49" W.)" and add the following sentences at the end of the existing description, "This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory."

Issued in East Point, Georgia, on September 27, 1989.

William D. Wood,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 89–24316 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–13–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning October 1, 1989. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in August-October of 1989. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Harold Ashner, Senior Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; telephone (202) 778–8850 ((202) 778–8859 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from on-going plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in Appendix A to the premium regulation and Appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning October 1, 1989, the interest charged on the underpayment of taxes will be at a rate of 11 percent. Accordingly, the PBGC is amending Appendix A to 29 CFR part 2610 and Appendix A to 29 CFR part 2622 to set forth this rate for the October 1-December 31, 1989 quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year

for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in Appendix B to the regulation.

For the reasons set forth in the preamble to the final payment of premiums regulation (54 FR 28944 (July 10, 1989)), the PBGC is publishing these monthly interest rates in Appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in Appendix A. (PBGC will henceforth publish the Appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the Appendix A rate, which is determined prospectively, the Appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending Appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in August, September and October of 1989.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the Appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in Appendix B to Part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, Small businesses.

In consideration of the foregoing, Appendix A and Appendix B to part 2610 and Appendix A to part 2622 of chapter XXVI of Title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 is continued to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307, as amended by sec. 9331, Pub. L. 100-203, 101 Stat. 1330.

2. Appendix A to part 2610 is amended by revising the April 1, 1989, entry and adding a new entry for the quarter beginning October 1, 1989 to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
* * * * *		
April 1, 1989	Sept. 30, 1989	12
Oct. 1, 1989	Dec. 31, 1989	11

3. Appendix B to part 2610 is amended by adding to the table of interest rates therein new entries for premium payment years beginning in August–October 1989 to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rate for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate [1]
* * * * *	
August	6.46
September	6.50
October	6.52

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68, as amended by secs. 9312, 9313, Pub. L. 100–203, 101 Stat. 1330.

5. Appendix A to part 2622 is amended by revising the April 1, 1989, entry and adding a new entry for the quarter beginning October 1, 1989 to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
* * * * *		
April 1, 1989	Sept. 30, 1989	12
Oct. 1, 1989	Dec. 31, 1989	11

Issued in Washington, DC, the 6th day of October 1989.

James B. Lockhart III,

Executive Director Pension Benefit Guaranty Corporation.

[FR Doc. 89-24234 Filed 10-13-89; 8:45 am]

BILLING CODE 7708-01-M

COPYRIGHT OFFICE

Library of Congress

37 CFR Part 202

[Docket No. RM 88-6A]

Registration of Claims to Copyright; Mandatory Deposit of Machine-Readable Copies

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Regulations.

SUMMARY: The Copyright Office of the Library of Congress is adopting final

regulations for deposit of certain machine-readable copies. The amendments revoke the exemption from mandatory deposit, pursuant to section 407 of the Copyright Act of 1976, of machine-readable copies and require deposit of data and software published in IBM or Macintosh formats for use in the collections of the Library.

EFFECTIVE DATE: October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, DC 20559 (202) 707–8380.

SUPPLEMENTARY INFORMATION: On August 9, 1988 (53 FR 29923), the Copyright Office published a notice of proposed rulemaking regarding the adoption of new regulations for deposit of certain machine-readable copies. The Office proposed the repeal of the exemption for works published solely in machine-readable formats from mandatory deposit. Copies secured through mandatory deposit under section 407 of the Copyright Act would be added to the collections of the Machine-Readable Collections Reading Room.

The Copyright Office received seven comments on the proposed regulation. While some of the comments praised the broad goals of the Machine-Readable Collections Reading Room, all expressed reservations with the proposed regulation as published in the **Federal Register**.

The Copyright Office has studied carefully the comments that were submitted. For reasons detailed in this announcement, the Copyright Office has adopted as final, the proposed regulation without change. We are republishing as Appendix B the entire Best Edition Statement, including the additonal material regarding deposit of machine-readable copies.

1. Background

Under section 407 of the Copyright Act of 1976, title 17 of the United States Code, as originally enacted, the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States was required to deposit two copies (or, in the case of sound recordings, two phonorecords) of the work in the Copyright Office for the use or disposition of the Library of Congress. Effective March 1, 1989, the requirement that a work subject to mandatory deposit contain a copyright notice was eliminated. This change was made in Public Law 100–568, the Berne Convention Implementation Act of 1988.

The deposit is to be made within three months after publication in the United States. Failure to make the required deposit does not affect copyright in the work, but may subject the copyright owner to fines and other monetary liability if the failure is continued after a demand for deposit is made by the Register of Copyrights. As a qualification of these general provisions, section 407 also provides that the Register of Copyrights "may by regulation exempt any categories of material from the deposit requirements of this section, or require deposit of only one copy or phonorecord with respect to any categories."

Relying on this authorization, the Copyright Office, with the approval of the Librarian of Congress, established regulations governing mandatory deposit at 37 CFR Chap. II, §§ 202.19, 202.20, and 202.21. Section 202.19 establishes the standards governing mandatory deposit of published copies and phonorecords for the Library of Congress. Section 202.20 concerns the required deposit when application is made for registration of a copyright claim with the Copyright Office under section 408 of title 17, U.S.C. § 202.21 allows deposit of identifying material in lieu of copies or phonorecords in certain cases. In addition, the Library of Congress published its Best Edition Statement specifying the required deposit in instances where two or more different editions were published.

When these regulations were first promulgated in 1978, machine-readable copies were not widely marketed to the public at large. For this reason, the Library of Congress decided to exempt all works published solely in machine-readable formats from mandatory deposit. For purposes of copyright registration deposit, for such works generally can be satisfied by submitting identifying material comprising the equivalent of the first and last 25 pages of the source code in the case of a computer program, or the first 25 and last 25 pages of a database.

Since the time these policies were adopted, great changes have occurred. As a result of the popularity of the personal computer, computer software and databases are in wide public demand. In response to these public needs, the Library has established a Machine-Readable Collections Reading Room. The Reading Room provides public access to two categories of important machine-readable copies.

The first category is standard data in microcomputer machine-readable form that traditionally has only been available in print form (encyclopedias, census figures, standard reference publications, etc.). With the development of computer technology, many standard reference materials have become available in whole or in part in machine-readable form. The Library desires to provide patrons access to these machine-readable reference sources.

The second category is computer software in microcomputer machine-readable form. The Library makes software available in the Reading Room for purposes of review and study. The software is not acquired to perform the specific tasks for which the software was created. For this reason, utilizing the software collections of the Reading Room will not serve as a substitute for the purchase of a software package. Preview and study of the software in the Reading Room, however, may influence a researcher's selection of a package for purchase.

The Library is interested additionally in developing its software collections for archival purposes. As a general rule, a software package has a relatively short life. Therefore, acquisition and retention of software in a centralized location is vital for the use of future scholars who wish to study the computer revolution from an historical perspective.

Under the proposed regulation published in the **Federal Register** on August 9, 1988, § 202.19 governing mandatory deposit would be changed in two places. Section 202.19(c)(5) would limit the exemption for machine-readable copies to automated databases available only online. Section 202.19(d) would be modified by adding a new subparagraph (vii) allowing for deposit of only one machine-readable copy, except where a copy-guard system is used. In the latter case, two copies would be required.

In addition to changes in the deposit requirements, the Copyright Office proposed a new section in the Best Edition Statement covering machine-readable copies. IBM and Macintosh formats would be designated as the formats desired by the Library of Congress. In implementing mandatory deposit for machine-readable copies, the Register would demand only copies of works appearing in the formats designated in the Best Edition Statement.

2. Summary of Public Comments

Seven comments were received on the proposed regulation. Four comments were submitted from trade associations, two comments were received from major computer manufacturers, and one comment was received from a law firm.[1]

[1] The law firm held the mistaken belief that the proposed regulation would repeal present

Continued

The Information Industry Association (IIA) criticized the proposed regulation as overbroad, and endorsed, in its place, reliance on a voluntary system. IIA urged that the regulations provide restrictions on the uses patrons could make of machine-readable copies, and asked whether applicable licensing restrictions would be respected. Questions were raised concerning the scope of the exemption for databases available "only online." Finally, IIA asserted that differing deposit requirements for mandatory deposit and copyright registration posed a problem for the industry.

The American Association of Publishers (AAP) criticized the proposed regulation for failing to restrict copying, lending, or electronic dissemination. The AAP suggested that the extent licensing terms commonly applicable to machine-readable works would be respected was also unclear. We were also asked to clarify the applicability of the "online" exemption to works "principally" distributed online. Finally, AAP suggested recasting of the Best Edition Statement.

The Computer Software and Services Industry Association (ADAPSO) doubted that the Library's proposal to prohibit patrons from bringing in diskettes for purposes of downloading would be workable. ADAPSO also questioned whether the support services made available by publishers to licensees would be provided in the Reading Room. ADAPSO contended that the proposed regulation should be tabled in favor of a voluntary program.

The Computer and Business Equipment Manufacturers Association (CBEMA) urged that the proposed regulation be recast to exempt all machine-readable works except IBM and Macintosh formatted material. CBEMA further believed the criteria in the Best Edition Statement should be clarified. Finally, CBEMA suggested a sunset provision in order to permit a Library-industry review of developments concerning the Reading Room.

A major manufacturer of personal computers expressed support for the broad goals of the Reading Room. It urged, however, that the limitations to IBM and Macintosh formats be placed in the regulations. It additionally believed that the criteria specified in the Best Edition Statement were misleading.

Another large manufacturer of computer equipment urged that a voluntary system be established instead of implementing mandatory deposit. It urged the following steps be taken: (1) The regulations provide an exemption for works requiring the utilization of a password; (2) stringent security measures be adopted; (3) the regulation be narrowed to exclude material which can not be used by the Library; and (4) the regulations be simplified as regarding revisions, and harmonized with deposit for registration purposes.

3. Final Regulation on Mandatory Deposit of Machine Readable Copies

a. *Basic decision.* For the first eleven years of the current Copyright Act, the Library of Congress has not exercised the authority to compel deposit of works published only in machine-readable formats.

In order to advance the services of the Machine-Readable Collections Reading Room, however, the Library has determined that it is necessary to implement mandatory deposit at this time. While the commentators have uniformly expressed support for a voluntary system, the Library has attempted through meetings and letters to create a voluntary system and these attempts have not succeeded.

Before publication of the proposed regulation, the Library sponsored a meeting with industry leaders to discuss the activities of the Reading Room. At that meeting industry spokesmen endorsed establishment of a voluntary system. Unfortunately, follow-up letters sent by the Library produced no donations.

Mandatory deposit serves as an important source of acquisition for the Library of Congress. In order to provide effective public service, the Machine-Readable Collection Reading Room must have available copies of significant works. Exercise of the mandatory deposit authority is a logical and reasonable means for securing these materials. In passing the Copyright Act of 1976, Congress clearly intended the Library to exercise its mandatory deposit authority in a reasonable way to enhance the collections of the Library for the good of the public.

Since 1870, copies secured through copyright deposit have augmented the collections of the Library of Congress. While under the present copyright law mandatory deposit is not a condition of copyright protection, compliance with demands for mandatory deposit remains an obligation of those who benefit from the copyright system.

Commentators expressed criticisms that the proposed regulations were "overbroad" or "beyond what the Library could use." Commentators also expressed support for greater restrictions on the materials that could be demanded by the Library.

The Copyright Office issues demands only for works desired to be added to the collections of the Library. Demands are not issued for works which are of no use to the Library. As a result, the universe of published works subject to mandatory deposit has always been far greater than the works actually demanded. These policies will be applied to machine-readable copies.

Determination of materials appropriate for acquisition has always been the sole responsibility of the Library. In the fast changing environment of works available in machine-readable formats, narrow-based policies would quickly become obsolete. The Library needs the flexibility to adjust the kinds of formats subject to mandatory deposit in response to changing acquisitions needs. For these reasons the Copyright Office declines to exempt broad categories of machine-readable works from mandatory deposit. Nevertheless, as discussed below, the Library and the Copyright Office reiterate that for the forseeable future, only IBM and Macintosh formats will be demanded.

By this basic decision to remove the present exemption for works in machine-readable formats, the public receives notice that these formats—except for on-line database not available in disk or other hard-copy formats—are potentially subject to mandatory deposit.

b. *Restriction to IBM and Macintosh Formats.* The major restriction in the demand policies of the Library with respect to deposit of machine-readable copies is the limitation to IBM and Macintosh formats. This limitation is not expressed in the regulation, however, but rather in the format designations of the Best Edition Statement.

At present, hardware available in the Reading Room limits access to IBM and Macintosh formats. For this reason alone the Library will not proceed with demands for material which can not be utilized by the Reading Room. The Library contemplates securing additional hardware to expand the formats usable by the collections. When this occurs, the Library will amend the Best Edition Statement to expand the designated formats, and the Copyright Office will publish notice of the change in the **Federal Register**. This policy is far more favorable to the depositors than an unqualified regulation.

Commentators expressed support for designating formats in the regulation, but this policy would unduly hamper the Library's ability to acquire copies in the

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registration practices with respect to computer programs. This is not the case.

fast-changing environment of machine-readable works. We decline to establish narrow-based regulations which will quickly become obsolete as a result of changes in the computer industry. The alternative would be to remove the present exemption and specify a general deposit standard, such as "disks" as the preferred medium, followed by tape formats, etc. The Library elects, instead, to limit its demands to the narrow formats described in the Best Edition Statement.

c. *Restrictions on Uses by Researchers.* The Machine-Readable Collections Reading Room has been established by the Library: (1) To provide access for research purposes to data and program software in microcomputer machine-readable form; and (2) to build and maintain a national archive of data and program software in microcomputer machine-readable form.

In order to utilize the collections of the Machine-Readable Collections Reading Room, all potential researchers must register and be interviewed. All machine-readable materials are stored in a secured area, and only staff members handle disks.

In order to protect materials in the collections from copying, the Library does not permit researchers to insert their own disks into the disk drives of the computer. Researchers' use of the machines is closely monitored by staff to ensure that downloading does not occur. The Library has on order special disks that can lock disk drive slots. The securing of these special disks will simplify the monitoring task. Additionally, the Library does not permit the photocopying of computer manuals that accompany deposited copies.

The Machine-Readable Collections Reading Room does not lend machine-readable works, nor participate in interlibrary loans of such material. There is no capability for researchers to transmit materials electronically outside of the Reading Room. All applicable licenses are available for review to inform researchers of user restrictions.

Several commentators urged that restrictions on copying be placed in Copyright Office regulations. Due to the ease of copying, machine-readable works are often the subject of abusive reproduction practices. For this reason, the Library has adopted the aforementioned security measures to ensure that such abuses do not occur within the Library of Congress.

The Library concedes that no system is foolproof. It is important to remember, however, that most machine-readable works are sold without any security against copying other than legal prohibitions. Of machine-readable copies distributed by copyright owners, the copies maintained within the collections of the Library of Congress will be among the most secure. The Library is confident that the security measures undertaken in the Reading Room will prevent the collections from becoming a source of access for illegal reproduction activities.

d. *The "Only Online" Exemption.* Several commentators questioned the scope of the "only online" exemption. Specifically they questioned the status of "hybrid" databases where the database is made available on CD–ROM with software included that provides access to the more up-to-date online version of the database. Additionally, we were asked to clarify whether databases distributed to a small number of vendors for purposes of offering online service would be entitled to claim the exemption.

The Library intends to secure through mandatory deposit machine-readable works which are publicly offered for sale or lease. In the case of "hybrid" databases, the Library will seek deposit of the CD–ROM. Clearly, this is a work which is not "only online." The Library will not demand deposit of the updates available online. However, once the updates are incorporated into a revised CD–ROM, the Library will seek deposit of the revised CD–ROM.

As to databases distributed to a small number of vendors for purposes of offering online service, several considerations are raised. The Library does not anticipate pressing demands where distribution of copies is genuinely restricted to special clients. However, the leasing of copies does constitute publication within the meaning of the copyright law, and works with a high price will naturally have relatively few sales. Decisions in these instances will be made on a case-by-case basis.

e. *Machine-Readable Copies Requiring Special Authorization.* In the preamble to the proposed regulation, we stated that "the Library does not intend to demand software that requires the utilization of a password or other special authorization." The comment letters revealed that this statement was unclear.

In utilizing the mandatory deposit procedures, the Library intends to acquire copies of material generally offered for sale or lease to the public. Copies that are genuinely restricted to special clients will not be sought. Factors revealing whether a distribution is genuinely restricted are face-to-face dealings and contractual provisions specifically tailored to the requirements of both parties. In instances of restricted distributions, the utilization of secret passwords might be one means for providing security for the software.

The existence or nonexistence of passwords will not be a conclusive factor in determining whether a distribution is genuinely restricted. Many mass marketed machine-readable works contain passwords. These passwords are often disclosed in the written documentation accompanying the work. The Library will determine whether a distribution is genuinely restricted on a case-by-case basis.

f. *Harmonization of the Deposit Requirements.* Under the mandatory deposit procedures adopted by the Library, deposit of machine-readable works for registration purposes differs from the deposit required for mandatory deposit. Some of the commentators urged that the Examining Division of the Copyright Office accept machine-readable copies.

The variation stems from the disparate purposes of deposit for registration and for enrichment of the Library's collections. The Examining Division is required to examine for copyrightable authorship. Machine-readable copies are generally unsuitable for this task. The computer code may not be viewable on a computer screen or printed out without utilization of expensive, and often different, hardware. The Examining Division requires human-readable deposits for examination, generally portions of source code. The Machine-Readable Collections Reading Room, on the other hand, can only utilize works in those machine-readable formats for which it has acquired hardware.

The Library has no interest in accessioning many of the computer programs in which claims to copyright have been registered in the Copyright Office. Clearly, unpublished computer programs and those of formats not designated in the Best Edition Statement could not be demanded. Additionally, certain restricted computer programs and software would not be desired by the Reading Room, and the Library will demand deposit of only those selected formats that are compatible with the limited hardware in the Reading Room. As a result, many copyright owners of computer software will never be asked to deposit machine-readable copies.

For those relatively few works that are demanded, the variation in deposit requirements is slight. It is likely, moreover, that any harmonization of the mandatory deposit and registration deposit requirements would result in deposit of both machine-readable and

human-readable copies for registration purposes.

Regulatory Flexibility Act

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress, and is a part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (Title 5, chapter 5 of the U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.[2]

List of Subjects in 37 CFR Part 202

Copyright, Computer programs, Mandatory deposit under copyright.

Final Regulations

In consideration of the foregoing, Part 202 of 37 CFR, Chapter II, is amended in the manner set forth below.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

1. The authority citation for part 202 continues to read as follows:

Authority: Copyright Act, Pub. L. 94–553, 90 Stat. 2541 (17 U.S.C. 702).

2. Section 202.19 is amended by revising paragraph (c)(5) and adding a new paragraph (d)(2)(vii) to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

* * * * *

(c) * * *

(5) Automated databases available only online in the United States but not including automated databases distributed only in the form of machine-readable copies (such as magnetic tape or disks, punch cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device, and computerized information works in the nature of statistical compendia, serials, and reference works. Also works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety or microform), and works published in visually perceptible form but used in connection with optical scanning devices, are not within this category and are subject to the applicable deposit requirements.

* * * * *

(d) * * *

(2) * * *

(vii) In the case of published computer programs and published computerized information works, such as statistical compendia, serials, and reference works that are not copy-protected, the deposit of one complete copy of the best edition as specified in the current Library of Congress Best Edition Statement will suffice in lieu of the two copies required by paragraph (d)(1) of this section. If the works are copy-protected, two copies of the best edition are required.

* * * * *

3. By adding Appendix B to part 202 as follows:

Appendix B to Part 202—"Best Edition" of Published Copyrighted Works for the Collections of the Library of Congress

The copyright law (title 17, United States Code) requires that copies or phonorecords deposited in the Copyright Office be of the "best edition" of the work. The law states that "The 'best edition' of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes." (For works first published only in a country other than the United States, the law requires the deposit of the best edition as first published.)

When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the best edition. In judging quality, the Library of Congress will adhere to the criteria set forth below in all but exceptional circumstances.

Where differences between editions represent variations in copyrightable content, each edition is a separate version and "best edition" standards based on such differences do not apply. Each such version is a separate work for the purpose of the copyright law.

The criteria to be applied in determining the best edition of each of several types of material are listed below in descending order of importance. In deciding between two editions, a criterion-by-criterion comparison should be made. The edition which first fails to satisfy a criterion is to be considered of inferior quality and will not be an acceptable deposit. Example: If a comparison is made between two hardbound editions of a book, one a trade edition printed on acid-free paper, and the other a specially bound edition printed on average paper, the former will be the best edition because the type of paper is a more important criterion than the binding.

Under regulations of the Copyright Office, potential depositors may request authorization to deposit copies or phonorecords of other than the best edition of a specific work (e.g., a microform rather than a printed edition of a serial), by requesting "special relief" from the deposit requirements. All requests for special relief should be in writing and should state the reason(s) why the applicant cannot send the required deposit and what the applicant wishes to submit instead of the required deposit.

I. Printed Textual Matter

A. Paper, Binding, and Packaging:

1. Archival-quality rather than less-permanent paper.

2. Hard cover rather than soft cover.

3. Library binding rather than commercial binding.

4. Trade edition rather than book club edition.

5. Sewn rather than glue-only binding.

6. Sewn or glued rather than stapled or spiral-bound.

7. Stapled rather than spiral-bound or plastic-bound.

8. Bound rather than looseleaf, except when future looseleaf insertions are to be issued. In the case of looseleaf materials, this includes the submission of all binders and indexes when they are part of the unit as published and offered for sale or distribution. Additionally, the regular and timely receipt of all appropriate looseleaf updates, supplements, and releases including supplemental binders issued to handle these expanded versions, is part of the requirement to properly maintain these publications.

9. Slip-cased rather than nonslip-cased.

10. With protective folders rather than without (for broadsides).

11. Rolled rather than folded (for broadsides).

12. With protective coatings rather than without (except broadsides, which should not be coated).

B. Rarity:

1. Special limited edition having the greatest number of special features.

2. Other limited edition rather than trade edition.

3. Special binding rather than trade binding.

C. Illustrations:

1. Illustrated rather than unillustrated.

2. Illustrations in color rather than black and white.

D. Special Features:

1. With thumb notches or index tabs rather than without.

2. With aids to use such as overlays and magnifiers rather than without.

E. Size:

1. Larger rather than smaller sizes. (Except that large-type editions for the partially-sighted are not required in place of editions employing type of more conventional size.)

[2] The Copyright Office was not subject to the Administrative Procedure Act before 1976, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e. "all actions taken by the Register of Copyrights under this title (17)," except with respect to the making of copies of copyright deposits). (17 U.S.C. 706(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA–FOIA requirements

II. Photographs

A. Size and finish, in descending order of preference:
1. The most widely distributed edition.
2. 8 x 10-inch glossy print.
3. Other size or finish.
B. Unmounted rather than mounted.
C. Archival-quality rather than less-permanent paper stock or printing process.

III. Motion Pictures

A. Film rather than another medium. Film editions are listed below in descending order of preference.
1. Preprint material, by special arrangement.
2. Film gauge in which most widely distributed.
3. 35 mm rather than 16 mm.
4. 16 mm rather than 8 mm.
5. Special formats (e.g., 65 mm) only in exceptional cases.
6. Open reel rather than cartridge or cassette.
B. Videotape rather than videodisc. Videotape editions are listed below in descending order of preference.
1. Tape gauge in which most widely distributed.
2. Two-inch tape.
3. One-inch tape.
4. Three-quarter-inch tape cassette.
5. One-half-inch tape cassette.

IV. Other Graphic Matter

A. Paper and Printing:
1. Archival quality rather than less-permanent paper.
2. Color rather than black and white.
B. Size and Content:
1. Larger rather than smaller size.
2. In the case of cartographic works, editions with the greatest amount of information rather than those with less detail.
C. Rarity:
1. The most widely distributed edition rather than one of limited distribution.
2. In the case of a work published only in a limited, numbered edition, one copy outside the numbered series but otherwise identical.
3. A photographic reproduction of the original, by special arrangement only.
D. Text and Other Materials:
1. Works with annotations, accompanying tabular or textual matter, or other interpretative aids rather than those without them.
E. Binding and Packaging:
1. Bound rather than unbound.
2. If editions have different binding, apply the criteria in I.A.2–I.A.7, above.
3. Rolled rather than folded.
4. With protective coatings rather than without.

V. Phonorecords

A. Compact digital disc rather than a vinyl disc.
B. Vinyl disc rather than tape.
C. With special enclosures rather than without.
D. Open-reel rather than cartridge.
E. Cartridge rather than cassette.
F. Quadraphonic rather than stereophonic.
G. True stereophonic rather than monaural.
H. Monaural rather than electronically rechanneled stereo.

VI. Musical Compositions

A. Fullness of Score:
1. *Vocal music:*
a. With orchestral accompaniment—
i. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
ii. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
b. Unaccompanied: Open score (each part on separate staff) rather than closed score (all parts condensed to two staves).
2. *Instrumental music:*
a. Full score and parts, if any, rather than conductor's score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to full score only.)
b. Conductor's score and parts, if any, rather than condensed score and parts, if any. (In cases of compositions published only by rental, lease, or lending, this requirement is reduced to conductor's score only.)
B. Printing and Paper:
1. Archival-quality rather than less-permanent paper.
C. Binding and Packaging:
1. Special limited editions rather than trade editions.
2. Bound rather than unbound.
3. If editions have different binding, apply the criteria in I.A.2–I.A.12, above.
4. With protective folders rather than without.

VII. Microforms

A. Related Materials:
1. With indexes, study guides, or other printed matter rather than without.
B. Permanence and Appearance:
1. Silver halide rather than any other emulsion.
2. Positive rather than negative.
3. Color rather than black and white.
C. Format (newspapers and newspaper-formatted serials):
1. Reel microfilm rather than any other microform.
D. Format (all other materials):
1. Microfiche rather than reel microfilm.
2. Reel microfilm rather than microform cassetes.
3. Microfilm cassettes rather than micro-opaque prints.
E. Size:
1. 35 mm rather than 16 mm.

VIII. Machine-Readable Copies

A. Computer Programs
1. With documenis and other accompanying material rather than without.
2. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
3. *Format:*
a. PC–DOS or MS–DOS (or other IBM compatible formats, such as XENIX):
(i) 5¼" Diskette(s).
(ii) 3½" Diskette(s).
(iii) Optical media, such as CD–ROM—best edition should adhere to prevailing NISO standards.
b. Apple Macintosh:
(i) 3½" Diskette(s).
(ii) Optical media, such as CD–ROM—best edition should adhere to prevailing NISO standards.
B. Computerized Information Works, Including Statistical Compendia, Serials, or Reference Works:
1. With documentation and other accompanying material rather than without.
2. With best edition of accompanying program rather than without.
3. Not copy-protected rather than copy-protected (if copy-protected then with a backup copy of the disk(s)).
4. *Format*
a. PC–DOS or MS–DOS (or other IBM compatible formats, such as XENIX):
(i) Optical media, such as CD–ROM—best edition should adhere to prevailing NISO standards.
(ii) 5¼" Diskette(s).
(iii) 3½" Diskette(s).
b. Apple Macintosh:
(i) Optical media, such as CD–ROM—best edition should adhere to prevailing NISO standards.
(ii) 3½" Diskette(s).

IX. Works Existing in More Than One Medium

Editions are listed below in descending order of preference.
A. Newspapers, dissertations and theses, newspaper-formatted serials:
1. Microform.
2. Printed matter.
B. All other materials:
1. Printed matter.
2. Microform.
3. Phonorecord.

Dated: August 31, 1989.

Ralph Oman,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 89–23765 Filed 10–13–89; 8:45 am]

BILLING CODE 1410–07–M

POSTAL SERVICE

39 CFR Parts 3, 4, 5, 6, and 8

Conforming the Bylaws of the Board of Governors With the Inspector General Act Amendments of 1988, and Other Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The primary purpose of this final rule is to conform the bylaws of the Board of Governors with the Inspector General Act Amendments of 1988, which, among other things, require (1) that the Postmaster General's appointment of the Chief Postal Inspector must be made "in consultation with the Governors", and (2) that the

Postmaster General's power to remove or transfer that official must be "with the concurrence of the Governors." Certain other minor, conforming, clarifying, or editorial changes are also made to the bylaws.

EFFECTIVE DATE: October 3, 1989.

FOR FURTHER INFORMATION CONTACT: David F. Harris, (202) 268–4800.

SUPPLEMENTARY INFORMATION: The Inspector General Act Amendments of 1988 (Pub. L. 100–504) are the primary reason for the change of the bylaws of the Board of Governors, as described in the Summary above. The other changes are described as follows: §§ 3.3 and 5.3 are amended to increase the maximum number of meeting days per year for which a governor receives per diem compensation from 30 days to 42 days. These changes are in accord with Public Law 99–190.

Section 3.4(i) is amended to delete the language calling for Board approval of "specific authorization" of the revenue requirement in a rate case. Under certain circumstances, the deleted language might be thought to restrict the Board's authority to put new rates into effect on a date earlier than was anticipated at the time new rates were requested. Such an interpretation would be erroneous. The deleted language was not intended to support such an interpretation and the language is deleted to preclude such an interpretation being mistakenly inferred.

Sections 3.4 (p) and (q) and § 4.5 are amended to take into account an earlier organizational change that added a second Associate Postmaster General.

Section 3.4(q) is also amended to reflect the Chief Postal Inspector's correct title, and to reposition material presently contained in § 3.7(c).

Section 3.4(t) is amended to require Board approval only of major policy positions taken with the Department of Justice on petitions for Supreme Court review, instead of all positions, which might include comparatively abstruse questions of statutory interpretation or legal procedure.

Section 3.4(y) is redesignated 3.4(z) and new 3.4(y) is added to conform with the Inspector General Act Amendments of 1988. Section 3.7(c) is deleted, since its contents were transferred to § 3.4(q).

Section 4.6 is redesignated § 4.7 and new § 4.6 is added giving the status of the Chief Postal Inspector in view of the Inspector General Act Amendments of 1988.

Section 6.5 is amended to reflect the current title of the Communications Department.

Section 8.3 is amended to reflect the current title of the Senate Committee on Governmental Affairs.

Accordingly, 39 CFR parts 3, 4, 5, 6, and 8 are amended as follows:

List of Subjects in 39 CFR Parts 3, 4, 5, 6, and 8

Organization and functions (Government agencies), Administrative practice and procedure, Reporting requirements, Sunshine Act, Postal Service.

PART 3—BOARD OF GOVERNORS [ARTICLE III]

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

Authority: 39 U.S.C. 202, 203, 205 401 (2), (10), 402, 1003, 3013; 5 U.S.C. 552b (g), (j).

§ 3.3 [Amended]

2. In § 3.3 remove "30" and add, in its place, "42".

3. In § 3.4 republish the heading and the introductory paragraph; remove "Associate Postmaster General" in paragraph (p) and add, in its place, "Associate Postmasters General"; redesignate paragraph (y) as paragraph (z); revise paragraphs (i), (q), and (t); and add new paragraph (y) to read as follows:

§ 3.4 Matters reserved for decision by the Board.

The following matters are reserved for decision by the Board of Governors:

* * * * *

(i) Authorization of the Postal Service to request the Postal Rate Commission to submit a recommended decision on changes in postal rates.

* * * * *

(q) Compensation of officers of the Postal Service whose positions are included in Level II of the Postal Career Executive Service, including the Associate Postmasters General, the Senior Assistant Postmasters General, Assistant Postmasters General, Regional Postmasters General, General Counsel, Deputy General Counsel, Chief Postal Inspector, Controller, Treasurer, Consumer Advocate, Executive Assistant to the Postmaster General, and Judicial Officer. (For new appointments to officer positions, the Postmaster General shall furnish written information to the Board on candidates for appointment reasonably in advance of any request for a Board decision under this paragraph.)

* * * * *

(t) Approval of all major policy positions taken with the Department of Justice on petitioning the Supreme Court of the United States for writs of certiorari.

* * * * *

(y) Concurrence of the Governors with the Postmaster General in the removal or transfer of the Chief Postal Inspector under 5 U.S.C. App. 8E(f).

* * * * *

§ 3.7 [Amended]

4. In § 3.7, remove paragraph (c) and redesignate paragraph (d) as paragraph (c).

PART 4—OFFICERS [ARTICLE IV]

5. The authority citation for part 4 continues to read as follows:

Authority: 39 U.S.C. 202, 203, 205, 401(2), (10), 1003, 3013.

§ 4.5 [Amended]

6. In § 4.5, remove "Associate Postmaster General" and add, in its place, "Associate Postmasters General".

§ 4.7 [Redesignated from § 4.6]

7. Section 4.6 is redesignated as § 4.7 and new § 4.6 is added reading as follows:

§ 4.6 Chief Postal Inspector.

The Postmaster General, in consultation with the Governors, appoints the Chief Postal Inspector, certain of whose powers and duties are delegated to the holder of that office by the Postmaster General, consistent with these bylaws and the Reorganization Act. The Chief Postal Inspector also holds the position of Inspector General, and for purposes of the Inspector General Act of 1978, as amended by Public Law 100–504, 5 U.S.C App. 8E(f), reports to and is under the general supervision of the Postmaster General. The Postmaster General has the power, with the concurrence of the Governors, to remove or transfer the Chief Postal Inspector to another position or location within the Postal Service. In the event of any such removal or transfer, the Postmaster General must promptly notify both Houses of the Congress in writing of the reasons for such removal or transfer.

PART 5—COMMITTEES [ARTICLE V]

8. The authority citation for part 5 is revised to read as set forth below and the authority citations following § 5.1 are removed.

Authority: 39 U.S.C. 202, 203, 204, 205, 401(2), (10), 1003, 3013; 5 U.S.C. 552b (a), (b), (g).

§ 5.3 [Amended]

9. In § 5.3 remove "30" and add, in its place, "42".

PART 6—MEETINGS [ARTICLE IV]

10. The authority citation for part 6 is revised to read as set forth below and the authority citations following § 6.3 are removed.

Authority: 39 U.S.C. 202, 205, 401(2), (10), 1003, 3013; 5 U.S.C. 552b (e), (g).

§ 6.5 [Amended]

11. In § 6.5 remove "Public and Employee Communications Department" and add, in its place, "Communications Department".

PART 8—REPORTS AND RECORDS [ARTICLE VIII]

12. The authority citation for part 8 is revised to read as set forth below and the authority citations following § 8.2 are removed.

Authority: 39 U.S.C. 202, 203, 205, 401(2), (10), 1003, 3013; 5 U.S.C. 552b (g), (j).

§ 8.3 [Amended]

13. In § 8.3 remove "Committees on Post Office and Civil Service" and add, in its place, "House Committee on Post Office and Civil Service and Senate Committee on Governmental Affairs".

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 89-24360 Filed 10-13-89; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201-1, 201-2, 201-6, 201-38

[FIRMR Interim Rule 3]

Telecommunications Accessibility for Hearing and Speech Impaired Individuals

AGENCY: Information Resources Management Service, GSA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements selected provisions of Public Law 100-542, the "Telecommunications Accessibility Enhancement Act of 1988." This statute directed the Administrator of General Services, in consultation with the Architectural and Transportation Barriers Compliance Board (ATBCB), the Interagency Committee on Computer Support of Handicapped Employees (ICCSHE), the Federal Communications Commission (FCC) and affected Federal agencies, by regulation to take the actions necessary to assure that the Federal telecommunications system is fully accessible to hearing and speech impaired individuals. The intent of this law is to have all Federal telecommunications facilities, whether operated by the General Services Administration (GSA) or other agencies, provide the capability for communications by and with hearing and speech impaired individuals.

This regulation provides mandatory Federal Information Resources Management Regulation (FIRMR) coverage requiring telecommunications accessibility for hearing and speech impaired individuals. FIRMR provisions are also being revised to: (1) Provide for the performance of determinations of need and requirements analyses to identify telecommunications accessibility requirements; (2) provide for the development of telecommunications accessibility specifications in solicitation documents, as necessary; (3) require agency telecommunications device for the deaf (TDD) relay operators to keep TDD conversations confidential; (4) require agencies to publish TDD access numbers in agency telephone directories and also provide such numbers to GSA; and (5) direct agencies to display the standard logo specified by GSA to indicate the presence of TDD equipment in buildings or offices. The objective of these provisions is to enable hearing and speech impaired individuals to communicate effectively and efficiently with Federal agencies.

DATES: Effective date: October 16, 1989. Comments are due: November 15, 1989.

ADDRESS: Comments should be addressed to: General Services Administration (KMPR), KMP-89-10, Washington, DC, 20405.

FOR FURTHER INFORMATION CONTACT: Margaret Truntich or Mary Anderson, Regulations Branch (KMPR), Office of Information Resources Management Policy, telephone (202) or FTS 566-0194 (voice only (v)).

SUPPLEMENTARY INFORMATION: (1) This rule prescribes policies and procedures for ensuring telecommunications accessibility for individuals with hearing and speech impairments for communication with and within Federal agencies. FIRMR Bulletin 63 provides more detailed information regarding this subject and about GSA and agency responsibilities.

(2) This rule implements selected provisions of Public Law 100-542, which required GSA to prescribe such regulations 360 days after the law's enactment on October 28, 1988. Among its other provisions, Public Law 100-542 required GSA to: assume responsibility for the operation of the pilot Federal telecommunications relay system operated by the Department of the Treasury and ATBCB; assemble, publish and maintain a directory of devices used by Federal agencies to accommodate individuals with hearing and speech impairments; publish in Federal agency directories access numbers for such agency equipment; in consultation with the ATBCB, adopt the design of a standard logo to indicate the presence of this equipment in Federal buildings; jointly with the FCC, promote research to reduce the cost and improve the capabilities of equipment for providing telecommunications accessibility for those with hearing and speech impairments; take into account the analysis developed to implement this regulation and any future technological improvements in telecommunications that improve accessibility for hearing and speech impaired individuals in planning future modifications to the Federal telecommunications system.

(3) Explanations of changes made by this rule are contained in the following paragraphs.

(a) Section 201-1.102 is amended by adding a provision to cite Public Law 100-542 is the statutory authority for telecommunications accessibility.

(b) Section 201-2.001 is amended by adding a definition for Telecommunications Device for the Deaf (TDD).

(c) Section 201-6.203 is revised to add a provision requiring TDD relay operators to keep TDD conversations confidential. This will assure compliance with applicable laws and regulations dealing with the consensual listening-in or recording of telephone conversations, as described in subpart 201-6.2.

(d) Section 201-38.009 is added to require Federal agencies to: (i) Provide telecommunications access to hearing and speech impaired individuals who are either employees or clients of Federal agencies; (ii) consider the needs of individuals with hearing and speech impairments when performing determinations of need and requirements analyses and developing specifications in solicitation documents for telecommunications acquisition; (iii) publish relevant TDD access numbers in agency telephone directories and provide agency TDD numbers to GSA for inclusion in a Government wide TDD directory; and (iv) display in their buildings or offices the standard logo specified by GSA for indicating the presence of TDD equipment so that

prospective users may easily locate such equipment.

(4) The General Services Administration has determined that this is not a major rule for the 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 interim rule is written to ensure maximum benefits to Federal agencies and it will not have a significant effect beyond the internal operating procedures of Federal agencies. This Governmentwide management regulation will have little or no net cost effect on society. This interim rule is not expected 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 201–1, 201–2, 201–6, and 201–38

Government procurement, Government property management, Information resource activities, Telecommunications, Federal Telecommunications System.

PART 201–1—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM

1. The authority citation for part 201–1 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–1.102 is amended by adding paragraph (c)(7) to read as follows:

§ 201–1.102 Authority.

* * * * *

(c) * * *

(7) Public Law 100–542, The Telecommunications Accessibility Enhancement Act of 1988 (40 U.S.C. 762) regarding telecommunications system accessibility for hearing and speech impaired individuals.

PART 201–2—DEFINITIONS OF WORDS AND TERMS

1. The authority citation for part 201–2 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–2.001 is amended by adding the following definition in alphabetical order:

§ 201–2.001 Definitions.

* * * * *

Telecommunications Device for the Deaf (TDD) means a machine that uses typed input and output, usually with a visual text display, to enable individuals with hearing or speech impairments to communicate over a telecommunications network.

PART 201–6—PROTECTION OF PERSONAL PRIVACY

1. The authority citation for part 201–6 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–6.203 is amended by adding paragraph (g) to read as follows:

§ 201–6.203 Agency responsibilities.

* * * * *

(g) Conversations recorded or relayed by operators of telecommunications device for the deaf (TDD) relay systems are kept confidential to comply with § 201–6.202–2(d).

PART 201–38—MANAGEMENT OF TELECOMMUNICATIONS RESOURCES

1. The authority citation for part 201–38 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–38.009 is added to read as follows:

§ 201–38.009 Accessibility for Hearing and Speech Impaired Individuals.

(a) *Scope.* This section prescribes policies and procedures regarding telecommunications accessibility for hearing and speech impaired individuals.

(b) *General.* Public Law 100–542 directs that the Federal telecommunications system be fully accessible to hearing and speech impaired individuals, including Federal employees. The intent of this law is to ensure that all Federal agencies provide telecommunications accessibility to those with hearing and speech impairments who either work for or do business with the Federal Government.

(c) *Policies.* Federal agencies shall provide telecommunications access to hearing and speech impaired individuals for communication with and within the Federal Government. Determinations of need and requirements analyses shall be performed to identify specific deficiencies and requirements to ensure that agency telecommunications facilities are accessible to the hearing and speech impaired. As appropriate, agencies shall include specifications for telecommunications accessibility in agency solicitation documents.

(d) *Procedures.* (1) Specific information regarding telecommunications accessibility for hearing and speech impaired individuals and the requirements of GSA-related programs may be found in the FIRMR Bulletin series. Agencies shall consider these guidelines when performing determinations of need and requirements analyses, developing specifications for acquisitions of telecommunications services and equipment, and providing necessary information for the operation of GSA's telecommunications device for the deaf (TDD)-related programs.

(2) Agencies shall publish relevant access numbers for TDD and TDD-related devices in agency telephone directories and provide such agency numbers to GSA for inclusion in the Federal TDD Directory.

(3) Agencies shall display in their buildings or offices the standard logo specified by GSA for indicating the presence of TDD or TDD-related equipment.

Dated: September 22, 1989.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 89–24336 Filed 10–13–89; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 86–02; Notice 2]

Passenger Automobile Average Fuel Economy Standards; Final Decision To Grant Exemption

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

ACTION: Final decision granting exemption from average fuel economy standards and establishing an alternative standard.

SUMMARY: This decision is issued in response to a petition filed by Rolls-Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model year (MY) 1990 and 1991 passenger automobiles, and that lower alternative standards be established for it. This decision grants Rolls-Royce that exemption and establishes an alternative standard of 12.7 mpg for MY 1990 and 12.7 mpg for MY 1991.

DATES: *Effective Date:* October 16, 1989 This exemption and alternative standard apply to Rolls-Royce for model years 1990 and 1991. Petitions for reconsideration may be submitted by November 15, 1989.

ADDRESS: Petitions for reconsideration may be submitted to: Administrator, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. It is requested, but not required, that 10 copies be provided.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Kee's telephone number is (202) 366–0846.

SUPPLEMENTARY INFORMATION: NHTSA is exempting Rolls-Royce from the generally applicable average fuel economy standard for 1990 and 1991 model year passenger automobiles and establishing an alternative standard applicable to Rolls-Royce for those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended ("the Act") (15 U.S.C. 2002(c)). Section 502(c) provides that a passenger automobile manufacturer which manufactures fewer than 10,000 passenger automobiles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Section 502(e) of the Act (15 U.S.C. 2002(e)) requires NHTSA, in determining maximum feasible average fuel economy, to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final decision was preceded by a proposed decision announcing the agency's tentative conclusion that Rolls-Royce should be exempted from the generally applicable 1990 and 1991 passenger automobile average fuel economy standards, and that an alternative standard of 12.7 mpg should be established for Rolls-Royce in those model years (54 FR 37443, September 8, 1989). No comments were received on the proposed decision.

The agency is adopting the tentative conclusions set forth in the proposed decision at its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level of Rolls-Royce in Model Years 1990 and 1991 is 12.7 mpg, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this requested exemption, NHTSA hereby exempts Rolls-Royce from the generally applicable passenger automobile average fuel economy standard for the 1990 and 1991 model years and establishes an alternative standard of 12.7 miles per gallon for Rolls-Royce in those years.

NHTSA has analyzed this decision, and determined that neither Executive Order 12291 nor the Department of Transportations's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Rolls-Royce. If the Executive Order and the Department policies and procedures were applicable, the agency would have determined that this action is neither "major" nor "significant". The principal impact of this exemption is that Rolls-Royce will not be required to pay civil penalties if it achieves its maximum feasible average fuel economy, and purchasers of its vehicles will not have to bear the burden of those civil penalties in the form of higher prices. Since this decision sets an alternative standard at the level determined to be Rolls-Royce's maximum feasible average fuel economy, no fuel would be saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which measure the amount of emissions per mile travelled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Rolls-Royce's MY 1990 and 1991 automobiles cannot achieve better fuel economy than 12.7 mph, granting this exemption will not affect the amount of gasoline available.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Rolls-Royce. It does relieve the company from being subject to infeasible standards for MYs 1990 and 1991 and from having to pay civil penalties for noncompliance with those standards. Small entities and small governmental jurisdictions generally are not purchasers of Rolls-Royce automobiles. In any event, since the prices of 1990 and 1991 Rolls-Royce automobiles are not affected by this decision the purchasers will not be affected.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

Authority: Sec. 9, Pub. L. 89–670, 80 Stat. 981 (49 U.S.C. 1657); Sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

PART 531—[AMENDED]

In consideration of the foregoing, 49 CFR part 531 is amended by revising § 531.5(b)(2) to read as follows. The introductory text of (b) is shown for the convenience of the reader and remains unchanged.

1. The authority citation for part 531 continues to read as follows:

Authority: 15 U.S.C. 2002, delegation of authority at 49 CFR 1.50.

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

Model Year	Average Fuel Economy Standard (MPG)
1978	10.7
1979	10.8
1980	11.1
1981	10.7
1982	10.6
1983	9.9
1984	10.0
1985	10.0
1986	11.0
1987	11.2
1988	11.2
1989	11.2
1990	12.7
1991	12.7

* * * * *

Issued on October 10, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89–24288 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 54, No. 198
Monday, October 16, 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

Federal Crop Insurance Corporation

7 CFR Part 456

[Amdt. No. 1; Docket No. 7236S]

Macadamia Tree Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Macadamia Tree Crop Insurance Regulations (7 CFR Part 456), effective for the 1990 and succeeding crop years, to liberalize a policy requirement with respect to the age of bearing macadamia trees when reducing insurance coverage on a unit with less than 90 percent of a complete planting pattern. The intended effect of this rule is to make this provision of the policy more easily administered.

DATES: Written comments, data, and opinions on this proposed rule should be received not later than November 15, 1989 to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC, 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is October 1, 1992.

John Marshall, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) an annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small business, and other persons and will not have a significant economic impact on a substantial number of small entities.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with Sate and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

FCIC proposes to amend the Macadamia Tree Crop Insurance Regulations (7 CFR part 456), by liberalizing the requirement with respect to the age of bearing macadamia trees when reducing insurance coverage on a unit with less than 90 percent of a complete planting pattern.

Subsection 4.b. of the current Macadamia Tree Crop Insurance Policy provides that if, at the time insurance attaches, the number of bearing trees over five years old on a unit is less than 90 percent of the number of trees that would comprise a complete planting pattern, the amount of insurance will be reduced 1 percent for each percent below 90 percent.

The effect of this subsection applies more to macadamia nut crop insurance by referring to bearing trees over five years old and was inadvertently included in the macadamia tree policy.

Therefore, FCIC proposes to amend subsection 4.b., to remove the reference to bearing trees over five years old, while retaining the impact of reducing coverage on a percentage basis when the number of trees is less than 90 percent of the complete planting pattern.

FCIC is soliciting public comment on this proposed rule for 30 days following publication in the **Federal Register.** Written comment should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

All written comments received pursuant to this proposed rule will be available for public inspection and copying in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 456

Crop insurance, Macadamia trees.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Macadamia Tree Crop Insurance Regulations (7 CFR part 456), proposed to be effective for the 1990 and succeeding crop years, as follows:

PART 456—[AMENDED]

1. The authority citation for 7 CFR part 456 continues to read as follows:

Authority: 7 U.S.C. 1506, 1516.

2. 7 CFR part 456, the Macadamia Tree Crop Insurance Regulations, is amended by revising subparagraph 4.b. of the policy to read as follows:

§ 456.7 The application and policy.

* * * * *

4. Amounts of insurance and coverage levels.

* * * * *

b. If, at the time insurance attaches, the number of macadamia trees on a unit is less than 90 percent of the number of macadamia trees that would comprise a complete

planting pattern, the amount of insurance will be reduced 1 percent for each percent below 90 percent.

* * * * *

Done in Washington, DC, on September 26, 1989.

David W. Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 89-24309 Filed 10-13-89; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 949

[Docket No. FV-89-096]

Irish Potatoes Grown in the High Plains Area of Texas and New Mexico; Order Directing That a Referendum be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents to Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of Texas-New Mexico High Plains potatoes to determine whether they favor continuance of the marketing order regulating the handling of potatoes grown in the production area.

DATES: The representative production period is from November 1, 1988, through October 31, 1989. The referendum will be conducted from November 6 through November 27, 1989.

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

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 949 (7 CFR part 949), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act, it is hereby directed that a referendum be conducted within the period November 6 through November 27, 1989, among the growers in the production area who, during the period November 1, 1988, through October 31, 1989 (which period is hereby determined to be a representative period for purposes of such referendum), were engaged in the production of potatoes covered by the said marketing order to ascertain whether continuance of the order is favored by the growers.

The marketing order was favored by about 71 percent of the growers voting in a May, 1989 referendum. However, since that time, more than ten percent of the growers in the production area have requested a referendum. It is therefore appropriate that a continuance referendum be held to determine the level of grower support for the marketing order.

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The Secretary would consider termination of the order if less than two-thirds of the growers of potatoes voting in the referendum and growers of less than two-thirds of the volume of potatoes represented in the referendum favor continuance. However, in evaluating the merits of continuance versus termination, the Secretary will not only consider the results of the continuance referendum but also all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

In any event, section 8c(16)(B) of the Act requires the Secretary to terminate an order whenever the Secretary finds that a majority of all growers favor termination, and such majority produced for market more than 50 percent of the commodity covered by such order.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the ballot material that will be used in the referendum herein ordered has been submitted to and approved by the Office of Management and Budget (OMB) and has been assigned OMB No. 0581-0159. It has been estimated that it will take an average of 10 minutes for each of the approximately 120 High Plains potato growers to participate in the voluntary referendum balloting.

Belinda C. Garza, Southwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, and Robert F. Matthews, are hereby designated as referendum agents of the Secretary of Agriculture to conduct such referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR part 900.400 *et seq.*)

Copies of the text of the aforesaid marketing order may be examined in the offices of the referendum agents or in the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456.

Ballots to be cast in the referendum may be obtained from the referendum agents and from their appointees.

Authority: Agricultural Marketing Agreement Act of 1937, as amended, secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Dated: October 6, 1989.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 89-24339 Filed 10-13-89; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 5 and 7

[Docket No. 89-11]

Rules, Policies, and Procedures for Corporate Activities; Payment of Dividends

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period and additional information.

SUMMARY: On August 16, 1989, the Office of the Comptroller of the Currency (OCC) published in the **Federal Register** a notice of proposed rulemaking (NPRM) concerning the payment of dividends by national banks. The NPRM required all comments to be submitted by October 16, 1989. Under the present statute and the NPRM, the dividend paying capacity of a national bank is governed by the "net profits" of the bank for the current period plus the prior two years. Consequently, the proposed dividend requirements would have retrospective application for which national banks could not adequately plan. The OCC is now proposing to implement the proposed dividend requirements on a prospective basis as of January 1, 1990. The OCC would like public comment on this issue, and therefore, extends the original comment period for 30 days to November 16, 1989.

DATE: Comments regarding the original NPRM and this additional issue must be received by November 16, 1989.

ADDRESS: Interested persons are invited to submit written comments to the Office of the Comptroller of the Currency, Communications Division, Fifth Floor, 490 L'Enfant Plaza East, Southwest, Washington, DC 20219. Docket No. [89–11]. Comments will be available for inspection and photocopying at that address.

FOR FURTHER INFORMATION CONTACT: Larry Senter, National Bank Examiner, Supervision Policy/Research Division, (202) 447–1164; Ronald Shimabukuro, Attorney, Legal Advisory Services Division, (202) 447–1883; or Doug Burr, Accounting Fellow, Bank Accounting Division, (202) 447–0471.

SUPPLEMENTARY INFORMATION: On August 16, 1989, a NPRM was published in the **Federal Register** (54 FR 33711) in which the OCC proposed new requirements in 12 CFR part 5 concerning the payment of dividends by national banks. The NPRM required that all comments be received by October 16, 1989. The OCC is now considering the implementation of the proposed dividend requirements on a prospective basis and invites public comment on this issue. To encourage public comment on this issue, the OCC is hereby extending the comment period to November 16, 1989.

In the NPRM, the OCC proposed a new § 5.62 which concerns the earnings limitation on the payment of dividends by national banks. In pertinent part, proposed § 5.62(c) provides:

(c) *Allowance for loan and lease losses.* When computing its "net profits" for the purposes of 12 U.S.C. 60, a national bank must use generally accepted accounting principles, and may not add back provisions made to its allowance for loan and lease losses. Furthermore, a national bank should not deduct net charge-offs from its earnings for purposes of computing net profits.

This paragraph would clarify an existing Interpretive Rule, 12 CFR 7.6100, concerning the treatment of provisions made to the allowance for loan and lease losses and the deduction of net charge-offs when computing "net profits" for the purposes of 12 U.S.C. 60.

Pursuant to 12 U.S.C. 60, a national bank computes "net profits" (from which dividends may be paid) for the current period *plus* the previous two years. As a result of this retrospective application, the issue arises whether the proposed § 5.62(c) should be applied retrospectively to prior periods in the computation of "net profits" or only prospectively to all periods going forward. The OCC believes that the application of the proposed § 5.62(c) on a prospective basis would facilitate the transition process for national banks. Therefore, the OCC proposes to implement § 5.62(c) only on a prospective basis to the period beginning January 1, 1990.

Specifically, the OCC proposes that a new paragraph (f) of 12 CFR 5.62 be added to read as follows:

(f) *Effective Date.* For the purposes of computing "net profits" pursuant to 12 U.S.C. 60, paragraph (c) of this section, requiring the use of generally accepted accounting principles, applies to the period beginning Janaury 1, 1990.

Proposed § 5.62(f) would apply the provisions in § 5.62(c) only on a prospective basis to the period beginning January 1, 1990. Accordingly, for the purposes of computing "net profits" under 12 U.S.C. 60, national banks may elect to use the existing method in computing "net profits" (*i.e.*, net income plus loan loss provisions minus net charge-offs) for all periods prior to January 1, 1990.

To illustrate, for calendar year 1990, a national bank could calculate dividend capacity under 12 U.S.C. 60 by using the existing method to compute "net profits" for any periods in 1988 and 1989; for periods in 1990, the bank would use proposed § 5.62(c). In this way, § 5.62(c) would be applied on a prospective basis. National banks would not be required to recompute their dividend paying capacity for prior periods using the proposed § 5.62(c).

The OCC again invites comments on all aspects of the proposed dividend regulation, but specifically solicits comments on the issue of the prospective application of § 5.62(c).

Dated: October 10, 1989.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 89–24341 Filed 10–13–89; 8:45 am]

BILLING CODE 4810–33–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89–NM–98–AD]

Airworthiness Directives; Honeywell Attitude and Heading Reference System AH–600, as Installed in, but Not Limited to de Havilland Model DHC–8, British Aerospace Model BAe 125–800, Cessna Model 650, and Aerospatiale Model ATR42–300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental Notice of Proposed Rulemaking (NPRM); Correction; Reopening of Comment Period.

SUMMARY: This notice corrects an earlier proposed airworthiness directive (AD) which proposed to supersede an existing airworthiness directive, applicable to Honeywell Attitude and Heading Reference Systems (AHRS), with certain Honeywell Attitude and Heading Reference Units (AHRU) installed, to require installation of modified AHRU's in the pilot's, copilot's, and any auxiliary system. This action corrects a typographical error in the proposed rule published in the **Federal Register** and grants an extension of the comment period.

DATES: Comments must be received no later than November 14, 1989.

ADDRESSES: Send comments on the proposal, in duplicate, to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 89–NM–98–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Honeywell Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, 5353 West Bell Road, Glendale, Arizona 85308. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Razzeto, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806–2425; telephone (213) 988–5355.

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 FAA to acknowledge the 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-98-AD." The post card will be date/time stamped and returned to the commenter.

Discussion: A proposal to amend Part 39 of the Federal Aviation Regulations by superseding AD 88-26-05, Amendment 39-6093 (53 FR 51094; December 20, 1988), to require removal of specified AHRU's from service, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on July 31, 1989 (54 FR 31539). The proposal is prompted by the determination that defective AHRU's may be installed in the pilot, copilot's and auxiliary AHRS's. This condition, if not corrected, could result in the loss of attitude and heading display to the pilot and copilot.

The original proposal submitted to the **Federal Register** for publication specified, in paragraph B., that the proposed compliance time for the requirement to remove all specified AHRU's from service was 45 days after the required inspection. However, the FAA has noted that the document as published in the **Federal Register** incorrectly indicated the compliance time as 345 days instead of 45 days.

Since the intended compliance time would impose a greater economic burden on affected operator than that which appeared in the **Federal Register**, it is necessary to make this correction and to reopen the comment period to allow public comment on the proposed AD as corrected.

There are approximately 117 airplanes of the affected design in the worldwide fleet. It is estimated that 60 airplanes of U.S. registry would be affected by this AD, that it would take approximately eight (8) manhours per airplane to accomplish the required action, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,200.

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 these 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 Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the 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 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 superseding AD 88-26-05, Amendment 39-6093 (53 FR 51094; December 20, 1988), with the following new airworthiness directive; and by correcting the Notice of Proposed Rulemaking, Docket Number 89-NM-98-AD, published in the **Federal Register** on July 31, 1989 (54 FR 31539); as follows:

Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division (Sperry Corporation): Applies to the Honeywell AH-600 Attitude and Heading Reference System (AHRS) strapdown Attitude and Heading Reference Unit (AHRU), part numbers 7003360-931, -932, -933, -934, -935, and -936, with serial numbers 0100 through 0277. Compliance is required as indicated, unless previously accomplished.

Note: These systems are known to be installed in, but not limited to, the following airplanes: de Havilland Model DHC-8, British Aerospace (Commercial Aircraft) Limited Model BAe 125-800, Cessna Model 650, and Aerospatiale Model ATR 42 300 series airplanes.

To eliminate the possibility of the primary attitude and heading displays on both sides of the instrument panel failing simultaneously, accomplish the following:

A. Within 10 days after January 9, 1989 (the effective date of Amendment 39-6093), inspect airplanes with Honeywell AH-600 AHRS installed to determine the part number, serial number, and Mod Level of the strapdown AHRU installed in the pilot's (Number 1) AHRS. Prior to further flight after inspection, remove all AHRU Part Numbers 7003360-931, -932, -933, -934, -935, and -936, with Serial Numbers 0100 through 0277, without Mod Level "F", from service in the pilot's (Number 1) AHRS. Install the same part number with Mod Level "F" incorporated, or modify the AHRU in accordance with Honeywell Inc., Service Bulletin 7003360-34-32, dated August 2, 1988.

Note: Serial numbers of the strapdown AHRU are eight digit numbers; the first four are date code and the last four are the individual unit identifier. Serial numbers referred to in this AD are the last four numbers of the serial number.

B. Within 60 calendar days after the effective date of this amendment, inspect airplanes with the Honeywell AH-600 AHRS installed to determine the part number, serial number, and Mod Level of the strapdown AHRU installed in the copilot's (Number 2) AHRS and the auxiliary (Number 3) AHRS. Within 45 days after the inspection, remove all AHRU Part Numbers 7003360-931, -932, -933, -934, -935, and 936, with Serial Numbers 0100 through 0277, without Mod Level "F", from service in the copilot's (Number 2) AHRS and the auxiliary (Number 3) AHRS. Install the same part number with Mod Level "F" incorporated, or modify the AHRU in accordance with Honeywell Inc., Service Bulletin 7003360-34-32, dated August 2, 1988.

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

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

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with 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 Honeywell, Inc., Sperry Commercial Flight Systems Group, Business and Commuter Aviation Systems Division, 5353 West Bell Road, Glendale, Arizona 85308. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900

Pacific Highway South, Seattle, Washington, or at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on October 5, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24312 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Parts 205, 294, and 298

[Docket No. 37531; Notice 89-19]

RIN 2105-AA47

Insurance for On-Demand U.S. and Canadian Air Taxi Operators

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Proposed rule; withdrawal.

SUMMARY: This notice withdraws the rulemaking begun by the Civil Aeronautics Board (CAB) that proposed to alter the minimum accident liability coverage per passenger for U.S. and Canadian air taxi operators. Commenters to the proposal have argued that the proposal would result in a severe economic burden on the air taxis and would also result in decreased on-demand air services.

DATE: The proposed amendment to 14 CFR parts 205, 294, and 298 relating to the minimum accident liability insurance for U.S. and Canadian air taxis (EDR 395B and 395C) is withdrawn October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Desta McDowell or Dennis Foley, Regulatory Analysis Division, Office of Aviation Analysis, P-57, Department of Transportation, 400 7th Street, SW., Washington, DC 20590: (202) 366-1062

SUPPLEMENTARY INFORMATION: This document withdraws the Civil Aeronautics Board's (CAB's) supplemental notices of proposed rulemaking (EDR-395B and 395C) that proposed to alter the minimum level of accident liability insurance coverage per passenger for U.S. and Canadian air taxi operators.

By EDR-395 which appeared in the Federal Register on February 4, 1980, (NPRM, Docket 37531, (45 FR 7566)) the CAB proposed to revise liability insurance requirements for all U.S. and foreign air carriers operating under its authority. The NPRM proposed to require minimum insurance coverage for certificated scheduled carriers and to require expanded cargo liability disclosure statements for all carriers. The CAB also proposed to increase the required minimum per passenger liability limitation from $75,000 to $300,000 for U.S. and Canadian air taxi operators. The CAB stated that the proposed changes were necessary to ensure an adequate minimum amount of coverage. In 1985, responsibility for this rulemaking transferred to the Department at CAB sunset.

Comments in support of the proposal regarding the increase in minimum insurance requirements for U.S. and Canadian air taxis were filed by the Aviation Consumer Action Project, the Association of Trial Lawyers of America, the U.S. Department of Justice and the U.S. Department of Transportation. These commenters supported a higher minimum level of liability. They further asserted that the proposed higher minimum level of liability should not pose a barrier to entry to on-demand air service. Twenty air taxi operators, two insurance companies, the Montana Aviation Trade Association, the Montana Aeronautics Board, the North Dakota Aeronautics Commission and the National Air Transportation Association (NATA) filed comments objecting to the proposal. The latter stated that the proposed increase in insurance would result in a severe economic burden on the air taxis and would drive many air taxis out of business. They asserted that the resultant decrease in on-demand air service would violate the intent of deregulation.

By EDR-395B (October 27, 1981, SNPRM, Docket 37531, (45 FR 52585)) the CAB addressed only the insurance requirements of U.S. and Canadian air taxis and proposed to:

(1) Increase the per person minimum liability from $75,000 to $150,000 for U.S. and Canadian air taxi operators; or

(2) Eliminate all insurance requirements and require the air taxis to provide a disclosure notice instead; or

(3) Retain the minimum level at $75,000.

By EDR-395C (March 10, 1983, SNPRM, Docket 37531, (48 FR 10073)), the CAB extended the comment period for EDR 395B and added a fourth alternative: To increase the minimum insurance level to $100,000 per passenger. Twenty-one comments were filed in objection to EDR-395B and 395C. Many of the commenters noted that the existing minimum insurance level ($75,000 per passenger) was sufficient. The commenters stressed that an increase in required insurance would result in a financial burden on the air taxi operators and that any increase in required insurance would result in fewer companies offering on-demand air taxi service.

After review of the comments, the Department has determined that there is insufficient reason to proceed with this rulemaking. Many of the air taxis apparently have opted for insurance levels that exceed this amount. Also in the time since this rulemaking began, there have been many changes in the aviation insurance industry, particularly regarding rates, liability limitations, and procedural requirements. If a final rule were to be issued, the Department, would need to carefully consider these, and other developments, in both the aviation insurance and airline industries. However, because of the passage of time, we find that continuance of this rulemaking is unwarranted.

In view of the foregoing, the proposed amendment to 14 CFR parts 205, 294, and 298 relating to the minimum accident liability insurance for U.S. and Canadian air taxis (EDR 395B and 395C) is withdrawn.

Issued in Washington, DC on October 5, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-24141 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-62-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AM061MD; FRL 3671-9]

Approval and Promulgation of Implementation Plans; Approval of Revisions to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Maryland Air Management Administration (MAMA) has submitted a revision to the Maryland State Implementation Plan (SIP) in the form of a Secretarial Order (by Consent) for the American Cyanamid Company. The Order provides the Company with a Plan for Compliance (PFC) and an alternative method of assessing compliance for certain installations located at the plant by allowing the averaging or "bubbling" of volatile organic compound (VOC) emissions over a 24-hour period. This was originally proposed on November 20, 1984 (49 FR 45764), but because

American Cyanamid is located in the Metropolitan Baltimore ozone nonattainment area which received a finding of SIP inadequacy on May 26, 1988, EPA is reproposing to approve this bubble.

DATE: Comments must be received by EPA by November 15, 1989.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, Pa. 19107

Maryland Department of the Environment, Air Management Administration, 2500 Broening Highway, Baltimore, MD 21224, Attn: George P. Ferreri

Written comments should be addressed to David L. Arnold, Chief, Program Planning Section of the Region III address above. Please reference the docket number found in the heading of this Notice.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia H. Stahl (215) 597–9337 at the EPA Region III address indicated above. The commercial and FTS numbers are the same.

SUPPLEMENTARY INFORMATION:

Background

On April 7, 1982, (47 FR 15076), the Environmental Protection Agency issued a proposed Emissions Trading Policy Statement (ETPS) entitled "Emission Trading Policy Statement; General Principles for Creation, Banking, and Use of Emission Reduction Credits." The April 7, 1982, Notice indicated that until EPA takes final action on its policy statement, State actions would be evaluated under the provisions set forth in the proposed policy statement. On December 4, 1986, EPA finalized its emissions trading policy (51 FR 43814).

On August 20, 1984, the Maryland Air Management Administration (MAMA) submitted a Secretarial Order to EPA which would allow the American Cyanamid Company (the Company) to bubble VOC emissions at its paper and fabric adhesive plant located in Havre de Grace, Maryland, which is part of the Metropolitan Baltimore ozone nonattainment area. This area was designated as an extension/nonattainment area for ozone (0_3) and therefore, the ambient 0_3 standard was to be achieved by December 31, 1987, according to the approved part D Plan. See 48 FR 5048 and 49 FR 8610.

The installations at the Havre de Grace plant include paper and fabric adhesive coating towers, adhesive mixing facilities, a honeycomb core print line, and a corrugating line. The paper and fabric adhesive coating operation consists of towers #2, #3, and #5 and the FM-1000 coater/dryer, all of which are subject to the requirements of the Code of Maryland Regulations (COMAR) 10.18.21.07 *Paper, Fabric* and *Vinyl Coating.*

Description of Plan

The State Secretarial Order will provide a new plan for compliance (PFC) and an alternate method of assessing compliance under COMAR 10.18.21.02 C(1). This alternate PFC, as described in the November 20, 1984 proposed rulemaking Notice (49 FR 45764), would allow the Company to bubble their VOC emissions over a 24-hour period from towers #2, #3, and #5, and the FM-1000 coater/dryer to achieve compliance.

To determine compliance, the Company shall calculate daily actual and allowable emissions from the towers and coater/dryer and submit a summary report to the MAMA on a quarterly basis. The summary report shall show, for each reporting period, each calculated 24-hour average of actual VOC emissions and each calculated 24-hour average of allowable VOC emissions.

The Company shall also identify which exempt solvents are being utilized in their coatings. In addition, the Company will be considered out of compliance each time a coating's solvent content or application rate exceeds the value registered by the company with the MAMA for that coating. This method for determining compliance is consistent with EPA's Can Coating Operation Policy statement as discussed in the December 8, 1980 Federal Register (45 FR 80824).

Prior to June 1, 1985 the Company shall calculate allowable emissions on the basis that each coating complies with an emission standard of 3.2 pounds of VOC per gallon of coating applied minus water and exempt solvent. Beginning June 1, 1985, allowable emissions shall be calculated on the basis that each coating complies with the applicable emission standard of COMAR 10.18.21.07 B (2.9 pounds of VOC per gallon of coating applied minus water and exempt solvent). The Company requested the interim standard of 3.2 pounds of VOC per gallon of coating in order to allow time for adjusting their production schedules to meet the requirements of the bubble.

A major requirement in the 1986 final bubble policy is that all bubbles clearly identify both pre- and post-trade actual and allowable emissions for each source invovled in the trade so that the ambient effects may be known. This is normally indicated by including a table in each Federal Register action which lists this information. The American Cyanamid bubble includes "crossline averaging" for four coating lines. If the bubble is approved, the source must meet a 2.9 lb VOC/gallon of coating applied standard across all four coatings. Some coatings' VOC content will be above this and some will be below, but the daily average must be equal to or below 2.9 lb VOC/gallon coating. Since no add-on emission controls are included and the bubble is a crossline average, weighted with gallon usage in each line, credits are being simultaneously generated and used over each 24-hour period. Thus, allowable emissions before the bubble are the same as after the bubble, and there is no adverse ambient effect. The actual emissions (on a mass per time basis) will vary based on production but allowable plant-wide emissions on any given day will be the same before and after the bubble. Prior to the emissions trade, the source was restricted by its emission rate (the pound per gallon standard) on a per line basis. However, since emissions are a function of three factors: Emission rate, operating hours, and production capacity, actual emissions from the plant prior to the trade varied depending on the actual operating hours and production capacity of the plant. Likewise, after the emissions trade, the plant will be restricted by its emission rate. However, this restriction will be on a cross-line basis. As in the pre-trade situation, actual emissions will vary from day to day depending on the operating hours and the production capacity. In the case of American Cyanamid, allowable emissions will be calculated so that if the production level is at less than 100%, the alowable emissions will be restricted to that percentage. In other words, if the production level is at 30 percent, the allowable emissions will be reduced by 100 percent minus 30 percent or 70 percent. This is the key element in a production-based bubble such as this one.

Response to Public Comments

EPA published its Notice of Proposed Rulemaking for the American Cyanamid bubble in the November 20, 1984 Federal Register (49 FR 45764). Comments were received from the Natural Resources Defense Council, Inc. (NRDC), regarding the proposal. The proposed rulemaking

action for this revision contained a typographical error under the heading labeled "EPA Evaluation." The third paragraph, last sentence, should have read "now" instead of "not." EPA informed NRDC of the error, but NRDC stated that if the typographical error had not occurred, their comments would have remained the same. EPA is reproposing this action because it feels that the circumstances surrounding this bubble have changed significantly since the original proposal. Therefore, EPA will reserve responding to NRDC's comments on the November, 1984 proposal, until a final action is taken on this bubble. However, NRDC is welcome to resubmit the same comments, clarify their comments and/or make additional comments in response to this reproposal. EPA will address all comments from all interested parties in the final rulemaking of this action.

On December 4, 1986, EPA published the Final Emissions Trading Policy Statement (Final ETPS, 51 FR 43814). However, the State submitted this bubble to EPA before this final policy was published. Therefore, EPA considers this bubble to be a "pending bubble" under the Final ETPS 51 FR 43840 col. 2. At the time of the State's submittal, although the area was not in attainment of the ozone NAAQS, EPA had approved the SIP for the area, including the attainment demonstration, as provided for attainment by December 31, 1987. Thus, at that time, the area was considered a nonattainment area with an approved demonstration ("NAWAD") for purposes of applying the Final ETPS. Under the Final ETPS, a bubble in a NAWAD is approvable if the baseline is consistent with the assumptions used in the approved SIP, and the bubble does not interfere with attainment of the ozone NAAQS. *See id.*

As described in the Final ETPS, the baseline is computed by reference to three factors; the emission rate ("ER"), the average hourly capacity utilization ("CU"), and the hours of operation ("H"). The baseline equals ER×CU×H. The Final ETPS states that in a NAWAD, the factors to be used in the baseline calculation must be consistent with the assumptions used in the attainment demonstration. If those assumptions cannot be determined (because of vagueness in the attainment demonstration), the baseline must be determined by reference to the lower of the actual or allowable value for each baseline factor at the time of the source's application to the State to trade. 52 FR 43855 cols 1–2.

Because this is a pending bubble, however, the rule described above is not fully applicable. Rather, as indicated in the Final ETPS, the bubble must be consistent with the 1982 Emissions Trading Policy Statement ("1982 ETPS"). The 1982 ETPS stated that the baseline must be consistent with the assumptions used in the attainment demonstration, but did not address the situation in which those assumptions cannot be determined. 47 FR 15077 (April 7, 1982).

For the present bubble, it is not possible to determine clearly what assumptions were used in the attainment demonstration, which EPA approved on June 19, 1984. 49 FR 36645. Because this is a pending bubble, EPA believes that under these circumstances, the attainment demonstration should be presumed to have used the SIP-allowable emission rate for the ER factor, and typical daily production values for the CU and H factors. Most attainment demonstrations done during this time used these factors. Accordingly, EPA has accepted these values for determining the baseline. However, while EPA was considering this bubble, it received additional information that the SIP does not in fact provide for attainment by the end of 1987. On November 24, 1987, EPA stated in the **Federal Register** that air quality monitors revealed sufficient exceedances of the ozone standard in the area that a SIP call would be issued. 51 FR 45044. A SIP call is a finding by EPA under Clean Air Act section 110(a)(2)(H) that the SIP does not provide for attainment by the required date, and thus amounts to a revocation, for certain purposes, of EPA's approval of the SIP and the attainment demonstration. Since publishing that Notice, air quality monitors have revealed additional exceedances of the standard during 1987. On May 26, 1988, EPA issued a SIP call for this area.

For purposes of the general applicability of the Final ETPS, the issuance of a SIP call has converted the area into a nonattainment area lacking an approved demonstration ("NALAD"). 51 FR 43839 col. 3. Under the general rule of the Final ETPS, which would apply to all submissions of bubbles by the State to EPA after the date of the SIP call, the bubble would be approvable only if it met the following three requirements.

(1) The baseline must be calculated using the lower of actual, SIP-allowable, or RACT-allowable values for each baseline determined as of the date the source submitted the bubble application to the State.

(2) The bubble must produce a reduction of at least 20% in the emissions remaining after application of the baseline specified above.

(3) The State must provide assurances that the proposed trade will be consistent with its efforts to attain the ambient standard. The Final ETPS sets out five representatives that the State must make.

51 FR 43839–40.

However, the Final ETPS relaxes these requirements for a pending bubble in a NALAD. For a pending bubble:

(1) The baseline must be calculated using the lower of actual, SIP-allowable, or RACT-allowable values for each baseline factor, determined as of the date the source submitted the bubble application to the State.

(2) The bubble must produce some reduction—but need not produce 20% reduction—in the emissions remaining after application of the baseline specified above.

State assurances are not required for a pending bubble.

51 FR 43840.

The pending bubble requirements of the Final ETPS contemplate a bubble submitted by the State before publication of the Final ETPS, at a time when the area is a NALAD, with no EPA action on the bubble by the date of publication of the Final ETPS. These pending bubble requirements do not explicitly contemplate the circumstances of this bubble, which was submitted by the State before publication of the Final EPTS, at a time when the area was a NAWAD, but the area then received a SIP call that converted it to a NALAD, before EPA acted on the bubble.

EPA has determined that different requirements should apply to a pending bubble in a SIP call area, such as this one. This area, until the SIP call, was classified nonattainment for ozone but had an approved demonstration of attainment. EPA does not believe that bubbles in these areas should be required to use a lower of actual, SIP-allowable, or RACT-allowable baseline; rather, the bubble may continue to use the baseline that is consistent with the assumptions in the attainment demonstration. Nor is the bubble required to show any reduction in emissions beyond the baseline.

However, EPA does believe that the State should provide assurances identified in the Final EPTS. Specifically, the State must make the following representations to EPA:

(1) The bubble emission limits will be included in any new SIP and associated control strategy demonstration.

(2) The bubble will not constrain the state or local agency's ability to obtain

any additional emission reductions needed to expeditiously attain and maintain ambient air quality standards.

(3) The State or local agency is making reasonable efforts to develop a complete approvable SIP and provides EPA a schedule for such development (including dates for completion of emissions inventory and subsequent increments of progress).

EPA believes that if the State adequately makes these representations, EPA will be able to approve this bubble on grounds that it does not interfere with attainment and maintenance of the ozone NAAQS, in accordance with the Clean Air Act Section 110(a)(2). On September 13, 1988, Maryland submitted these assurances to EPA. For other bubbles—pending or otherwise—in a NALAD, EPA continues to believe that the other requirements noted above must be met in order for EPA to conclude that such bubbles meet section 110(a)(2). EPA is waiving those requirements in this case for equitable reasons since the source and State fashioned the bubble proposal based on the area's status as a NAWAP, and only after the State submitted the bubble proposal was the area converted to a NALAD. Accordingly, EPA is today reproposing to approve this bubble.

Conclusion

Based on our review of this Secretarial Order, EPA is today reproposing approval of this Order as a SIP revision. The State of Maryland has certified that, after adequate public notice, a hearing was held on May 23, 1984 with respect to this SIP revision in Baltimore, Maryland.

The Regional Administrator's decision to repropose approval of the Order is based on a determination that the SIP revision meets the requirements of Section 110(a) (2) of the Clean Air Act and 40 CFR part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public is invited to submit, to the address stated above, comments on whether the proposed revision to Maryland's SIP should be approved.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. (secs. 7401–7642).

Dated: August 29, 1989.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 89–24349 Filed 10–13–89; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 90756–9177]

Foreign Fishing Pacific Coast Groundfish Fishery

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

ACTION: Notice of preliminary reassessment and reserve release, and request for comments.

SUMMARY: NMFS proposes increasing the amount of shortbelly rockfish available for joint venture processing in 1989 off Washington, Oregon, and California, and requests comments on this action. The amount of shortbelly rockfish available for joint venture processing would be supplemented with the reserve, the amount set aside for directed foreign fishing, and that portion of the amount designated for domestic processing that will not be needed by domestic processors. This action is based on the results of an inseason survey reassessing the needs of the domestic fishing industry. This action is intended to provide first for the needs cf the domestic processing industry, while making surplus amounts available to joint venture operations.

DATES: Comments will be accepted through October 30, 1989.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle WA 98115–0070.

FOR FURTHER INFORMATION CONTACT: William L. Robinson, 206–526–6140.

SUPPLEMENTARY INFORMATION: Under the implementing regulations for the Pacific Coast Groundfish Fishery Management Plan (FMP) at 50 CFR 611.70 and part 663, the Secretary of Commerce (Secretary) annually specifies a numerical optimum yield (OY) and the amounts of the OY that are available for domestic annual processing (DAP), joint venture processing (JVP), domestic annual harvest (DAH, which equals DAP + JVP), and the total allowable level of foreign fishing (TALFF). If a TALFF is specified, a reserve which equals 20 percent fo the OY is set aside to accommodate unexpected expansion of the domestic industry. Six species in the Pacific Coast groundfish complex have numerical OYs and of these, only three, Pacific whiting, jack mackerel, and shortbelly rockfish are not fully utilized by the domestic processing industry and therefore have amounts designated for JVP aor TALFF. The annual specifications for these species were published in the **Federal Register** on January 3, 1989 (54 FR 32).

During the fishing year, near July 1, these annual specifications are reassessed by a telephone survey of the domestic fishing and processing industry, according to the regulations at 50 CFR 611.70(d), to determine whether there was any change in the domestic intent and capacity to harvest and process Pacific whiting, jack mackerel, and shortbelly rockfish for the rest of the calendar year. Past and projected domestic catch, effort, and processing performance are taken into account. As a result of the reassessment, the reserve may be apportioned to any one or more of the processing categories and the specifications modified, providing first priority to DAP, then JVP, and last, to TALFF.

The inseason survey of domestic processing needs was conducted June 7–12, 1989. It confirmed that the specifications for Pacific whiting and jack mackerel announced in January are adequate, and no change to these specifications is proposed. However, the survey also revealed that the DAP for shortbelly rockfish could be reduced by half (from 1,000 metric tons [mt] to 500 mt) and still accommodate all domestic processing needs for that species. In addition, the Council and NMFS have received requests for shortbelly rockfish joint ventures for up to 13,000–15,000 mt, although the current JVP for shortbelly rockfish is only 5,000 mt. To acccommodate development of new joint ventures, NMFS proposes increasing the JVP from 5,000 mt to 9,500 mt by reapportioning the entire 2,000 mt TALFF, the entire 2,000 mt reserve and 500 mt of surplus DAP to JVP.

In a separate **Federal Register** notice, NMFS proposes to increase the shortbelly rockfish OY from 10,000 mt to 13,000 mt which would provide for most of the remaining JVP needs.

Secretarial Action: After consultation with the Council and considering past and projected U.S. catch and effort and

processing performance, the Secretary proposes the following changes to the specifications for shortbelly rockfish in 1989 (in thousands of metric tons) as published in Table 2 of the **Federal Register** (54 FR 32, January 3, 1989):

	Total OY	DAP	JVP	DAH	Reserve	TALFF
Current Specification	10.0	1.0	5.0	6.0	2.0	2.0
Proposed Change:	10.0	0.5	9.5	10.5	0.0	0.0

Classification

The reassessment of the needs of the domestic industry and the reapportionment of the reserve, TALFF, and surplus DAP to the JVP for shortbelly rockfish are based upon the most recent data available. During the public comment period, the aggregate data upon which the preliminary reassessment is based will be available for public inspection at the Regional Office during business hours (See **ADDRESSES**). This action (1) is proposed under the authority of 50 CFR 611.70(d), which implements a framework provision of the FMP; (2) is in compliance with Executive Order 12291; and (3) is covered by the environmental impact statement prepared for the authorizing regulations. The action contains no additional collection of information requirement for purposes of the Paperwork Reduction Act.

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

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 663

Fisheries.

Dated: October 10, 1989.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries.

[FR Doc. 89-24359 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 54, No. 198
Monday, October 16, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

National Agricultural Research and Extension Users Advisory Board; Correction of Meeting Place

ACTION: Notice of correction of meeting place.

SUMMARY: The users Advisory Board (UAB) meeting to be held October 29–31, and November 1, 1989 in Baton Rouge, Louisiana is now being conducted at the Sheraton Hotel, 4728 Constitution Avenue, Baton Rouge, Louisiana. This supersedes the October 3rd announcement in the Federal Register (54 FR 40724).

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

C. I. Harris,

Associate Administrator.

[FR Doc. 89–24338 Filed 10–13–89; 8:45 am]

BILLING CODE 3410–03–M

Farmers Home Administration

Submission of Information Collection to Office of Management and Budget

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The information collection requirement described below has been submitted to OMB for emergency clearance under 5 CFR 1320.18. The agency solicits comments on subject submission. This action is necessary in order to comply with the Disaster Assistance Act of 1989 (Pub. L. 101–82).

ADDRESS: Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Lisa Grove, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Harry Puffenberger, FmHA, Community Facilities Division, USDA, Room 6314 South USDA Building, 14th and Independence Avenue, SW., Washington, DC 20250, 202–382–1504.

SUPPLEMENTARY INFORMATION: The agency has submitted the proposal for collection of information as described below, to OMB for clearance as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It is requested that OMB approve this submission within seven days.

The supporting statement shown below delineates the revisions to part 1956, subpart C, Debt Settlement—Community and Business Programs.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3407.

Supporting Statement

Amendments to 7 CFR Part 1956, Subpart C Implementing "FmHA Loans Made to Indian Tribes"

FmHA is requesting OMB clearance of changes in the reporting and recordkeeping requirements relating to 7 CFR 1956–C. FmHA seeks to implement a program of allowing Indian tribes and tribal corporations to make application for the reduction of the unpaid principal balances on loans to the current fair market value of the land purchased with the proceeds of FmHA loans. This program is managed by section 303, title III of Public Law 101–82, (Disaster Assistance Act of 1989, "the Act") which will result in an extremely small increase in reporting and recordkeeping burden.

The Act states the unpaid principal balance of a loan or loans may be reduced to the current fair market value of the land purchased with the proceeds of the loan or loans if the fair market value of the land has declined by at least 25 percent since such land was purchased by the borrower. The current fair market value of the land is required to be determined through an appraisal by an independent qualified fee appraiser, selected by mutual agreement between the borrower and FmHA. The borrower is to submit their selection of an appraiser, together with the appraiser's qualifications, in writing, to FmHA for acceptance or rejection. FmHA estimates that approximately 4 such requests would be received during the first 12 months of this program. This estimate is based upon historical data and estimated current fair market data. The estimated response time per submission is 30 minutes.

The information collected under this program is considered the minimum necessary to conform to the requirements of proposed program regulations established by law. The information collected is considered to be the minimum necessary to ensure that the intent of the law is achieved.

This rule is to be published as an interim rule with a 30 day comment period to follow publication. All comments received will be analyzed and considered in finalizing the regulation.

Dated: October 11, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–24377 Filed 10–13–89; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

Turner Lake Sockeye Salmon Enhancement Project, AK; Tongass National Forest—Chatham Area, Juneau Ranger District; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the USDA Forest Service, Tongass National Forest, Chatham Area, will prepare an environmental impact statement to disclose the environmental consequences of the Alaska Department of Fish and Game's proposed Turner Lake Sockeye Salmon Enhancement Project.

Turner Lake is located near Taku Inlet about 22 miles east of Juneau, Alaska. It has a surface area of approximately 3,000 acres and drains into Taku Inlet through Turner Creek. Turner Creek contains a series of falls which prevent fish migration from salt water to Turner Lake. The lake is a popular recreation area because of its scenic beauty and trophy size cutthroat trout population, and has two Forest Service recreation cabins. There are no roads to Turner Lake and most recreation access is via small float plane.

The Alaska Department of Fish and Game proposes to annually stock Turner

Lake with sockeye salmon fry. Eggs for the first five years of the project would be obtained from an existing sockeye salmon run, hatched in a hatchery and stocked the following spring in Turner Lake Fry would rear in the lake for one to three years before outmigrating to the ocean, and would return to Turner Creek approximately five years after stocking. Most returning adults would be harvested in the existing commercial fishery and the remainder collected in Turner Creek, below the falls, to obtain eggs to restock the lake with fry. The Alaska Department of Fish and Game proposes to construct two temporary weirs on the creek and a temporary camp to house personnel. Construction of the camp and weirs is subject to Special Use permit approval by the Forest Service.

The environmental impact statement will consider the no action alternative as well as alternatives which include various brood stock (egg) sources and procedures, and fry stocking schedules ranging from an initial minimal stocking of (5,000,000 fry) up to the estimated carrying capacity of Turner Lake (23,000,000 fry).

An Environmental Assessment was completed for this project on June 13, 1989. As a result of public response, that decision was withdrawn by the Responsible Official and the decision made to prepare an environmental impact statement.

Concerns identified in the earlier document will be evaluated in this analysis and include: The effects of stocking on native fish populations in Turner Lake; the effects of increased commercial sockeye salmon harvest on other commercial fish stocks; the genetic effects adult Turner Lake salmon might have on native salmon stocks in the area; the effects on the quality of recreation on Turner Lake; and the potential effects five years of egg takes from a donor system might have on parent salmon stocks and nearby communities. Other concerns will be evaluated as they are defined.

Considerable public involvement has previously taken place concerning this project including four public meetings in affected communities. A mailing list has been developed. The Turner Lake Advisory Board, made up of members of commercial fishing, conservation, and environmental groups, has been established and will continue to be used to inform the public about project status and to act as a focal point of public concern and support. Additional interested persons are encouraged to participate in this analysis.

The Alaska Department of Fish and Game will participate as a cooperating agency in the preparation of this document. They will have primary responsibility for the collection and interpretation of baseline data and the evaluation of environmental consequences outside of National Forest System lands.

A Draft Environmental Impact Statement is expected to be completed by December 1, 1989, and a Final Environmental Impact Statement completed by March 1, 1990. If approved, the project could be implemented by mid-July, 1990.

Gary Morrison, Forest Supervisor, Tongass National Forest, Chatham Area, is the responsible official.

Written comments and suggestions concerning the analysis should be sent to Don Martin, Fisheries Biologist, Juneau Ranger District, 8465 Old Dairy Road, Juneau, Alaska 99801, (907) 789–3111.

Dated: October 5, 1989.

Gary A. Morrison,

Forest Supervisor, Chatham Area, Tongass National Forest, Region 10.

[FR Doc. 89–24271 Filed 10–13–89; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

North Carolina Electric Membership Corp.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of no significant impact.

Notice is hereby given that the Rural Electrification Administration (REA) pursuant to the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508), and REA Environmental Policy and Procedures (7 CFR part 1794), has made a Finding of No Significant Impact (FONSI) with respect to the construction of four diesel generating units and associated facilities on Hatteras Island in the town of Buxton and one diesel generating unit and associated facilities on Ocracoke Island in the town of Ocracoke by North Carolina Electric Membership Corporation (NCEMC). Each unit will have an output of approximately 3 megawatts (MW).

FOR FURTHER INFORMATION CONTACT: Joseph R. Binder, Director, Northeast Area—Electric, Room 0241, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–1420.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for approval to use general funds from NCEMC, required that NCEMC develop environmental support information reflecting the potential environmental impacts of the two projects. The information supplied by NCEMC is contained in a Borrower's Environmental Report (BER) which was a primary source document used by REA to develop its Environmental Assessment (EA). REA has concluded that the EA represents an accurate assessment of the environmental impacts of the two proposed projects and that the impacts are acceptable.

NCEMC proposes to install diesel electric generating units at existing generation sites which are owned by two member cooperatives. Initially, four units would be installed at the headquarters facility of Cape Hatteras Electric Membership Corporation (Cape Hatteras) which is located within the town of Buxton on Hatteras Island. Space would be provided for a fifth unit. The existing power station building would be reconstructed to accommodate the new units. The four existing diesel units at Buxton (not operating) would be removed. An above ground fuel oil storage tank with a capacity of 68,130 liters (18,000 gallons) would be installed adjacent to three existing fuel oil storage tanks. A new 34 kilovolt (kV) bus would be added to the existing on-site substation.

One unit would be installed at the district facility of Tideland Electric Membership Corporation (Tideland) which is located within the town of Ocracoke on Ocracoke Island. A 1.2 MW diesel unit with associated facilities is operating on site. These facilities would be retained. A building to house the new unit would be constructed and a 56,775 liters (15,000 gal) above ground fuel oil storage tank would be installed adjacent to two existing tanks. Additional 12.5 kV breakers would be added to the existing switchyard. All new facilities would be located within existing site boundaries at both Buxton and Ocracoke.

REA has concluded that the proposed projects will have no effect on important farmland, prime forest land or rangeland, wetlands, threatened or endangered species or critical habitat, and properties listed or eligible for listing in the "National Register of Historic Places". The Buxton project will not impact Buxton Woods or the Pea Island National Wildlife Refuge. Neither

project will impact the Cape Hatteras National Seashore. The placement of the generation facilities on Ocracoke within the 100-year floodplain is unavoidable, but raising the foundation will minimize floodplain impacts. Predicted worse case impacts from stack emissions are substantially below corresponding National Ambient Air Quality Standards on all averaging periods at each site. No Prevention of Significant Deterioration Permit will be required. The use of sound absorbing materials and noise silencers will ensure that noise regulations are not exceeded. No other matters of environmental concern have come to REA's attention.

Alternatives examined for the proposed projects included no action, higher voltage transmission lines, conservation and load management, alternative generation facilities and alternative sites. REA determined that there is a need for the proposed projects and that constructing the facilities as recommended is an environmentally acceptable alternative for NCEMC to furnish an isolated part of its service area with a reliable supply of power for peak shaving and emergency situations.

Based upon the environmental support information provided, REA prepared an EA concerning the proposed projects and their impacts. As a result of its independent evaluation, REA has concluded that approval for NCEMC to construct facilities would not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has made a FONSI with respect to the two proposed projects. The preparation of an environmental impact statement is not necessary.

Copies of REA's EA, FONSI, and NCEMC's BER can be obtained from the offices of REA in the South Agriculture Building, Room 0250, 14th and Independence Avenue SW., Washington, DC 20250; or at the office of North Carolina Electric Membership Corporation, (Wayne D. Keller, Interim Executive Vice President), 3400 Sumner Boulevard, Raleigh, North Carolina 27611, during regular business hours. Copies of the documents are available for review at Cape Hatteras' office in Buxton and the Tideland's office in Ocracoke.

Dated: October 5, 1989.

John H. Arnesen,

Assistant Administrator—Electric.

[FR Doc. 89-24340 Filed 10-13-89; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration, Commerce.
Title: Pacific Tuna Fisheries.
Form Number: None; OMB—0648-0148.
Type of Request: Request for the extension of the expiration date of a currently approved collection.
Burden: 72 recordkeepers; 815 recordkeeping hours; average hours per recordkeeper—11.3 hours.
Needs and Uses:—U.S. tuna fishermen who fish in the area of responsibility of the InterAmerican Tropical Tunas Commission must maintain a logbook of their operations in that area. The information is used to monitor the abundance of the tuna stock and the amount and area of catch.
Affected Public: Businesses and other for-profit, small businesses or organizations.
Frequency: Daily when fishing.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Russell Scarato, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 10,1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-24266 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration, Commerce.
Title: Certificate of Exemption Renewal.
Form Number: None; OMB-0648-0078.
Type of Request: Request for the extension of the expiration date of a currently approved collection.
Burden: 14 respondents; 58 reporting hours; average hours per response—.96 hours.
Needs and Uses: Persons holding valid Certificates of Exemption from the interstate sale prohibitions of the Endangered Species Act may apply for renewal of the Certificates. Certificate holders must submit quarterly reports showing any transfers of endangered species parts of products. The information is needed to comply with and enforce the provisions of the Endangered Species Act.
Affected Public: Businesses and other for-profit, small businesses or organizations.
Frequency: On occasion, quarterly.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Russell Scarato, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 10, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-24267 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration, Commerce.
Title: Marine Recreational Fishery Statistics Survey.
Form Number: None; OMB-0648-0052.
Type of Request: Request for revision of a currently approved collection.

Burden: 430,325 respondents; 14,045 reporting hours; average hours per response—.032 hours.
Needs and Uses: U.S. marine recreational fishermen will be surveyed to obtain catch, effort, and participation data. The information will be used to develop, implement, and monitor fishery management plans.
Affected Public: Individuals.
Frequency: Annually.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Russell Scarato, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 10, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–24268 Filed 10–13–89; 8:45 am]

BILLING CODE 3510-CW-M

Deputy Under Secretary for Technology

The National Technical Information Service Advisory Board; Establishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR part 101–6, and pursuant to section 212(c) of the National Technical Information Act of 1988 (15 U.S.C. § 3704b(c)), the Secretary has undertaken the establishment of the National Technical Information Service (NTIS) Advisory Board (the "Advisory Board").

The Advisory Board shall review the general policies and operations of NTIS including policies in connection with fees and charges for its services, and shall advise the Secretary and the Director of NTIS with respect thereto.

The Advisory Board will consist of a Chairperson and four other members to be appointed by the Secretary. In appointing the members of the Advisory Board, the Secretary is required to solicit recommendations from the major users and beneficiaries of the Service's activities. The Advisory Board's composition shall reflect a balance of individuals experienced in the provision or utilization of technical information.

The Advisory Board will function solely as an advisory body, and in compliance with provisions of the Federal Advisory Committee Act. The Charter will be filed under the Act, fifteen days from the date of publication of this notice.

Interested persons are invited to submit comments regarding the establishment of this board to Dr. Joseph F. Caponio, Director, NTIS, 5285 Port Royal Road, Springfield, VA 22216 (703) 487–4636.

Dated: October 10, 1989.

Lee W. Mercer,

Deputy Under Secretary for Technology.

[FR Doc. 89–24335 Filed 10–13–89; 8:45 am]

BILLING CODE 3510-04-M

Foreign-Trade Zones Board

[Docket 19–89]

Foreign-Trade Zone 22—Chicago, IL; Application for Subzone; E.J. Brach Candy Plant, Chicago

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, Chicago, requesting special-purpose subzone status for the confectionary manufacturing plant of E. J. Brach & Sons, Inc. (subsidiary of Jacobs Suchard Inc.), located in Chicago, Illinois, within the Chicago Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 USC 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 26, 1989.

The Brach plant (30 acres) is located at 4566 W. Kinzie Street, Chicago. The facility (3700 employees) is used to produce confectionary and related products. Some of the finished products are exported (currently, 2%). Foreign-sourced items currently account for about one percent of finished product value, and include cocoa, nuts, and flavorings. Brach plans to purchase sugar from abroad, which would account for some 25 percent of product value.

Zone procedures would exempt Brach from quota restrictions on foreign sugar used in the production of non-quota products. The company would also be exempt from Customs tariffs on the foreign content of its exports. Products sold in the U.S. market would be subject to quotas and tariffs on the basis of the finished product. The applicant indicates that the ability to use lower-priced foreign sugar at the Chicago plant would help Brach reduce its operating costs and encourage capital improvements. Brach's objective is to improve the plant's ability to compete against candy imports and become more competitive internationally, thus helping the company maintain U.S. employment.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Larry Shirk, Assistant District Director, U.S. Customs Service, North Central Region, 610 South Canal Street, Chicago, Illinois 60607; and, Lt. Colonel Jess Franco, District Engineer, U.S. Army Engineer District Chicago, 219 S. Dearborn Street, Chicago, Illinois 60604.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 21, 1989.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Mid-Continental Plaza, Room 1406, 55 E. Monroe Street, Chicago, IL 60604;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2835, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

Dated October 6, 1989.

John J. Da Ponte, Jr.,

Secretary.

[FR Doc. 89–24269 Filed 10–13–89; 8:45 am]

BILLING CODE 3510-DS-M

[Docket 20–89]

Foreign-Trade Zone 92—Gulfport, MS; Application for Subzone—Ingalls Shipyard, Pascagoula

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Gulfport/Biloxi Foreign-Trade Zone, Inc., grantee of FTZ 92, requesting special-purpose subzone status for the shipyard of Ingalls Shipbuilding, Inc. (subsidiary of Litton Industries, Inc.), in Pascagoula, Mississippi, within the Pascagoula Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones

Act, as amended (19 USC 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on September 27, 1989.

The shipyard complex covers 794 acres on the east and west banks of the East Pascagoula River in the City of Pascagoula, some 3 miles south of the U.S. Highway 90 bridge and 12 miles from the Gulf of Mexico. The facility (10,000 employees) is used to produce oceangoing vessels, offshore drilling rigs and hopper-type rail cars. Zone procedures would be used only for the shipbuilding and rig construction activity. One of the yard's major activities is the construction of military vessels, some of which are built for foreign countries. Foreign-sourced components account for some 10 percent of the value of the vessels built at the facility, including doors, hatches, valves, pumps, diesel engines and cranes.

Zone procedures will help Ingalls reduce costs on its current orders and compete internationally for new contracts. Most of the imported components are subject to significant Customs duties (average duty 5%) while the finished products, as oceangoing vessels, are duty-free. The applicant is aware that the Board FTZ has required the full payment of Customs duties on foreign steel in its past decisions on shipyards.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Joel R. Mish, District Director, U.S. Customs Service, South Central Region, 423 Canal Street, New Orleans, Louisiana 70130; and, Colonel Larry S. Bonine, District Engineer, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 36128.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 21, 1989.

A copy of the application is available for public inspection at each of the following locations:

Port of Gulfport Administration Building, U.S. Highway 90, Gulfport, MS 39502;

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2835, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

Dated: October 6, 1989.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89–24270 Filed 10–13–89; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Docket No. 90917–9217]

Shark Fishery of the Gulf of Mexico

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

ACTION: Notice of control date for entry into the Gulf of Mexico shark fishery.

SUMMARY: This notice announces that anyone entering the commercial shark fishery in the Gulf of Mexico after October 16, 1989 (control date), may not be assured of future access to the shark fishery if a management regime is developed and implemented under the Magnuson Fishery Conservation and Management Act that limits the number of participants in the fishery. This notice is based on a decision by the Gulf of Mexico Fishery Management Council (Council) at its meeting of July 10–13, 1989, to adopt a control date for the Gulf shark fishery and to announce it by notice in the **Federal Register**. This announcement is intended to promote awareness of a potential eligibility criterion for access to the Gulf of Mexico shark fishery. It is also intended to discourage new entries into the fishery based on economic speculation while the Council continues discussions on whether and how fishery access to the shark resource should be controlled. This announcement does not prevent establishment of any other date for eligibility in the fishery or another method of controlling fishing effort from being proposed by the Council or being implemented by the Secretary of Commerce (Secretary).

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton, NMFS, 813–893–3722.

SUPPLEMENTARY INFORMATION:

Background

NMFS prepared a Preliminary Fishery Management Plan for Atlantic Billfishes and Sharks (PMP) in 1978 (January 27, 1978, 43 FR 3818). The Council prepared a draft fishery management plan for sharks of the Gulf of Mexico in 1980, but did not submit it to the Secretary for review and implementation because domestic harvest was well below the maximum sustainable yield (MSY) level at that time. More recently, a significant market has developed for shark products, and current data on harvest and incidental mortality indicate that the MSY for Gulf sharks is being exceeded. The Secretary, therefore, is proceeding to prepare and implement a fishery management plan (FMP) for the shark fishery in both the Gulf and Atlantic. The Council will hold public hearings, and prepare an FMP amendment concerning the Gulf fishery as necessary and submit it for Secretarial approval and implementation. This notice is not part of the proposed Secretarial FMP.

The Gulf of Mexico shark fishing industry has requested the Council to develop alternative limited access systems, applicable to the Gulf shark fishery, for public review as soon as possible. The Council and the Gulf shark fishing industry are concerned that those using longline vessels in the reef fish, swordfish, and tuna fisheries may elect to enter the Gulf shark fishery because harvest restrictions are being placed on their present fisheries and catches in those fisheries are declining. Because the current fishing fleet is capable of annually harvesting the entire shark MSY for the Gulf of Mexico, any additional fishing effort would result in harvesting inefficiencies, increased risks to the health of shark stocks, and the need for greater management constraints. The Council believes that it should begin immediately to address these potential problems by identifying effective alternative controls on fishing effort. Such controls contemplated by the Council include those that govern access to the Gulf shark fishery.

At its meeting of July 10–13, 1989, the Council voted to establish September 1, 1989, as a control date for new entrants into the Gulf shark fishery. To assist the Council, the Assistant Administrator for Fisheries, NOAA, has agreed to publish this notice in the **Federal Register** announcing that anyone entering the Gulf shark fishery after the control date will not be assured of future participation should the Council develop, and the Secretary approve and implement, an effort-controlled fishery management regime limiting the number of participants in the fishery. NMFS was unable to publish this notice on or before September 1, therefore, the date published will inform affected fishermen in a more timely manner.

In establishing a control date and making this announcement, the Council intends to discourage speculative entry into the shark fishery while the Council discusses possible limited entry or access-controlled management regimes for the fishery. As the Council discusses development of a limited entry or

access-control management regime, certain fishermen who do not currently fish for sharks in the Gulf of Mexico, and never have done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial shark landings. Such a record generally may be considered indicative of economic dependence on the fishery; on this basis, such fishermen may successfully lay claim to access to a shark fishery which the Council may intend to be limited to traditional participants. New fishery entrants subsequent to the establishment of any limited entry or access-controlled system may have to buy the fishing rights or a permit from an existing participant. Hence, initial access to the fishery at little or no cost may result in a windfall gain when selling an access right to a new entrant subsequent to establishment of a limited entry or access program.

When management authorities begin to consider use of a limited access management regime, speculative entry into a fishery often is responsible for a rapid increase in fishing effort in fisheries already fully or over-developed. Those seeking possible windfall gain from a possible management change can exacerbate the original problems. To help distinguish bona fide and established shark fishermen from speculative entrants to the fishery, a fishery management council may set a control date before beginning discussions and planning of limited access regimes. As a result, fishermen are notified that entering the fishery after that date will not necessarily assure them of future access to the fishery resource on grounds of previous participation.

This announcement establishes October 16, 1989 as a control date for potential use by the Council in determining historical or traditional participation in the Gulf of Mexico shark fishery. This action does not commit the Council or the Secretary to any particular management regime or criterion for entry to the shark fishery. Fishermen are not guaranteed future participation in the shark fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. The Council is free to apply other qualifying criteria for fishery entry, such as documentation of commercial landings and sales before the control date.

The Council may give varying considerations to fishermen in the fishery before and after the control date. Finally, the Council may choose also to take no further action to control entry or access to the fishery.

List of Subjects in 50 CFR Chapter VI

Fisheries, Fishing.

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

Dated: October 5, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 89-24147 Filed 10-13-89; 8:45 am]

BILLING CODE 3410-22-M

Caribbean Fishery Management Council; Public Hearing

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

ACTION: Notice of a rescheduled public hearing and request for comments.

SUMMARY: The Caribbean Fishery Management Council (Council) announced a series of public hearings on the management measures being considered for development of the Queen Conch Fishery Management Plan which were published August 28, 1989 (54 FR 35524). The hearings that were scheduled for September 18, 20, and 21, 1989, were cancelled because of Hurricane Hugo. This notice announces a rescheduled hearing. Oral and/or written presentations will be accepted.

DATES: The comment period will end on December 31, 1989. The public hearing is scheduled for October 16, 1989, at 3:00 p.m.

ADDRESSES: Written comments should be sent to the Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918.

The hearing will be held at Club Náutico de Arecibo, Road 681, Km. 3, Barrio Vigia, Arecibo, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 809-5926.

Dated: October 10, 1989.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 89-24280 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Endangered and Threatened Wildlife and Plants: Recovery Plans for Draft Humpback Whales

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of availability and request for comments.

SUMMARY: The Draft Humpback Whale National Recovery Plan is available for review and comments by interested parties prior to final approval and adoption by the National Marine Fisheries Service (NMFS). The plan was developed by the U.S. Humpback Whale National Recovery Team which was appointed in 1987 by the Assistant Administrator for NMFS to develop a Recovery Plan for the humpback whale (*Megaptera novaeangliae*) found in United States waters. Membership included biologists and resource managers from NMFS, the Marine Mammal Commission, Woods Hole Oceanographic Institution, Center for Whale Studies, New England Aquarium, National Cancer Institute and College of the Atlantic.

DATE: Comments on the draft recovery plan must be received on or before November 30, 1989.

ADDRESSES: Comments should be addressed to Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, MD 20910. Copies of the Draft Humpback Whale National Recovery Plan are available upon request from Gloria Thompson, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 8275, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Gloria Thompson at 301/427-2319.

SUPPLEMENTARY INFORMATION: The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that the agencies responsible for listed species develop and implement recovery plans for the conservation and survival of threatened and endangered species, unless it is determined that such plans will not promote the conservation of the species. Accordingly, NMFS appointed a Humpback Whale Recovery Team to assist in the development of a Draft Humpback Whale National Recovery Plan. The Recovery Plan discusses the natural history, current status of the North Atlantic and North Pacific populations, and the known and potential impacts on the species. Actions that would promote the recovery of humpback whales are

identified and discussed in the draft plan. The Recovery Plan will be used to direct U.S. activities to promote the recovery of the endangered humpback whale.

The 1988 amendments to the ESA require "* * * estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal." NMFS is preparing these estimates and requests commenters to provide any such information available to them. In the meantime, the draft plan is being released for review and comment to expedite adoption and implementation of the final plan.

Dated: October 8, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 89-24290 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

[File No. P446]

Application for Marine Mammal Public Display Permit, J.B. Atkinson

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

ACTION: Notice of application.

SUMMARY: Notice is hereby given that Mr. James Baker Atkinson, 522 Gulf Street, P.O. Box 1802, Port Aransas, Texas 78373, has applied in due form for a Permit to take marine mammals as provided for by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests authorization to approach, harass, and feed Atlantic bottlenose dolphins (*Tursiops truncatus*) in the Corpus Christi Ship Channel adjacent to Port Aransas, Texas. The applicant proposes to take 10-15 people on excursions to observe and feed wild Atlantic bottlenose dolphins. The cruises are planned for no more than half an hour with part of the cruise being sightseeing and part being watching and feeding dolphins. There may be as many as four cruises a day with no more than six or eight dolphin feedings per cruise. The applicant states that there are an estimated 200 to 500 dolphins in and around Port Aransas and that the chances of harassing an individual dolphin more than once a day are small. The permit is requested for the period from May 1, 1989, to October 31, 1989, or later for one (1) year's duration, with the possibility of extensions.

ADDRESSES: Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, c/o Permit Division, Office of protected Resources, National Marine Fisheries Service, 1335 East West Highway, Room 7324, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above application are available for review in the following offices: Permit Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, MD 20910; Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702; Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731; Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930; and, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115.

FOR FURTHER INFORMATION CONTACT: Wanda L. Cain, Permit Division, Office of Protected Resources, NOAA Fisheries, 1335 East-West Hwy., Room 7324, Silver Spring, Maryland 20910 (301/427-2289).

SUPPLEMENTARY INFORMATION: NOAA Fisheries is processing this application as required by the regulations (50 CFR part 216). The agency encourages observations of marine mammals in the wild provided such activities are conducted in a way that avoids harassment of the animals. Inquiries regarding whale watching have been referred to the appropriate Region to be conducted within the confines of the whale watching guidelines. In addition, the Marine Mammal Protection Act (MMPA) prohibits the issuance of public display permits for depleted species (sec. 101(a)(3)(B)). By definition in the MMPA (sec. 3(1)(C)), depleted species include those listed as endangered under the Endangered Species Act. NOAA Fisheries has not previously received an application for dolphin feeding. With receipt of this application, the agency must address the question of whether the proposed activities (dolphin watching and feeding cruises) should be authorized under an MMPA public display permit. NOAA Fisheries invites interested parties to provide information relevant to a decision on this permit application.

NOAA Fisheries is currently conducting a review of its MMPA permit program, which will result in proposed regulations which include a definition of public display. These regulations should then clarify whether or not the observation of marine mammals in the wild and feeding dolphins in particular are activities that can be authorized under an MMPA public display permit. The agency has existing guidelines for conducting observations of marine mammals in the wild without harassment applicable to various regions of the U.S., and may be developing national regulations during the next year that will cover marine mammal observational activities and possibly the feeding of wild marine mammals.

A preliminary review of this issue indicates that the feeding of marine mammals in the wild may result in modification of natural feeding and behavior. Such feeding and behavioral modification may result in animals becoming nuisances to the public or animals which place themselves in dangerous situations in an attempt to obtain food from unnatural sources. In addition, the agency foresees problems in regulating such wild feeding activities with regard to the quality of food provided to the animals and ingestion of foreign objects or toxic material. As we proceed with review of this application we will be considering whether or not this is an activity which should be permitted for public display purposes under the current provisions of the MMPA, including, among other criteria: Whether the taking will be consistent with the policies and purposes of the MMPA; and whether a substantial public benefit will be gained from the display contemplated, taking into account the manner of the display and the anticipated audience on one hand, and the effect of the proposed taking on the population stocks of dolphin and the marine ecosystem on the other (50 CFR part 216.31(c)).

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 6, 1989.

Nancy Foster,

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

[FR Doc. 89-24289 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit: Mr. Frank Czeisler, dba Circus Tihany (P413A)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Mr. Frank Czeisler, dba Circus Tihany, Tihany Productions, 6526-B S. Tamiami Trail, Sarasota, Florida 34231.

2. *Type of Permit Requested:* The applicant requests authorization to import five (5) California sea lions (*Zalophus californianus*) from Mexico for public display in a traveling show.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, c/o Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this notice of application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 6, 1989.

Nancy Foster,

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

[FR Doc. 89-24291 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Issued to Dayton and Ragen

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of scientific research permit No. 685.

SUMMARY: On Thursday, May 25, 1989, notice was published in the **Federal Register** (54 FR 22613) that an application (P450) had been filed by Paul K. Dayton and Timothy Ragen, Scripps Institution of Oceanography, University of California (San Diego) to take and harass northern fur seal pups (*Callorhinus ursinus*) on rookeries of St. Paul Island of the Pribilof Islands in the Bering Sea.

Notice is hereby given that on October 5, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), issued a Permit for the above activities subject to the Special Conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Rm. 7330, Silver Spring, Maryland 20910;

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, Alaska 99802; and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: October 5, 1989.

Nancy Foster,

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

[FR Doc. 89-24292 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification; Indianapolis Zoo

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Permit No. 628 Modification: Indianapolis Zoo (P409).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 628 issued to the Indianapolis Zoological Society, Inc., on April 13, 1988 (53 FR 12801) is modified as follows:

Section B.6 is changed to read:

6. The authority to acquire the marine mammals authorized herein shall extend from the date of issuance through December 31, 1993. The terms and conditions of the Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This modification is effective upon publication in the **Federal Register.**

Documents submitted in connection with the above application are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930.

Dated October 5, 1989.

Nancy Foster,

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

[FR Doc. 89-24293 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Public Display Permit for Miami Seaquarium

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

ACTION: Issuance of public display permit No. 683.

SUMMARY: On July 21, 1989, notice was published in the **Federal Register** (54 FR 30585) that an application (P35G) had been filed by Miami Seaquarium, 4400 Rickenbacker Causeway, Miami, Florida 33149, to transfer one (1) stranded pilot

whale (*Globecephala melaena*) and one (1) stranded common dolphin (*Delphinus delphis*) from Sealand of Cape Cod to maintain for public display at Miami Seaquarium.

Notice is hereby given that on October 8, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972, (16 U.S.C. 1361 *et seq.*) and Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the National Marine Fisheries Service issued a Permit for the above activities subject to the Special Conditions set forth therein.

This Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910;

Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, Massachusetts 01920; and

Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 8, 1989.

Nancy Foster,

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

[FR Doc. 89-24294 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Scientific Permit Issued to J.W. Testa

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of Scientific Research Permit No. 689.

SUMMARY: On Thursday, August 24, 1989, notice was published in the **Federal Register** (54 FR 35221) that an application (P420B) had been filed by Dr. J. Ward Testa, Institute of Marine Science, University of Alaska, to take by harassment, and import, Weddell seals (*Leptonychotes weddellii*), crabeater seals (*Lobodon carcinophagus*), leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossii*) and southern elephant seals (*Mirounga leonina*) in McMurdo Sound, Antarctica.

Notice is hereby given that on October 8, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), issued a Permit for the above activities subject to the Special Conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7330, Silver Spring, Maryland 20910; and

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building, Juneau, Alaska 99802.

Dated: October 8, 1989.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

[FR Doc. 89-24295 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-22-M

Technology Administration

National Technical Information Service Advisory Board

AGENCY: Technology Administration, Department of Commerce.

ACTION: Request for recommendations for membership on the National Technical Information Service Advisory Board.

SUMMARY: Section 212(c) of the National Technical Information Act of 1988 (15 U.S.C. 3704b(c)) establishes the National Technical Information Service (NTIS) Advisory Board (the "Advisory Board"). The statute provides that in appointing members of the Advisory Board, the Secretary shall solicit recommendations from the major users and beneficiaries of NTIS' activities, and shall select individuals experienced in providing or utilizing technical information. This Notice serves to solicit recommendations as provided above.

DATE: Recommendations and background information for each recommendation must be received on or before November 30, 1989.

ADDRESS: Recommendations and background information for each recommendation should be sent to Dr. Joseph F. Caponio, Director, NTIS, Springfield, VA 22216.

FOR FURTHER INFORMATION CONTACT: Thomas J. Cox, Jr., Associate Director for Administration, NTIS, Springfield, VA 22216 Telephone (703) 487-4736.

SUPPLEMENTARY INFORMATION:

Introduction

A. Statutory Authority

The National Technical Information Act, cited supra, states as follows:

Advisory-Board: There is established the Advisory Board of the National Technical Information Service, which shall be composed of a chairperson and four other members appointed by the Secretary.

(2) In appointing members of the Advisory Board the Secretary shall solicit recommendations from the major users and beneficiaries of the Service's activities and shall select individuals experienced in providing or utilizing technical information.

(3) The Advisory Board shall review the general policies and operations of the Service, including policies in connection with fees and charges for its services, and shall advise the Secretary and the Director with respect thereto.

(4) The Advisory Board shall meet at the call of the Secretary, but not less often than once each six months.

B. The Advisory Board and the NTIS Mission

The NTIS mission (pursuant to U.S.C. 1151, et seq., § 3701, et seq., and Pub. L. 100-418 and 100-519) is to operate as a clearinghouse for the collection and dissemination of scientific, technical and engineering information. To carry out this mission, NTIS is authorized to engage in many activities, including:

(1) To search for, collect, classify, coordinate, integrate, record, and catalog such information from whatever sources, foreign and domestic, that may be available;

(2) To make such information available to industry and business, to State and local governments, to other agencies of the Federal Government, and to the general public, through the preparation of abstracts, digests, translations, bibliographies, indexes, and microfilm and other reproductions for distribution either directly or by utilization of business, trade, technical, and scientific publications and services;

(3) To serve as a central clearinghouse for the collection, dissemination and transfer of information on federally owned or originated technologies and/or patents having potential application to State and local governments and to private industry;

(4) To utilize the expertise and services of the National Science Foundation and the Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

(5) To receive requests for technical assistance from State and local governments, respond to such requests with published information available to NTIS, and refer such requests to the Federal Library Consortium for

Technology Transfer to the extent that such requests require a response involving more than the published information available to NTIS;

(6) To cooperate and coordinate its functions with other Government scientific, technical, and engineering information programs; and

(7) To maintain a permanent archival repository and clearinghouse for the collection and dissemination of nonclassified scientific, technical and engineering information.

Policy of NTIS Statutory Authority

To the fullest extent feasible, it is the policy of the Department that each of the services and functions provided by NTIS shall be self-sustaining or self-liquidating, and that the general public shall not bear the cost of publication and other services which are for the special use and benefit of private groups and individuals. Accordingly, NTIS is authorized to establish a schedule or schedules of reasonable fees or charges for services performed or for documents or other publications furnished under its statutory authority (15 U.S.C. § 1153).

Conclusion: The function of the Advisory Board is to assist the Secretary of Commerce and the Director of NTIS by providing advice and counsel on the general policies and operations of NTIS, including policies in connection with fees and charges for its services, as well as to provide the Advisory Board with its recommendations on the modernization of the facilities, capabilities and functions of NTIS.

Such advice from those experienced in the utilization of scientific and technical information is vital to the success of the Advisory Board and NTIS in general. Accordingly, the Deputy Under Secretary of Commerce for Technology requests that recommendations for membership on the Advisory Board together with background information be submitted.

Dated: October 10, 1989.

Lee W. Mercer,

Deputy Under Secretary for Technology.

[FR Doc. 89-24334 Filed 10-13-89; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber and Silk Blend Textile Products Produced or Manufactured in Korea

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 13, 1989.

FOR FURTHER INFORMATION CONTACT: Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-8041. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 345, 619/620, 645/646 and 846 are being adjusted, variously for swing, special shift and carryforward used.

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 50988, published on December 19, 1988.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 12, 1989.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 13, 1988 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Korea and exported during the period which began on January 1, 1989 and extends through December 31, 1989.

Effective on October 13, 1989, the directive of December 13, 1988 is being amended to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the Republic of Korea:

Category	Adjusted 12-mo limit [1]
Sublevel in Group I:	
619/620	91,325,399 square meters.
Sublevels in Group II:	
345	92,915 dozen.
645/646	3,760,159 dozen.
Level in Group IV:	
846	366,183 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1988.

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,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-24522 Filed 10-12-89; 4:17 pm]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Equal Opportunity Management Institute Board of Visitors; Meeting

AGENCY: Defense Equal Opportunity Management Institute Board of Visitors, DOD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of a forthcoming meeting of the Defense Equal Opportunity Management Institute Board of Visitors (DEOMI BOV). The purpose of the DEOMI BOV is to serve as an external source of expertise to ensure periodic review of the objectives, policies, and operations of DEOMI. The Board meets semiannually.

DATE: November 3, 1989 (Agenda follows).

ADDRESS: The Pentagon, Room 3E752 (FMP Conference Room), Washington, DC.

Agenda: Sessions will be conducted and will be open to the public as indicated below.

Friday, November 3, 1989

8:00 a.m.-11:00 a.m. Review of minutes from last meeting. Presentation of New Business

11:30 a.m.-1:00 p.m. Luncheon (by invitation)

1:00 p.m.-4:30 p.m. General Conference Activities

FOR FURTHER INFORMATION CONTACT: Commander John R. Wise, USN,

Director of Support, Defense Equal Opportunity Management Institute, Patrick AFB, Florida, 32925–6685; telephone (407) 494–6017.

SUPPLEMENTARY INFORMATION: The following rules and regulations will govern the participation by members of the public at the Board of Visitors meeting:

(1) Members of the public are permitted to attend all Board sessions conducted in pursuit of the Board's charter.

(2) Interested persons may submit written statements for consideration by the Board and/or make oral presentations of same during the meeting.

(3) Persons desiring to make oral presentations or submit written statements to the Board must notify the point of contact listed on page one no later than October 30, 1989.

(4) Length and number of oral presentations to be made will depend on the number of such requests received.

(5) Persons submitting written statements only for inclusion in the minutes of the meeting must submit one copy of later than five days after the meeting adjourns.

(6) Other new items from members of the public may be presented in writing to any DEOMI BOV member for transmittal to the BOV Chair or Commandant, DEOMI, to consider.

(7) Members of the public will not be permitted to enter into oral discussions conducted by the Board members at any of the meeting sessions; however, they will be permitted to reply to any questions directed to them by the members of the Board.

(8) Members of the public will be permitted to orally question any scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or made comments.

Dated: October 11, 1989.

P.H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89–24346 Filed 10–13–89; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for review.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Chaplain Candidate Training Record/U.S. Air Force Reserve Chaplain Candidate Inquiry; ARPC Form 0–5 and ARPC Form 0–285; and OMB Control Number 0701–0069.

Type of Request: Extension.

Average Burden Hours/Minutes per Response: 25 minutes.

Frequency of Response: 1.

Number of Respondents: 150.

Annual Burden Hours: 63.

Annual Responses: 150.

Needs and Uses:

Information on the Chaplain Candidate Training Record is used to identify the Candidate and in scheduling tours of active duty training. It is used to track candidates for appointment. Chaplain/Candidate Inquiry Form is used to record information required to properly respond to inquiries about eligibility for our programs.

Affected Public: Individuals.

Frequency: Onetime only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302.

Dated: October 11, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89–24348 Filed 10–13–89; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before November 15, 1989.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732–3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: October 10, 1989.

Carlos U. Rice,

Director, for Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: Extension

Title: National Education Longitudinal Study of 1988, First Follow-up

Frequency: On Occasion

Affected Public: Individuals or households; State or local governments
Reporting Burden:
Responses: 53,630
Burden Hours: 90,303
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This longitudinal study will collect data from individual respondents on the educational, vocational and personal development of a subsample of eight grade students. The Department will use the information to make possible analyses of the patterns of transition from the eight grade level through high school and postsecondary education and into adulthood and the world of work.

[FR Doc. 89-24307 Filed 10-13-89; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER89-678-000, et al.]

System Energy Resources, Inc., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

October 5, 1989.

Take notice that the following filings have been made with the Commission:

1. System Energy Resources, Inc.

[Docket No. ER89-678-000]

Take notice that on September 29, 1989, System Energy Resources, Inc. (System Energy) tendered for filing, pursuant to section 205 of the Federal Power Act and § 35.13 of the Commission's regulations, (1) amendments to the existing Nuclear Decommissioning Trust Fund Agreement (supplement No. 6 to System Energy's Unit Power Sales Agreement (UPSA), Rate Schedule FERC No. 2); (2) an amendment to the UPSA's Billing Format, as previously modified, that would increase the monthly decommissioning charges from customers; and (3) an amendment to the UPSA's Billing Format that would include Account 283, Accumulated Deferred Income Taxes, as a reduction of Net Unit Investment.

System Energy proposes an effective date for this filing of January 1, 1990, which would provide a notice period of approximately 90 days. The proposed rate change to increase decommissioning charges will increase revenues for the calendar year 1990 by approximately $8.6 million. The proposed rate change to reduce Net Unit Investment by Account 283, will decrease revenues for the calendar year 1990 by approximately $1.4 million. All of the Energy System Operating Companies have consented to the rate changes.

System Energy states that copies of its filing have been provided to its customers and to the regulatory authorities in Louisiana, Mississippi and Arkansas.

Comment date: October 19, 1989, in accordance with Standard Paragraph E end of this notice.

2. Vermont Electric Power Company, Inc.

[Docket No. ER88-447-000]

Take notice that on September 29, 1989, Vermont Electric Power Company, Inc. (VELCO) tendered for filing an Explanatory Statement relating to the filings it made in this docket on June 29 and July 11, 1989. The latter filings amended Supplement No. 1 to Rate Schedule No. 235 and Supplement No. 3 to Rate Schedule No. 240 and set forth proposed initial allocations of firm transmission capacity entitlements as required by the Supplements.

The Explanatory Statement responds to a deficiency letter issued on August 30, 1989 on behalf of the Director, Division of Electric Power Application Review. The letter questioned whether the allocations of firm transmission capacity entitlements had been made in conformance with the terms of the Supplements. The Explanatory Statement asserts that the allocations were properly made and sets forth the basis for that assertion.

VELCO states that it has served the filing upon the Vermont Public Service Board and upon VELCO's transmission customers: Allied Power and Light Company, Barton Village, Inc., The City of Burlington Electric Department, Central Vermont Public Service Corporation, Citizens Utilities Company, Village of Enosburg Falls Water and Light Department, Franklin Electric Light Company, Green Power Corporation, Village of Hardwick Electric Department, Village of Hyde Park, Inc., Village of Jacksonville, Village of Jchnson Electric Light Department, Village of Ludlow Electric Light Department, Village of Lyndonville Electric Department, Village of Morrisville Water and Light Department, Village of Northfield Electric Department, Village of Orleans Electric Department, Rochester Light and Power Company, Village of Stowe Water and Light Department, Village of Swanton, Vermont Department of Public Service, Vermont Electric Cooperative, Vermont Electric Generation and Transmission Cooperative, Vermont Electric Generation and Transmission Cooperative, Inc., Vermont Marble Company, Vermont Public Power Supply Authority, and Washington Electric Cooperative, Inc.

Comment date: October 19, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Louisville Gas and Electric Company

[Docket No. ER89-677-000]

Take notice that Louisville Gas and Electric Company (Louisville) on September 29, 1989, tendered for filing an Interconnection Agreement between Louisville and Ohio Valley Electric Corporation (OVEC) dated September 27, 1989.

The purpose of this filing is to provide the parties with a systematic interconnected operation which will permit the sale of power and energy by Louisville to OVEC.

Copies of the filing were served on OVEC and the Public Service Commission of Kentucky.

The Interconnection Agreement provides for service schedules that are designated:

I. Service Schedule A—Emergency Energy
II. Service Schedule B—Non-Displacement Energy
III. Service Schedule C—Short Term Power
IV. Service Schedule D—Seasonal Power
V. Service Schedule E—Limited Term Power

Comment date: October 19, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Northern Indiana Public Service Company

[Docket No. EC89-18-000]

Take notice that on September 29, 1989, Northern Indiana Public Service Company (Applicant) filed an application for an order of the Federal Energy Regulatory Commission pursuant to section 203 of the Federal Power Act authorizing Applicant to sell and dispose of the Continental Power Machinery, Inc. certain generating equipment owned and maintained by Applicant, namely Unit 9B and Unit 9C now located at the D.H. Mitchell Generating Station in Gary, Indiana. The units will be removed from Applicant's site. The sale will become effective following approval of the Federal Energy Regulatory Commission.

Comment date: October 23, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER89-627-000]

Take notice that on October 3, 1989, Florida Power Corporation (Florida Power) tendered for filing an amendment to its August 30, 1989 filing in this docket. Florida Power filed a corrected Original Sheet No. 13 of Exhibit B, Rate Limitation Supplement, for the town of Havana and the cities of Bartow and Newberry. Florida Power also filed a corrected Exhibit D, Supplemental Service Specifications for these three customers.

According to Florida Power, a copy of this filing has been served on each of its wholesale power and transmission customers.

Comment date: October 19, 1989, in accordance with Standard Paragraph E at the end of this notice.

6. Pedricktown Cogeneration Limited Partnership

[Docket No. QF87-407-003]

On August 22, 1989, Pedricktown Cogeneration Limited Partnership (Applicant), of 3 Executive Campus, Route 70 and Cuthbert Road, Cherry Hill, New Jersey 08034, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located in Pedricktown, New Jersey. The facility will consist of a combustion turbine generating unit, a waste heat recovery boiler and an extraction/condensing steam turbine generation unit. Steam produced by the facility will be used by B.F. Goodrich, in the manufacturing of polyvinyl chloride and acrylic latex at its Pedricktown plant. The primary energy source will be natural gas. The net electric power production capacity is 117.8 MW. Installaticn of the facility will begin on or about March l, 1990.

The original application was filed on May 7, 1987, and granted on October 13, 1987 (41 FERC ¶62,025). The recertification is requested due to a change in the ownership and increase in the net electric power production capacity of the facility.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. 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 the comment date. 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. 89-24299 Filed 10-13-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-2172-000, et al.]

Texas Eastern Transmission Corporation, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Texas Eastern Transmission Corporation

[Docket No. CP89-2172-000]

October 4, 1989.

Take notice that on September 27, 1989, Texas Eastern Transmission Corporation (Panhandle), Post Office Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-2172-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a new delivery point to three existing service agreements with Philadelphia Electric Company (PECO), under the authorization issued in Docket No. CP82-535-000 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.

TETCO states that pursuant to § 157.212(a) of the Commission's Regulations, it requests authorization to add the new delivery point, M&R Station No. 2636, to the individual service agreements covering service to PECO under Rate Schedules CD-1, CD-2 and FT-1 of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1. TETCO states that M&R Station No. 2636 was previously authorized for service to PECO under TETCO's Rate Schedules SS-2, SS-3 and FTS-2 in Docket No. CP88-808-000. TETCO states that no new facilities are to be constructed. According to TETCO, M&R Station No. 2636 is located in Worchester Township, Montgomery County, Pennsylvania where TETCO's pipeline system interconnects with pipeline facilities owned by PECO.

TETCO states that upon receipt of Commission authorization, TETCO and PECO will execute individual superseding service agreements providing for the delivery by TETCO to PECO of quantities of natural gas presently certificated under TETCO's Rate Schedules CD-1, CD-2 and FT-1. The superseding service agreements will establish a Maximum Daily Delivery Obligation (MDDO) for the new delivery point as follows: 14,000 dekatherms (dt) per day for Rate Schedule CD-1 and CD-2, and 14,000 dt per day (less applicable shrinkage) for Rate Schedule FT-1. TETCO states that there will be no change in MDDO at the other existing delivery points in the superseding service agreements, nor any increase in the total contract quantities. TETCO adds that the natural gas quantities delivered to PECO will be utilized as general system supply by PECO.

TETCO further states that the addition of M&R Station No. 2636 will have no effect on TETCO's peak day or annual deliveries. To the extent deliveries are made at M&R Station No. 2636, TETCO states that deliveries may be reduced at the other points of delivery to PECO on a day-to-day operational basis. Therefore, TETCO states that the addition of the new delivery point to each of the three service agreements as proposed will not result in any change in the total contract quantities deliverable under the individual service agreements providing for service to PECO pursuant to Rate Schedules CD-1, CD-2 and FT-1. TETCO submits that its proposal will be accomplished without detriment to disadvantage to TETCO's other customers.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP89-2178-000]

October 4, 1989.

Take notice that on September 27, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89-2178-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of BP Gas Inc. (BP Gas), a natural gas

marketer, under its blanket authorization issued in Docket No. CP86–582–000 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.

Natural would perform the proposed interruptible transportation service for BP Gas, pursuant to an interruptible transportation service agreement dated June 30, 1989, (#IGP–1930). The transportation agreement is effective for a primary term ending June 30, 1994, and shall continue month to month thereafter unless terminated by five days prior notice by either party. Natural proposes to transport up to a maximum of 100,000 MMBtu of natural gas per day (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS); on an average day up to 35,000 MMBtu; and based on the average day figure, 12,775,000 MMBtu annually of natural gas for BP Gas. Natural proposes to receive the subject gas at various points located in Louisiana, Texas, Oklahoma, Illinois and Kansas. The delivery points are located in Missouri, Iowa, Nebraska, Illinois, Arkansas, Louisiana and Oklahoma. Natural avers that no new facilities are required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Natural commenced such self-implementing service on August 1, 1989, as reported in Docket No. ST89–4828–000.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP89–2186–000]

October 4, 1989.

Take notice that on September 27, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–2186–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide an interruptible transportation service for Entrade Corporation (Entrade) under the blanket certificate issued in Docket No. CP86–435–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that pursuant to a transportation agreement dated August 23, 1989, it proposes to receive up to 200,000 million Btu per day at specified points located in the states of Oklahoma, Texas, Kansas, and New Mexico, and redeliver the gas at specified points located in the states of Kansas, Texas, Minnesota, Iowa, Wisconsin, and Oklahoma. Northern estimates that the peak day, average day, and annual volumes would be 200,000 million Btu, 150,000 million Btu, and 73,000,000 million Btu, respectively. It is indicated that on August 23, 1989, Northern initiated a 120-day transportation service for Entrade under § 284.223(a), as reported in Docket No. ST89–4693–000.

Northern further states that no facilities need be constructed to implement the service. Northern states that the primary term expires two years from the date of initial delivery, but that the service would continue unless terminated on thirty days written notice to the other party. Northern proposes to charge rates and abide by the terms and conditions of its Rate Schedule IT–1.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Northwest Pipeline Company

[Docket No. CP89–2162–000]

October 5, 1989.

Take notice that on September 25, 1989, Northwest Pipeline Company (Northwest) 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–2162–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 for Intermountain Gas Company (Intermountain), a local distributor, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest indicates that service commenced August 27, 1989, as reported in Docket No. ST89–4758–000 and estimates the volumes transported to be 110,000 MMBtu per day on a peak day, 1,700 MMBtu on an average day plus, 620,000 MMBtu on an annual basis for Intermountain. Northwest states that the gas will be transported under its Rate Schedule TI–1 from any receipt points on its system to any delivery point on its system.

Northwest also states that no new facilities are to be constructed.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP89–2169–000]

October 5, 1989.

Take notice that on September 26, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–2169–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Tejas Power Corporation (Tejas), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport, on an interruptible basis, up to 50,000 MMBtu per day for Tejas. Texas Gas states that construction of facilities would not be required to provide the proposed service.

Texas Gas further states that the maximum day, average day, and annual transportation volumes would be approximately 50,000 MMBtu, 15,000 MMBtu and 18,250,000 MMBtu respectively.

Texas Gas advises that service under § 284.223(a) commenced August 16, 1989, as reported in Docket No. ST89–4521.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Transwestern Pipeline Company

[Docket No. CP88–99–007]

October 5, 1989.

Take notice that Transwestern Pipeline Company (Transwestern) on September 29, 1989 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective October 1, 1989

69 Revised Sheet No. 5
1st Revised Sheet No. 5(i)
37th Revised Sheet No. 6
6th Revised Sheet No. 37

Transwestern states that these tariff sheets are filed to comply with the Commission's orders issued May 11, 1988, July 31, 1989 and September 26, 1989 (Orders). Pursuant to the Orders, Transwestern has accepted the Commission's authorization of a Certificate of Public Convenience and Necessity to institute a gas inventory charge (GIC) and interruptible sales (IS)

service. Pursuant to the procedures set forth under the GIC, Rates Schedule CDQ–1 and CDQ–3 customers elected to nominate zero volumes for purchase under the GIC. The above listed tariff sheets have been filed to reflect the zero nomination of Rate Schedule CDQ–1 and CDQ–3 customers for purchases under the GIC and the subsequent revisions to the rates for service under Rate Schedules SG–1, SG–2, RW–1 and IS–1, as required by the Orders.

Transwestern, herein, respectfully requests that the Commission grant any and all waivers of its rules, regulations and orders as may be necessary so as to permit the above listed tariff sheets to become effective October 1, 1989.

Comment date: October 13, 1989, in accordance with Standard Paragraph F at the end of the notice.

7. Alabama-Tennessee Natural Gas Company

[Docket No. CP89–2201–000]

October 5, 1989.

Take notice that on September 29, 1989, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35631, filed in Docket No. CP89–2201–000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Alabama-Tennessee states that it intends to transport natural gas on behalf of shippers and elects to become a transporter under the terms and conditions of the Commission's Order No. 436 and Order 500, in accordance with the terms and conditions set forth in the application. Alabama-Tennessee states that, in providing the transportation services for which authorization is requested herein, it will comply with the conditions in paragraph (C) of § 284.221 of the Commission's Regulations which paragraph refers to Subpart A of part 284 of the Commission's Regulations.

Alabama-Tennessee proposes to offer open-access transportation services to firm and interruptible shippers in accordance with the provisions of its proposed new Rate Schedules FT and IT, both of which are contained in First Revised Volume No. 1 of Alabama-Tennessee's FERC Gas Tariff, a *pro forma* copy of which is included in Alabama-Tennessee's application. Alabama-Tennessee submits that the proposed transportation rates applicable to Rate Schedules FT and IT comply with all requirements under Order No. 436, and with the Commission's Rules and Regulations thereunder, including the provisions of § 284.7.

Alabama-Tennessee also requests that the Commission require those current G and SG sales customers, who elect to convert daily sales entitlements to firm Rate Schedule FT transportation service under the blanket certificate sought herein, to purchase any remaining sales volumes under Alabama-Tennessee's currently effective CD Rate Schedule.[1] To the extent required, Alabama-Tennessee requests that any applicable waivers and additional authorizations be granted, as necessary, for the approval of its application.

According to Alabama-Tennessee, the provisions for open access transportation on behalf of its G and SG sales customers are necessary to provide Alabama-Tennessee a reasonable opportunity to continue to recover from those customers their allocable share of its demand cost obligations to its upstream supplier, Tennessee Gas Pipeline Company, from whom Alabama-Tennessee obtains contract demand service. Alabama-Tennessee states that this opportunity would not exist under the G and SG Rate Schedules as presently structured because those rates are not based on contract demand. For example, Alabama-Tennessee states that sales customers under its G Rate Schedule can ratchet their billing demand responsibility downwards based on the greatest number of dekatherms purchased on any day during the twelve-month billing period (see section 4, Fifth Revised Sheet No. 12 of Alabama-Tennessee's FERC Gas Tariff, First Revised Volume No. 1).

Alabama-Tennessee believes that the authority requested herein is consistent with the Commission's Rate Design Policy Statement issued in Docket No. PL89–2–000, *et al.*, and that it would be unfair and unreasonable for the Commission to issue the blanket authority without enabling Alabama-Tennessee to protect itself from the underrecovery of fixed costs it incurs to stand ready to provide each G and SG customer with such customers's full requirements for its certificated level of sales service on Alabama-Tennessee.[2] Alabama-Tennessee states that should the Commission conclude that this proposal is not appropriate for customers served under Rate Schedule SG, Alabama-Tennessee requests that the Commission authorize a comparable method of cost recovery to protect it from underrecovery of fixed costs, such as a standby charge.

Alabama-Tennessee will provide transportation service under the authorization requested herein in accordance with the revised General Terms and Conditions, Rate Schedules FT and IT and Forms of Service Agreement thereunder, at the proposed rates filed concurrently herewith in Docket No. RP89–251–000. Alabama-Tennessee requests approval of the terms and conditions of such transportation service.

It is further stated that the sales authorization requested herein will be provided under the terms and conditions of Alabama-Tennessee's Rate Schedule CD and associated Form of Service Agreement which are already part of its FERC Gas Tariff, First Revised Volume No. 1.

Comment date: October 26, 1989, in accordance with Standard Paragraph F at the end of this notice.

8. Southern Natural Gas Company

[Docket No. CP89–2179–000]

October 5, 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. CP89–2179–000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Sonat Marketing Company (Sonat), a marketer, under its 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 on file with the Commission and open to public inspection.

Southern states that the maximum daily, average daily and annual quantities that it would transport for Sonat would be 25,000 MMBtu equivalent of natural gas, 5,479 MMBtu

[1] Alabama-Tennessee states that service under the CD Rate Schedule would be available to any Alabama-Tennessee gas distributor customer, whose distribution system connects or will connect with Alabama-Tennessee. Under the Rate Schedule CD, Alabama-Tennessee states it would be required to provide firm sales service up to the level contracted for by the customer.

[2] Alabama-Tennessee states that filed testimony explaining the financial exposure faced by Alabama-Tennessee with respect to offering firm part 284 transportation service to its G and SG sales customers will be provided in Alabama-Tennessee's Statement P, to be filed within fifteen days under § 154.63 of the Commission's Regulations in its general rate case and tariff filing made concurrently herewith in Docket No. RP89–251–000.

equivalent of natural gas and 2,000,000 MMBtu equivalent of natural gas, respectively.

Southern states that it would transport natural gas for Sonat from various receipt points in Louisiana, offshore Louisiana, Texas, offshore Texas, Mississippi and Alabama to a delivery point in Alabama.

Southern indicates that in a filing made with the Commission in Docket ST89–4635, it reported that transportation service for Sonat commenced on August 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Great Lakes Gas Transmission Company

[Docket No. CP89–2196–000]

October 5, 1989.

Take notice that on September 28, 1989, Great Lakes Gas Transmission Company ("Great Lakes"), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP89–2196–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Great Lakes to transport natural gas, on an interruptible basis, for the account of ANR Pipeline Company (ANR), until November 1, 2006, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes states that ANR has requested that Great Lakes transport up to 350,000 Mcf per day for the account of ANR, from a point on the International Border between the United States and Canada, at Emerson, Manitoba (Emerson Receipt Point), where the facilities of Great Lakes interconnect with the facilities of TransCanada PipeLines Limited (TransCanada), to existing points of interconnection between the facilities of Great Lakes and ANR located at (i) Capac, Michigan (Capac Delivery Point), (ii) South Chester, Michigan (South Chester Delivery Point), (iii) Fortune Lake, Michigan (Fortune Lake Delivery Point), (iv) Farwell, Michigan (Farwell Delivery Point) and (v) Muttonville, Michigan (Muttonville Delivery Point); and (2) a point of interconnection between the facilities of Great Lakes and Michigan Consolidated Gas Company located, at Belle River Mills, Michigan (Belle River Mills Delivery Point) and (3) a point of interconnection between the facilities of Great Lakes and TransCanada located on the International Boundary near St. Clair, Michigan (St. Clair Delivery Point). Great Lakes also states that the subject Canadian gas would be purchased by ANR for its system supply.

Great Lakes states that ANR and Great Lakes have entered into a Transportation Service Agreement, dated September 21, 1989 (Service Agreement), which implements these arrangements. Great Lakes further states that the Service Agreement provides for a term ending November 1, 2006.

Great Lakes indicates that the Service Agreement provides for a rate for the transportation service to the Capac, Belle River mills, South Chester, Farwell, Muttonville, and St. Clair Delivery Points located in Great Lakes' Eastern Zone which is equal to the 100 percent load factor rate as determined from the demand and commodity components utilized in Rate Schedule T–4 of Great Lakes' FERC Gas Tariff, under which volumes are also transported from the Emerson Receipt Point to Great Lakes' Eastern Zone.

Great Lakes asserts that the Service Agreement also provides for a rate for the transportation service to the Fortune Lake Delivery Point in Great Lakes' Central Zone which is equal to the 100 percent load factor rate as determined from the demand and commodity components utilized in the transportation component of existing Rate Schedule CQ–2 of Great Lakes' FERC Gas Tariff, under which volumes of gas are also transported from the Emerson Receipt Point to Great Lakes' Central Zone. Great Lakes states that no new facilities are required to provide either of the above-described services.

Comment date: October 26, 1989, in accordance with Standard Paragraph F at the end of this notice.

10. United Gas Pipe Line Company

[Docket No. CP90–7–000]

October 5, 1989.

Take notice that on October 3, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–7–000 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 Arco Oil and Gas Company (Arco), a producer, under the blanket certificate issued in Docket No. CP88–6–000, 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.

United states that pursuant to a transportation agreement dated December 19, 1988, under its Rate Schedule ITS, it proposes to transport up to 7,210 MMBtu per day equivalent of natural gas for Arco. United states that it would transport the gas from receipt points in Panola County Texas, and would deliver the gas at delivery points in Panola County, Texas, and Ouachita Parish, Louisiana.

United advises that service under § 284.223(a) commenced June 4, 1989, as reported in Docket No. ST89–4770–000 (filed September 19, 1989). United further advises that it would transport 7,210 MMBtu on an average day and 2,631,650 MMBtu annually.

Comment date: November 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Great Lakes Gas Transmission

[Docket No. CP89–2197–000]

October 5, 1989.

Take notice that on September 28, 1989, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit 48226, filed in instant docket an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Great Lakes to transport natural gas, on an interruptible basis, for the account of Coastal Gas marketing (Coastal), until November 1, 2006, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes states that Coastal had requested that Great Lakes transport up to 300,000 Mcf per day for the account of Coastal, from a point on the International Border between the United States and Canada, at Emerson, Manitoba (Emerson Receipt Point), where the facilities of Great Lakes interconnect with the facilities of TransCanada PipeLines Limited (TransCanada), to (1) points of interconnection between the facilities of Great Lakes and ANR Pipeline Company (ANR) located at (i) Farwell, Michigan (Farwell Delivery Point), (ii) Fortune Lake, Michigan (Fortune Lake Delivery Point), (iii) Capac, Michigan (Capac Delivery Point), (iv) South Chester, Michigan (South Chester Delivery Point) and (v) Muttonville, Michigan (Muttonville Delivery Point); (2) a point of interconnection between the facilities of Great Lakes and Michigan Consolidated Gas Company (Belle River Mills Delivery Point); (3) a point of interconnection between the facilities of Great Lakes and TransCanada located in St. Clair, Michigan (St. Clair Delivery Point); (4) a point of interconnection between the facilities of ANR Storage Company (ANR Storage) and Great

Lakes located at Deward, Michigan (Deward Delivery Point); and (5) a point of interconnection between the facilities of Great Lakes and Northern Natural Gas Company (Northern Natural) located at Carlton, Minnesota (Carlton Delivery Point).

Great Lakes states that Coastal has also requested transportation (included within the 300,000 Mcf per day quantity) from the (1) Fortune Lake Delivery Point to the Farwell, Capac, Muttonville, South Chester, Deward, Belle River Mills and St. Clair Delivery Points; (2) South Chester Delivery Point to the Deward, Farwell, Capac, Muttonville, Belle River Mills, and St. Clair Delivery Points; (3) Deward Delivery Point to the Farwell, Capac, Muttonville, Belle River Mills, and St. Clair Delivery Points; (4) Farwell Delivery Point to the Capac, Muttonville, Belle River Mills, and St. Clair Delivery Points; (5) Capac Delivery Point to the Muttonville, Belle River Mills and St. Clair Delivery Points; (6) Muttonville Delivery Point to the Belle River Mills and St. Clair Delivery Points; and (7) Belle River Mills Delivery Point to the St. Clair Delivery Point.

Great Lakes indicates that Coastal and Great Lakes have entered into a Transportation Service Agreement, dated September 19, 1989 (Service Agreement), which implement these arrangements. Great Lakes further indicates that the Service Agreement provides for a term ending November 1, 2006.

Great Lakes asserts that the Service Agreement provides for an initial rate for the transportation service from the Emerson Receipt Point to the Farwell, Deward, Capac, South Chester, Muttonville, Belle River Mills and St. Clair Delivery Points located in Great Lakes' Eastern Zone which is equal to the 100 percent load factor rate as determined from the demand and commodity components utilized in Rate Schedule T–4 of Great Lakes' FERC Gas Tariff, under which volumes are also transported from the Emerson Receipt Point to Great Lakes' Eastern Zone.

Great Lakes states that the Service Agreement also provides for an initial rate for the transportation service from the Emerson Receipt Point to the Fortune Lake Delivery Point in Great Lakes' Central Zone which is equal to the 100 percent load factor rate as determined from the demand and commodity components utilized in the transportation component of existing Rate Schedule CQ–2 of Great Lakes' FERC Gas Tariff, under which volumes of gas are also transported from the Emerson Receipt Point to Great Lakes' Central Zone.

Great Lakes states that the Service Agreement further provides for an initial rate for the transportation service from the Emerson Receipt Point to the Carlton Delivery Point located in Great Lakes' Western Zone which is equal to 100 percent load factor rate as determined from the demand and commodity components utilized in Rate Schedule T–5 of Great Lakes' FERC Gas Tariff, under which volumes of gas are also transported from the Emerson Receipt Point to Great Lakes' Western Zone.

Great Lakes indicates that the Service Agreement also provides that the initial transportation rates for the transportation of the subject volumes from receipt points other than Emerson is, for transportation between two points within the same zone; if the receipt and delivery points lie in different zones, the rate is the sum of the individual zone rates for each zone in which the gas is transported.

No new facillities are required to provide any of the above-referenced services, it is stated.

Comment date: October 26, 1989, in accordance with Standard Paragraph F at the end of the 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 285.211 and 285.214) 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 the 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 futher 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 Commissions' 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 withing 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 aplication for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–24300 Filed 10–13–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP89–53–000]

Chesterfield Energy Corporation, et al., Petition to Reopen and Vacate Final Well Category Determinations

September 15, 1989.

On August 22, 1989, the State of West Virginia, Department of Commerce, Labor and Environmental Resources (West Virginia) filed with the Federal Energy Regulatory Commission, pursuant to § 275.205 of the Commission's regulations, a petition to reopen and vacate 46 final well category determinations for wells located in various counties in West Virginia.

The applications for the determinations were filed with West Virginia by Chesterfield Energy Corporation (Chesterfield) prior to 1985. In November and December 1988, West Virginia gave the Commission written notice of the affirmative determinations and they became final forty-five days thereafter. West Virginia states in its petition that by letter dated February 13, 1985, Chesterfield filed a request with West Virginia to withdraw the 46 applications submits that since the withdrawal letter is dated in 1985 and the affirmative determinations were filed in 1988, that the withdrawal letter

constitutes an omitted statement of material fact which justifies the reopening of the 46 determinations.

Any person desiring to be heard or protest this petition should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and procedure. All such motions or protests should be filed on or before October 16, 1989. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Copies of this petition are on file with the Commission's rules. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-24301 Filed 10-13-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM90-3-20-000; RP90-3-000]

Algonquin Gas Transmission Co.; Proposed Change in FERC Gas Tariff

October 6, 1989

Take notice that Algonquin Gas Transmission Company ("Algonquin") on October 3, 1989, tendered for filing, to its FERC Gas Tariff, Second Revised Volume No. 1, the revised tariff sheets as listed in appendix A, attached to the filing.

Algonquin states that pursuant to article 12, section 3 of the Stipulation and Agreement establishing service under Rate Schedule F-3 and section 7.3 of such Rate Schedule, Algonquin submits for filing the tariff sheets and their respective proposed effective dates as listed in Appendix A to concurrently track the changes made by Transcontinental Gas Pipe Line Corporation ("Transco") in the transportation service underlying Algonquin's Rate Schedule F-3. Pursuant to the Commission's Order of June 8, 1989 in Docket No. RP82-55-041, Transco instituted a two part rate structure consisting of a demand charge and a commodity charge changing from the single one part demand charge previously used. Furthermore, Algonquin states that Second Substitute Alternate Eighteenth Revised Sheet No. 204, Substitute Fifth Revised Sheet No. 373 and Substitute Fourth Revised Sheet No. 375, proposed to be effective May 1, 1988, are filed to incorporate the change in rates and rate structure made by Transco, all other revised tariff sheets are filed for the sole purpose of bringing forward such rates and rate restructuring into previously filed tariff sheets. Algonquin maintains that it has received a refund from Transco for the period prior to May 1, 1988 and flowed through such refund on September 20, 1989 to its Rate Schedule F-3 customers.

Algonquin states that the effect of its instant filing is to decrease the Transco demand charge by $2.96 per MMBtu, from $5.26 to $2.30 per MMBtu while instituting a commodity charge of 8.9 cents per MMBtu, all effective as of May 1, 1988.

Algonquin notes that a copy of this filing was served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.124 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 16, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-24302 Filed 10-13-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-245-000]

Paiute Pipeline Co.; Proposed Change in FERC Gas Tariff

October 6, 1989.

Take notice that on September 29, 1989, Paiute Pipeline Company (Paiute) tendered for filing certain tariff sheets applicable to its FERC Gas Tariffs, Original Volume Nos. 1 and 1-A, for the purpose of establishing the procedures whereby Paiute will recover the fixed charge allocation of take-or-pay buyout and buydown costs billed by its upstream pipeline supplier, Northwest Pipeline Corporation (Northwest), and paid by Paiute to Northwest.

Paiute states that pursuant to the take-or-pay passthrough mechanism established under the provisions of Order No. 500, Northwest filed in Docket No. RP89-137-000 to recover a portion of approximately $76,917,541 in take-or-pay buyout and buydown costs. Paiute further states that Northwest's filing reflects a proposal to absorb 25% of the costs, to collect 25% through a fixed charge from its firm sales customers, and to recover 50% through a volumetric surcharge applicable to all of Northwest's throughput.

Paiute states that Northwest's filing, which was accepted by the Commission and made effective on April 1, 1989, allocated the 25% of buyout and buydown costs to be recovered through a fixed charge from its firm customers on the basis of each customer's cumulative deficiency in firm purchases utilizing calendar years 1982 and 1983 as the bse period and the period of January 1984 through September 1988 as the deficiency period. Northwest will collect the fixed charge amounts from its customers, at each customer's election, either in a lump-sum payment or amortized over a three-year period. Paiute's share of the allocated buyout and buydown costs is $1,401,801.

Paiute further states that Northwest filed revised tariff sheets in Docket Nos. RP89-219-000 and TM90-1-37-000 which, in part, seeks recovery of a portion of an additional $69,375,000 in the take-or-pay buyout and buydown costs over and above the amounts involved in Docket No. RP89-137-000. Paiute states that this filing reflects that Paiute's share of the allocated buyout and buydown costs to be collected through a fixed charge is $1,244,588.

Paiute's filing reflects primary tariff sheets to establish the procedure for recovery from its customers the above-described fixed charges billed by Northwest and paid by Paiute. In the event the Commission does not approve Northwest's filing in Docket Nos. RP89-219-000 and TM90-1-37-000, Paiute has included in its filing alternative tariff sheets which reflect only those charges authorized for Northwest by the Commission effective April 1, 1989 in Docket No. RP89-137-000. However, Paiute states that its filing reflects a modification to the methodology prescribed by Order No. 500 as set forth in § 2.104(e) of the Commission's Regulations for the passthrough of such costs by downstream pipelines on an as-billed basis. Paiute states that it is proposing to pass through to each of those direct transportation customers affected, as well as to its firm sales customers their allocable share of the take-or-pay buyout and buydown costs imposed by Northwest.

Paiute has further requested waiver of any necessary rules and regulations so as to permit its filing to become effective on October 1, 1989.

Copies of the filing were served on Paiute's jurisdictional sales customers, interested parties and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 16, 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. 89-24303 Filed 10-13-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-252-000]

Washington Natural Gas Company; Project Operator, Filing Revised Tariff

October 6, 1989.

Take notice that on September 29, 1989, Washington Natural Gas Company (Washington Natural) 815 Mercer Street, Seattle, Washington 98109, in its capacity as Project Operator of the Jackson Prairie Storage Project (Storage Project), located in Chehalis, Lewis County, Washington, tendered for filing with the Commission its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of November 1, 1989.

According to Washington Natural, First Revised Volume No. 1 comprises a revised Gas Storage Project Agreement, also identified as Rate Schedule S-1, pursuant to which the Storage Project is operated, and upon effectiveness, First Revised Volume No. 1 will supersede Washington Natural's FERC Gas Tariff, Original Volume No. 1 which contains the original Gas Storage Project Agreement on file with the Commission.

According to Washington Natural, the revised Gas Storage Project Agreement, dated September 25, 1989, and filed in this matter as Washington Natural's Rate Schedule S-1 in its FERC Gas Tariff, First Revised Volume No. 1, is the first comprehensive revision of the agreement for operating the Storage Project by the owners since the original operating agreement. Washington Natural states that the basic function of the Storage Project, which is to provide the gas storage capacity and deliverability to support the storage gas service provided by Northwest under Rate Schedule SGS-1, is not changed by the revised agreement. It is stated that, under the original agreement, El Paso and later Northwest, had the exclusive right to store gas in the Storage Project and the pipelined owned all the working gas in the Storage Project. The revised agreement, it is stated, recognizes that changes have occurred in Northwest's Rate Schedule SGS-1 so that now parties other than Northwest have actual or beneficial title to gas stored in the Storage Project. It is stated, for example, that under the Option 10 revision to Rate Schedule SGS-1, Northwest's storage service customers can store their own gas in the Storage Project; also, Water Power has released a portion of its storage capacity to the British Columbia Hydro and Power Authority (B.C. Hydro) and B.C. Hydro now stores gas in the released capacity through transportation and exchange arrangements with Northwest and Westcoast Transmission Company, Ltd. *Northwest Pipeline Corporation, et al.*, 23 FERC ¶61,361; further, it is stated that, in connection with Northwest's "open-access" transportation proposal in Docket No. CP86-578-000, the Commission directed Northwest to make available to its transportation customers that portion of its Storage Project capacity utilized for system supply, *Northwest Pipeline Corporation*, 43 FERC ¶61,342. These changes in the use of the Storage Project and which are recognized in the revised operating agreement, according to Washington Natural, eliminate the distinctions made in the original agreement between the seasonal injection and withdrawal cycles that were appropriate when the only function of the Storage Project was to store gas solely for Northwest's account for Rate Schedule SGS-1 service.

Washington Natural further states that the revised agreement extends the primary term of the operating agreement between and among the owners to October 31, 2004 to coincide with the primary term of Northwest's recently renegotiated storage agreements for Rate Schedule SGS-1 service, pending approval in Docket No. CP89-1525. Also, Washington Natural states that the operating characteristics and capabilities of the Storage Project, as most recently authorized by the Commission in Docket No. CP87-516-000, have not been changed in the revised agreement and are as shown in Appendix A attached to the agreement.

Washington Natural states that copies of its filing were served upon the three owners of the Storage Project and upon those customers of Northwest who subscribe to its Rate Schedule SGS-1 service.

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 §§ 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 16, 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. 89-24304 Filed 10-13-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3671-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

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

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: NESHAP—Benzene from Coke By-Product Plants, Ethylbenzene/Styrene Plants, Equipment Leaks and Storage Vessels. (ICR # 1080.06; OMB # 2060-0185). (This is a renewal of a previously approved collection).

Abstract: Owners/Operators of coke by-product recovery plants must notify EPA of construction, reconstruction, and anticipated startup. They must submit an initial source report and a report of initial benzene emission changes. They must also keep records of, and report, leaks detected and repairs to equipment. EPA needs the information to ensure compliance with national standards limiting benzene emission into the ambient air.

Burden Statement: The public reporting burden for this collection of information is estimated to average 11.5 hours per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Owners/operators of: Coke by-product industry plants; petroleum refining industry plants, and chemical industry plants.

Estimated No. of Respondents: 152

Estimated Total Annual Burden on Respondents: 7,969 hours

Frequency of Collection: Semiannually, annually, and on occasion.

To obtain a copy of the ICR package contact Sandy Farmer on (202) 382–2740.

Send comments regafding the burden estimate, or any other aspect of these information collections, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M Street, SW., Washington, DC 20460,
and
Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20530.

Dated: October 3, 1989.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 89–24351 Filed 10–13–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3671–3]

Open Meetings of the Negotiated Rulemaking Advisory Committee for the Volatile Organic Chemical Equipment Leak Rule

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), we are giving notice of open meetings of the Advisory Committee to negotiate a rule to control fugitive emissions of toxic volatile organic compounds (VOCs) from chemical equipment leaks.

The first meeting will be held on November 6, 1989 from 10:00 a.m. to 5:00 p.m., and on November 7, 1989 from 9:00 a.m. to 4:00 p.m., at the Pickett Inn, 2525 Meridian Street, Durham, North Carolina. For reservations, you can call (919) 361–4660. The purpose of the meeting is to continue to address the substantive issues.

The next two meetings are scheduled for December 6 and 7, 1989, and January 17 and 18, 1990, at locations to be announced.

Persons needing further information on substantive aspects of the rule should call Robert Ajax, Office of Air Quality Planning and Standards, U.S. EPA, (919) 541–5579. Persons needing further information on procedural matters should call Deborah Dalton, Regulatory Negotiation Project, U.S. EPA, at (202) 382–5495 or the Committee's facilitator, Philip Harter at (202) 887–1033.

Dated: October 6, 1989.

Thomas E. Kelly,

Director, Office of Standards and Regulations, OPPE.

[FR Doc. 89–24353 Filed 10–13–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3671–8]

Proposed Administrative Settlements Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act; Re-Solve; Inc. Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement; request for public comment.

SUMMARY: In accordance with section 122(i) of CERCLA, as amended by SARA, notice is hereby given that the U.S. Environmental Protection Agency is proposing to enter into two administrative settlements to resolve claims under the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* Notice is being published to inform the public of the proposed settlements and of the opportunity to comment.

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

ADDRESS: Comments should be addressed to the Regional Administrator, U.S. Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, Massachusetts, 02203, and should refer to: In the Matter of: Re-Solve, Inc. Superfund Site, North Dartmouth, Massachusetts, U.S. EPA Docket Nos. I–89–1035 and I–89–1036.

FOR FURTHER INFORMATION CONTACT: Richard McAllister, U.S. Environmental Protection Agency, Office of Regional Counsel, RRC–2203, J.F.K. Federal Building, Room 2203, Boston, Massachusetts, 02203, (617) 565–3469.

NOTICE OF ADMINISTRATIVE SETTLEMENT: In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed *de minimis* administrative settlement and a proposed cost recovery settlement concerning the Re-Solve Inc. Superfund Site in North Dartmouth, Massachusetts.

The *de minimis* settlement, EPA Docket No. I–89–1035, resolves EPA claims under sections 106 and 107 of CERCLA and section 7003 of the Resource Conservation and Recovery Act (RCRA) against 169 settling parties at the Re-Solve Inc. Superfund Site in North Dartmouth, Massachusetts. Section 122(g) provides EPA with the authority to reach final settlement with a potentially responsible party if such settlement involves only a minor portion of the response costs at the facility concerned, and the amount and the toxic or other hazardous effects of the substances contributed by the party are minimal in comparison to the cumulative amount and the cumulative toxic or other hazardous effects of the substances contributed to the facility. The settlement requires the settling parties each to pay specified amounts totalling $3,836,057 to the Hazardous Substances Superfund. Pursuant to section 122(g)(4), the Attorney General has approved this settlement. The following parties will settle their liabilities for the Re-Solve site under this settlement.

A & R Deburring (Eyelet Toolmakers, Inc.); Acco Wilson (Babcock Industries, Inc.); Airpax Corp.; Allied Control (Gould, Inc.); Allied Metal Products, Inc.; Altek Company; American Circuitron, Inc.; American Jewelry Chain Co.; American Specialty Co.; AMF Cuno (Cuno, Inc); Amperex (N.A. Philips); Anaconda Metal Hose (Atlantic Richfield Co.); Anzac (Adams-Russel, Inc.); Arrow Mfg. Co.; Arwood Corp.; Associated Spring/Barnes Group, Inc.; Atrax Co. (Rogers Tool Works, Inc.); Aura Mfg. Co. Inc.; Autoswage Products, Inc.; Automation Industries (Sperry Rail, Inc.); Automotive Control Corp.; A.P.C.O. Products, Inc.; Baker Co., Inc.; Bassick Co. (Stewart Warner Bassick Corp.); Beaton & Corbin Mfg. Co.; Berco Mfg. (Burndy Corp.); Berkshire Transformer Corp. (Preferred

Electronics, Inc.); Bic Corp.; Birken Mfg. Co.; Bostitch Textron (Stanley-Bostitch); Bottoms USA, Inc.; Bovano of Cheshire (Bovano Ind., Inc.); Bridgeport Machine (Textron); Bridgeport Stamp Mfg. (Bridgeport Tool & Stamping Corp.); Bullard (White Consolidated Ind., Inc.); Cablewave systems (Radio Frequency Systems Inc.); Cabot Mfg. Co. (JJJ Corp.); Cado Fabrications, Inc.; Camco Fittings (Harsco Corp.); Canberra Industries, Inc.; Capewell (Stantadyne, Inc.); Carlin Company; Casco Products, Co.; Caval Tool & Machine Co., Inc.; Chromium Process Co.; Circuit-Wise, Inc.; Coatings Technology Corp.; Colonial Bronze Co.; Columbia Mfg Company; Conard Corp.; Connecticut Mfg. Co., Inc.; Connecticut Products Finishing Corp.; Connecticut Spring & Stamping Corp.; Conn-Form Corp. (Handy & Harman Automotive Group, Inc.); Conrac-Cramer Div. (Mark IV Industries, Inc.); Contours Inc.; Contract Plating Co., Inc.; Cooper Thermometer (Cooper Instruments Corp.); Cornwall & Patterson Co. (Pratt-Read Corp.); Crawford Product, Inc.; Custom Design Services, Inc.; Davmatic, Inc.; Diventco Corp.; E.I. duPont De Nemours & Co. (Sorval); Durable Wire, Inc.; Durham Mfg Co.; Edmunds Co. (Edmunds Gages); Electrolux Corp.; Eyelematic Mfg. Co., Inc.; Eyelet Crafters, Inc.; Fairchild Semiconductor Corp.; Farrell Corp. (Emhart Industries, Inc.); Fireleite Alarms, Inc.; Fluids Control; F.W. French (Noranda Metal Ind., Inc.); General Electric Co.; General Plasma, Inc.; Heli Coil Products (Emhart Corp.); Henlopen MFG. Co., Inc.; Hi G Company (Tridex Corp.); Holgrath Corp.; H. D. Bronson; Industrial Controls (Mineleo Talley Ind.); Industrial Heat Treating (Drever Co.); Industrial Precision Components Corp.; Inertia Dynamics, Inc.; Industrial Precision Components Corp.; James L. Howard & Co.; Joma Tool (Joma, Inc.); Kanthol Corp.; Kellems (Kellums Division of Harvey Hubbell); Kemvolt of Connecticut, Inc.; Kenyon Marine (Wohl Shoe Co., Inc.; Kenyon Marine, Inc.); Kern Special Tools Co., Inc.; Klock Corp. (Wickes Co. Inc.) ; Kras Tool Mfg. Co., Inc.; L & R Metal Treating; Lacey Mfg. (Barden Corp.); Lake Eyelet Mfg. Co., Inc.; Lakewood Metal Products (Anchor Brush Co.); Lord Corp.; L. C. Doane Co.; Macdermid of Bristol (FL Aerospace Corp.); Machlett Laboratories, Inc. (Tube Holding Co., Inc.); Marvel Screw; Mattatuck Mfg. Co. (Boutin Ind. Corp.); Merriam Mfg. Co.; Metal Testing Co. (Kidde Ind., Inc.); Microtech, Inc. Milford Automatic; Milford Products Corp.; Mitchell-Bate Co.; Moroso Performance Products, Inc.; Napier Co.; Norfield Electronic Assembly, Inc.; North American Printed Circuit (Tyco laboratories, Inc.); Omega Engineering, Inc. (Omega Group); Palladin Precision Products, Inc.; Perkin-Elmer Corp.; Pic Design (Precision Industrial Components Corp.); Picker Corp. (Picker International, Inc.); Pitney Bowes, Inc.; Practical Automation, Inc.; Reece Corp.; Reliable Plating & Polishing Co., Inc.; Revere Corp. Of America; Rich Tool & Die Co.; Ridge Mfg Co. (Insilco Corp.); Romatic Mfg. Co., Inc.; Rowley Spring Co., Inc.; Rudolph Beaver Co. (Becton Dickinson Acutecare, Inc.); Scovill Apparel Fasteners (Scovill, Inc.); Sealectro Corp. (ITT Sealectro, Inc.); S & H Precision Co.; Shelton Precision Co., Inc.; Sherwood Medical Co.; Sibley Co.; Siemon Dynamic (Siemon Co.); Somers Thin Strip (Olin Corp.); Son Chief Electronics, Inc.; Standard Electric Time Corp. (Belltowne Mortage, Inc; Faraday, Inc.); Suissman & Blumenthal, Inc.; T Bar, Inc.; Talcott Screw Machine (Talcott Machine Products, Inc.); Tech Circuits, Inc.; Tech Systems; Torin Engineered Blowers (Madison Mgt. Group, Inc.); Torrington Co.; Towers Motor Parts Corp.; Tube Bends; Turner & Seymour Mfg. Co.; Tyco Engineered Systems, Inc.; Unimax (C & K/Unimax, Inc.); Union Carbide Coatings Service Corp.; United Tool & Die Co.; Unviersal Thread Grinding Co.; Veeder Root Co.; Venus Consolidated (UTI Corp.); Wallace Silversmiths, Inc. (Wallace International, Inc.; Wallace International Silversmiths, Inc.; Katy Industries, Inc.; HMW Industries, Inc.; H–K Exchange Co., Inc.; Bush Universal, Inc.; Syratech Corp., Inc.; New Wallace Corp., Inc.; International Silver Co., Inc.; International Silver De P.R., Inc.; PMW Silver De P.R., Inc.; Wallace Interantina De P.R. PMW Corp., Inc.); Wallingford Industries; Warco (Albany Intl.); Waterbury Buckle Co.; Waterbury Companies, Inc.; Waterbury Screw Machine Products Co.; W.H. Nichols Co. (Nicholas Portland/Parker Hannifin Corp.); Whiting Screw Machine (Whiting Products, Inc.); World Tableware Int'l (Insilco Corp.); Zierick Mfg. Corp.

A second settlement, EPA Docket No. I–89–1036, resolves an EPA Claim under section 107 of CERCLA against Hubbard-Hall Inc. Section 122(h) of CERCLA Provides EPA with authority to consider, compromise and settle a claim for costs incurred by the United States if the claim has not been referred to the Department of Justice. The settlement requires Hubbard-Hall Inc. to pay $1,632,651 to the Hazardous Substances Superfund. Pursuant to section 122(h)(1) of CERCLA, the Attorney General has provided prior written approval of this settlement.

EPA believes these settlements are fair and in the public interest. EPA will receive written comments relating to these agreements for thirty (30) days from the date of publication of this notice.

A copy of the settlement agreements may be obtained in person or by mail from EPA's Region I Office of Regional Counsel, J.F.K. Federal Bulding, Boston, Massachusetts 02203. Documents considered or relied upon in determining the *de minimis* status of each party settling under section 122(g) of CERCLA are available at the EPA Region I Records Center at 90 Canal Street in Boston, Massachusetts.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 89–24350 Filed 10–13–89; 8:45am]

BILLING CODE 6560–50–M

[FRL–3671–5]

Proposed Administrative Settlement and Opportunity to Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: EPA is providing notice of a proposed administrative settlement for recovery of EPA's response and oversight costs pursuant to section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986. Public comment is also solicited by this notice.

Under 42 U.S.C. 9604, EPA is authorized to take response actions including, among other things, the investigation and cleanup of facilities where hazardous substances have or may have been released. 42 U.S.C. section 9607 provides that a party responsible for the release is liable for costs expended by the United States in its response to the problem. 42 U.S.C. 9622(h) provides EPA with authority to consider, compromise and settle a claim for costs incurred by the United States if the case has not been referred to the Department of Justice. This notice proposes a settlement to a claim by EPA against Garden Valley Ranch Estates Community Services District ("GVRECSD"), pursuant to this settlement authority. Because this case is one in which the United States has incurred costs less than $500,000, EPA may compromise and settle the claim without the prior written approval of the

Attorney General. The settlement of this case has not been referred to the Department of Justice.

In 1986, the GVRECSD owned and maintained the roads through a residential district which was found to have been surfaced with rock containing chrysotile asbestos. On August 21, 1986, EPA issued an administrative order to GVRECSD, pursuant to 42 U.S.C. 9606(a), requiring GVRESCD to mitigate the threat to public health and the environment posed by the asbestos. As operator and maintainer of the roads, EPA determined that GVRECSD was a responsible party for the cleanup pursuant to 42 U.S.C. section 9607. When GVRECSD informed EPA that it could not comply with the Order, EPA mobilized its cleanup team and laid a chip and seal on the roads to prevent the migration of asbestos from the road bed.

EPA spent at least $166,551 in completing the containment of the asbestos. GVRECSD has agreed to reimburse EPA $25,000. Given the circumstances of the case, EPA believes that the settlement is fair and in the public interest.

EFFECTIVE DATE: November 15, 1989. Comments will be considered if received before the effective date.

ADDRESS: Comments may be mailed to: Sharon Johnson, United States Environmental Protection Agency, 215 Fremont Street, H–7–4, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Sharon Johnson, (415) 974–7801, or after 11/13/89, (415) 744–2102.

Dated: October 10, 1989.

Jeff Zelikson,

Director, Hazardous Waste Management Division, EPA Region 9.

[FR Doc. 89–24352 Filed 10–13–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3656–1]

Proposed General Demonstration NPDES Permit for Oil and Gas Operations in Portions of the Gulf of Mexico; Fact Sheet

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed general demonstration NPDES permit and request for comment.

SUMMARY: The Regional Administrator of Region VI is proposing to issue a general demonstration NPDES permit to gather information on certain discharges in the Offshore Subcategory of the Oil & Gas Extraction Point Source Category. This general demonstration permit would establish BCT and BAT effluent limitations, prohibitions and other conditions on discharges of drill cuttings from mineral oil-based muds. The permit conditions would be based on application of thermal treatment and solvent extraction technologies for the treatment of cuttings from oil-based muds. The permit would allow discharges of treated cuttings from mineral oil-based muds from no more than 20 oil and gas facilities only. No more than seven (7) demonstrations of a vendor's technology would be allowed. Only facilities located in certain Federal waters in the portion of the Gulf of Mexico for which EPA Region VI administers general permit GMG280000 would be eligible for coverage. For wastestreams other than those associated with treatment of drill cuttings from mineral oil-based muds, the limitations, prohibitions and conditions set forth in general permit GMG280000 would continue to apply to facilities covered by this demonstration permit. This general demonstration permit would expire five years after the date of its publication in the **Federal Register** as a final permit.

This fact sheet sets forth the principal facts and the significant factual, legal, and policy questions considered in developing this draft permit. A copy of the draft permit is also being published today immediately following this fact sheet. The references cited in this fact sheet are available for public review at the address listed below.

Public Comments

Interested persons may submit comments on this proposed demonstration permit to EPA Region VI at the address below. The Region is seeking comments on all aspects of this proposed demonstration permit No. GMG280000, which would continue to be applicable to facilities covered by this general demonstration permit for wastestreams other than those associated with treatment of drill cuttings from mineral-oil based muds.

DATE: Comments must be received by November 30, 1989.

ADDRESS: Comments should be sent to Region Administrator, Region VI, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell, Permits Branch (6W–PS) U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 655–7180.

FACT SHEET AND SUPPLEMENTARY INFORMATION

I. Background

A. Summary of Background Information

EPA Region VI is proposing to issue a general demonstration permit that would allow the Agency to obtain additional information concerning thermal treatment and solvent extraction technologies for the treatment of drill cuttings from oil-based drilling fluids. These technologies are being investigated for possible application in national effluent limitations guidelines covering the oil and gas extraction category, offshore subcategory, that the Agency is now developing. See 50 FR 34592 (August 26, 1985); 53 FR 34628 (October 21, 1988). The Region has already issued two individual demonstration permits to allow data to be gathered on the performance of one of these technologies (thermal treatment). Under those individual demonstration permits, the technology has been used to treat a portion of the cuttings generated during the drilling of three wells.

The Region now has data sufficient to show that thermal treatment technology is capable of treating cuttings to reduce their oil content so as to eliminate the discharge of free oil. Based on this data, the Region believes that thermal treatment technology has the potential to eliminate or substantially reduce the volume of cuttings from oil-based muds that must be barged to shore for disposal on land to meet the requirement of general permit GMG280000 that no cuttings from oil-based muds be discharged. If the technology develops so that the volume of oil-contaminated cuttings to be disposed of on land can be reduced or eliminated on a Gulf-wide or industry-wide basis, it could alleviate potential adverse non-water quality environmental impacts of the current no discharge requirement. The Agency believes, however, that collection of further data is needed before this technology or similar technologies could be used as a basis for national effluent limitations guidelines or for any other regulatory actions covering large numbers of offshore facilities.

To gather data about the treatment efficiency and cost effectiveness of cuttings treatment technologies more expeditiously than has occurred under two individual permits, the Region is proposing to issue this general demonstration permit. The Region believes that these technologies should be tested offshore because: (1) The Agency needs data gathered when the technologies are operated under the difficult circumstances in which they

would most likely be employed; and (2) operating offshore under the location restrictions of this permit will minimize any potential for environmental effect.

General NPDES Permits

Section 301(a) of the Clean Water Act (the Act) provides that discharges of pollutants to waters of the U.S. are unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits usually have been issued to individual dischargers, EPA's regulations authorize the issuance of general permits to oil and gas facilities (40 CFR 122.28(c)(1)). As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in section 309 of the Act.

C. General Permits Covering Oil and Gas Operations in the Gulf of Mexico and Limits on Discharge of Drill Cuttings From Oil-Based Muds

General permits were issued on April 3, 1981 under the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 CFR part 435), implementing Best Practicable Control Technology currently available (BPT) to cover the then existing facilities in Region VI operating in the Gulf of Mexico including:

1. Federal waters (west of 87', 40", west longitude),
2. Territorial seas of the State of Texas, and
3. Territorial seas of the State of Louisiana.

These permits were re-issued by Region VI through public notice in the **Federal Register** on September 15, 1983 (48 FR 41494, September 15, 1983), and continued past their expiration date of June 30, 1984 by the Administrative Procedure Act for current lease operators that notified EPA of their intent to be covered prior to June 30, 1984. Certain areas of biological concern were excluded from these general permits.

The pre-1986, BPT general permits allowed the discharge of cuttings from oil-based muds subject to a "no discharge of free oil" BPT effluent limitation. The permits required that the visual sheen test be used to determine compliance with this limit. To conduct the visual sheen test, an observer looks over the side of the facility (often some 60–80 feet over the receiving water) and records whether a sheen is observed on the surface of the water.

On July 9, 1986, EPA Regions IV and VI (the Regions) issued the current general permit regulating discharges from oil and gas exploration, development, and production activities in the Gulf of Mexico seaward of the outer boundary of the territorial seas off the States of Florida, Alabama, Mississippi, Louisiana, and Texas. 51 FR 24897 (July 9, 1986). (Unless otherwise indicated, all following references to "the general permit" refer to the 1986 general permit.) The Regions exercised Best Professional Judgment (BPJ) in determining: (1) Technology-based effluent limitations to control conventional pollutants under Best Conventional Technology (BCT); and 2) technology-based effluent limitations to control toxic and nonconventional pollutants under Best Available Technology (BAT). The Regions also evaluated the discharges under the Ocean Discharge Criteria (40 CFR part 125, subpart M) assuming BCT and BAT conditions were in place and set additional permit conditions.

The Regions determined that the appropriate BCT effluent limitation for drill cuttings was equal to the BPT limit of the previous permit: "no discharge of free oil." However, to implement this limit, the Regions prohibited the discharge of cuttings from oil-based muds (rather than allow discharge of these cuttings subject to a visual sheen test).

D. Basis for EPA's BCT Prohibition on Discharge of Drill Cuttings From Oil-Based Muds

Drill cuttings are mineral particles generated by drilling into subsurface geologic formations. Drill cuttings are carried to the surface of the well with the circulation of the drilling fluids and separated from the fluids by solids separation equipment (screens, shakers, desilters, desanders) on the platform. The initial separation of drilling fluids and cuttings is normally performed mechanically by a shale shaker. When oil-based drilling fluids are used, the solids control equipment leave substantial amounts of oily drilling fluid on the cuttings.

Historically, operators had used cuttings washers to remove oil before discharging cuttings from oil-based muds. However, at the time the Regions were drafting the general permit, most operators were transporting cuttings from oil-based muds to shore for disposal. This practice became common after the Department of Interior Minerals Management Service (MMS) required several major operators to remove oily cuttings from around their facilities after detection of free oil by MMS inspectors. In some cases, cuttings from oil-based muds produced visual sheens weeks or months after the cuttings were discharged even though operators had used cuttings washers. Much of this oil apparently was trapped in porous components of the cuttings. Though the cuttings might comply with the "no free oil" limitation upon discharge, they released substantial amounts of oil from their location on the ocean floor long after the original discharge occurred.

Based on this evidence, the Regions determined that cuttings washers left too much oil on the cuttings to satisfy the BCT limitations of the general permit. As the Regions did not have information indicating that other effective cuttings treatment technologies were available, the Regions proposed the prohibition on the discharge of cuttings from oil-based muds in the draft general permit.

During the comment period on the draft permit, SEDSCO, Inc. (now Thermal Dynamics, Inc.) commented that it had developed a thermal technology that would be more effective than cuttings washers in removing residual oil from drill cuttings. The Regions reviewed the available information and determined that not enough data were available on the technology to justify its use as a basis for effluent limitations. The Regions implemented the discharge prohibition on cuttings from oil-based muds and stated the rationale for their decision at 51 FR 24911:

> In response to the comment that this limitation will not encourage the development of cuttings treatment technology research, the Regions acknowledge this may be the case. However, until such time as the Regions have adequate information to demonstrate cuttings can be cleaned to achieve the no discharge of free oil limitation, the Regions do not believe they can authorize the discharge of cuttings from oil-based muds.

E. Individual Demonstration Permits for a Technology That Removes Oil From Cuttings From Oil-Based Drilling Fluids

Soon after the general permit was issued, Thermal Dynamics, Inc. (TDI) filed petition for review of the general permit in the United States Court of Appeals for the Fifth Circuit and requested administrative and judicial stays of the general permit's prohibition on the discharge of drill cuttings removed from oil-based drilling fluids. TDI argued that in view of its newly developed technology, the discharge prohibition was unnecessarily stringent and that the Regions were thus subjecting OCS operators to unnecessary expense (estimated at $5,400 per drilling day) for onshore disposal of cuttings. Subsequently, TDI

provided the Agency with new information on the treatment efficiency of TDI's thermal recovery process; new information on cost savings which may result from using the process instead of barging cuttings to shore for disposal; and clarification of information submitted by SEDSCO during the comment period on the draft general permit. After reviewing this information, the Regions agreed to reconsider the ban on the discharge of cuttings from oil-based muds if provided with sufficient data on the technology's treatment efficiency.

Under the terms of the general permit, it was not possible to obtain sufficient data on the new technology's treatment efficiency and cost effectiveness. Because the general permit prohibits discharges of cuttings from oil-based muds regardless of treatment, there was no incentive for an OCS operator to incur the expense of installing a treatment unit on a drilling platform so that operational data could be obtained. To address this situation, EPA Region VI issued demonstration permits DPO601 and DPO602 to Conoco Inc., on March 31, 1987. See 52 FR 10262 (March 31, 1987). These permits allowed Conoco to discharge treated cuttings from mineral-oil based muds from one fixed platform and one mobile drilling rig for one year, and required Conoco to provide EPA with specified technical data gathered in those drilling operations and allow EPA staff to observe the treatment units in action. Under DPO601, Conoco treated a portion of the cuttings generated in drilling two wells. The technology was not used under permit number DPO602.

On June 3, 1988, Region VI reissued demonstration permit DPO602 to allow Conoco to discharge treated cuttings from one mobile drilling rig for one year (from July 4, 1988 to July 3, 1989). The reissued permit required Conoco to collect more extensive data than did the previous demonstration permits. Region VI continued the demonstration because it concluded that additional data was necessary before reconsidering the general permit's ban on the discharge of cuttings from oil-based muds. The Region's decision was also motivated by a desire to collect additional data on a technology that might be useful in development of effluent limitations and guidelines for the offshore subcategory of the oil and gas extraction point source category. See The Response to Comments on Draft NPDES Permit DPO602.

F. Summary of Data Collected Under the Individual Demonstration Permits and Other Data the Agency Has Reviewed

1. Operation of the Technology

In TDI's thermal distillation process, an auger is used to move drill cuttings through electrically heated chambers where they are exposed to controlled heat sufficient to burn, distill and/or vaporize residual oils and water. The vaporized oils and water are then condensed and separated. The condensed oils may be suitable for return to the drilling fluid. The condensed water is disposed of separately (under the individual demonstration permits, the condensed waters were discharged subject to no visual sheen test for free oil). Reduced in volume, the treated cuttings emerge from the process as a dry clay-like material. See EPA's Notice of Data Availability (53 FR 41356, October 21, 1988) for more description of this process, of three other thermal treatment processes and of one solvent extraction method for treating drill cuttings that the Agency is considering in developing effluent limitations guidelines and new source performance standards for the offshore subcategory of the oil and gas extraction category.

Under the demonstration permits, Conoco has field tested a TDI unit three times. The first test took place in August 1987 on Conoco's South Pass 75A platform. During drilling of the A–11 well, 300 barrels of cuttings were processed through the TDI unit. The remaining 2,899 barrels of cuttings generated while drilling the well were transported to shore for disposal. Conoco conducted the second test of the TDI unit in September 1987 (South Pass Block 75 (A–6 Well)). During this test, the unit processed 1,611 barrels of cuttings—51% (by volume) of all drill cuttings generated (TDI 1988). The third test began in October 1988 in the Green Canyon area. From October 18–25, the unit processed 354 barrels of cuttings. 184 barrels were hauled to shore for disposal. During each of these tests, operating problems of the kind typically associated with start-up tests on a new technology were experienced.

None of the other thermal treatment or solvent technologies that might be employed under this demonstration permit has yet been demonstrated at operational scale on an offshore facility. The Agency proposes to require that onshore trial runs of these technologies be performed prior to the submission of a request for coverage under this permit and that the applicant certify that use of the technology will result in compliance with the limitations of this permit (See Section IV, Specific Permit Conditions below).

2. Measuring Oil Content of Raw and Treated Drill Cuttings

Data on the oil content of raw and treated cuttings comes from three sources: TDI, Conoco and KRE, an Agency contractor. TDI utilized the Baroid retort method to analyze all but one of the samples it measured for oil content. As reported by TDI, the Baroid retort method indicates oil content as "Tr," "1%," 1+%," and so forth at low levels of oil content, and, at higher oil content levels, measures oil content to the nearest 0.5% by volume. One sample submitted by TDI was analyzed by a retort method that was reported to measure oil content to the nearest 0.1% by weight (TDI, 1988). Conoco used a retort method that was reported to measure oil content by weight to two significant digits (e.g., 1.9%, 0.89%). Conoco also used the soxhlet extraction method followed by gravimetric determination of oil content. This method measures oil content to the nearest 0.1% by weight and has a detection limit of 0.1% oil by weight (EPA, 1979). KRE used the soxhlet extraction method followed by gravimetric analysis and the retort-gravimetric method to analyze the oil content of cuttings samples. The Retort-gravimetric method provides accurate measurements of oil content down to 0.02% oil by weight (EPA, 1985). Although the retort method is the approved test for measuring oil content of drilling fluids in the general permit (51 FR 24926, July 9, 1986), the technique may not be appropriate for treated cuttings as it is not considered to be accurate when oil content is around 1% oil by weight or less. The Agency's preferred method for measuring oil content in drill cuttings is the retort-gravimetric method. See 53 FR 41356.

Results obtained using the soxhlet extraction and retort methods have a generally consistent relationship (retort values are about 1.23-fold larger than soxhlet values) and the data can be roughly compared. In general, retort-gravimetric data values are lower than retort or soxhlet data values. However, there is currently not enough data to establish a consistent relationship between retort-gravimetric data and soxhlet or retort data.

3. Data on Oil Content of Raw and Treated Cuttings

This discussion summarizes the data EPA has received on oil content of raw and treated cuttings from oil-based

muds. The Region's conclusions based on this data and a discussion of the Region's proposed regulatory approach for oil in treated cuttings can be found below in subpart G of this section and in section IV (Specific Permit Conditions).

TDI reported on 26 samples of raw and treated cuttings taken during the August 1987 test and 19 samples from the September 1987 tests. 40 of 45 samples of treated cuttings were reported to contain 1% or less oil by volume. The highest oil content value for treated cuttings was less than 3%. Raw cuttings were reported to contain 7% to 9% oil by volume (TDI, 1988). TDI also submitted to EPA the results of retort analyses performed on 66 samples of raw and treated cuttings during a 1987 onshore test of a TDI unit at Schoonebeek Holland. The oil content of raw cuttings ranged between 20% and 24% oil by volume. Sixty-five of the 66 samples of treated cuttings contained 1% or less oil by volume (TDI, 1988). TDI also submitted an analysis of one sample of raw and treated cuttings from an onshore test in Alaska. The oil content of the raw cuttings was 20.3% by weight. The treated cuttings contained 0.4% oil by weight. TDI acknowledges that its units for onshore treatment of drill cuttings remove oil more effectively than the unit that was tested under the demonstration permits (TDI, 1988) .

Conoco collected and analyzed five samples of treated cuttings and two samples of raw cuttings during the August 1987 test. The oil content of treated cuttings ranged from 0.67% to 4.8% by weight. The arithmetic mean of the five samples was 2.9%; the standard deviation was 1.9%. One sample of raw cuttings contained 8.3% oil by weight; the other sample was reported to contain only 3.2% oil by weight. Conoco reported that the data (and several additional samples that were collected but not subjected to further analysis) are not considered representative due to severe operating problems with start-up and initial operation of the TDI unit.

Conoco collected 26 samples of raw and treated cuttings during the September test. All samples taken by Conoco were analyzed by the retort method. By retort, the oil content of treated cuttings ranged from 0.05% to 4.54% by weight. The average oil content was 1.53%; the standard deviation was 1.29%. The oil content of raw cuttings ranged from 3.2% to 11.9% and averaged 6.97%. Fourteen of the 26 samples were analyzed by what EPA considers to be soxhlet extraction (reported as gravimetric by Conoco). Oil content of treated cuttings ranged from 0.15% to 3.99% by weight. The average oil content was 1.36% by weight; the standard deviation was 1.2%. Oil content of raw cuttings ranged between 3.25% and 7.45% by weight and averaged 6.09% (TDI, 1988).

During the September 1987 test of the TDI unit, EPA collected samples and performed analyses for oil content and a number of other parameters. EPA has previously described its sampling program and summarized its findings in its Notice of Data Availability (53 FR 41356, October 21, 1988). Also see Kohlmann Ruggiero Engineers, P.C. (KRE), 1988.

EPA tested four samples of raw cuttings and four samples of treated cuttings for oil content using soxhlet extraction and retort gravimetric methods. The raw cuttings contained an average of 7.11% oil by weight (soxhlet) and 5.82% oil by weight (retort-gravimetric). Using soxhlet extraction, processed cuttings contained 0.23% to 3.8% oil by weight. The average of the four samples was 1.4%; the standard deviation was 1.63%. By retort-gravimetric analysis, the oil content of the same samples ranged from 0.44% to 0.86%; the average value was 0.61%; the standard deviation was 0.18% (KRE, 1988).

Figure 1 below uses the EPA soxhlet and Conoco retort data from the September 1987 test to show the oil content of treated cuttings over time during the test. The pattern of oil content of treated cuttings over time during each operating day suggests that some non-random factor may affect the oil content of these cuttings. In Figure 1, the oil content of treated cuttings can be seen to rise for some period of time and then drop abruptly, as if some event has occurred. This pattern seems to recur. In no case does oil content drop in a series of increments, greater than analytical method variability, as one would expect to see if the variation in oil content is random. In other words, if the oil content removal process were entirely random then no recurring patterns would be seen.

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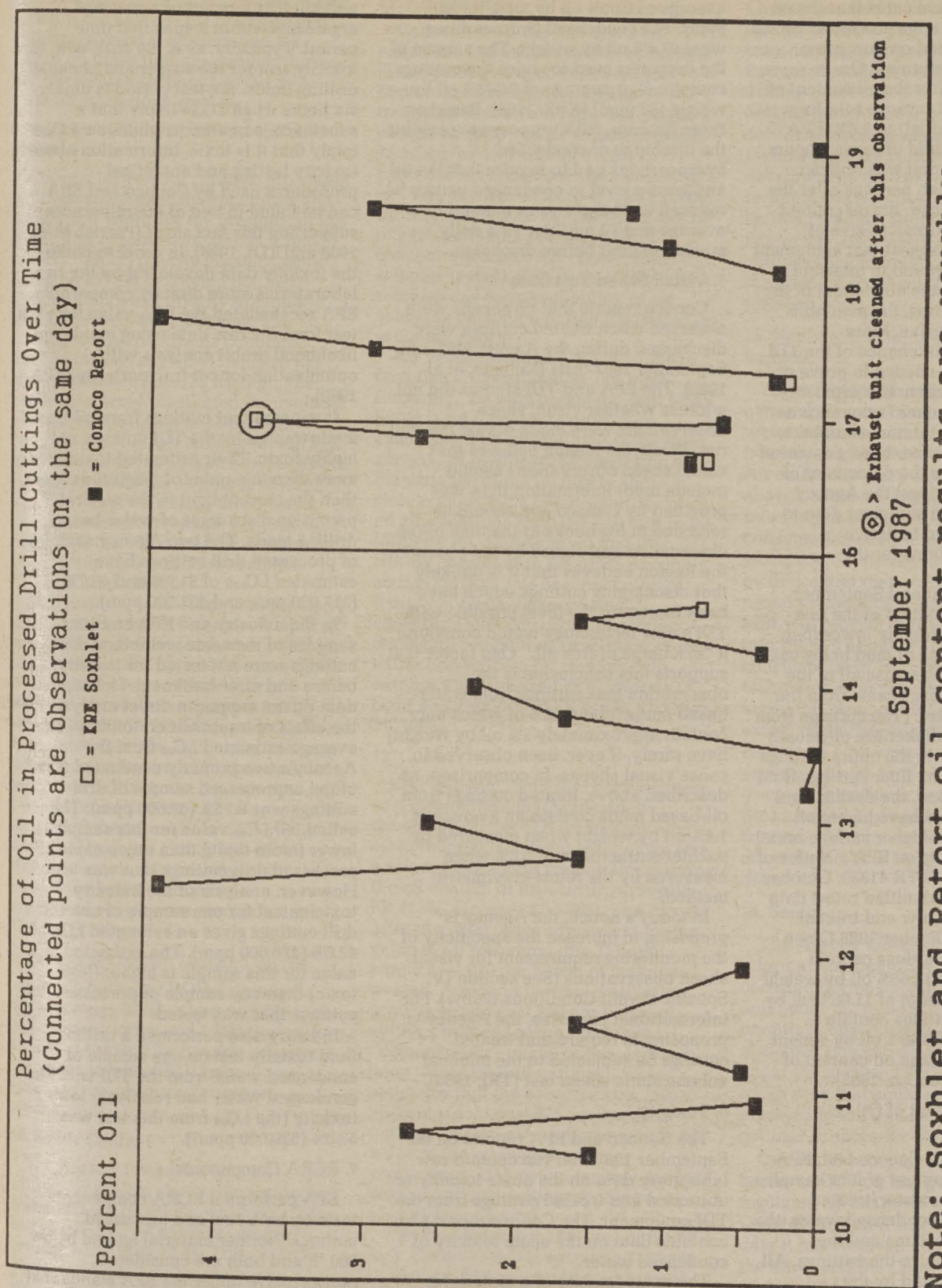

Note: Soxhlet and Retort oil content results are roughly comparable in the range of this data.

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Some evidence indicates that the oil content of drill cuttings processed by the TDI unit may depend on how often maintenance is performed. On September 16th, after the oil content of the processed drill cuttings rose from 0.77% (Conoco Soxhlet) to 3.8% (EPA Soxhlet) over a period of several hours, a clogged exhaust unit was noticed. Fifteen minutes later, perhaps after the TDI unit was serviced, the oil content dropped to 0.44% (Conoco Soxhlet). While these data suggest that equipment maintenance is required to interrupt a steady increase in the oil content of the processed drill cutting, the available data are not conclusive. More information on maintenance of the TDI unit during tests is needed to prove or disprove this assertion. If equipment servicing or some other factor such as temperature of the thermal chambers, cuttings residence time, or oil content of raw cuttings affects the oil content of processed drill cuttings, the Agency would need to have sufficient data to model the effect and to derive appropriate limitations for the technology.

During the August and September 1987 tests, the oil content of the raw cuttings was considerably lower than expected for the type of mud being used. This was probably because all of the processed drill cuttings came from the primary shale shaker. (The cuttings from the primary shale shaker are physically the largest cuttings in the entire cuttings recovery system. The finer cuttings from the secondary shaker, the desilter and the centrifuge would have higher oil content due to their higher surface area.)

With its comments on EPA's Notice of Data Availability (53 FR 41356, October 21, 1988), Conoco submitted retort data on nine samples of raw and treated cuttings from the October 1988 Green Canyon test. Raw cuttings contain between 5.83% and 18.65% oil by weight and contain an average of 11.08% oil by weight. Treated cuttings contain between 0.35% and 8.46% oil by weight and contain an average oil content of 3.64% by weight (Conoco, 1988).

4. Data on Oil Content of Other Wastestreams

During the second Conoco test, EPA measured the oil content of four samples of the combined seawater/treated cuttings slurry, the condensed water, the condensed hydrocarbons and the seawater used to sluice the cuttings. All samples were analyzed by the gravimetric method for measuring oil and grease in wastewaters (EPA Method 413.1 Oil and Grease). Both the combined seawater/cuttings slurry and the condensed water contained an average of 0.06% oil by weight (600 ppm). The condensed hydrocarbons were 97.4% oil by weight. The sample of the seawater used to sluice the cuttings contained an average of 0.003% oil by weight (32 ppm) (KRE, 1988). Based on these findings, EPA proposes to prohibit the discharge of condensed hydrocarbons and to require that the oil and grease level in condensed waters be reduced to 48 mg/liter as a monthly average and 72 mg/liter as a daily maximum limit before discharge.

5. Visual Sheen Test Data

Conoco reports that no sheens were observed when treated cuttings were discharged during the August 1987 and September 1987 tests (Kubena, et al., 1988). The EPA and TDI studies did not address whether visual sheen observations were made during the trial run. While the Region believes that visual sheen observations should include more information than was provided by Conoco and should be recorded in log books at the time of the observation and signed by the observer, the Region believes that it is unlikely that discharging cuttings which have been treated to the level possible with TDI's new technology would constitute a "discharge of free oil." One factor that supports this conclusion is the observation that cuttings from water-based muds (about 12% of which may contain approximately 1% oil by weight) have rarely, if ever, been observed to cause visual sheens. In comparison, as described above, treated cuttings from oil-based muds contain an average of 1.4% oil by weight when measured by soxhlet extraction and 0.6% when measured by the retort-gravimetric method.

In today's notice, the Agency is proposing to increase the specificity of the monitoring requirement for visual sheen observations (See section IV. Specific Permit Conditions below). For informational purposes, the Agency is proposing to require that treated cuttings be subjected to the minimal volume static sheen test (TRI, 1986).

6. Toxicity

The Conoco and EPA reports on the September 1987 trial run contain raw laboratory data on the acute toxicity of untreated and treated cuttings from the TDI equipment. The Conoco report also contains data on the acute toxicity of condensed water.

The acute toxicity of a material is usually measured by determining an LC_{50}. An LC_{50} is an estimate of the concentration of a material in an appropriate dilution water (e.g., seawater for a marine test species) that will kill fifty percent of a group of organisms within a specified time period. Typically, as is the case with the toxicity test for the suspended phase of drilling fluids, the test period is ninety-six hours. High LC_{50}s imply that a substance is non-toxic while low LC_{50}s imply that it is toxic. Information about toxicity testing and analytical procedures used by Conoco and EPA can be found in two of the references supporting this fact sheet (Parrish et al., 1988 and TDI, 1988). In order to make the toxicity data developed by the two laboratories more directly comparable, EPA recalculated the LC_{50} value for each test from the raw data using maximum likelihood probit analysis with optimization for control mortality (EPA, 1989).

It appears that cuttings from oil-based muds treated by the TDI unit are not highly toxic. Their estimated toxicity is more than one order of magnitude less than the current limit in the general permit on discharges of water-based drilling muds. The two Agency samples of processed drill cuttings have estimated LC_{50}s of 31.7% and 40.7% (317,000 ppm and 407,000 ppm).

In the industry and EPA studies, samples of the same wellmixed drill cuttings were not tested for toxicity before and after treatment. Hence, the data do not support a direct analysis for the effect of treatment on toxicity. The average estimated LC_{50} from the Agency's two properly conducted tests of the unprocessed sample of drill cuttings was 6.75% (67,500 ppm). The estimated LC_{50} value for this sample is lower (more toxic) than any sample of processed drill cuttings that was tested. However, analysis of the industry toxicity test for one sample of untreated drill cuttings gives an estimated LC_{50} of 47.6% (476,000 ppm). The estimated LC_{50} value for this sample is higher (less toxic) than any sample of processed drill cuttings that was tested.

Industry also performed a drilling fluid toxicity test on one sample of condensed water from the TDI unit. The condensed water had relatively low toxicity (the LC_{50} from this test was 53.9% (539,000 ppm)).

7. RCRA Components

EPA performed RCRA components tests on both raw and processed cuttings. Neither material ignited below 200 °F and both are considered noncorrosive under the EPA standard at 40 CFR 261.22. Both materials proved nonreactive in tests for cyanide and sulphates. pH measurements of the condensed water and treated cuttings/seawater slurry ranged from 7.5 to 8.5.

The average pH of the condensed water was 8.1; the average pH of the treated cuttings/seawater mixture was 8.3. Based on these findings, neither the raw nor the treated cuttings fail the EPA tests for hazardous wastes.

8. Priority Pollutants and Other Toxic Pollutants

Conoco tested raw cuttings, processed cuttings, condensed hydrocarbons and condensed water for the presence of the 88 priority organic compounds. Conoco reports that no priority organics were detected in raw or treated cuttings. Conoco did detect priority organics in the condensed wastestreams. The condensed hydrocarbons contained toluene (45 mg/kg); ethyl benzene (35 mg/kg) and benzene (25 mg/kg). The condensed water contained semivolatile phenol (10,000 ug/kg or 10 mg/kg); benzene (110 ug/kg); toluene (81 ug/kg); chloromethane (16 ug/kg); ethyl benzene (11 ug/kg) and chlorobenzene (5.4 ug/kg). The exact volume of these waste streams was not reported, but Conoco notes that the volume of the condensed water generated was "very small" (Kubena et al., 1988).

EPA tested a total of ten samples for 234 organic compounds—one sample of raw cuttings, four of processed cuttings, one of condensed hydrocarbon and four of condensed water. The Agency detected six of the compounds in the raw cuttings and 18 of the compounds in the treated cuttings. In the raw cuttings, priority organics were not detected. In processed cuttings, the Agency detected: Naphthalene (4595 ug/kg); toluene (64 to 496 ug/kg); benzene (57 to 116 ug/kg); and ethyl benzene (14 ug/kg). EPA's data on organic compounds in the condensed hydrocarbons and condensed water were similar to the Conoco findings.

9. Biological Oxygen Demand (BOD)

Conoco collected BOD data which show average BOD values of 1,890 mg/kg for raw cuttings and 1,650 mg/kg for treated cuttings. The Agency believes that these levels of BOD would not unreasonably degrade the marine environment.

10. Solids Content

The Agency tested the treated cuttings/seawater slurry, the condensed water and the receiving water for TSS and found that, on average, slurried cuttings contained 12.4% TSS (12,365 mg/l); condensed water contained 79.5 mg/l TSS; and the receiving water contained 24 mg/l TSS. The Agency believes that these levels of solids will not unreasonably degrade the marine environment.

11. Air Emissions

Conoco tested the TDI unit's air emissions. Particulate matter emissions (3 samples) averaged 0.0113 mg/m^3. Eight measurements for organics indicated that, on average, the off-gas contained 39.33 mg/m^3 of benzene and 17.52 mg/m^3 of toluene. Total hydrocarbon emissions were 9.158 mg/m^3. The average of three samples tested for SO_x and NO_x was less than 1 mg/m^3 of each pollutant. Average CO concentration was 621 mg/m^3 (four samples tested). EPA did not take air samples due to unavailability of air sampling personnel during the Agency's sampling effort.

Air emissions from OCS oil and gas facilities are regulated by the MMS. Currently, the only parameter that MMS limits is total yearly hydrocarbon emissions. The current limit is 33.3 tons per year of hydrocarbon emissions times the distance of the facility to shore in statute miles. EPA has submitted data on air emissions from the TDI unit to the MMS for its consideration and will closely consult with the MMS about air emissions from this or other cuttings treatment technologies. Agency concerns about emissions of ozone-damaging compounds from the solvent extraction process for treating drill cuttings are discussed in the Notice of Data Availability (53 FR 41356, October 21, 1988).

12. Costs

EPA recently requested comments on cost information the Agency had developed on the TDI technology, one other thermal treatment technology and a solvent extraction method for reducing the oil content of drill cuttings (See 53 FR 41356, October 21, 1988). The Agency estimates that, after adjustment for the value of oil recovered, the TDI unit would cost $70 per barrel of cuttings treated. A second thermal distillation process would cost $36 per barrel of cuttings treated (only a prototype "demonstrator" model of this unit has been tested on drill cuttings). EPA estimates that the solvent extraction method would cost $75 per barrel of cuttings treated after adjustment for the value of the oil recovered. In comparison, EPA estimates that onshore disposal of drill cuttings would cost about $46 per barrel.

For the September 1987 test of the TDI unit, Conoco reports spending $127,460 to rent the TDI unit and an additional $60,000 to modify the drilling platform for its installation. It thus cost Conoco about $116 to treat each barrel of raw cuttings (1,611 barrels) treated under the demonstration permit. By contrast, Conoco has said it paid $62,000 or slightly over $40 per barrel for transportation and onshore disposal of untreated cuttings generated in the same drilling operation. The Agency does not believe that this cost comparison is definitive because, as cuttings treatment technologies are currently under development, the cost of using these technologies may drop. In addition, in a limited demonstration such as the September 1987 test, the volume of cuttings treated is so low as to magnify the effect of fixed costs that were incurred.

13. Non-water Quality Environmental Impacts

Air emissions and energy consumption are two potential non-water quality environmental impacts of treating cuttings from oil-based muds. Air emissions were discussed in Item 11 above. While the Agency has limited information about the energy consumption of cuttings treatment technologies, the Agency has no evidence that these technologies consume significant amounts of energy. EPA will request that additional information about the energy consumption of cuttings treatment technologies be provided by operators under this demonstration permit. To the extent that offshore-generated cuttings contribute to environmental problems associated with land disposal of oil and gas wastes onshore, issuing this general demonstration permit may have a positive effect by decreasing the volume of cuttings that is barged to shore for disposal.

14. Safety

The Agency has been presented with information about flash fires that occurred during operation of the TDI unit under the individual demonstration permits (Conoco, 1989). The Agency has also been presented with information about the potential for accidents in rough seas that could endanger workers involved in the transportation of cuttings to shore for disposal (API, 1989).

Currently, occupational safety and health at OCS oil and gas facilities is regulated by the MMS and the U.S. Coast Guard. EPA has submitted all data it has received on safety issues to the MMS and the Coast Guard for their review. EPA will consult closely with these agencies on all actions EPA takes that may affect occupational safety and health on OCS oil and gas facilities.

G. The Region's Conclusions Based on Available Data

During the individual demonstration permit program, one vendor of a cuttings oil content reduction technology has demonstrated the ability to set up and run its technology on an offshore development facility. The technology has been shown, when operating properly, to be able to reduce the oil content of drill cuttings, separated from an oil-based mud at the primary shale shaker, to less than 1% by weight (as measured by retort-gravimetric analysis). The processed cuttings were dry and granular in appearance. The results indicate that the thermal distillation unit tested could achieve a significant reduction in the oil content of drill cuttings. Although the treatment efficiency of the process is still under investigation, it is apparently much more effective than cuttings washers. The Region believes that it is unlikely that discharging cuttings which have been treated to the level possible with TDI's new technology would result in a "discharge of free oil." Levels of other pollutants and pollutant parameters in the treated cuttings (toxicity, BOD, TSS) are lower than or similar to levels of these pollutants in water-based muds and cuttings which are currently discharged under the general permit.

Despite issuing two individual demonstration permits to gather data on thermal distillation technology and despite a number of generally favorable findings, the Region has determined that it has not received enough information to conclude that the technology is an appropriate basis for setting effluent limitations and conditions in the general permit or as a basis for national guidelines. One factor is that the technology has not been demonstrated to be cost-effective when compared to transport to shore and land disposal, the current BCT basis for meeting the "no discharge of free oil" requirement in the general permit. Operating problems of the kind typically associated with start-up tests on a new technology have kept the TDI unit from processing cuttings at a rate that could treat all cuttings generated during normal drilling operations. At currently demonstrated processing rates, users of the technology would still incur the fixed costs associated with barging cuttings to shore for disposal. The cost-effectiveness of this technology or similar technologies may improve and considerations other than cost might have great weight in an operator's decision to employ a particular technology. However, to conclude that onshore disposal was an inappropriate technology basis for the BCT-level controls on free oil in the general permit, the Region would need more evidence that the costs of an alternative BCT technology appear to be roughly in line with the cost estimates for onshore disposal.

The Region is also concerned about the variation in oil content of cuttings treated by the TDI unit. The available data show that treated cuttings may sometimes contain more than 4% oil (as measured by soxhlet extraction and retort methods), a level that Region is not convinced will ensure compliance with the visual sheen test for free oil. The available data suggest that variation in oil content is not entirely random and that a factor such as time since maintenance was performed may contribute significantly to the variation in oil content. However, there is not enough data at this time to conclude that equipment servicing or other factors such as oil content of the raw cuttings, kiln temperature or cuttings residence time is a substantial cause of the variation. If operation of cuttings treatment technologies under this demonstration permit indicates that variation in oil content is dependent on a factor such as a maintenance, the Region may determine that it would be appropriate to set a permit condition such as a maximum operating time before equipment is serviced if the Region were to propose to modify the Gulf-wide general permit.

H. Decision To Propose a General Demonstration Permit Rather Than Individual Demonstration Permits and Discussion of the Scope of the Proposed Permit

Because of the Region's difficulty in gathering sufficient data on the effectiveness of cuttings oil content reduction technologies in a timely fashion, the Region has decided to propose to issue a five-year general demonstration permit. The Region believes that the potentially larger number of facilities participating in the demonstration will facilitate the generation of necessary data. By opening up the proposed demonstration to other vendors of cuttings treatment technologies and other operators of offshore oil and gas facilities, the Region is not favoring one technology or operator over others.

The Region believes that these technologies should be demonstrated offshore rather than on land or in near-shore waters for a number of reasons. These technologies are primarily intended for operation on offshore rigs where the discharge of cuttings from oil-based muds is prohibited. To properly evaluate the treatment efficiency of the technologies, it is necessary to operate them under the difficult conditions (primarily the space limitations) imposed by drilling on platforms and mobile rigs. As these technologies are not yet fully demonstrated, the Agency believes it is prudent to operate them in deep, far-offshore waters so that any potential environmental effects can be minimized. Also, the demonstrations that have occurred to date and other information the Agency has received indicate that, in near-shore waters, these technologies may be more expensive than onshore disposal of drill cuttings. It is possible that these technologies will be cost-effective only in far-offshore waters where barging costs are higher than average.

As the purpose of this proposed permit is to gather data, the Region believes that no more than 20 facilities should participate in this demonstration and that no more than seven demonstrations of any one vendor's technology should be allowed. A demonstration of this magnitude should supply the Agency with sufficient data to conclude whether cuttings treatment technologies may be an appropriate basis for BAT effluent limitations for drill cuttings.

Only discharges of cuttings from mineral-oil based muds would be authorized under this permit. As the technologies that would be operated under this permit are not yet fully demonstrated, the Region believes that it would be inappropriate to permit the discharge of cuttings from more toxic diesel oil-based muds.

Based on the Agency's experience with individual permits DP0601 and DP0602, the Region has concluded that a five-year term is appropriate for this general demonstration permit. The Region believes that a shorter permit term would not allow for further technology development where needed; agreements to be reached between technology vendors and offshore operators; and actual installation and operation of the technologies.

II. Nature of Discharges From Cuttings Oil Content Reduction Technologies

After thermal treatment, processed cuttings from oil-based muds are in the form of a granular material. The material is cooled and slurried by mixing with seawater and then discharged to the ocean. The water and hydrocarbon vapors driven from the wastes are condensed and then separated in an oil/water separator. The hydrocarbons recovered can potentially be recycled and reused in the active

mud system, subject to meeting the specifications for oil additives to the mud. Alternatives to recycling the recovered hydrocarbons would be to dispose of them separately or to market them for other purposes (e.g., heating fuel). If the recovered water meets effluent limitations, it could be suitable for discharge. If the recovered water does not meet these effluent limitations it may be necessary to treat the recovered water. If there are no oil/water separation facilities at the site the recovered water may need to be transported to another facility for adequate treatment or handling. Exhaust gases from the heating chambers in the thermal distillation unit and from the condenser would be treated to achieve appropriate air emissions standards. Similar wastestreams would be discharged after treatment of cuttings by a solvent method for oil extraction.

III. Statutory Basis for Permit Conditions

A. BCT and BAT Limitations

The proposed demonstration permit would change the regulatory requirements applicable to participating facilities as follows: It would allow the discharge of cuttings from mineral oil-based muds by participating facilities subject to (1) a by-weight limitation on "oil content" of treated cuttings; (2) a toxicity limit; and (3) a "no discharge of free oil" limit as measured by the visual sheen test or, at times when a visual observation of sheen is not possible, by a static sheen test. There would also be a limitation on the oil and grease levels in condensed waters that are discharged and a prohibition on the discharge of condensed hydrocarbons. In all other respects, the provisions in the Gulf-wide general permit would continue to apply.[1]

The Gulf-wide permit prohibits the discharge of "cuttings from oil based muds" as a BCT limitation. 51 FR 24,898, col. 3 (July 9, 1986) (preamble); 51 FR 24,921, col. 2 (permit) ["(a) Cuttings From Oil Based Drilling Fluids Discharge Prohibition. The discharge of cuttings, produced when using oil-based or inverse emulsion drilling fluids, is prohibited."] In addition, the permit prohibits the "discharge of free oil from discharges authorized by this permit, with the exception of produced water discharges * * *" 51 FR 24,899, col. 1 (preamble).

The explanation for the BCT discharge prohibition on oil contaminated drill cuttings was as follows: "The final permit prohibits the discharge of cuttings associated with oil-based muds. The Regions determined that the discharge of such cuttings would violate the BPT "no discharge of free oil" limitation (see response to Comment 10)." 51 FR 24,899, col. 1.

The response to Comment 10 elaborated: "Because of * * * past permit violations, the Regions have determined to prohibit the discharge of cuttings associated with oil based muds. The Regions do not have sufficient information at this time to demonstrate that current cuttings washers technologies can consistently reduce the oil content of cuttings below 10 percent (Jones and Burgbacher 1983). The Regions do not believe this is sufficient to comply with the BPT "no discharge of free oil" limitation * * * [U]ntil the Regions have adequate information to demonstrate cuttings can be cleaned to achieve the no discharge of free oil limitation, the Regions do not believe they can authorize the discharge of cuttings from oil based muds." 51 FR 24,911, col. 2.

Thus, the Regions' reason for imposing the prohibition on discharge was that they had insufficient data to conclude that discharges of cuttings treated with cuttings washers would not violate the "no free oil" limitation. The Regions left open the possibility of revision of the BCT prohibition on the discharge of cuttings from oil-based muds after receipt of data showing that the cuttings could be treated so as not to release "free oil." (General permits issued by EPA Region X already allow the discharge of cuttings from oil-based muds, but impose a 10% limitation on oil content, a static sheen test to additionally limit the discharge of "free oil," and toxicity limitations and other limits addressing the regulatory concerns associated with the discharge of cuttings from oil-based muds.)

Region VI now has data sufficient to show that the thermal distillation technology is capable of treating cuttings to reduce the oil content to less than 1% by weight so that the "no free oil" standard can be met. The data are not sufficient, however, to support Gulf-wide modification, principally because doubts remain concerning the reliability of the technology and its ability to consistently treat the necessary volume of cuttings.

Moreover, the thermal distillation technology has the potential to eliminate or substantially reduce the volume of oil-contaminated cuttings that must be barged to shore for disposal on land. If the technology develops so that the volume of cuttings to be disposed of on land can be reduced or eliminated on a Gulf-wide or industry-wide basis, it could alleviate potential adverse non-water quality environmental impacts of barging to meet the current no discharge requirement.

Region VI has already issued two individual demonstration permits that allow the discharge of cuttings from oil-based muds in order to gather data that would allow full evaluation of the capabilities and environmental effects of the use of thermal distillation on cuttings from oil-based muds (one individual demonstration permit expired July 3, 1989). The U.S. Court of Appeals for the Ninth Circuit referred to these permits with approval in *NRDC* v. *EPA*, 863 F.2nd 1420, 1433 (9th Cir. 1988). This proposal would expand the demonstration program to cover 20 additional facilities, but it also would include stringent additional controls (e.g., oil content and toxicity limitations) and enhance the usefulness of resulting data by expanding the monitoring requirements.

As "oil content" is a nonconventional pollutant, it is being subjected to BAT level control. In addition, as EPA stated in a recent notice of data availability concerning the development of effluent limitations guidelines for the offshore subcategory, "oil content" is an indicator pollutant to control the discharge of priority and nonconventional organic pollutants present in the hydrocarbons that are added to drilling fluids and in the hydrocarbons from formation fluids that are entrained in the drilling fluid. These same priority and nonconventional pollutants are present in the drill cuttings wastestream and may be similarly controlled by an oil content limitation. 53 FR 41,374 (October 21, 1988).

As noted in Part I.F.8 of this notice, EPA found that thermally treated drill cuttings do contain detectable levels of priority organic pollutants. The Region believes that the regulatory approach described in section IV (Specific Permit Conditions) would appropriately control these priority pollutants and other toxic pollutants. The Region believes that setting specific BAT limitations for these individual toxic pollutants is not feasible.

The Region finds that thermal distillation is the best available technology to treat oil content in cuttings from oil-based muds. Available cost data show that it is economically achievable. The reduction of waste to be

[1] In *NRDC.* v. *EPA*, 863 F.2nd 1420 (9th Cir. 1988), the Court invalidated the provisions of the Gulf-wide general permit relating to "alternate toxicity limits." The references to the provisions of the Gulf-wide general permit in this fact sheet and in the proposed permit do not refer to those invalidated by the Court.

disposed of on land (a non-water quality environmental impact) is an important consideration in the Agency's determination of BAT for this proposed permit. EPA will use the data generated by any participating facilities to determine appropriate BAT-level controls for drill cuttings in the national effluent guidelines rulemaking and to consider modifying the Gulf-wide general permit.

As the data currently available are not sufficient for developing a BAT toxicity limitation specific to treated cuttings, the Region is proposing to set a toxicity limit based on the general permit's BAT toxicity limitation for drilling fluids. Setting such a limit would ensure that discharges of treated drill cuttings contain no more toxicity than discharges of drilling fluids authorized by the general permit.

Condensed or otherwise separated water will be treated in the same manner as produced waters are regulated in the general permit: they will be subjected to a BCT limitation on oil and grease content. The discharge of condensed or otherwise separated hydrocarbons will be prohibited so as to meet a "no discharge of free oil" BCT limitation.

B. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into marine waters located seaward of the inner boundary of the territorial seas be issued in accordance with guidelines for determining the degradation of the marine environment. Section 403 and these guidelines, referred to as the Ocean Discharge Criteria (40 CFR part 125, subpart M), are intended to "prevent unreasonable degradation of the marine environment and to authorize imposition of effluent limitations, including a prohibition of discharge, if necessary, to ensure this goal" (45 FR 65942, October 3, 1980).

An exhaustive Ocean Discharge Criteria Evaluation (ODCE) was completed for all discharges from oil and gas facilities in the area covered by this demonstration permit before the current Gulf-wide general permit was issued. The ODCE found that, when discharged in compliance with the limitations in the Gulf-wide general permit, the effects of drilling muds, cuttings and produced waters would not be measurable beyond a distance varying from meters to hundreds of meters for chemical effects on benthic sediments or biological effects on benthic communities. The ODCE found that the effects due to the suspended solids loads of these discharges would not be measurable beyond a distance varying from hundreds of meters to a few thousand meters. The effect on biological populations in the water column is virtually negligible. Regarding all other criteria that make up the ODCE, the Region found that the effects of discharges from oil and gas facilities, singly, are local and ephemeral and do not constitute unreasonable degradation of the marine environment.

The Regional Administrator has concluded that oil and gas facilities operating under the effluent limitations, conditions and prohibitions in this proposed general demonstration permit would not cause unreasonable degradation of the marine environment pursuant to the Ocean Discharge Criteria guidelines. One basis for this determination is that the mineral oil content of treated cuttings is expected to be less than the mineral oil content of water-based muds to which oil has been added and cuttings from muds that are currently authorized to be discharged under the general permit. BOD, TSS and toxicity levels in the treated cuttings are similar to or lower than the levels of these parameters in materials that are currently authorized to be discharged. The volume of material discharged under this permit would be extremely small compared to currently permitted discharges under the general permit. Finally, cuttings are discharged as they are produced. Therefore, bulk discharges comparable to end-of-well drilling fluid tank discharges are not anticipated. Continuous discharge at a low rate during drilling operations would yield excellent dispersion and further reduce any adverse environmental effect.

C. Section 308 of the Clean Water Act

Under section 308 of the Act and 40 CFR 122.44(i) the Administrator must require a discharger to conduct monitoring to determine compliance with effluent limitations and to assist in the development of effluent limitations. EPA has proposed extensive monitoring requirements in this general demonstration permit, as described in section IV Specific Permit Conditions below.

IV. Specific Permit Conditions

A. Approach

The determination of appropriate conditions for discharges associated with operation of cuttings oil content reduction technologies was accomplished through: (1) Consideration of technology-based effluent limitations to control conventional pollutants under Best Conventional Technology (BCT); (2) consideration of technology-based effluent limitations to control toxic and nonconventional pollutants under Best Available Technology (BAT); and (3) evaluation of Ocean Discharge Criteria and other legal requirements (e.g., consistency with Coastal Zone Management Plans), assuming BCT and BAT conditions were in place.

As this proposed demonstration permit is intended to gather data for use in future regulation of drill cuttings wastestreams, the Region has proposed that extensive information be submitted with requests for coverage and has proposed limits on the number of facilities eligible for coverage and on the number of demonstrations involving any one vendor's technologies. Discussions of the proposed eligibility and application requirements and specific proposed effluent limitations and monitoring requirements appear below.

B. Eligibility for Coverage Under This Permit

Only 20 oil and gas facilities covered by the general permit would be eligible for coverage under this proposed permit. In addition, no more than seven (7) demonstrations of any one vendor's technology would be authorized. The Region believes that a demonstration on this scale is sufficient to provide the data needed to resolve remaining questions about the efficiency of cuttings oil content reduction technologies. As described under F. below, only facilities located in certain geographic areas would be eligible for coverage.

Only discharges of treated cuttings from mineral-oil based muds would be authorized under this permit. As the technologies that would be operated under this permit are not yet fully demonstrated, the Agency believes that it would be inappropriate to allow the discharge of cuttings from more toxic diesel oil-based muds.

C. Requests for Coverage

The Region is proposing that a written request for coverage by the general demonstration permit be provided as described in part II. C. of the proposed permit at least 60 days prior to the proposed date of initiation of discharges of treated cuttings and condensed waters at the site. The request for coverage would identify the legal name and address of the operator, identify the location of the proposed demonstration and provide information on conditions at the site that might, under the terms of the proposed permit, prohibit discharge at the intended demonstration site. It is proposed that the request for coverage be accompanied by a signed and dated

certification by the applicant that: (1) The applicant has carefully reviewed the permit and understands its limitations, terms and conditions; (2) the location of the proposed discharge complies with the location restrictions imposed by the permit; (3) an onshore trial run of the cuttings treatment technology meeting the requirements of part II.C.2 of this permit has been completed; (4) the applicant has mailed to EPA all of the information required for documenting the design and performance of the cuttings treatment technology to be employed (*See* part II.C.2 of the permit); and (5) based on the applicant's careful evaluation of the data generated during the onshore trial run, the technology that will be demonstrated will meet the limitations of the permit.

Applicants would also be required to submit the following support information to the Director, Industrial Technology Division (WH-552), U.S. EPA, 401 M St. SW., Washington, DC:

(1) A description of how the cuttings treatment technology operates;

(2) The stated treatment capacity of the equipment;

(3) Data from an onshore trial run of the equipment to be operated under the permit showing the amount of each of the various wastestreams generated (including air emissions) and the amount of cuttings treated;

(4) Data from the trial run on the oil content of the raw and treated cuttings as measured by retort-gravimetric analysis (Proposed Method 1651, 53 FR 41356, October 21, 1988);

(5) Trial run data on the oil content of any liquid wastestreams (e.g., condensed hydrocarbons and condensed water) as measured by the gravimetric method (EPA Method 413.1 Oil and Grease);

(6) Results of static sheen tests (as a visual sheen test will not be possible under a trial run) conducted under the protocol described in Appendix B to the attached proposed permit;

(7) Data from the trial run on the toxicity of the raw and treated cuttings and any other wastestream proposed to be discharged (e.g., condensed waters) (the required toxicity test methods are described in the attached draft permit);

(8) Data from the trial run on the levels of TSS, BOD and priority pollutants in wastestreams that are proposed to be discharged and from the Resource Conservation and Recovery Act (RCRA) tests for characteristic hazardous wastes;

(9) Data from the trial run on the levels of total particulates, total hydrocarbons, SO_X, NO_X and CO in air emissions;

(10) Information on space requirements and weight of the equipment;

(11) Information on energy requirements;

(12) An operating and maintenance log indicating all hours of operation during the trial, what maintenance was performed and when it was performed; and

(13) An estimate of the cost per barrel of cuttings treated if the equipment was operated under this permit, accompanied by a description of all assumptions and information used in developing the estimate.

The Region will decide whether to grant the request on the basis of the request for coverage and on the certification which is to accompany the request for coverage.

D. BCT Requirements

The Region has determined that the appropriate BCT limit for discharge of treated cuttings is a requirement that no free oil be discharged, as measured by the visual sheen test. The Region also proposes to apply the BCT findings for produced waters in the general permit and require that the oil and grease levels in any condensed or otherwise separated waters that are discharged meet the general permit BCT limit for produced waters: 72 mg/liter as a daily maximum and 48 mg/liter as a monthly average. The Agency believes that this approach is appropriate as: (1) The physical and chemical characteristics of the two wastestreams are similar and (2) The technologies available for treating produced waters can be applied without modification to the waters that may be separated during treatment of drill cuttings.

The discharge of hydrocarbons removed from the cuttings during treatment would be prohibited in order to ensure compliance with the existing "no discharge of free oil" limitation.

E. BAT Requirements

The Region is proposing to set a BAT level oil content limit on treated cuttings based on the four samples of treated cuttings the Agency collected in September 1987 under demonstration permit DP0601. The September 1987 test was the longest and most successful of the offshore demonstrations to date and most closely indicates the treatment efficiency the technology can achieve. In addition, these data are the only data measured by the Agency's preferred method for measuring oil content of drill cuttings. As the oil content of these four samples (when viewed in terms of soxhlet extraction and gravimetric analysis) is similar to the oil content found in Conoco's larger set of samples collected during the test, using only these four points rather than Conoco's larger set of data should not appreciably affect the proposed oil content limit.

While there is some evidence that the oil content of treated drill cuttings from the technology tested under the demonstration permits is dependent on maintenance or some other factor, until more data are available the Region is proposing to set an oil content limit assuming that variation in oil content is random. Using the data described above and the Agency's long established procedures for setting effluent guideline limitations and numerical permit limits, the proposed daily maximum limit on the oil content of treated drill cuttings is 1.16% by weight. Assuming ten samples of treated cuttings are analyzed for oil content per month, the proposed monthly average limit on the oil content of treated cuttings is 0.71% by weight. Compliance must be measured before the treated cuttings are mixed with seawater (for sluicing cuttings to the discharge point).

The Region believes that limiting the oil content of treated cuttings is appropriate because the one technology that has been tested in the Gulf of Mexico has shown the capacity to both provide excellent treatment and also to leave levels of oil in treated cuttings that might cause violations of the existing "no discharge of free oil" requirement. Setting a limit on the oil content of treated cuttings would ensure that technologies are operated in a manner that minimizes the possibility that discharge of treated cuttings would result in a discharge of free oil.

Because the data currently available on the toxicity of treated drill cuttings is not sufficient for setting a limitation, the Region is proposing a BAT toxicity limit on treated cuttings based on the toxicity limit in the general permit for discharged drilling fluids (LC_{50} of discharged material must be 30,000 ppm or greater).

F. Requirements Based on the Ocean Discharge Criteria Evaluation and Other Legal Requirements

The general permit prohibits discharge in areas of biological concern (ABCs) and sets a drilling fluids discharge rate limitation within 544 meters of these areas in order to protect them from unreasonable degradation. While it appears that treated cuttings from oil-based muds have low toxicity, as the purpose of this permit is to gather information on technologies that have not yet been fully demonstrated, the Region is proposing to approve requests for coverage only from operators of

facilities that are located more than 544 meters from ABCs. As an additional precaution, the Region is proposing to approve requests for coverage only from operators of facilities that are also located in waters more than 20 meters deep. This measure would help to ensure good dilution and dispersion of the discharged wastestreams from cuttings treatment.

To allay any concern that discharges authorized by this permit would affect state coastal zones or result in violation of state water quality standards that apply in the territorial seas, the Region is proposing not to approve requests for coverage from operators of facilities located within 1000 meters of state waters as defined in the Clean Water Act.

G. Monitoring Requirements

In addition to the requirements described above, the Region is proposing to require operators under this permit to:

(1) Keep a detailed drill cuttings treatment equipment operations log;

(2) Monitor raw cuttings feed rate, temperature of thermal chambers (if applicable) and residence time of the cuttings in the treatment unit;

(3) Frequently monitor the oil content of raw and treated cuttings;

(4) Perform visual and static sheen tests;

(5) Perform toxicity tests on treated cuttings and condensed waters;

(6) Monitor the organic pollutant and metals content of treated cuttings;

(7) Document the labor required to operate the technology;

(8) Monitor the volume of any condensed hydrocarbons and condensed waters produced and note the disposition of these wastestreams;

(9) Measure the oil content of any condensed waters;

(10) Document the normal rate of use of water used to sluice treated cuttings;

(11) Measure the rate of electric power and fuel consumption of the cuttings treatment equipment; and

(12) Document the chemical and trade name of any solvents or other chemicals used in the treatment process.

EPA intends to use the information it receives in future regulation of discharges of cuttings from oil-based muds.

For tests of the toxicity of raw and treated drill cuttings, this demonstration permit proposes two changes to the drilling fluids toxicity test sample preparation procedures that the Agency proposed on August 26, 1985 (50 FR 34631, August 26,1985). These changes are specified in part III.C.2 of the attached draft demonstration permit. The change in the procedure for mixing the 1-part drill cuttings: 9-part seawater mixture is necessary because the consistency of drill cuttings is different from the consistency of drilling fluids. The purpose of the change in the procedure for aerating the suspended particulate phase is to minimize aeration and potential loss of volatile petroleum hydrocarbons present on or in the drill cuttings.

In an effort to ensure that visual sheen observations are as reliable as possible the Region is proposing that the following information be collected and reported with each observation: The name of the observer; time of observation; the height of the observation point above sea level (e.g., 5 meters above sea level, 20 meters above sea level); hours elapsed since the most recent discharge of treated cuttings; atmospheric conditions (full sun or degree of cloud cover); sea state; current direction and speed; a statement of whether the area observed for evidence of a sheen was in full sunlight or to what degree the area was shaded (by clouds, the platform or other objects); a statement that, to the best of the observer's ability, the observation was made at a point downcurrent of the discharge; and the dated signature of the observer.

The Region may use its discretion to reduce the frequency of required monitoring observations for individual facilities from the level that the demonstration permit initially requires of all facilities. The Region has proposed initial frequent monitoring in this demonstration permit primarily in order to determine an appropriate mathematical model of the pollutant content of the effluent from drill cuttings treatment technologies. In effect, the Region proposes to conduct a quality control process capability study using control charts and other appropriate methods to ascertain the capability of these technologies to produce effluent of predictable quality. Therefore, it is proposed that when the Region is satisfied that it has sufficient data to create an acceptable model of the performance of a particular treatment technology at a particular site, it may choose to reduce the frequency of required monitoring for that facility. In no case will the Region reduce the frequency of monitoring of any parameter to less than once per calendar month that the thermal or solvent extraction treatment equipment is operated.

V. Other Legal Requirements

A. State Certification

Section 301(b)(1)(C) of the Act requires that NPDES permits contain conditions which ensure compliance with applicable state water quality standards or limitations. Under section 401(a)(1) of the Act EPA may not issue a NPDES permit until the state in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and state law. State waters are not included within the area of coverage by the draft permit, therefore state certification is not required.

B. The Endangered Species Act

Based on information in the general permit Ocean Discharge Criteria Evaluation and in the Environmental Impact Statements prepared for Federal Lease Sales in the Gulf of Mexico, the Region has concluded that the discharges authorized by this general demonstration permit are not likely to adversely affect any endangered or threatened species nor adversely affect their critical habitat. The Region is requesting comments on this determination from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The Region will consult with the services as is appropriate and otherwise will comply with the requirements of section 7 of the Endangered Species Act before issuing a final permit.

C. The Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) requires that any federally permitted activity affecting the coastal zone of a State with a federally approved coastal management program be subject to review for consistency with the State program. Because the discharges that would be allowed by this proposed general demonstration permit would occur in Federal waters at least 1,000 meters from the outer boundary of territorial sea, it is unlikely that the discharges would affect the coastal zone. Nevertheless, the Regions are submitting a copy of this proposal and a certification of consistency to the Louisiana Department of Natural Resources Coastal Management Division (Texas does not have a federally approved coastal zone management plan). Formal consistency review will begin when Louisiana receives a copy of the certification and other information required by 15 CFR 908.58.

D. The Marine Protection, Research and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) establishes the Marine Sanctuaries Program, implemented by the National Oceanic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological or aesthetic values.

Section 302(f) of MPRSA requires that the Secretary of Commerce, after designation of a marine sanctuary, consult with other federal agencies and issue necessary regulations to control any activities permitted within the boundaries of the marine sanctuary. It also provides that no permit, license, or other authorization issued pursuant to any other authority shall be valid unless the Secretary shall certify that the permitted activity is consistent with the purpose of the marine sanctuaries program and/or can be carried out within its promulgated regulations. There are currently no marine sanctuaries in the Gulf of Mexico.

E. Economic Impact (Executive Order 12291)

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 5(b) of that order.

F. The Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

EPA has not previously issued a general demonstration permit. Thus, the Agency intends to either develop and submit to OMB for review a new information collection request specific to this activity or modify its collection of information submissions made for the NPDES permit program and assigned OMB control numbers 2040–0086 (NPDES permit applications) and 2040–0004 (discharge monitoring reports).

All operators that choose to operate under this permit will need to perform an onshore trial run of the technology that will be demonstrated (unless a trial run meeting the requirements of part II.C.2 of this permit has previously been performed on an exact duplicate of the technology that will be used). EPA believes that contractor personnel may be used to perform these trial runs and has assigned a $50 per hour value to translate contractor costs to burden hours. EPA estimates that it will take an affected facility operator 1,144 hours to perform such a trial run and submit the requisite information to EPA. As 20 facilities are eligible for coverage under this permit and EPA estimates that each technology for which a trial run is performed will be demonstrated at three facilities, the total burden for these trial runs would be 8,008 hours.

All applicants will also need to submit a request for coverage under this permit and a certification letter. As EPA estimates that it will take an applicant four hours to prepare the request for coverage and certification and 20 facilities are eligible for coverage, the total burden would be 80 hours.

All facilities choosing to operate under this permit will be required to submit discharge monitoring reports (DMRs). EPA estimates the first-year DMR burden to be 5,726 hours per facility operator per year. The total burden would be 114,520 hours. As EPA may reduce monitoring requirements after sufficient data are generated to demonstrate stable, reliable treatment performance, DMR burden in subsequent years may be less.

The Agency invites the public to provide comments on EPA's estimate of the burden the information collection requirements of this draft permit would impose. The Agency also invites comment on any other aspects of the proposed information collection requirements, including suggestions for reducing the proposed burden. In addition, the public is invited to send copies of its comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Management and Budget, Paperwork Reduction Project (2040–0086 and 2040–0004), Washington, DC 20503, marked "Attention: Desk Officer for EPA."

G. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. Routine discharges specifically controlled by this permits are excluded from the provisions of section 311. However, this permit would not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil or hazardous materials which are covered by section 311 of the Act.

H. The Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general demonstration permit will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the regulated parties have greater than 500 employees and are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5024 *et seq.* (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

Dated: September 27, 1989.

Robert E. Layton Jr.,

Regional Administrator (6A).

VI. Fact Sheet References

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GENERAL DEMONSTRATION PERMIT

Permit No. GMG 8800070

Authorization To Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 *et seq.*; the "Act"), operators of facilities in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category that EPA Region VI ("the Region") approves to operate under this general demonstration permit are authorized to discharge certain residues from treatment of drill cuttings from mineral oil-based muds by thermal treatment processes or solvent extraction processes to receiving waters named the Central and Western Gulf of Mexico seaward of the outer boundary of the territorial seas in accordance with effluent limitations, prohibitions, monitoring requirements, and other conditions set forth in parts I, II, and III hereof.

Operators shall submit a written request for coverage to the Regional Administrator 60 days before the intended commencement of discharge under this general demonstration permit. The request for coverage shall state that the operator intends to be covered by this general demonstration permit and provide certain information about the operator and the location of the intended discharge (See part II.C.1.). The request for coverage shall be accompanied by a five-point certification (See part II.C.2.). The Regional Administrator will review the request for coverage and the certification and notify the applicant in writing whether additional information is needed to complete review of the request for coverage; whether the request is denied; or whether the request for coverage is approved.

Only operators who are authorized to discharge under general permit GMG280000 (51 FR 24897 (July 9, 1986)) ("the general permit") may be authorized to discharge under this demonstration permit. All terms and conditions of the general permit will continue to apply to operators covered by this demonstration permit except as specifically modified by this demonstration permit. This permit would allow the discharge of certain residues from the treatment of drill cuttings from mineral oil-based muds subject to limitations on treated drill cuttings, condensed waters, condensed hydrocarbons and the location of discharges. This demonstration permit also includes additional definitions; monitoring, reporting and recordkeeping requirements; and notification requirements. For operators who are not currently authorized to discharge under the general permit, a request for coverage under the general permit must be submitted to the Region at the time the operator requests coverage under this demonstration permit. Operators shall not commence discharging under this demonstration permit until after they have received written notification from the Region that their request for coverage has been approved. Operators who fail to request coverage or who fail to supply the information needed to process the request are not authorized to discharge under this demonstration permit to the receiving waters named.

The Regional Administrator will authorize discharges from no more than 20 facilities under this demonstration permit. No more than seven (7) demonstrations of any one vendor's technology will be authorized under this permit.

This permit does not authorize discharges from "new sources" as defined in 40 CFR 122.2.

This permit shall become effective at 1 p.m. Eastern Daylight Savings Time on _____ and shall expire five years from the effective date.

Signed this September 27, 1989.

Myron O. Knudson,

Director, Water Management Division (6W), Region VI.

PART I—GENERAL DEMONSTRATION PERMIT REQUIREMENTS

Section A. Effluent Limitations and Monitoring Requirements

1. During the period beginning on the effective date and continuing through the date of expiration, the permittee is authorized to discharge Treated Drill Cuttings From Mineral Oilbased Drilling Fluids in accordance with the requirements of this demonstration permit. Such discharges shall be limited and monitored by the permittee as specified below:

(a) Drill cuttings shall be treated prior to discharge by a thermal treatment system or a solvent extraction treatment system that will reduce the oil content of the cuttings to 0.7l% by weight as a monthly average limit and 1.16% by weight as a daily maximum limit as measured by the retort-gravimetric method (EPA Proposed Method 1651. See appendix A). Oil content shall be measured every two cumulative elapsed hours of operation of the drill cuttings treatment system unless the Region has reduced the frequency of observation pursuant to part III.B.2.

(b) No visible sheen shall result from any discharge of drill cuttings authorized by this demonstration permit. To determine compliance with this limit, either a visual sheen test or a static sheen test shall be performed (see part III.C.6 for the requirements for performing and recording visual sheen test observations and Appendix B for the requirements for static sheen observations). The receiving water shall be observed daily for a visible sheen as the discharge occurs. Under conditions of poor visibility when a visual sheen test is not possible, a static sheen test shall be used to determine compliance with this limit; and

(c) The toxicity of treated cuttings that are discharged shall be less than 30,000 parts per million (ppm) on a volume basis (μ1 per 1) of the test phase (i.e., the 96 hour LC_{50} shall be greater than 30,000 ppm) when measured using the toxicity test method specified in part III.C.2. The toxicity of treated cuttings shall be measured at least once per week unless the Region has reduced the frequency of observation pursuant to part III.B.2.

In addition to the reporting requirements of the general permit, any violations of these limitations shall be reported when the monitoring information specified in part III is reported.

2. During the period beginning on the effective date and continuing through the date of expiration, the permittee is authorized to discharge condensed or otherwise separated waters ("Condensed Waters") from treatment of drill cuttings from mineral oil-based muds. Such discharges shall be limited and monitored by the permittee as specified below:

Any condensed waters that are discharged shall contain less than 48 milligrams (mg)/liter oil and grease as a monthly average limit and 72 mg/liter oil and grease as a daily maximum limit as measured by the gravimetric method (See part III.C.5). The oil and grease content of condensed or otherwise separated waters must be measured every two cumulative elapsed hours of operation of the drill cuttings treatment system unless the Region has reduced the frequency of observation pursuant to part III.B.2.

In addition to the reporting requirements of the general permit, any violations of these limitations shall be reported when the monitoring information specified in part III is reported.

3. The discharge of condensed or otherwise separated hydrocarbons ("Condensed Hydrocarbons") from treatment of drill cuttings from mineral oil-based muds is specifically prohibited. In addition to the reporting requirements of the general permit, any violation of this prohibition shall be reported when the monitoring information specified in part III is reported.

4. The permittee must obtain approval from the U.S. Department of Interior, Minerals Management Service (MMS) and the U.S. Department of Transportation, U.S. Coast Guard, Marine Safety Office prior to operation of drill cuttings thermal treatment systems or solvent extraction treatment systems under this demonstration permit. Air emission test data required by the test requirements in part III of this permit shall, in addition to EPA, be submitted to the MMS at the address below:

Regional Director, MMS,
1201 Elmwood Park Blvd.,
New Orleans, Louisiana 70123-2394.

Section B. Other Discharge Limitations

1. There shall be no discharge under this permit within 544 meters of an area of biological concern, as defined in part III.D of the general permit.

2. There shall be no discharge under this permit into receiving waters that are less than 20 meters in depth as defined in part II.A.2 below.

3. There shall be no discharge under this permit within 1,000 meters of any State's territorial seas (as defined at section 502(8) of the Clean Water Act).

PART II—STANDARD CONDITIONS FOR NPDES PERMITS

Section A. Definitions

1. "Central and Western Gulf" means all lease blocks west of the western boundary of Outer Continental Shelf lease areas identified as: Mobile, Viosca Knoll (north part), Destin Dome, Desoto Canyon, Lloyd, and Henderson.

2. "Waters having greater than 20 meters of depth" means waters greater than 20 meters in depth as measured at mean low water.

Section B. Monitoring and Records

1. For the discharges described in parts I.A.1 and I.A.2 of this demonstration permit, monitoring reports shall be submitted as specified in part III.B.3 below.

2. Record Contents. The records of monitoring information required by this demonstration permit shall meet all requirements set forth in part III below.

Section C. Notification Requirements

Prospective permittees shall submit a request for coverage in accordance with the requirements set forth below. The Region will review the request for coverage, determine the adequacy of the information submitted and, if necessary, request that the applicant supply additional information. Based on the information presented, the Region will decide whether to grant or deny the request for coverage. The Region will accompany all denials of requests for coverage with detailed information as to why the request was denied.

1. Request for Coverage

Requests for coverage under this demonstration permit shall be made in writing. The request for coverage shall be addressed to Region VI (Part III.B.4) and include the legal name and address of the operator; identify the lease block number assigned by the Department of Interior or, if none, the name commonly assigned to the lease area; identify the number and type of facilities located within the lease block; and specify the facility on which the cuttings treatment technology is proposed to be operated. All prospective permittees shall identify in their request for coverage: (1) The depth of water at the proposed demonstration site; and (2) the distance from the proposed demonstration site to the outer boundary of the territorial seas. Prospective permittees located in lease blocks either in or immediately adjacent to MMS defined "no activity" areas shall also report the distance from the proposed demonstration site to the "no activity" area boundary.

The request for coverage shall be accompanied by a signed and dated certification by the applicant that: (1) The applicant has carefully reviewed the permit and understands its limitations, terms and conditions; (2) the location of the proposed discharge complies with the location restrictions imposed by the permit; (3) an onshore trial run meeting the requirements of part II.C.2 of this permit has been completed; (4) the applicant has mailed to EPA all of the information required for documenting the design and performance of the cuttings treatment technology to be employed (See part II.C.2); and (5) based on the applicant's careful evaluation of the data generated during the onshore trial run, the technology that will be demonstrated will meet the limitations of the permit.

The request for coverage shall be submitted at least 60 days prior to the proposed commencement of discharge.

2. Documentation of Cuttings Treatment Technology Design and Performance

The following information shall be forwarded to the EPA Industrial Technology Division (see part III.B.4) at the time the request for coverage is made:

(a) Detailed process diagrams and narrative descriptions explaining how the cuttings treatment technology operates. Any chemicals (including fire suppression system chemicals) and solvents that may be employed shall be identified. The residence time of cuttings in the treatment unit shall be identified, as well as key operating parameters (e.g., temperature of thermal treatment chambers and the treatment capacity of the unit at its design maximum, in barrels of cuttings per day).

(b) Data from an onshore trial run of the treatment unit that is proposed to be

operated under this demonstration permit. The onshore trial run shall consist of a minimum of 24 hours of treatment equipment operation time. Throughput shall be at 25% of the design maximum for the first 12 hours of operation and at 75% of the design maximum for the last 12 hours of operation. Samples shall be taken at the 1st, 3rd, and 5th hours of operation at both of these throughput rates. Data submitted shall include:

(i) The amount by volume of each of the various wastestreams generated (including air emissions) and the amount by volume of cuttings treated;

(ii) The oil content by weight of the raw and treated cuttings as measured by the retort-gravimetric method specified in appendix A. Each pair of samples of raw and treated cuttings shall be taken so that the time between collection of the raw sample and the treated sample matches the residence time of that sample of treated cuttings in the treatment unit;

(iii) The oil and grease levels of condensed hydrocarbons and condensed water as measured by the gravimetric method specified in part III.C.5;

(iv) Results of static sheen tests performed on the raw and treated cuttings as measured by the minimal volume static sheen test specified in appendix B;

(v) The toxicity of the raw and treated cuttings as measured using the method specified in part III.C.2. Each pair of samples of raw and treated cuttings shall be taken so that the time between collection of the raw sample and the treated sample matches the residence time of that sample of treated cuttings in the treatment unit;

(vi) The toxicity of condensed waters as measured using the procedures specified in part III.C.3;

(vii) The levels of total particulates, total hydrocarbons, SO_x, NO_x and CO in air emissions;

(viii) Information on space requirements and weight of the equipment;

(ix) Information on energy requirements. Electricity consumption shall be described in kilowatt hours. Consumption of diesel or other fuels shall be described in bbl/day for liquid fuel and scfm for gas fuels;

(x) An operating and maintenance log indicating all hours of operation during the trial, any maintenance performed and when it was performed;

(xi) An estimate of the cost per barrel of cuttings treated, accompanied by a description of all assumptions and information used in developing the estimate;

(xii) The levels of TSS, BOD, priority pollutants and dioxin in raw and treated cuttings. Each pair of samples of raw and treated cuttings shall be taken so that the time between collection of the raw sample and the treated sample matches the residence time of that sample of treated cuttings in the treatment unit; and

(xiii) Whether the raw and treated cuttings pass the RCRA characteristic hazardous waste tests (40 CFR part 261 subpart C). Each pair of samples of raw and treated cuttings shall be taken so that the time between collection of the raw sample and the treated sample matches the residence time of that sample of treated cuttings in the treatment unit.

EPA will handle all information properly identified as confidential business information according to the Agency's procedures for handling these materials.

PART III—OTHER CONDITIONS

Section A. General Demonstration Permit Area

The area covered by this general demonstration permit includes those areas in the Central and Western Gulf of Mexico located in lease areas seaward of the outer boundary of the territorial seas that meet the location requirements set forth in part I.B above.

Section B. Test Requirements

1. Operations Log

The operator shall maintain a contemporaneous log of operations of the drill cuttings treatment equipment while the equipment is installed at the offshore facility. At a minimum, the operator shall:

(a) Document the hours of operation of the equipment. The log shall indicate each exact time of each calendar day that the equipment was started or shut down, including any process stream interruptions (see also part III.B.1.c) and also indicate the reason for each shut down or interruption that occurs.

(b) Document the exact nature of routine or unscheduled maintenance that is performed and fully describe the maintenance performed including the estimated labor expenditure and total cost of the maintenance;

(c) Document the nature and cause of any abnormal operating conditions of the treatment equipment. Abnormal operations are conditions which either the permittee, operator, or vendor believe to be outside the normal operating mode of the treatment equipment, including any peripheral or support equipment (e.g., materials handling systems; power supply; safety systems; air, water, solids, or other by-product handling systems). Any actions taken to correct abnormal operations, including the estimated labor expenditure and cost of the remedial action(s) pertinent to returning the treatment equipment to a normal operating condition shall be fully described and indicated as unscheduled maintenance.

(d) If air, water, solids or other media samples were collected during a period of abnormal equipment operation, or if the permittee, operator or vendor reasonably believes that such samples may have been collected during a period of abnormal equipment operation, the samples shall be identified as such in the operations log and identified as such in any data tabulations, summaries, and submissions.

(e) The number of treatment equipment operators that are used to maintain normal operation of the cuttings treatment equipment shall be documented on a daily basis.

2. Monitoring

The operator shall conduct monitoring as follows:

(a) *Feed rate.* The volumetric feed rate of untreated cuttings to the treatment equipment shall be recorded hourly during the operation of the treatment equipment. This may be recorded as an estimate if it is not gauged and if the method of estimation is documented.

(b) *Oil content of drill cuttings.* The untreated drill cuttings fed to the treatment system and treated cuttings leaving the treatment system shall be sampled once after each two cumulative elapsed hours of operation of the treatment system. Sample type shall be a grab sample. Each pair of samples of raw and treated cuttings shall be taken so that the time between collection of the raw sample and the treated sample matches the residence time of that sample of treated cuttings in the treatment unit. The samples of treated cuttings shall be taken at a sampling location after treatment but prior to addition of seawater or any other material. Each sample shall be analyzed by EPA proposed method 1651 for oil content as expeditiously as practicable. A copy of proposed method 1651 is attached in appendix A. The date, time, sample type (*e.g.*, grab sample), facility identification, and description of any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of each sample. Analytical results shall be labeled such that the above sample identification and

operations information can be readily and accurately cross-referenced.

(c) *Static sheen.* Once per day for each day of operation of the cuttings treatment equipment, one sample of treated drill cuttings shall be subjected to the minimal volume static sheen test according to the test method specified in appendix B. The sample to be subjected to the static sheen test shall be a subsample of a sample also taken for the purpose of measuring oil content, priority pollutant content and toxicity. The date, time, sample type, facility identification, and description of any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of each sample. Analytical results shall be labeled such that the above sample identification and operations information can be readily and accurately cross-referenced. Each documented analytical result for the static sheen test shall include an estimate of the percentage of surface area of the test container that exhibited a sheen. (Sheen is defined in appendix B.)

(d) *Toxicity of drill cuttings.* Once per week during operation of the cuttings treatment equipment, one pair of samples of raw and treated drill cuttings shall be subjected to bioassay tests. This sample shall be a subsample of a sample also taken for the purpose of measuring oil content, static sheen and priority pollutant content. The method to be used is specified in part III.C.2 below. Any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of the sample.

(e) *Priority pollutant content of drill cuttings.* Once per week during operation of the cuttings treatment equipment, one sample of treated drill cuttings shall be subjected to analyses for priority pollutants. This sample shall be a subsample of a sample also taken for the purpose of measuring oil content, static sheen and toxicity. Any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of the sample.

The test methods to be used are EPA methods 1624 and 1625 for priority organics and an approved method under 40 CFR part 136 for priority inorganic pollutants.

The date, time, sample type, facility identification, and description of any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of each sample. Analytical results shall be labeled such that the above sample identification and operations information can be readily and accurately with analytical results.

(f) *Volume, volumetric generation rate, and disposition of combined condensed hydrocarbon and water.* Once per day for each day of operation of the cuttings treatment equipment, the volumetric generation rate of combined condensed hydrocarbons and water shall be documented (units: gallons per minute). This rate may be estimated if the waste-stream is not gauged and if the method of estimation is documented and reported. This information shall be measured or estimated during a time interval when the treatment equipment is known or reasonably expected to be operating under normal conditions. The volume generated during each day shall also be reported, as well as whether the value is measured or estimated; if estimated, the method also must be documented.

The method of disposal of all condensed hydrocarbon and condensed water wastestreams shall be documented. (The discharge of hydrocarbons separated from cuttings is prohibited.)

(g) *Volume, volumetric generation rate, disposition, oil content and toxicity of condensed water.* Once per day for each day of operation of the cuttings treatment equipment, the volumetric generation rate of condensed water (after separating the condensed hydrocarbons) shall be documented (units: gallons per minute). This may be estimated if the wastestream is not gauged and if the method of estimation is documented. This information shall be measured or estimated during a time interval when the treatment equipment is known or reasonably expected to be operating under normal conditions. The volume generated during each day shall also be reported, as well as whether the value is measured or estimated; if estimated, the method also must be documented.

The normal disposition of the condensed water wastestream shall be documented.

Once per day for each day of operation of the cuttings treatment equipment, the condensed water wastestream (after separating the condensed hydrocarbons) shall be sampled. An oil and grease analysis shall be conducted on each such sample. The EPA-approved gravimetric method shall be used to analyze such samples (See part III.C.5). The date, time, sample type, facility identification, and description of any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of each sample. Analytical results shall be labeled such that the above sample identification and operations information can be readily and accurately cross-referenced.

Once per week during operation of the cuttings treatment equipment, one sample of the condensed water shall be subject to bioassay tests. This sample shall be a subsample of a sample taken for the purposes of measuring oil content. The toxicity test method to be used is specified in part III.C.3 below.

(h) *Sluice Water.* If water is used to sluice treated cuttings to the discharge point, the normal rate of use of water used shall be documented (units: gallons per minute).

(i) *Power Consumption.* The rate of electric power consumption by the cuttings treatment equipment (including peripheral equipment) under normal operating conditions shall be documented (units: Kilowatts). If diesel or other fuels are used to power the equipment (rather than to produce electricity to power the equipment), the rate of fuel consumption under normal operating conditions shall be documented (units: bbl/day for liquid fuel, and scfm for gas fuels).

(j) *Solvent or Other Chemical Use.* The operator shall document the chemical name, trade name, and volumes of all solvents or other chemicals used in the treatment process.

3. Changes in Frequency of Monitoring

The frequency of the following monitoring requirements may be reduced at the discretion of the Region. If after fifty (50) observations of a particular parameter the collected data show that the variation in the value of the parameter primarily results from a stable system of chance causes (rather than from factors such as cuttings throughput rate, kiln temperature or time between servicing of the treatment equipment), the Region, upon written request by the permittee, may authorize an increase in the time interval between samples for this parameter. Any reduced monitoring requirements so authorized will be set forth in writing by the Region. Monitoring frequency will in no case be reduced to less than once per calendar month that the treatment equipment is operated.

4. Reporting and Recordkeeping

The operating logs and monitoring information that are required under part III.B shall be summarized. These summaries and the original operating logs and monitoring information shall be reported to the Director, Industrial Technology Division (at the address given below) every three months. A

discharge monitoring report (DMR), covering the limitations for discharges (see part I.A.1. (a), (b), (c) and part I.A.2.) covered by this report, shall be forwarded to the Region (at the address given below) every three months. The reporting period for each operator covered by this demonstration permit shall begin on the effective date of the operator's coverage under this permit. The first report is due on the 28th day of the fourth calendar month following the calendar month that includes the date that the operator's coverage under the permit is effective. Thereafter, reports are due every three months from the date that the first report was due. (For example, if March 21st is the effective date of an operator's coverage under this demonstration permit, the operator's first report is due on July 28th. This report must include all information collected between March 21st and June 21st. The second report is due on October 28th.)

All notices and reports required under this section shall be sent to:

Director, Water Management Division (6W)
Region VI, U.S. EPA
P.O. Box 50625
Dallas, Texas 95270
Director, Industrial Technology Division (WH-552)
U.S. EPA
401 M Street, SW.
Washington, DC 20460

Section C. Other Conditions

1. Retort-gravimetric Method

The approved test method for measuring the oil content of raw and treated drill cuttings is the retort-gravimetric method. A copy of this method is attached as appendix A.

2. Toxicity Test Method for Drill Cuttings

The approved test method for measuring the toxicity of raw or treated drill cuttings is:

U.S. Environmental Protection Agency Industrial Technology Division. August 1985. Appendix 3—Drilling Fluids Toxicity Test Proposed Regulation for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category. 50 FR 34592, at 34631 (August 26, 1985). The following deviations from this test method are required for the testing of drill cuttings:

Sample Preparation (See section II–C(2) of the above cited test method).

To prepare the suspended particulate test phase (SPP), the drill cuttings-to-seawater ratio of 1:9 must be based upon the drill cuttings, dry weight. (*Example:* add 100 grams of drill cuttings, on a dry weight basis, to 900 ml of seawater.) Dry weight of cuttings shall be determined by attaining a constant weight after dying in an oven at 104°±1°C. Rather than mixing the drill cuttings: seawater mixture with a magnetic stirrer, use a high-speed, high-shear stirrer and mix for 5 minutes.

Sample Preparation (See section II–C(5) of the above cited test method).

The filterable and unfilterable residue of each SPP need not be measured. If dissolved oxygen is less than 60% of saturation (4.9 ppm at 20 °C and 20 parts per thousand salinity), aerate the SPP, while stirring, for only 3 minutes. Measure dissolved oxygen and, if necessary, aerate for 3 minutes again.

The date, time, sample type, facility identification, and description of any actual or reasonably suspected abnormal operation of the treatment system shall be documented concurrent with the procurement of each sample. Analytical results shall be labeled such that the above sample identification and operations information can be readily and accurately cross-referenced.

3. Toxicity Test for Condensed Waters

The approved test method for measuring the toxicity of condensed waters is:

A 96 hour static test performed according to EPA's acute toxicity testing manual (See Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms, EPA/600/4–85/013). *Mysidopsis bahia* only shall be used as the test species. The test conditions described in Table 6, Recommended Test Conditions for Mysids shall be followed.

4. Static Sheen Test

The approved static sheen test method is specified in appendix B.

5. Gravimetric Method

The approved method for measuring the levels of oil and grease in condensed waters is:

Method 413/1, Oil & Grease, Gravimetric (extraction). Method for Chemical Analysis of Water and Waste, EPA–600/4–79–020, U.S. EPA, March 1979). See 40 CFR part 136.3(a), table 1B, Parameter no. 41).

6. Requirements for Visual Sheen Test Observations

The visual sheen test is used to detect free oil by observing the surface of the receiving water for the presence of a sheen while discharging. A sheen is defined as a 'silvery' or 'metallic' sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface. The operator shall conduct a visual sheen test only at times when a sheen can be observed and not, without limitation, at night or when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., overcast skies, rough seas). At times when observation of a sheen is not possible, the minimal volume static sheen method for detecting free oil shall be used.

To conduct the visual sheen test, the observer must be positioned on the rig or platform, relative to both the discharge point and current flow at the time of discharge, such that the observer can detect a sheen should it surface downcurrent from the discharge. For discharges that have been occurring for at least 15 minutes previously, observations may be made any time thereafter. For discharges of less than 15 minutes duration, observations must be made, both during discharge and at 5 minutes after discharge has ceased.

The following information shall be recorded with each observation for visual sheen: the name of the observer; time of observation; the height of the observation point above sea level (e.g., 5 meters above sea level, 20 meters above sea level); orientation of the observation point with respect to the discharge point and current flow; hours elapsed since the most recent discharge of treated cuttings; atmospheric conditions (full sun or degree of cloud cover); sea state; current direction and speed; a statement of whether the area observed for evidence of a sheen was in full sunlight or to what degree the area was shaded (by clouds, the platform or other objects). The observer shall state whether or not a sheen was observed and sign and date the observation.

Appendix A—Proposed Method 1651—Oil Content and Diesel Oil in Drilling Muds and Drill Cuttings by Retort Gravimetry and GCFID

1 Scope and Application

1.1 This method is used to determine the oil content and the identity and concentration of diesel oil in drilling fluid (mud) samples. It is applicable to all mud types and may also be used to determine the oil content and diesel oil in drill cuttings.

1.2 This method may be used for compliance monitoring purposes as part of the "Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category".

1.3 When this method is used to analyze samples for which there is no reference diesel oil, diesel oil identification should be supported by at least one additional qualitative technique. Method 1625 provides gas chromatograph/mass spectrometer (GC/MS) conditions appropriate for the qualitative and quantitative confirmation of the presence

of the components of diesel oil (References 1–2).

1.4 The detection limit of this method is usually dependent upon the presence of other oils in the sample. Excluding interferences, estimated detection limits of 200 mg/kg of oil content and 100 mg/kg of diesel oil can be obtained.

1.5 Any modification of this method beyond those expressly permitted shall be considered a major modification subject to application and approval of alternate test procedures under 40 CFR 136.4 and 136.5.

1.6 The gas chromatography portions of this method are restricted to use by or under the supervision of analysts experienced in the use of gas chromatography and in the interpretation of gas chromatograms. Each laboratory that uses this method must generate acceptable results using the procedures described in sections 8.2 and 12 of this method.

2 Summary of Method

2.1 A weighed amount of drilling mud is distilled using a retort apparatus. The distillate is extracted with methylene chloride and the extract is dried by passage through sodium sulfate. The extract is evaporated to dryness, and the total amount of oil in the sample is determined gravimetrically. The oil is redissolved in methylene chloride, an internal standard is added, and an aliquot is injected into a gas chromatograph (GC). The components of the oil are separated by the GC and detected using a flame ionization detector (FID).

2.2 Identification of diesel oil (qualitative analysis) is performed by comparing the pattern of GC peaks (retention times and intensities) from the sample extract with the pattern of GC peaks from a reference diesel oil sample. Identification of diesel oil is established when the reference diesel and sample patterns agree per the criteria in this method.

2.3 Quantitative analysis of diesel oil is performed using an internal standard technique.

3 Contamination and Interferences

3.1 Solvents, reagents, glassware and other sample processing hardware may yield artifacts and/or elevated baselines causing misinterpretation of chromatograms. All materials shall be demonstrated to be free from interferences under the conditions of the analysis by running method blanks initially and with each set of samples. Specific selection of reagents and purification of solvents by distillation in all-glass systems may be required. Glassware and, where possible, reagents are cleaned by solvent rinse or banking at 450 degrees C for one hour minimum.

3.2 There is no standard diesel oil. Oil components, as seen by GC–FID, will differ depending upon the oil source, the production date, production process, and the producer. In addition, there are three basic types of diesel oils: ASTM Designations No. 1–D, No. 2–D, and No. 4–D. The No. 2–D is the most common "diesel oil"; however, No. 2–D is sometimes blended with No. 1–D which has a lower boiling range. For rigorous identification and quantification of diesel oil in a drilling fluid sample by GC–FID, the chromatographic pattern from the diesel oil should be matched with the chromatographic pattern from a reference standard of the same diesel oil suspected to be in the sample.

3.3 To aid in the identification of interferences, the chromatographic pattern from a reference sample of drilling fluid prior to use is compared to the chromatographic pattern of the drilling fluid after use. An interference is present when the pattern of the background oil does not match, but contributes substantially to, the pattern of the diesel oil in the sample.

3.4 Mineral oils are often added to drilling fluids for lubricity. These oils, when examined by GC–FID, contain some components common to diesel oil but have chromatographic patterns that are distinctly different from diesel oil. The analyst must first determine if the sample chromatogram shows the presence of diesel, mineral, or a combination of both before reliable quantification can be performed. This method permits selection of GC peaks unique to diesel oil for determination of diesel oil in the presence of mineral oil.

4 Safety

4.1 The toxicity or carcinogenicity of each reagent used in this method has not been defined. Therefore, each chemical compound should be treated as a potential health hazard. From this viewpoint, exposure to these chemicals must be reduced to the lowest possible level by whatever means available. The laboratory is responsible for maintaining a current awareness file of OSHA regulations regarding the safe handling of the chemicals specified in this method. A reference file of material handling data sheets should also be made available to all personnel involved in the chemical analysis. Additional references to laboratory safety are available and have been identified (references 3–5) for the information of the analyst.

4.2 Methylene chloride has been classified as a known health hazard. All steps in this method which involve exposure to this compound shall be performed in an OSHA approved fume hood.

5 Apparatus and Materials

5.1 Sample bottles for discrete sampling

5.1.1 Bottle—4 oz Boston round wide mouth jar with Teflon lined screw cap (Sargent Welsh S–9184–72CA, or equivalent). New bottles are used as received with no further cleaning required.

5.1.2 Bottle mailer—to fit bottles above (Sargent-Welsh 2306, or equivalent).

5.2 Distillation Apparatus

5.2.1 Retort—20 mL retort apparatus (IMCO Services Model No. R2100 or equivalent).

5.2.2 Glass wool—Pyrex (Corning 3950, or equivalent). Solvent extracted or baked at 450 degrees C for one hour minimum.

5.3 Extraction/drying apparatus

5.3.1 Separatory funnel—60 mL with Teflon stopcock.

5.3.2 Drying column—400 mm×15 to 20 mm i.d. Pyrex chromatographic column equipped with coarse glass frit or glass wool plug.

5.3.3 Glass filtering funnel—crucible holder (Corning No. 9480, or equivalent).

5.3.4 Spatulas—stainless stell or Teflon

5.4 Evaporation/concentration apparatus

5.4.1 Kuderna-Danish (K–D) apparatus

5.4.1.1 Evaporation flask—500 mL (Kontes K–570001–0500, or equivalent), attached to concentrator tube with springs (Kontes K–662750–0012).

5.4.1.2 Concentrator tube—10 mL, graduated (Kontes K–570050–1025, or equivalent) with calibration verified. Ground glass stopper (size 19/22 joint) is used to prevent evaporation of extracts.

5.4.1.3 Snyder column—three ball macro (Kontes K–503000–0232, or equivalent).

5.4.1.4 Snyder column—two ball micro (Kontes K–469002–0219, or equivalent).

5.4.1.5 Boiling chips

5.4.1.5.1 Glass or silicon carbide—approximately 10/40 mesh, extracted with methylene chloride and baked at 450 degrees C for one hr minimum.

5.4.1.5.2 Teflon (optional)—extracted with methylene chloride.

5.4.2 Water bath-heated, with concentric ring cover, capable of temperature control (±2 degrees C), installed in a fume hood.

5.4.3 Sample vials—amber glass, 1–5 mL with Teflon-lined screw or crimp cap, to fit GC autosampler.

5.5 Balances

5.5.1 Analytical—capable of weighing 0.1 mg. Calibration must be verified with class S weights each day of use.

5.5.2 Top loading—capable of weighing 10 mg.

5.6 Gas Chromatograph (GC)—analytical system with split injection, capillary column, temperature program with initial and final isothermal holds, and all required accessories including syringes, analytical columns, gases, detector, and recorder. The analytical system shall meet the performance specifications in Section 12.

5.6.1 Column—30±5 m × 0.25±0.02 mm i.d., 99 percent methyl, 1 percent vinyl, 1.0 um film thickness, bonded phase fused silica capillary (Supelco SPB–1, or equivalent).

5.6.2 Detector—flame ionization. This detector has proven effective in the analyses of drilling fluids for diesel oil, and was used to develop the method performance statements in Section 16. Guidelines for using alternate detectors are provided in section 11.1.

5.7 GC Data system—shall collect and record GC data, store GC runs in magnetic memory or on magnetic disk or tape, process GC data, compute peak areas, store calibration data including retention times and response factors, identify BC peaks through retention times, and compute concentrations.

5.7.1 Data acquisition—GC data shall be collected continously throughout the analysis and stored on a mass storage device.

5.7.2 Response factors and calibration curves—the data system shall be used to record and maintain lists of response factors, and multi-point calibration curves (section 7). Computations of relative standard deviation (coefficient of variation; CV) are used for testing calibration linearity. Statistics on initial (section 8.2) and ongoing (section 12.5)

performance shall be computed and maintained.

5.7.3 Data processing—the data system shall be used to search, locate, identify, and quantify the compounds of interest in each GC analysis. Software routines shall be employed to compute and record retention times and peak areas. Displays of chromatograms and library comparisons are required to verify results.

6 Reagents

6.1 Sodium sulfate—anhydrous, (ACS) granular.

6.2 Methylene chloride—Nanograde or equivalent.

6.3 Reagent water—water in which the compounds of interest and interfering compounds are not detected by this method.

6.4 Internal standard—dissolve 1.0 g of 1,3,5-Trichlorobenzene (Kodak No. 1801 or equivalent) in 100 mL methylene chloride. Store in glass and tightly cap with Teflon lined lid to prevent loss of solvent by evaporation. Label with the concentration and date. Mark the level of the meniscus on the bottle to detect solvent loss.

6.5 Calibration standards—calibration standards are prepared from the same diesel oil expected to be in the sample; otherwise, No. 2 diesel oil is used. Calibration standards are prepared at the concentrations shown in table 1.

6.5.1 Weigh the appropriate amount of oil into a tared 10 mL volumetric flask and dilute to volume with methylene chloride.

6.5.2 Using a micropipet or microsyringe, transfer 100 uL of each reference standard solution (section 6.5.1) to a GC injection vial. Add 100 uL of the TCB internal standard (section 6.4) to each vial and mix thoroughly. Calibration standards are made fresh daily to avoid solvent loss by evaporation.

6.6 QC standard—used for tests of initial (section 8.2) and ongoing (section 12.5) performance. Prepare a reference mud sample containing 20,000 mg/kg of diesel by adding 20.0 +/− 0.2 mg of No. 2 diesel oil and 10.0 +/− 0.1 g of EPA Generic Mud No. 8 (reference 6) to a clean retort cup/ see Section 10.1). Mix the mud and diesel oil thoroughly with a metal spatula.

7 Calibration

7.1 Establish gas chromatographic operating conditions given in table 2. Verify that the GC meets the performance criteria (section 12) and the estimated detection limit (section 1.4). The gas chromatographic system is calibrated using the internal standard technique.

7.2 Internal standard calibration procedure—1,3,5-Trichlorobenzene (TBC) has been shown to be free of interferences from the diesel oils tested in the development of this method. However, if an interference is known or suspected, the analyst must choose an alternate internal standard that is free from interferences.

7.2.1 Inject 1 uL of each reference oil standard containing the internal standard (Table 1 and section 6.5.2) into the GC–FID. The TCB will elute approximately 8.5 minutes after injection. For the GC–FID used in the development of this method, the TCB internal standard peak was 30 to 50 percernt of full scale at an attenuator setting of 8E–11 amp.

7.2.2 Individual response factors

7.2.2.1 Tabulate the peak area responses against concentration for each of the 10 largest peaks in the chromatogram (excluding the solvent peak, the internal standard peak, and any peaks that elute prior to the internal standard peak). (See section 13 for guidance on peak selection.) Calculate response factors (RF) for each peak using the following equation:

Equation 1:

$$RF = \frac{(A_s)\ (C_{is})}{(A_{is})\ (C_s)}$$

where:

A_s = Area of the peak to be measured.

A_{is} = Area of the internal standard peak.

C_s = Concentration of the peak to be measured (mg/kg).

C_{is} = Concentration of the internal standard (mg/kg).

7.2.2.2 If the RF is constant (<15% CV) over the calibration range (table 1), the RF can be assumed to be invariant and the average RF can be used for calculations. Alternatively, the results can be used to plot a calibration curve of response ratios, A_s/A_{is}, vs RF.

7.2.2.3 Calibration verification—the average RF or a point on the calibration curve shall be verified on each working day by the measurement of one or more calibration standards. If the RF for any peak varies from the RF obtained in the calibration by more than +/− 15 percent, the test shall be repeated using a fresh calibration standard. Alternatively, a new calibration curve shall be prepared.

7.2.3 Combined response factor—to reduce the error associated with the measurement of a single peak, a combined response factor is used for computation of the diesel oil concentration. This combined response factor is the sum of the individual response factors as given in equations 2 or 3:

Equation 2:

$$RF\ combined = RF(1)+RF(2)\ldots+RF(n)$$

Equation 3:

$$RF\ combined = \frac{[A_{s(1)}+A_{s(2)}\ldots+A_{s(n)}]\ (C_{is})}{(A_{is})\ (C_s)}$$

where:

n is the number of individual peaks

$A_{s(1)}\ldots A_{(n)}$ are the areas of the individual peaks.

8. Quality Assurance/Quality Control

8.1 Each laboratory that uses this method is required to operate a formal quality assurance program (reference 7). The minimum requirements of this program consist of an initial demonstration of laboratory capability, an ongoing analysis of standards and blanks as a test of continued performance, analyses of spiked samples to assess accuracy, and analysis of duplicates to assess precision. Laboratory performance is compared to established performance criteria to determine if the results of analyses meet the performance characteristics of the method.

8.1.1 The analyst shall make an initial demonstration of the ability to generate acceptable accuracy and precision with this method. This ability is established as described in section 8.2.

8.1.2 The analyst is permitted to modify this method to improve separations or lower the costs of measurements, provided all performance requirements are met. Each time a modification is made to the method, the analyst is required to achieve the estimated detection limit (section 1.4) and to repeat the procedure in section 8.2 to demonstrate method performance.

8.1.3 Analyses of spiked samples are required to demonstrate method accuracy. The procedure and QC criteria for spiking are described in section 8.3.

8.1.4 Analyses of duplicate samples are required to demonstrate method precision. The procedure and OC criteria for duplicates are described in section 8.4.

8.1.5 Analyses of blanks are required to demonstrate freedom from contamination. The procedures and criteria for analysis of a blank are described in section 8.5.

8.1.6 The laboratory shall, on an ongoing basis, demonstrate through calibration verification and the analysis of the QC standard (section 6.6) that the analysis system is in control. These procedures are described in section 12.

8.1.7 The laboratory shall maintain records to define the quality of data that is generated. Development of accuracy statements is described in sections 8.3.4 and 12.5.

8.2 Initial precision and accuracy—to establish the ability to generate acceptable precision and accuracy, the analyst shall perform the following operations:

8.2.1 Retort, extract, concentrate, and analyze four samples of the QC standard (sections 6.6 and 10.1.3) according to the procedure beginning in section 10.

8.2.2 Using results of the set of four analyses, compute the average recovery (X) in mg/kg and the standard deviation of the recovery (s) in mg/kg for each sample by the internal standard method (sections 7.2 and 14.2).

8.2.3 For each compound, compare s and X with the corresponding limits for initial precision and accuracy in table 4. If s and X meet the acceptable criteria, system

performance is acceptable and analysis of samples may begin. If, however, s exceeds the precision limit or X falls outside the range for accuracy, system performance is unacceptable. In this event, review this method and the manufacturer's instructions, correct the problem, and repeat the test.

8.3 Method accuracy—the laboratory shall spike a minimum of 20 percent (one sample in each set of five samples) of all drilling fluid samples. This sample shall be spiked with the diesel oil that was added to the drilling fluid. If a reference standard of diesel oil that was added to the drilling fluid is not available, No. 2 diesel oil shall be used for this spike. If doubt of the identity and concentration of diesel oil in any of the remaining 80 percent of the samples exists, that sample shall be spiked to confirm the identity and establish the diesel oil concentration.

8.3.1 The concentration of the spike in the sample shall be determined as follows:

8.3.1.1 If, as in compliance monitoring, the concentration of the oil in the sample is being checked against a regulatory concentration limit, the spike shall be at that limit or at one to five times higher than the background concentration determined in section 8.3.2, whichever concentration is larger.

8.3.1.2 If the concentration of the oil in a sample is not being checked against a limit, the spike shall be at the concentration of the QC standard (section 6.6) or at one to five times higher than the background concentration, whichever concentration is larger.

8.3.2 Analyze one sample aliquot to determine the background concentration (B) of oil content and of diesel oil. If necessary, prepare a standard solution appropriate to produce a level in the sample at the regulatory concentration limit or at one to five times the background concentration (per section 8.3.1). Spike a second sample aliquot with the standard solution and analyze it to determine the concentration after spiking (A) of each analyte. Calculate the percent recovery (P) of oil content and of diesel oil:

$P = 100\ (A-B) / T$

where T is the true value of the spike.

8.3.3 Compare the percent recovery for oil content and for diesel oil with the corresponding QC acceptance criteria in Table 4. If the results of the spike fail the acceptance criteria, and the recovery of QC standard in the ongoing precision and recovery test (sections 10.1.3 and 12.5) is within the acceptance criteria in Table 4, an interference may be present (see sections 3 and 15 for identification of interferences). In this case, the result may not be reported for regulatory compliance purposes. If, however, the results of both the spike and the ongoing precision and recovery test fail the acceptance criteria, the analytical system is judged to be out of control and the problem must be immediately identified and corrected, and the sample set reanalyzed.

8.3.4 As part of the QA program for the laboratory, method accuracy for samples shall be assessed and records shall be maintained. After the analysis of five spiked samples in which the recovery passes the test in section 8.3, compute the average percent recovery (P) and the standard deviation of the percent recovery (s_p). Express the accuracy assessment as a percent recovery interval from $P-2s_p$ to $P + 2s_p$. For example, if P = 90% and s_p = 10% for five analyses of diesel oil, the accuracy interval is expressed as 70 to 110%. Update the accuracy assessment on a regular basis (e.g., after each 5 to 10 new accuracy measurements).

8.4 The laboratory shall analyze duplicate samples for each drilling fluid type at a minimum of 20 percent (one sample for each five sample set). A duplicate sample shall consist of a well-mixed, representative aliquot of the sample.

8.4.1 Analyze one sample in the set in duplicate per the procedure beginning in section 10.

8.4.2 Compute the relative percent difference (RPD) between the two results per the following equation:

Equation 4:

$$RPD = \frac{(D1 - D2)}{(D + D2)/2} \times 100$$

where:

D1 = concentration of diesel in the sample

D2 = concentration of diesel oil in the second (duplicate) sample

8.4.3 The relative percent difference for duplicates shall meet the acceptance criteria in Table 5. If the criteria are not met, the analytical system shall be judged to be out of control, and the problem must be immediately identified and corrected, and the sample set reanalyzed.

8.5 Blanks—reagent water blanks are analyzed to demonstrate freedom from contamination.

8.5.1 Extract and concentrate a reagent water blank initially and with each sample set (samples started through the analysis on the same day, to a maximum of 5 samples). Analyze the blank immediately after analysis of the QC standard (section 6.6) to demonstrate freedom from contamination.

8.5.2 If any of the components of diesel oil or any potentially interfering compound is detected in a blank, analysis of samples is halted until the source of contamination is eliminated and a blank shows no evidence of contamination.

8.6 Comparison of gravimetric and disel oil measurements.

8.6.1 Compare the concentration of the oil content (section 14.1.2) determined gravimetrically with the diesel oil concentration determined by GCFID (section 14.2.2). If the diesel oil concentration exceeds the gravimetric oil concentration, the analysis has been performed improperly. Correct the error or repeat the sample analysis beginning with section 10.

8.7 The specifications contained in this method can be met if the apparatus used is calibrated properly, then maintained in a calibrated state. The standards used for initial (section 8.2) and ongoing (section 12.5) precision and recovery should be identical, so that the most precise results will be obtained. The GC instrument will provide the most reproducible results if dedicated to the seetings and conditions required for the analyses of the analyte given in this method.

8.8 Depending on specific program requirements, field replicates and field spikes of diesel oil into samples may be required to assess the precision and accuracy of the sampling and sample transporting techniques.

9 Sample Collection, Preservation, and Handling

9.1 Collect drilling fluid samples in wide-mouth glass containers following conventional sampling practices (reference 8).

9.2 Samples must be representative of the entire bulk drilling fluid. In some instances, composite samples may be required.

9.3 Maintain samples at 0 to 4 degrees C from the time of collection until extraction.

9.4 Sample and extract holding times for this method have not yet been established. However, based on tests of wastewater for the analytes determined in this method, samples shall be extracted within seven days of collection and extracts shall be analyzed within 40 days of extraction.

9.5 As a precaution against analyte and solvent loss or degradation, sample extracts are stored in glass bottles with Teflon lined caps, in the dark, at −20 to −10 degrees C.

10 Sample Extraction and Concentration

10.1 Retort

10.1.1 Tare the retort sample cup and cap to the nearest 0.1 g. Transfer a well homogenized and representative portion of the drilling fluid to be tested into the sample cup. Do not fill the retort cup to the top so that excess sample must be wiped off. Place the cap on the cup and reweigh. Record the weight of the sample to the nearest 0.1 g.

Note: On agitation, most drilling fluids entrain air as small bubbles. The extent of air entrainment is uncertain and is difficult to detect when the mud is poured into the retort cup. By weighing the drilling fluid, the quantitative detection of diesel oil is improved. In addition, by using a gravimetric measurement of the amount of sample, the retort cup does not need to be completely filled. This procedure avoids the error that occurs when the cup is filled and the oil rises to the surface of the sample and must be wiped off (as occurs if the manufacturer's instructions are followed), thus resulting in a loss of oil.

10.1.2 Follow the manufacturer's instructions for retort of the drilling fluid. Substitute 6 g of loosely packed glass wool for the steel wool in the manufacturer's instructions and distill the sample into a glass receiver. The presence of solids in the distillate require that the distillation be rerun starting with a new portion of sample. Placing more glass wool in the retort expansion chamber, per the manufacturer's instructions, will help prevent the solids from being carried over in the distillation.

10.1.3 QC standard—used for tests of initial (section 8.2) and ongoing (section 12.5) precision and accuracy. For the initial set of four samples (section 8.2) and for each set of samples started through the retort process on the same working day (to a maximum of five), prepare a QC sample as follows:

10.1.3.1 Place the QC standard (section 6.6) in the retort cup beginning in section 10.1.

10.1.3.2 Analyze the QC standard beginning with section 10.1.2 then proceeding to section 10.2.

10.1.4 Blank—For the initial set of four samples (section 8.2) and for each set of samples started through the retort process on the same working day (to a maximum of five), prepare a blank as follows:

10.1.4.1 Place 10 mL of reagent water in a clean, tared, retort cup and weigh to the nearest mg. Record the weight of the reagent water.

10.1.4.2 Analyze the blank beginning with section 10.1.2 then proceeding to section 10.2.

10.2 Extraction and drying.

10.2.1 After the distillation is complete, pour the retort distillate into a 60 mL separatory funnel. Quantitatively rinse the inner surfaces of the retort stem and condenser with methylene chloride into the separatory funnel. Rinse the receiver with two full receiver volumes of methylene chloride and add to the separatory funnel.

10.2.2 Stopper and shake the funnel for one minute, with periodic venting to prevent a buildup of gas pressure. Allow the layers to separate. Prepare a glass filtering funnel by plugging the botton with a piece of glass wool and pouring in 1 to 2 inches of anhydrous sodium sulfate. Alternatively, a drying column may be used. Wet the funnel or column with a small portion of methylene chloride and allow the methlyene chloride to drain to a waste container.

10.2.3 Place the glass filtering funnel or drying column into the top of a Kuderna-Danish (K–D) flask equipped with a preweighed 10 mL receiving flask. Add a preweighed boiling chip to the receiving flask. Drain the methylene chloride (lower) layer into the glass filtering funnel or drying column, and collect the extract in the K–D flask.

10.2.4 Repeat the methylene chloride extraction twice more, rinsing the retort with two thorough washings each time and draining each methylene chloride extract through the funnel or drying column into the K–D flask.

10.3 Concentration

10.3.1 Place a Snyder column on the K–D flask. Prewet the Snyder column by adding about one mL of methylene chloride to the top. Place the K–D apparatus on a hot water bath (60 to 65 degrees C) so that the concentrator tube is partially immersed in the hot water, and the entire lower rounded surface of the flask is bathed with hot vapor. Adjust the vertical position and the water temperature as required to complete the concentration in 15 to 20 minutes. At the proper rate of distillation, the balls of the column will actively chatter but the chambers will not flood with condensed solvent. Concentrate the sample until it is free of methylene chloride. Remove the K–D apparatus from the hot water bath and allow to cool.

10.3.2 Weigh and record the final weight of the receiving flask.

10.3.3 Dissolve the oil in methylene chloride and adjust the final volume to 1.0 mL. If the extract did not concentrate to a final volume of 1.0 mL or less, adjust the final volume to 10.0 mL.

11. Gas Chromatography

11.1 Table 3 lists the retention times that can be achieved under the conditions in Table 2 for the n-alkanes of interest. Examples of separations that can be achieved are shown in Figure 1.[1] Other retort devices, columns, chromatographic conditions, or detectors may be used if the estimated detection limits (section 1.4) and the requirements of section 8.2 are met.

11.2 Using a micropipet or microsyringe, transfer equal 100 μL volumes of the sample extract or QC standard extract (section 10.3.3) and the TCB internal standard solution (section 6.4) into a GC injection vial. Cap tightly and mix thoroughly.

11.3 Inject 1 μL of the sample extract or reference standard into the GC using the conditions in Table 2.

11.4 Begin data collection and the temperature program at the time of injection.

11.5 If the area of any peak exceeds the calibration range of the system, make a 10-fold dilution of the extract (section 10.3.3), mix a 100 μL aliquot of this dilute extract with 90 μL of the internal standard solution (section 6.4), and reanalyze.

12. System and Laboratory Performance

12.1 At the beginning of each working day during which analyses are performed, GC calibration is verified. For these tests, analysis of the 300 mg/mL calibration standard (table 1) shall be used to verify all performance criteria. Adjustment and/or recalibration (per section 7) shall be performed until all performance criteria are met. Only after all performance criteria are met may the QC standard, blank, and samples be analyzed.

12.2 Retention times

12.2.1 Retention time of the internal standard—the absolute retention time of the TCB internal standard shall be within the range of 7.96 to 8.08 minutes.

12.2.2 Relative retention times of the n-alkanes—the retention times of the n-alkanes relative to the TCB internal standard shall be within the limits given in table 4.

12.3 Calibration verification

12.3.1 Compute the response factor for each peak by the internal standard technique (section 7.2).

12.3.2 For each peak, compare the response factor with the response factor from the initial calibration (section 7.2.2). If all response factors are within ±15 percent of their respective values in the initial calibration, system calibration has been verified. If not, prepare a fresh calibration standard and repeat the test (section 12.1), or recalibrate (section 7).

12.4 Multiple GC peaks—each n-alkane shall give a single, distinct GC peak.

12.5 Ongoing precision and accuracy

12.5.1 Compute the oil content concentration and the concentration of diesel oil in the QC standard in each sample set (section 10.1.3) prior to analysis of any sample in the set.

12.5.2 Compare the concentration with the QC limit in Table 4. If the concentrations of oil content and of diesel oil in the QC standard meet the acceptance criteria, system performance is acceptable and analysis of samples may proceed. If, however, the concentrations do not meet the acceptance criteria, system performance is unacceptable. In this event, correct the problem, reprocess the sample set (section 10), and repeat the ongoing precision and accuracy test (sections 10.1.3 and 12.5).

12.5.3 Add results that pass the specifications in section 12.5.2 to initial and previous ongoing data. Update QC charts to form a graphic representation of continued laboratory performance. Develop statements of laboratory accuracy for oil content and diesel oil in drilling fluids by calculating the average percent recovery (R) and the standard deviation of percent recovery (s_r). Express the accuracy statement as a recovery interval from $R - 2S_r$ to $R2 + S_r$. For example, if $R = 95$ percent and $S_r = 5$ percent, the accuracy is 85 to 105 percent.

13. Qualitative Determination

If less than 10 GC peaks (excluding the solvent peak, the internal standard peak, and any peaks that elute prior to the TCB internal standard peak) are present in the analysis of the sample, and the QC tests (sections 8 and 12) for the sample set are acceptable, diesel oil is not present in the sample. If 10 or more GC peaks are present in the analysis of the sample, diesel oil is identified by comparing the relative retention times and relative areas of peaks from the analysis of the concentrated extract of a mud sample to the relative retention times and relative areas of peaks from the reference standard.

13.1 Relative retention times—the n-alkane peaks (table 3) shall be within the limits in table 3. If the relative retention times are not within these limits, repeat the analysis of the reference diesel oil and the analysis of concentrated extract of the mud sample and compare the relative retention times. If the relative retention times of the n-alkane peaks do not agree, the retention times of the 10 largest components that agree within ± 1 percent are used for the identification of diesel oil (per section 13.2) and for determination of the concentration of diesel oil in the mud sample (per section 14).

13.2 Distribution of peak area ratios (Reference 9)—diesel oil is further identified by comparing the distribution of the area ratios of peaks in the chromatogram of the calibration standard (section 6.5) to these same ratios in the chromatogram of the sample.

13.2.1 Compare the chromatograms of the calibration standard and the sample.

13.2.2 Select the 10 peaks largest in area in the chromatogram of the sample that are in relative retention time agreement with the corresponding peaks in the calibration standard (section 13.1) and appear to be unique to the calibration standard. Exclude the solvent peak, the internal standard peak, any peaks that elute prior to the internal standrd peak, and any multiplet and unresolved peaks. For most samples, these will be the n-alkane peaks.

13.2.3 Using the largest peak of the 10 peaks as reference, divide the area of each of

[1] Figure 1—Sample Chormatograms, is not published in the **Federal Register** but is available in the public docket. See "Addresses" section.

the other nine peaks by the area of this largest peak. Repeat this division process for the same 10 peaks in the calibration standard.

13.2.4 Compare the ratios of areas of the nine peaks in the sample with the respective ratios of the areas of the nine corresponding peaks in the reference standard.

13.2.4.1 If all of these ratios agree within ± 21 percent, diesel has been positively identified. The quantity of diesel oil is then determined per section 14.

13.2.4.2 If any of the ratios do not agree within ± 21 percent, an interference is suspected.

13.2.4.3 If other peaks can be found that agree in relative retention time (section 13.1) and in ratio (section 13.2.4.1), use these peaks for quantitation per section 14. If 10 peaks that agree cannot be found, Method 1625 (Revision C or greater) shall then be used to determine the presence and concentrations of the polynuclear aromatic hydrocarbons (PAH's) present in the sample.

14. Quantitative Determination

14.1 Oil content by gravimetry

14.1.1 Subtract the weight of the preweighed receiving flask and boiling chip (section 10.2.3) from the final weight of the receiving flask (section 10.3.2).

14.1.2 Calculate the concentration of oil content in the sample using the following equation:

Equation 5:

$$C\ (mg/kg) = \frac{W_f}{W_s} \times 1000$$

where:

W_f = final weight of oil in mg (from section 14.1.1)

W_s = wet weight of sample in grams (from section 10.1.1)

14.2 Diesel oil by gas chromatography

14.2.1 Compute the concentration of diesel oil in the sample extract using the combined response factor given in section 7.3.3 for the 10 largest peaks chosen in section 13 using the following equation:

Equation 6:

$$C_{ex}\ (mg/mL) = \frac{(C_{is})\ [A_{s(1)} + A_{s(2)} \ldots + A_{s(n)}]}{(A_{is})\ (RF\ combined)}$$

where:

C_{ex} is the concentration of the oil in the extract

14.2.2 Calculate the concentration of diesel oil (in mg/kg) in the same as follows:

Equation 7:

$$C\ (mg/kg) = \frac{(C_{ex})\ (V_{ex})}{(W_s)} \times 1000$$

where:

V_{ex} = final extract volume in mL (from section 10.3.3 or 14.2.3)

W_s = wet weight of sample in grams (from section 10.1.1)

14.2.3 If the area of any peak in the chromatographic pattern exceeds the calibration range of the GC, the extract is diluted by a factor of 10 with methylene chloride, 100 uL is withdrawn and mixed with 90 uL of the international standard solution (section 6.4) and the diluted extract is reanalyzed.

14.3 Results of analyses of drilling fluids are reported in units of mg/kg (wet weight) to three significant figures. Results for samples that have been diluted are reported at the least dilute level at which the peak areas are within the calibration range (section 14.2.3).

15. Complex Samples.

15.1 The most common interference in the determination of diesel oil is from mineral oil in the drilling fluid (see sections 3 and 13). Drilling fluids may also contain proprietary lubricity additives that can interfere with the identification and quantification of diesel oil.

15.2 The presence of mineral oil or other interfering oils and additives can often be determined by comparing the pattern of chromatographic peaks in the sample with the patterns of chromatographic peaks in the reference standard (sections 6.5 and 10.1.3) and in the spiked sample (section 8.3).

15.3 In cases where there is a mixture of diesel and mineral oil, the analyst may have to choose some of the smaller early or late eluting peaks present in the chromatographic pattern of the diesel oil, and not present in the chromatographic pattern of the mineral oil, to determine the diesel content. Quantification using these peaks is performed by using these peaks for calibration (section 7) and for determination of the final concentration (section 14).

16. Method Performance.

16.1 This method was developed by two laboratories that tested for diesel oil drilling fluids (mainly drilling muds) over a two-year period. The performance data for this method are based on the performance of the method in these two laboratories (reference 10).

16.2 The most commonly occurring drilling fluid in the tests of this method was a seawater lignosulfonate mud (EPA Generic Mud No. 8). The estimated detection limit for diesel oil in this mud is 100 ug/kg.

References:

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6. Available through the EPA Sample Control Center, P.O. Box 1407, Alexandria, VA 22313 (703–557–5040).

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TABLE 1.—CONCENTRATION OF CALIBRATION STANDARDS

Expected concentration in sample	Wt of Diesel oil in 10 mL volumetric [1] (g)	Concentration in standard
50,000 mg/kg	use undiluted oil	
30,000 mg/kg	7.6	760 mg/mL.
10,000 mg/kg	3.0	300 mg/mL.
5,000 mg/kg	1.5	150 mg/mL.
2,000 mg/kg	0.6	60 mg/mL.

[1] Weigh oil to the nearest mg.

Table 2.—Gas Chromatographic Operating Conditions—Method 1651 [1]

Injection port, transfer line, and detector temperatures=275 deg. C
Column temperature program:
Initial temperature: 90 deg. C
Initial time: 0 minute
Ramp: 90–250 deg. C at 5 deg. C per minute
Final temperature: 250 deg. C
Final hold: 10 minutes or until all peaks have eluted.
Carrier gas and flow rates:
Carrier: nitrogen or helium
Velocity: 20–40 cm/sec at 90 deg. C
Split ratio: 80:1–120:1
Makeup gas: as required by manufacturer
Hydrogen and air flow rates: as specified by manufacturer
Detector amplifier settings: 10–11 amp full scale.
Attenuation is
Adjusted so that the highest peaks are on scale in the most concentrated standard.
Recorder: Chart speed of 1–2 cm/min (fixed).

[1] Conditions are approximate and can be adjusted to meet the performance criteria in section 12.

TABLE 3.—RETENTION TIMES AND RELATIVE RETENTION TIME LIMITS FOR MAJOR COMPONENTS OF DIESEL OIL—METHOD 1651

Compound	Retention time	
	Mean	Relative
TCB	8.0	1.00 to 1.00
n-C12	9.9	1.22 to 1.24
n-C13	12.6	1.55 to 1.57
n-C14	15.3	1.89 to 1.92
n-C15	17.9	2.21 to 2.25
n-C16	20.4	2.52 to 2.56
n-C17	22.9	2.82 to 2.88
n-C18	25.2	3.12 to 3.15
n-C19	27.3	3.39 to 3.43
n-C20	29.4	3.66 to 3.71
n-C21	31.5	3.90 to 3.97
n-C22	33.4	4.14 to 4.21
n-C23	35.3	4.37 to 4.45
n-C24	37.1	4.58 to 4.59

TABLE 4.—QC ACCEPTANCE CRITERIA FOR PRECISION AND RECOVERY—METHOD 1651

Analyte	Test concentration (mg/kg)	Limit for s (mg/kg)	Range for X (mg/kg)	Range for P (mg/kg)
Oil Content	20,000	3,400	18,000 to 23,700	16,700 to 24,900
By gravimtry	[1] n	0.17n	0.88n to 1.16n	0.82n to 1.22n
Diesel oil by GC	20,000	3,600	17,200 to 20,300	13,600 to 21,400
	[1] n	0.18n	0.80n to 1.08n	0.73n to 1.14n

[1] For other test concentrations in the range of 1,000–50,000 mg/kg, assuming a spike to background ratio of 5:1.

TABLE 5.—QC ACCEPTANCE CRITERIA FOR DUPLICATES—METHOD 1651

Concentration detected (mg/kg)	Relative percent difference	
	Oil content	Diesel oil
500	36	94
750	30	68
1,000	28	54
2,000	24	34
5,000	21	22
10,000	21	18
20,000	20	16
50,000	20	15

Appendix B—Minimal Volume Static Sheen Test

1. Scope and Application

This method is to be used as a compliance test for the "no discharge of free oil" requirement for discharges of drilling fluids, drill cuttings, deck drainage, produced sand, and well treatment fluids. Free oil refers to any oil contained in a water steam that when discharged will cause a film or sheen on or a discoloration of the surface of the receiving water.

2. Summary of Method

Samples of drilling fluids, deck drainage, or well treatment fluids (5 mL) and samples of drill cuttings or produced sand (15 g, wet weight basis) are introduced into a 125 mL sample container (surface area approximately 26.5 cm^2, or 4.1 in^2) with test water from a drinking-quality water source. Fluid samples are introduced by automatic pipet into the container after filling with test water; samples of solids are introduced prior of adding test water. Minimum agitation is required when adding the fluid sample or the receiving water. Observations are made immediately and five minutes later. To aid in interpretation, an oil-fee drilling fluid blank and a 0.5% (v/v) oil-contaminated drilling fluid standard are tested concurrently with effluent samples. Observations are made to ascertain if these materials cause a sheen, iridescence, gloss, or increased reflectance on the surface of the test water. The occurrence of any of these visual observations will constitute a demonstration that the tested material contains "free oil", and therefore, results in a prohibition on its discharge into receiving waters.

3. Interferences

Residual "free oil" adhering to sampling containers and the stainless steel spatual used to transfer drill cuttings or produced sand will be the principla sources of contamination problems. These problems should only occur if improperly washed and cleaned equipment are used for the test. The use of disposable equipment minimizes the potential for similiar contamination from pipets and test containers.

4. Apparatus, Materials, and Reagents

4.1 *Apparatus*

4.1.1 Sampling containers—1 L polyethylene screw-cap containers.

4.1.2 Graduated cylinder—100 mL graduated cylinder required only for operations where predilution of mud discharges is required.

4.1.3 Triple-beam scale

4.1.4 Automatic pipet capable of delivering 5 mL volumes of test samples, and disposable polypropylene pipet tips. (Equivalent to Oxford MACRO–SET 5–10 mL transfer pipet, product number 8885–890502 and MACRO–SET 5–10. mL pipet tips, approximately 132 mm x 11 mm, product number 8885–081508.)

4.1.5 Stainless steel spatual

4.1.6 Test container—120 mL (4 oz) polypropylene or polyethylene specimen or sample cups, with or without screw-cap covers; approximate dimensions 72 mm high x 60 mm top diameter (od) 48 mm bottom diameter (od). Surface area is approximately 26.5 cm^2 (29 mm id). (Equivalent to Fisherbrand 118 mL clear polypropylene screw-cap containers, product number 14–375–112A or Lab-Tek 4 oz polyethlyene disposable cups, product number 4719.)

4.2 *Materials and Reagents*

4.2.1 Test water—from a drinking-quality water source.

4.2.2 Oil-free generic drilling fluids.

4.2.3 Samples of diesel oil or mineral oil, added either directly or as a component of a complex additive, or diesel oil from the rig's fuel supply.

5. Calibration

None currently specified.

6. Quality Control Procedures

Both negative control and positive control samples are tested concurrently with the effluent test sample. The negative control consists of an oil-free sample of the type of generic mud that is being used at the time that sampling was performed. The positive control is this same generic mud to which a 0.5% (v/v) spike of oil has been freshly added (within 12 hours, if tightly sealed in a screw-capped container; within 1 hour if left open to air). The added oil should be one of the following: (a) If no oil or oil-based additives have been used in the mud system, diesel oil from the rig's fuel supply; (b) if a specific diesel or mineral oil has been used in the mud system, a sample of that oil.

7. Sample Collection and Handling

7.1 Sampling containers must be thoroughly washed with detergent, rinsed a minimum of three times with fresh water, and allowed to air dry before samples are collected.

7.2 Samples of drilling fluid must be obtained once per day from the active mud pit; the sample volume should range between 200 mL and 500 mL.

7.3 Samples of drill cuttings or produced sand must be obtained from each type of solids control equipment from which discharges occur on any given day prior to addition of any washdown water; samples should range between 200 g and 500 g.

7.4 Samples of deck drainage or well treatment fluids must be obtained from holding facility prior to discharge; the sample volume should range between 200 mL and 500 mL.

7.5 Samples must be tightly sealed with screw-cap enclosures immediately after sample collection and tested no later than 1 hour after collection.

7.6 If predilution is imposed as a permit condition, drilling fluid samples must be diluted at the same ratio with the same prediluting water as the discharged muds until the slurry is homogenously mixed. Muds should be mixed in screw-cap sampling containers by shaking.

8. Procedure

8.1 Test water that will be used as "receiving water" in the test must be obtained from a drinking-quality source of water. The test container must have an air to liquid interface area of 26.5±2.5 cm^2. The surface of the water should be no more than 1 cm below the top of the test container.

8.2 Drilling fluid materials, well treatment fluids, or deck drainage must be sampled by introducing the disposable pipet tip of the automatic pipet 1.5 inches below the surface of the effluent. Fluid is withdrawn from the effluent sample and carefully transferred to the test container without cleaning or scraping the pipet tip or touching it to the sides of either the effluent sample container or the test container. The pipet tip must be introduced into the test water at least 1.5 inches below its surface level and the test material then slowly injected into the test water. Care must be taken to keep the pipet tip as stationary as possible while expelling the sample to avoid creating turbulence in the test container. Care also must be taken to avoid discharging air bubbles, which can occur especially for viscuous muds, and which generally occur when most of the sample has been expelled. Test containers and pipet tips must be used only once and discarded.

8.3 Drill cuttings or produced sand should be transferred from the sampling container directly into test containers. Test containers should be tared and 15 g of wet solids added to the container. Test water should be added slowly; the container should be tipped slightly so that water can be added along the wall of the container and not directly onto the solids material at the bottom of the container.

8.4 Observations must be made immediately and 5 minutes after the test material is transferred to the test container. Viewing points above the test container should be made from at least 3 perspectives of the test container, at viewing angles of approximately 60° and 30° from the horizontal. Illumination of the test container must be representative of adequate lighting for a working environment to conduct routine laboratory procedures. The order for the testing should be (1) the negative control, (2) the positive control, (3) the test sample(s).

8.5 Detection of a "silvery" or "metallic" sheen, gloss, or increased reflectivity; visual color; or iridescence on the surface of the test water shall constitute a demonstration of "free oil." These visual observations include droplets, patches, streaks, or sheets of such altered surface characteristics. Generally, the appearance of free oil, as oil content increases, will proceed from droplets to swirls or streaks, to patches or sheets. With increasing time, the larger surface forms generally break down into the smaller forms, i.e., sheets will cast off swirls, which further disaggregate into droplets. Irridescence, i.e., a multi-color appearance of the oil film, is generally a transient phenomenon. It may occur immediately after the test material is added (or test water in the case of effluent solids), but as the film spreads and its thickness decreases, color will degenerate into a "silvery" appearance, or areas of increased light reflectance.

Addendum

Section 8.5—Interpretation

Several interferences in detecting a sheen can occur with drilling fluids. Two of these are bubbling or foaming in the test container and particulate surface deposits. Bubbles may be formed when pipetting the test sample into test water (especially for viscous muds) and some muds (e.g., lime muds) may foam or effervesce for a short time when added to test water.

Bubbles may interfere with the ability to detect oil, leading to false negative responses. Care must be taken to carefully observe the instant that the pipette tip touches the surface of the test water and the first few seconds thereafter. However, it is also useful to wait a minute or two and recheck the test containers to determine if a sheen has developed after foaming has stopped and bubbles have broken. The appearance of a sheen must persist for at least 30 seconds before it may be scored as a positive result.

Particulate surface deposits also interfere with interpreting sheen test results, leading to false positive results. This interference occurs when drilling fluid fines remain at the surface of the test water, normally occurring for the first 15–30 seconds, after which time they sink into the test water. Some fines do not sink, however. Generally these can be differentiated from oil sheens because fines have a "flat" appearance whereas oil sheens have a glossy or more reflective appearance. Also, oil sheens tend to "disappear" when the viewing angle is changed away from the angle of reflected light. Surface patches of particulate fines, on the other hand, tend to appear as darkened patches, or shadow-like appearances regardless of the viewing angle.

[FR Doc. 89–23722 Filed 10–13–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

First Interstate Corporation, 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 October 30, 1989.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Interstate Corporation of Wisconsin,* Kohler, Wisconsin, and FIB Acquisition, Inc., Kohler, Wisconsin; to acquire 100 percent of the voting shares of First Illini Bancorp, Inc., Galesburg, Illinois, and thereby indirectly acquire Abingdon Bank and Trust Company, Abingdon, Illinois; Community Bank and Trust Company, Canton, Illinois; First Galesburg Bank and Trust Company, Galesburg, Illinois; and Madison Park Bank, Peoria, Illinois. In connection with this application, FIB Acquisition, Inc. also proposes to become a bank holding company.

2. *First State Bank of Monticello, Inc.,* Monticello, Illinois; to acquire 100 percent of the voting shares of Busey Bank of McLean County, Heyworth, Illinois.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First SCK Financial Corporation,* Anthony, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Anthony, Anthony, Kansas.

Board of Governors of the Federal Reserve System, October 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24320 Filed 10-13-89; 8:45 am]

BILLING CODE 6210-01-M

Greenwood's Bancorporation, Inc., et al., Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 3, 1989.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Greenwood's Bancorporation, Inc.,* Lake Mills, Wisconsin; to engage *de novo* through its subsidiary, Greenwood's Financial Services, Inc., Lake Mills, Wisconsin, in insurance agency activities in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in the trade area for the community of Lake Mills, Wisconsin.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens National Bank Corporation,* Tell City, Indiana; to engage *de novo* through its subsidiary, Citizens National Life Insurance Company, Tell City, Indiana, in reinsuring credit life and disability insurance directly related to extensions of credit made by the Applicant and its subsidiary bank pursuant to § 225.25(b)(8)(i) (A) and (B) of the Board's Regulation Y. These activities will be conducted in and around Tell City, Indiana.

Board of Governors of the Federal Reserve System, October 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24321 Filed 10-13-89; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Southwest Georgia Financial Corp. et al

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they 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 indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 30, 1989.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Southwest Georgia Financial Corporation Employee Stock Ownership Plan and Trust,* Moultrie, Georgia; to

acquire an additional 15.2 percent of the voting shares of Southwest Georgia Financial Corporation, Moultrie, Georgia, for a total of 24.52 percent, and thereby indirectly acquire Moultrie National Bank, Moultrie, Georgia.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Joseph D. Reid,* Okemos, Michigan; to acquire 14.99 percent of the voting shares of Capitol Bancorp, Ltd., Lansing, Michigan, and thereby indirectly acquire Capitol National Bank, Lansing, Michigan.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Sidney Azeez,* Jupiter, Florida; to acquire an additional 6.2 percent of the voting shares of The Regional Bank of Rifle, Rifle, Colorado, for a total of 29.2 percent.

2. *James M. Jenkins,* Trustee, Kansas City, Missouri; to acquire 32.01 percent of the voting shares of Third Bancshares Corporation, Sedalia, Missouri, and thereby indirectly acquire Third National Bank of Sedalia, Sedalia, Missouri.

D. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Arthur Temple,* Diboll, Texas; to acquire 21.36 percent of the voting shares of First Community Financial Corporation, Lufkin, Texas, and thereby indirectly acquire Community State Bank, Lufkin, Texas.

2. *Arthur Temple,* Diboll, Texas; to acquire 12.2 percent of the voting shares of Diboll State Bancshares, Inc., Diboll, Texas, and thereby indirectly acquire Diboll State Bank, Diboll, Texas, and Peoples National Bank, Lufkin, Texas.

3. *Arthur Temple,* Diboll, Texas; to acquire 5.13 percent of the voting shares of Pineland Bancshares, Inc., Pineland, Texas, and thereby indirectly acquire Pineland State Bank, Pineland, Texas.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Roy Doumani,* Beverly Hills, California; Gerald L. Parsky, Los Angeles, California; William E. Simon, Morristown, New Jersey; and Larry B. Thrall, Beverly Hills, California; to acquire an additional 31.19 percent of the voting shares of World Trade Bancorp, Beverly Hills, California, for a total of 61.09 percent, and thereby indirectly acquire World Trade Bank, N.A., Beverly Hills, California.

Board of Governors of the Federal Reserve System, October 10, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24322 Filed 10-13-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: Detroit District Office, chaired by Carl C. Reynolds, District Director. The topic to be discussed is food labeling.

DATES: Wednesday, November 15, 1989, 7:30 p.m. to 8:30 p.m.

ADDRESSES: George Potter Larrick Bldg., Conference Rm., 1560 East Jefferson Ave., Detroit, MI 48207.

FOR FURTHER INFORMATION CONTACT: Evelyn DeNike, Consumer Affairs Officer, Food and Drug Administration, 1560 East Jefferson Ave., Detroit, MI 48207, 313-226-6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-24259 Filed 10-13-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: Minneapolis District Office, chaired by John Feldman, District Director. The topic to be discussed is food labeling.

DATES: Monday, November 13, 1989, 1 p.m. to 3 p.m.

ADDRESSES: Mount Mary College, Notre Dame Hall, Multi-purpose Rm., 2900 North Menomonee River Pkwy., Milwaukee, WI 53222.

FOR FURTHER INFORMATION CONTACT: Don Aird, Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-334-4103.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-24260 Filed 10-13-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: Boston District Office, chaired by Edward McDonnell, District Director, in cooperation with the Cooperative Extension Service. The topic to be discussed is proposed food labeling requirements.

DATES: Friday, November 10, 1989, 10 a.m. to 11:30 a.m.

ADDRESSES: Extension Center, 70 Pierce St., East Greenwich, RI 02818.

FOR FURTHER INFORMATION CONTACT: Paula Fairfield, Consumer Affairs Officer, Food and Drug Administration, One Montvale Ave., Stoneham, MA 02180, 617-279-1479.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-24261 Filed 10-13-89; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: St. Louis Branch Office, chaired by Raymond K. Hedblad, Director. The topic to be discussed is food labeling.

DATES: Tuesday, November 14, 1989, 1 p.m. to 4 p.m.

ADDRESSES: St. Louis Community College at Florissant Valley, Student Center, Multi-purpose Rm., 3400 Pershall Rd., St. Louis, MO 63135.

FOR FURTHER INFORMATION CONTACT: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 Collins Alley, St. Louis, MO 63102, 314–425–5021.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–24262 Filed 10–13–89; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: Detroit District Office, chaired by Carl C. Reynolds, District Director. The topic to be discussed is proposed food labeling requirements.

DATES: Friday, November 17, 1989, 10 a.m.

ADDRESSES: Marion County Central Library, Cospey Auditorium, 40 East St. Clair St., Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Evelyn DeNike, Consumer Affairs Officer, Food and Drug Administration, 1560 East Jefferson St., Detroit, MI 48207, 313–226–6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–24263 Filed 10–13–89; 8:45 am]

BILLING CODE 4160–01–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: St. Louis Branch Office, chaired by Raymond K. Hedblad, Director. The topic to be discussed is food labeling.

DATES: Wednesday, November 29, 1989, 5:15 p.m. to 8 p.m.

ADDRESSES: Cedar Rapids Board of Education, Board Rm., 346 Second Ave., Cedar Rapids, IA 52406.

FOR FURTHER INFORMATION CONTACT: Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 Collins Alley, St. Louis, MO 63102, 314–425–5021.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–24264 Filed 10–13–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88N–0201]

International Drug Scheduling; Convention on Psychotropic Substances; Certain Benzodiazepine Drugs; Certain Controlled Substances Analog Drugs; Delta-9-THC

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing interested persons with the opportunity to submit written comments and to request an informal public meeting concerning recommendations by the World Health Organization (WHO) to impose international manufacturing and distributing restrictions, pursuant to international treaties, on certain drug substances. The comments received in response to this notice and/or public meeting will be considered in preparing the U.S. position on these proposals for a meeting of the Commission on Narcotic Drugs (CND) in Vienna, Austria in February 1990. This notice is issued pursuant to the Controlled Substances Act (CSA).

DATES: Comments by November 15, 1989; requests for a public meeting and the reasons for such a request by October 31, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests for a public meeting and the reasons for such a request to Nicholas P. Reuter (address below).

FOR FURTHER INFORMATION CONTACT: Nicholas P. Reuter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (the Convention). Article 2 of the Convention provides that if WHO has information about a substance which in its opinion may require international control or change in such control, it shall so notify the Secretary-General of the United Nations and provide the Secretary-General with information in support of its opinion. Section 201(d)(2)(B) of the CSA (21 U.S.C. 811(d)(2)(B)) provides that when the United States is notified under Article 2 of the Psychotropic Convention that the CND proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete It from the schedules, the Secretary of State shall transmit the notice to the Secretary of Health and Human Services (HHS). The Secretary of HHS shall then publish the notice in the **Federal Register** and provide opportunity for interested persons to submit comments respecting the scientific and medical evaluation which the Secretary is to prepare respecting the drug or substance.

In 1988, the Secretary received notifications on 14 drug substances. Notices published in the **Federal Registers** of March 29, 1988 (53 FR

10155), June 15, 1988 (53 FR 22386), and August 17, 1988 (53 FR 31101), solicited information on these substances that was eventually forwarded to WHO. This information was used by WHO to prepare reports on each substance. These reports were deliberated by WHO's 26th Expert Committee on Drug Dependence (ECDD) in April 1989. As detailed below, the ECDD recommended no change in the international scheduling status of three substances but recommended that four substances be added to the schedules of the Convention on Psychotropic Substances and that one substance be transferred from Schedule I to Schedule II.

A. Substances Reviewed and Not Recommended for Control

The 26th session of the ECDD, which met April 17 through 22, 1989, decided not to recommend changing the international scheduling status of the following three substances: brotizolam; etizolam; and quazepam. The United States is not required to take any further action on these substances.

B. Substances Reviewed and Recommended for Control

1. *Midazolam.* WHO has recommended that midazolam be added to Schedule IV of the Psychotropic Convention. Midazolam is marketed in the United States and is currently controlled in Schedule IV of the CSA.

2. *Analogs of MDA.* WHO has recommended that *N*-hydroxy MDA, *N*-ethyl MDA (MDE), and 4-methylaminorex ((±)—*cis*—2-amino-4-methyl-5-phenyl-2-oxazoline) should be added to Schedule I of the Psychotropic Convention. All three of these substances are controlled domestically in Schedule I of the CSA.

3. *Delta-9-THC.* In 1987, the U.S. Government transmitted a petition to the Secretary-General requesting that the substance *delta*-9-THC be transferred from Schedule I to Schedule II of the Psychotropic Convention. At that time "tetrahydrocannabinols, all isomers" were listed under control in Schedule I of the Convention. The U.S. petition followed the approval, in 1986, of the drug product Marinol, which contained *delta*-9 tetrahydrocannabinol (*delta*-9-THC) (specifically dronabinol, or synthetic (−)-*delta*-9-(*trans*)-THC) as the active ingredient. According to the United Nations Notification (discussed below), the specific isomer dronabinol (or (−)-*trans-delta* THC) is controlled under Schedule I of the Psychotropic Convention. After reviewing the available data, WHO has accepted the U.S. Government petition as it pertains to (−)-*trans-delta*-9-THC and recommended that the specific isomer (−)-*trans-delta*-9-THC be transferred from Schedule I to Schedule II of the Psychotropic Convention.

4. *Fentanyl analogs.* WHO has recommended that six fentanyl analogs be added to Schedules I and IV of the Single Convention on Narcotic Drugs. Because WHO is not recommending that these six drugs be controlled under the Psychotropic Convention, they are not included in this notice.

The full text of the notifications from the Secretary-General of the United Nations is provided below in section II of this notice. Section 201(d)(2)(B) of the CSA (21 U.S.C. 811(d)(2)(B)) requires the Secretary of HHS, after receiving a notification proposing scheduling to publish a notice in the **Federal Register**, to provide the opportunity for interested parties to submit information and comments on the proposed scheduling action.

II. United Nations Notifications

The formal United Nations notifications which identify the five drug substances and explain the basis for the recommendations are reproduced below.

A. Notification on Midazolam and Analogs of MDA Reference: NAR/CL.15/1989

DND 411/211 11SS

DND 411/1(2) WHO/ECDD 26

The Secretary General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to inform the Government that the World Health Organization, pursuant to article 2, paragraphs 1 and 4, of the Convention on Psychotropic Substances, has notified the Secretary-General by notes dated 3 June 1989 that it is of the opinion that the substance *midazolam* (8 chloro-6-(*o*-fluorophenyl)-l-methyl-4*H*-imidazol[1,5-*a*][1,4]-benzodiazepine) should be included in Schedule IV of that Convention and that the three substances *N-hydroxy MDA*-((±)-*N*-[*alpha*-methyl-3-4-(methylenedioxy)phenethyl] hydroxylamine)), *N-ethyl MDA* ((±)-*N*-ethyl-*alpha*-methyl-3,4-(methylenedioxy)phenethylamine)) and *4-methylaminorex* ((±)-*cis*-2-amino-4-methyl-5-phenyl-2-oxazoline)) should be included in Schedule I of that Convention.

In accordance with the provisions of article 2, paragraph 2, of the Convention, the Secretary-General hereby transmits the texts of those four notifications as annex I to the present note.

The Director-General of the World Health Organization, in connection with the notifications, has also submitted advance excerpts from the report of the Twenty-sixth WHO Expert Committee on Drug Dependence (17–22 April 1989) which reviewed these substances, *inter alia*, for possible international control. The excerpts from that report, concerning the four substances recommended for scheduling, are hereby transmitted as annex II.

In accordance with provisions of article 2, paragraph 2, of the Convention on Psychotropic Substances, the notifications from the World Health Organization will be brought to the attention of the Commission on Narcotic Drugs at its next session. Any action or decision taken by the Commission with respect to this notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course. Article 2, paragraph 5, reads as follows:

"The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources."

In order to assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible scheduling of the four substances indicated in Annex I could be communicated to the Secretary-General, c/o the Division of Narcotic Drugs, P.O. Box 500, A–1400 Vienna, Austria, by 13 October 1989.

18 August 1989

Annex I

Notes dated 3 June 1989 addressed to the Secretary-General by the Director-General of the World Health Organization

N-hydroxy MDA. The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, reviewed information pertaining to (±)-*N*-[*alpha*-methyl-3-4-(methylenedioxy)phenethyl]hydroxylamine and referred to as *N*-hydroxy MDA or N–OH MDA.

N-hydroxy MDA meets the criteria of Article 2, paragraph 4(a) of the Convention, and there is sufficient evidence that the substance is, or is likely to be, abused so as to constitute a public health and social problem warranting placing it under international control.

Therefore, the World Health Organization recommends that *N*-hydroxy MDA be added to Schedule I of the Convention on Psychotropic Substances, 1971.

N-ethyl MDA. The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, reviewed information pertaining to (±)-*N*- ethyl-*alpha*-methyl-3,4-(methylenedioxy)phenethylamine and referred to as *N*-ethyl MDA or MDE.

N-ethyl MDA meets the criteria of Article 2, paragraph 4(a) of the Convention, and there is sufficient evidence that the substance is, or is likely to be, abused so as to constitute a public health and social problem warranting placing it under international control.

Therefore, the World Health Organization recommends that *N*-ethyl MDA be added to Schedule I of the Convention on Psychotropic Substances, 1971.

4-methylaminorex. The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, reviewed information pertaining to (±)-*cis*-2-amino-4-methyl-5-phenyl-2-oxazoline and referred to as (±)-*cis*-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine or 4-methyl*aminorex*.

4-Methyl*aminorex* meets the criteria of Article 2, paragraph 4(a) of the Convention, and there is sufficient evidence that the substance is, or is likely to be abused so as to constitute a public health and social problem warranting placing it under international control.

Therefore, the World Health Organization recommends that 4-methyl*aminorex* be added to Schedule I of the Convention on Psychotropic Substances, 1971.

Midazolam. The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations and has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraphs 1 and 4 of the Convention on Psychotropic Substances, 1971, reviewed information pertaining to midazolam (INN) and defined as 8-chloro-6-(*o*-fluorophenyl)-1-methyl-4*H*-imidazo[1,5-*a*] [1,4]-benzodiazepine.

Midazolam meets the criteria of Article 2, paragraph 4(a) of the Convention, and there is sufficient evidence that the substance is, or is likely to be, abused so as to constitute a public health and social problem warranting placing it under international control.

Therefore, the World Health Organization recommends that midazolam be added to Schedule IV of the Convention on Psychotropic Substances, 1971.

Annex II

Summary of the Recommendations arising out of the 26th Expert Committee on Drug Dependence

The 26th ECDD met at headquarters between 17–22 April 1989. Since the report of this meeting will be published in due course of time in T.R. Series, this paper gives details of the recommendations made to the Director-General of WHO.

Analogues of MDA

N-Hydroxy MDA—Substance identification. (±)-N-hydroxy MDA (CAS 74698–47–8), chemically *N*-[*alpha*-methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine, is also known as 3,4-methylenedioxy-*N*-hydroxyamphetamine, *N*-hydroxy-3,4-methylenedioxyamphetamine, N-OH-MDA, *N*-hydroxy-3,4-methylenedioxphenylisopropylamine and 1-(3,4-methylenedioxyphenyl)-2-hydroxyaminopropane. There is one chiral carbon atom in the molecule so that two stereoisomers and one racemate are possible.

Similarity to already known substances and effects on the central nervous system. In rodent studies, (±)-N-hydroxy MDA was shown to be a psychomotor stimulant. In drug discrimination studies in rats, the substance did not generalize to either *d*-amphetamine or (±)-1-(2,5-dimethoxy-4-methylphenyl)-2-aminopropane (DOM). In humans, it was reported to have psychotomimetic activity at relatively high doses.

Dependence potential. In self-administration studies in the baboon, (±)-N-hydroxy MDA was reinforcing. The substance produced an amphetamine-like pattern of intake. The same laboratory previously reported that (±)-*N*-methyl-*alpha*-methyl-3,4-(methylenedioxy)phenethylamine (MDMA) was self-administered by baboons in a similar experiment.

Actual abuse and/or abuse liability likelihood of abuse. No data is available on actual abuse. (±)-N-hydroxy MDA has been identified in illicit traffic both in the USA and Europe. Clandestine production has been reported.

Therapeutic usefulness. There is no known therapeutic usefulness for (±)-N-hydroxy MDA.

Recommendation. On the basis of the data concerning its pharmacological profile, dependence potential, and actual abuse, the Committee rated the likelihood of abuse of (±)-N-hydroxy MDA as moderate. The degree of seriousness of the public health and social problems associated with the substance was found to be low at the present time and it has no known therapeutic usefulness.

The Committee found that there was sufficient evidence that (±)-N-hydroxy MDA is being, or is likely to be, abused so as to constitute a public health and social problem warranting the placing of the substance under international control.

In the light of this assessment, the Committee recommends that (±)-N-hydroxy MDA be controlled under Schedule I of the Convention on Psychotropic Substances, 1971.

N-Ethyl MDA (MDE)—Substance identification. (±)-*N*-ethyl MDA (MDE) (CAS 14089–52–2), chemically *N*-ethyl-*alpha*-methyl-3,4- (methylenedioxy)phenethylamine is also known as 3,4-methylenedioxy-*N*-ethylamphetamine, *N*-ethyl-3,4-methylenedioxyamphetamine, Eve, MDEA, N-ethyl-3,4-methylenedioxyphenylisopropylamine, 1-(3,4-methylenedioxyphenyl)-2-*ethylaminopropane* and 3,4-methylenedioxyethamphetamine. There is one chiral carbon atom so that two stereoisomers and one racemate are possible.

Similarity to already known substances and effects on the central nervous system. (±)-N-ethyl MDA has psychomotor stimulating properties in rodents and produces neurotoxicity which results from its damaging effect on serotonergic systems in the brain. In discrimination studies in rats, (±)-N-ethyl MDA generalizes to MDMA but not to *d*-amphetamine or DOM. Psychotromimetic effects have been observed in humans. Thus, (±)-N-ethyl MDA has a pharmacological profile similar to that of MDMA.

Dependence potential. In a baboon self-administration study, (±)-N-ethyl MDA was found to have reinforcing properties. There are no studies available on dependence potential in human subjects.

Actual abuse and/or abuse liability (likelihood of abuse). There is evidence from the Drug Abuse Warning Network (DAWN, USA) data for abuse, and two deaths have been reported in which (±)-N-ethyl MDA was detected in body fluids, along with other drugs. The substance has been identified in drug seizures in the USA, Canada and the Federal Republic of Germany. Clandestine production has been demonstrated. There is some evidence that (±)-N-ethyl MDA may pose a significant risk to public health due to its neurotoxicity.

Therapeutic usefulness. There is no known therapeutic usefulness for (±)-N-ethyl MDA.

Recommendation. On the basis of the available data concerning its pharmacological profile, dependence potential and actual abuse, the Committee rated the likelihood of abuse of (±)-N-ethyl MDA as moderate. The degree of seriousness of the public health and social problems associated with the substance was found to be high and it has no known therapeutic usefulness.

In the light of this assessment, the Committee recommends that (±)-N-ethyl MDA be controlled under Schedule I of the Convention on Psychotropic Substances, 1971.

Analogue of aminorex

4-Methyl aminorex—Substance identification. 4-methyl *aminorex* (CAS 3568 94–3), chemically 2-amino-4-methyl-5-phenyl-2-oxazoline is also known as McN-822, euphoria, U4Euh, ICE, *d,1-cis*-2-amino-4-methyl-5-phenyl 2-oxazoline, *d,1-erythro*-2-amino-4-methyl-5-phenyl-2-oxazoline, (±)-*cis*-2-amino-4-methyl-5-phenyl-2-oxazoline and (±)-*erythro*-2-amino-4-methyl-5-phenyl-2-oxazoline. There are two chiral carbon atoms so that four stereoisomers and two racemates are possible.

Similarity to already known substances and effects on the central nervous system . 4-methyl *aminorex* (*cis* racemate) is a potent psychomotor stimulant. Its actions are similar to those produced by amphetamine. It stimulates spontaneous activity in mice, has sympathomimetic and central stimulating effects in dogs and generalized to *d*-amphetamine in discrimination studies in rats. Its potency is about one-half that of *d*-amphetamine and it produces a lower degree of stimulation.

Dependence potential. In self-administration studies in rhesus monkeys 4-methyl *aminorex* (*cis* racemate) had potent reinforcing activity. All animals self-administered the substance at rates comparable to that of cocaine. No human studies are available concerning the dependence liability of 4-methyl *aminorex* (*cis* racemate).

Actual abuse and/or abuse liability (likelihood of abuse). No epidemiological

data of actual abuse is available but there have been individual case reports. One death has been reported with significant blood levels of 4-methyl *aminorex* (*cis* racemate) and diazepam. There is evidence of illicit traffic in the USA and clandestine production has been demonstrated.

Therapeutic usefulness. There is no known therapeutic usefulness for 4-methyl *aminorex* (*cis* racemate).

Recommendation. On the basis of available data concerning its pharmacological profile, dependence potential and actual abuse, the Committee rated the likelihood of abuse of 4-methyl *aminorex* (*cis* racemate) as moderate to high. The degree of seriousness of the public health and social problems associated with the substance was found to be moderate and it had no therapeutic usefulness.

The Committee found that there was sufficient evidence that 4-methyl *aminorex* is currently being, or is likely to be, abused so as to constitute a public health and social problem warranting the placing of the substance under international control.

In the light of this assessment, the Committee recommends that 4-methyl *aminorex* (*cis* racemate) be controlled under Schedule I of the Convention on Psychotropic Substances, 1971.

Midazolam—Substance identification. Midazolam (INN, CAS 59467-70-8), chemically 8-chloro-6-(*o*-fluorophenyl)-1-methyl-4*H*-imidazo[1,5-*a*][1,4]-benzodiazepine, is also known as Dormicum, Dormoniol, Hypnovel, Versed, Dormonid and Flormidal. No stereoisomers are possible.

Similarity to already known substances and effects on the central nervous system. Midazolam is a benzodiazepine with the full range of the group specific CNS depressant effects of benzodiazepines, such as anxiolytic, anti-convulsant, sedative-hypnotic, muscle relaxant, etc. In animal experiments, midazolam is as efficacious as diazepam in most of its pharmacological effects, but has a more rapid onset and shorter duration of action. Clinical studies suggest that it is twice as potent as diazepam in its sedative-hypnotic effects. Midazolam is water insoluble, but its salts are soluble. It has an elimination half-life of approximately 2–2.5 hours in humans. Therapeutic use of midazolam, particularly at higher doses or in the elderly, may result in cardiopulmonary disturbances.

Dependence potential. Midazolam has been demonstrated to be reinforcing in animal studies. In physical dependence studies in animals, midazolam substituted for phenobarbital and produced barbiturate-like withdrawal signs.

Actual abuse and/or abuse liability likelihood of abuse. Abuse of midazolam is reported in several countries. There is also evidence of illicit trafficking and diversions from a number of countries. The Committee noted reports of severe cardiopulmonary adverse effects and some deaths.

Therapeutic usefulness. Midazolam is currently available in at least 33 countries. It is marketed as tablets for use in sleep disturbances and as a parenteral preparation for use as an adjunct to anesthesia.

Recommendation. On the basis of the available data concerning its pharmacological profile, dependence potential and actual abuse, the Committee rated the abuse-liability of midazolam as moderate and the therapeutic usefulness as moderate to high. Some public health and social problems are currently associated with the use of midazolam. As with all benzodiazepine agonists studied to date, it can be inferred from the preclinical studies that midazolam is capable of producing a state of dependence in human subjects similar to that observed with diazepam. In addition, the Committee noted that the availability of the substance as an injectable enhances the likelihood of abuse. Thus, the Committee considered that midazolam is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control. In the light of this assessment, the Committee recommended scheduling of the drug in Schedule IV of the Convention on Psychotropic Substances, 1971.

B. NOTIFICATION OF DELTA-9-THC REFERENCE: NAR/CL.16/1989

DND 411/211 11SS

DND 411/1(2) WHO/ECDD 26

The Secretary-General of the United Nations presents his compliments to the Secretary of State of the United States of America and has the honour to refer to his note NAR/CL.3/1988 of 28 January 1988 by which he informed the Government of a notification received from the Government of the United States of America pursuant to article 2, paragraph 1, of the Convention on Psychotropic Substances, to the effect that delta-9-tetrahydrocannabinol (hereinafter referred to as *delta*-9-THC), which is presently in Schedule I of the Convention, should be transferred from that Schedule to Schedule II of the same Convention.

The Secretary-General also transmitted a copy of that notification to the World Health Organization, in accordance with the provisions of article 2, paragraph 2, of the Convention, for consideration by the Twenty-sixth WHO Expert Committee on Drug Dependence (26th ECDD) in April 1989.

The 26th ECDD examined the notification in question and recommended to the Director-General of WHO that only dronabinol, defined as (6a*R*, 10a*R*)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6*H*-dibenzo[*b,d*]-pyran-1-ol or (−)-*trans-delta*-9-tetrahydrocannabinol should be transferred from Schedule I to Schedule II of the Convention on Psychotropic Substances. Dronabinol is currently in Schedule I of that Convention and is listed as one of the stereochemical variants of *delta*-9-THC.

In accordance with the provisions of article 2, paragraphs 1 and 4, of the Convention, the World Health Organization has notified the Secretary-General by a note dated 3 June 1989 that it is of the opinion that dronabinol should be transferred from Schedule I to Schedule II of the Convention.

The Secretary-General hereby transmits the text of that notification as annex I to the present note, pursuant to article 2, paragraph 2, of the Convention.

The Director-General of the World Health Organization, in connection with this notification, has also submitted advance excerpts from the report of the 26th ECDD which reviewed this substance, *inter alia*, with a view to its possible rescheduling. Relevant excerpts from that report are hereby transmitted as annex II.

In accordance with the provisions of article 2, paragraph 2, of the Convention on Psychotropic Substances, the notifications from the Government of the United States and from the World Health Organization will be brought to the attention of the Commission on Narcotic Drugs at its next session in January-February 1990. Any action or decision taken by the Commission with respect to this notification, pursuant to article 2, paragraph 5, of the Convention, will be notified to States Parties in due course. Article 2, paragraph 5, reads as follows:

"The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources."

In order to assist the Commission in reaching a decision, it would be appreciated if any economic, social, legal, administrative or other factors the Government may consider relevant to the question of the possible rescheduling of dronabinol could be communicated to the Secretary-General, c/o the Division of Narcotic Drugs, P.O. Box 500, A–1400 Vienna, Austria, by 13 October 1989.

21 August 1989.

Annex I.—Note Dated 3 June 1989 Addressed to the Secretary-General by the Director-General of the World Health Organization

The Director-General of the World Health Organization presents his compliments to the Secretary-General of the United Nations, and with reference to his note verbale (NAR/CL.3/1988, DND 411/1(2) WHO/ECDD 26) dated 28 January 1988, has the honour to inform him that the World Health Organization, in conformity with Article 2, paragraph 6 of the Convention on Psychotropic Substances, 1971, has reviewed information pertaining to dronabinol (INN), defined as (6a*R*,10a*R*)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6*H*-dibenzo[*b,d*]-pyran-1-ol or (−)-*trans-delta*-9-tetrahydrocannabinol. There is sufficient evidence that dronabinol, which is currently in Schedule I of the aforementioned Convention and is listed as one of the stereochemical variants of *delta*-9-tetrahydrocannabinol, has therapeutic usefulness in selective cases but is otherwise likely to be abused so as to constitute a public health and social problem warranting placing it under international control.

Therefore, the World Health Organization recommends that dronabinol be changed from Schedule I to Schedule II of the Convention on Psychotropic Substances, 1971.

Annex II.—Summary of the Recommendations Arising Out of the 26th Expert Committee on Drug Dependence

The 26th ECDD met at headquarters between 17–22 April 1989. Since the report of this meeting will be published in due course of time in T.R. Series, this paper gives details of the recommendations made to the Director-General of WHO.

Delta-9-tetrahydrocannabinol. On 1 December 1987, the Government of the United States of America submitted to the Secretary-General of the United Nations, a notification under article 2, paragraph 1, of the Convention on Psychotropic Substances, 1971 to transfer *delta*-9-tetrahydrocannabinol (*delta*-9-THC) from Schedule I to Schedule II of the Convention.[1] The Secretary-General of the United Nations in a note verbale (DND 421/12(1–37); DND 411/1(2) WHO) requested a recommendation of the Director-General of WHO.

The generic term *delta*-9-THC in the Convention refers to two racemates and four stereoisomers. However, the data presented by the United States of America along with its notification and the material presented in the Critical Review concerns a single stereochemical variant of *delta*-9-THC, (−)-*trans-delta*-9-tetrahydrocannabinol. Since little or no data exists on the racemates or other stereoisomers and the pharmaceutical preparation marketed in the United States contains only this one stereochemical variant, the Expert Committee reviewed only (−)-*trans-delta*-9- tetrahydrocannabinol. The following recommendations refer solely to this individual substance.

Substance identification. (−)-*Trans-delta*-9-tetrahydrocannabinol (INN Dronabinol, CAS 1972–08–3), chemically (6a*R*,-10a*R*)-6a,7,8,10a-tetrahydro-6,6,9- trimethyl-3-pentyl-6*H*-dibenzo[*b,d*]-pyran-1-ol is also known as (6a*R-trans*)-6a,7,8,10a- tetrahydro-6,6,9-trimethyl-3-pentyl-6*H*- dibenzo-[*b,d*]-pyran-1-ol, (−)-*trans-delta*-9- THC, (−)-*trans-delta*-1-tetrahydrocannabinol, and (−)-*trans-delta*-1-THC. Two trade names are known, Marinol and Deltanyne.

Two racemates and four stereochemical variants of the parent substance, *delta*-9-tetrahydrocannabinol, are possible.

The following review and recommendation apply solely to (−)-*trans-delta*-9-tetrahydrocannabinol, abbreviated as (−)-*trans-delta*-9-THC.

Similarity to already known substances and effects on the central nervous system. (−)-*Trans-delta*-9-THC is identical to the major active principle of cannabis and cannabis resin which are listed in Schedules I and IV of the Single Convention on Narcotic Drugs, 1961. It is listed in Schedule I of the Convention on Psychotropic Substances, 1971. It produces complex effects on the central nervous system. In small dose it produces stimulation, followed by sedation and in high doses it produces hallucinogenic effects. Non-therapeutic effects of (−)-*trans-delta*-9-THC may be considered essentially identical to those of marijuana and other centrally active cannabinoids. It produces significant decrements on a number of performance measures including psychomotor performance.

Dependence potential. A number of animal studies have been conducted to date but most studies failed to demonstrate reinforcing effects of (−)-*trans- delta*-9-THC except one study in monkeys. The subjective effects in human studies were reported to be moderately euphorigenic. Chronically administered high doses of (−)- *trans-delta*-9-THC apparently produce a state of physical dependence in rats. Withdrawal of (−)-*trans-delta*-9-THC causes a disruption of operant behaviour in monkeys maintained on the drug which does not occur until the second day of withdrawal and often lasts for over a week. This disruption of behaviour can be reversed by readministration of the drug. After abrupt discontinuation of high doses of (−)-*trans delta*-9-THC given for 10 days or longer, human subjects exhibited some evidence of a withdrawal syndrome characterized by irritability, insomnia, restlessness, "hot flushes", diaphoresis, rhinorrhea, "loose stools", hiccoughs and anorexia.

Evidence of tolerance development to the behavioural and cardiovascular effects of the substance has been shown in human subjects. Animal studies have also confirmed a marked tolerance to the behavioural and hypothermic effects.

Actual abuse and/or liability (likelihood of abuse). (−)-*Trans-delta*-9 THC has been available for scientific and very limited medical use under close supervision for more than 15 years. The pharmaceutical product in sesame oil for oral use was marketed in 1986 in the United States of America. A number of cases of thefts and one case of "illicit purchase" have been reported. One attempt to synthesize the substance clandestinely was reported in the United Kingdom.

Drug Abuse Warning Network (DAWN, USA) data indicated a small number of emergency room or medical examiner mentions. Although the actual abuse of the marketed product is very limited, (−)-*trans-delta*-9-THC has a high abuse liability, as inferred from the abuse of cannabis and its products, with consequent public health and social hazards.

Therapeutic usefulness. (−)-*Trans-delta*-9-THC is being used in the United States of America and has been approved for marketing in Canada as an antiemetic for use in cancer chemotherapy.

It is effective in some cases in relieving severe nausea and vomiting refractory to the currently available antiemetics. It may make possible treatment with anti-cancer drugs in some patients who might otherwise refuse it. When applied in selected cases as an adjunct to cancer chemotherapy (−)-*trans-delta*-9-THC has a moderate to high therapeutic usefulness, but has otherwise no therapeutic role. (−)-*Trans-delta*-9-THC may produce a high incidence of transient side effects related to the central nervous system depending on the dose used.

Recommendation. On the basis of the available data concerning its pharmacological profile, dependence potential and actual abuse, the Committee rated the abuse-liability of (−)-*trans-delta*-9-THC as high and the therapeutic usefulness to be moderate to high when applied in selective cases as an antiemetic adjunct to cancer chemotherapy, but otherwise has no therapeutic role. Although few public health and social problems are currently associated with the therapeutic use of (−)-*trans-delta*-9-THC, it should be noted that this substance is the active principle of cannabis and is capable of producing the same effects as the plant material. Thus, the Committee considered that (−)-*trans-delta*-9-THC, is likely to be abused so as to constitute a public health and social problem. In the light of this assessment, the Committee recommended rescheduling of the drug from Schedule I to Schedule II of the Convention on Psychotropic Substances, 1971.[2]

III. Discussion

Although WHO has made specific scheduling recommendations for each of the drug substances, the CND is not obliged to follow the WHO recommendations. Options available to the CND include: (1) Acceptance of the WHO recommendations; (2) acceptance of the recommendations to control but control the drug substance in a schedule other than that recommended; or (3) rejection of the recommendations in their entirety.

The substances recommended for control under the Convention (midazolam, (±)-*N*-ethyl MDA (MDE), (±)-*N*-hydroxy MDA, 4-methyl *aminorex* (*cis* racemate), and (−)-*delta*-9-(*trans*)-THC) are controlled under the CSA to a degree commensurate with that recommended by WHO. The proposed international drug scheduling actions, if adopted by the CND, will result in no greater degree of control of these substances than current domestic controls.

FDA, on behalf of the Secretary of HHS, invites interested persons to submit comments on the WHO notice concerning these five drug substances. FDA, in cooperation with the National Institute on Drug Abuse, will consider the comments on behalf of HHS in evaluating the WHO recommendations. Then, pursuant to section 201(d)(2)(B) of the CSA (21 U.S.C. 811(d)(2)(B)), HHS will recommend to the Secretary of State what position the United States

[1] Letter of notification under article 2, paragraph 1 of the 1971 Convention on Psychotropic Substances, signed Otis R. Bowen, M.D., Secretary, Department of Health and Human Services, December 1, 1987, annex I of Secretary-General's note verbale to the Director-General of the World Health Organization, 12 January 1988 (DND 421/12(1–37) DND 411/1(2) WHO).

[2] Two members of the Committee, Professors M. Mubbashar and G. Lagier representing a different point of view, felt that the decision on the recommendation should be deferred until further convincing data is available concerning the therapeutic usefulness of (−)-*trans-delta*-9-THC. Moreover, the recommendation may be misinterpreted and promote the abuse of cannabis and its extracts.

should take when voting on the recommendations at the CND meeting in February 1990.

IV. Submission of Comments and Opportunity for Public Meeting

Interested persons may, on or before November 15, 1989, submit to the Dockets Management Branch (address above) written comments regarding this notice. FDA will not consider holding a public meeting unless requested to do so. If any person believes that, in addition to its written comments, a public meeting would contribute to the development of the U.S. position on any of these five substances, a request for a public meeting and the reasons for such a request should be sent to Nicholas P. Reuter, Office of Health Affairs (HFY–20) (address above), on or before October 31, 1989. The short time period for the submission of comments and requests for a public meeting is needed to assure that HHS may, in a timely fashion, carry out the required action and be responsive to the United Nations. 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 office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 5, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–24257 Filed 10–13–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89N–0432]

Par Pharmaceutical, Inc.; Proposal to Withdraw Approval of Three Abbreviated New Drug Applications; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) proposes to withdraw approval of abbreviated new drug applications (ANDA's) 71–642, 71–643, and 72–337 held by Par Pharmaceutical, Inc., One Ram Ridge Rd., Spring Valley, NY 10977 (Par). The grounds for the proposed withdrawal are (1) that the applications contain untrue statements of material fact, and (2) that, based on new information evaluated together with the evidence available when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

DATES: A hearing request is due on November 15, 1989; data and information in support of the hearing request are due on (December 15, 1989.

ADDRESSES: A request for hearing, supporting data, and other comments should be identified with Docket No. 89N–0432, and submitted to the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Margaret F. Sharkey, or Walter A. Brown, Division of Regulatory Affairs (HFD–366), Center for Drug Evaluation and Research, Food and Drug Administration, 500 Fishers Lane, Rockville, MD 20857, 301–295–8041.

SUPPLEMENTARY INFORMATION: .

Background

Based on information obtained from a continuing FDA inspection of Par conducted intermittently from May 24, 1989, to the present, and on information supplied by Par at a meeting with FDA on July 21, 1989, the agency has identified certain untrue statements submitted in ANDAs 71–642, 71–643, and 72–337, as well as related conflicting and missing information at Par. Based on this evidence, the Director of the Center for Drug Evaluation and Research has determined that the NADA's listed below should be withdrawn because they contain untrue statements of material fact and because there is a lack of substantial evidence that the drugs will have the effects they puport to have in their labeling. A discussion of the evidence supporting this determination follows.

ANDA 71–642, Orphengesic Tablets (Orphenadrine Citrate 25 Milligrams (mg), Aspirin 385 mg, Caffeine 30 mg); and ANDA 71–643, Orhengesic Forte Tablets (Orphenadrine Citrate 50 mg, Aspirin 770 mg, Caffeine 60 mg)

Par submitted a bioequivalence study performed with Orphengesic Forte Tablets, batch NO289 (control number 115886), in support of the approval of ANDAs 71–642 and 71–643. A copy of the batch record for batch NO289, along with dissolution and stability data from that batch, was also submitted to ANDA 71–643 in support of its approval. This batch record indicates that a 50,000 tablet batch had been manufactured utilizing a certain formulation. During an FDA visit to Par on July 20, 1989, however, two different versions of batch records for NO289 were discovered in the firm's files, both reflecting manufacture on the same dates, in many cases using the same pieces of equipment at the same time. One version was for a 50,000 tablet batch size, as submitted to ANDA 71–643, and the second was for a 25,000 tablet batch size. The two different versions showed different amounts of ingredients used in making the batch. They also showed the use of different formulations, in that they reported the use of different quantities of most of the ingredients used per tablet. In addition, two batch records showed differences in the identity of the caffeine raw material used and in some of the manufacturing steps such as mixing, granulating, and tableting.

Those raw material inventory cards reviewed at the firm showed the use of quantities of raw materials corresponding to the 25,000 tablet batch record, but not to the 50,000 tablet batch record. Signatures of a certain individual in the 25,000 tablet batch record appear to match the signatures for the same name on the corresponding raw material inventory records, but these signatures appear to differ from those appearing for the same name on the 50,000 tablet batch record.

It thus appears that the 50,000 tablet batch size may not have been actually manufactured and that untrue statements concerning it were submitted or were incorporated by reference to support the approval of ANDA's 71–642 and 71–643. Such untrue statements include, but are not limited to, those concerning the formulation (quantities per tablet), batch size, quantities of components used in the batch, all calculations that rely on or utilize quantities of components, the identity of at least one of the components, dates of manufacture, manufacturing procedures, tablet layer weights, in-process checks, and representations that the manufacturing steps were conducted in accord with the batch records. These constitute untrue statements of material fact in that they concern matters that could have influenced approval of the applications.

Moreover, the discovery of these untrue statements constitutes new information demonstrating that there is a lack of substantial evidence that the drugs will have the effects they purport to have under the conditions of use prescribed, recommended, or suggested in their labeling. Without reliable information as to the qualitative and quantitiatve formula, manufacturing process, and size of the test batches on which the bioequivalence and stability studies were performed, the agency cannot assume that the results of these studies are applicable to the approved,

marketed products. In the absence of reliable data demonstrating stability and bioequivalence to the listed drugs, there is a lack of substantial evidence of effectiveness.[1]

ANDA 72-337; Trimameterene 75 mg and Hydrochlorothiazide 50 mg Tablets

On July 6, 1989, an FDA investigator requested a sample of the batch of the triameterene 75 mg and hydrochlorothiazide 50 mg tablets that had been used for bioequivalence testing in support of ANDA 72-337 (batch NO2305, control number 414887). Stability data from this same batch had also been submitted to ANDA 72-337. Par representatives subsequently revealed to FDA on July 21, 1989, that a Par employee did obtain a sample of batch NO2305 in response to the investigator's request, but then removed the tablets from the container and substituted other tablets believed to be from a current production batch before giving the sample to the investigator. According to Par representatives, the employee may have switched the tablets because batch NO2305 used for the bioequivalence study may not have contained a certain inactive ingredient that, according to records in ANDA 72-337, is included in the formulation used for the bioequivalence study and in the approved formulation. The inactive ingredient is reportedly used in current production lots. FDA inspection found that the firm cannot locate the original master record for batch NO2305. In addition, the raw material inventory record for the lot of inactive ingredient in question cannot be located to document its use.

It thus appears that untrue statements were submitted to support the approval of ANDA 72-337. Such untrue statements include, but are not limited to, those concerning the formulation, the quantity of an inactive ingredient used in the batch, all calculations that rely on or utilize the use for quantity of this ingredient, all control records that rely on or utilize the use or quantity of this ingredient, dates relating to the use of this ingredient, and representations that the manufacturing steps were conducted in accord with the batch records.

These constitute untrue statements of material fact in that they concern matters that could have influenced approval of the application.

Moreover, the discovery of these untrue statements constitutes new information demonstrating that there is a lack of substantial evidence that the drug will have the effect it purports to have under the conditions of use prescribed, recommended, or suggested in its labeling. Without reliable information as to the qualitative and quantitative formula and the manufacturing process used for the test batch on which the bioequivalence and stability studies were performed, the agency cannot assume that the results of these studies are applicable to the approved, marketed product. In the absence of reliable data demonstrating stability and bioequvalence to the listed drug, there is a lack of substantial evidence of effectiveness.

Proposed Action and Notice of Opportunity for Hearing

The Director of the Center for Drug Evaluation and Research has evaluated the information concerning the three ANDA's discussed above and finds that each application contains untrue statements of material fact. The Director also finds on the basis of new information before him, consisting of untrue, conflicting, and missing information with respect to each drug as discussed above, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof. Accordingly, the Director proposes to withdraw approval of the following ANDA's:

ANDA 71-642; Orphengesic Tablets (25 mg orphenadrine citrate, 385 mg aspirin, 30 mg caffeine);

ANDA 71-643; Orphengesic Forte Tablets (50 mg orphenadrine citrate, 770 mg aspirin, 60 mg caffeine);

ANDA 72-337; Triamterene 75 mg and Hydrochlorothiazide 50 mg Tablets

Notice is hereby given to the holder of the ANDA's listed above and to all other interested persons, that the Director of the center for Drug Evaluation and Research proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(e)), withdrawing approval of the foregoing ANDA's and all amendments and supplements thereto on the grounds stated above.

In accordance with section 505 of the act and 21 CFR part 314, the applicant is hereby given an opportunity for a hearing to show why approval of the ANDA's should not be withdrawn.

An applicant who decides to seek a hearing shall file: (1) On or before November 15, 1989, a written notice of appearance and request for hearing, and (2) on or before (December 15, 1989, the data, information, and analyses relied on to demonstrate that there is a genuine issue of material fact to justify a hearing. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, submissions of data, information, and analyses to justify a hearing, other comments, and the grant or denial of a hearing are contained in 21 CFR 314.200 (except that the limitations imposed by 231 CFR 314.200(d) (1) and (2) not apply) and in 21 CFR part 12.

The failure of the applicant to file a timely written notice of appearance and request for hearing, as required by 21 CFR 314.200, constitutes an election by that person not to use the opportuntiy for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person's drug product(s). Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present 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 or hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the applications, or when 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 the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice of opportunity for hearing are to be filed in six copies. Except for data and information prohibited from public disclosure under section 301(j) of the act or 18 U.S.C. 1905, the submissions may

[1] Although ANDA's are approved for generic drugs without the submission of adequate and well-controlled clinical efficacy studies, which are required under the substantial evidence standard in 21 U.S.C. 355(d), these approvals are supported by such clinical efficacy studies based on a showing of bioequivalence to the listed, approved drug. The listed drug, to be approved by the agency, must be demonstrated effective based on clinical efficacy studies satisfying the substantial evidence requirement or must be related through bioequivalence data to another drug that has been demonstrated effective based on such studies. In the absence of reliable information showing bioequivalence between the generic drug at issue and the listed drug, and in the absence of information demonstrating stability of the generic drug throughout its labeled shelf-life, there is no basis for assuming that the clinical efficacy studies supporting the approval of the listed drug likewise support the claims of efficacy on the part of the generic drug.

be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Section 505(j)(6)(C) of the act requires that FDA remove from its approved product list (FDA's publication "Approved Drug Products with Therapeutic Equivalence Evaluations") (the list) any drug that was withdrawn for grounds described in the first sentence of section 505(e) of the act. If the agency determines that withdrawal of the drugs subject to this notice is appropriate, FDA will announce their removal from the list in the Federal Register notice announcing the withdrawal of approval of the drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505) (21 U.S.C. 355)) and under authority delegated to the Director of the center for Drug Evaluation and Research (21 CFR 5.82).

Dated: October 7, 1989.

Carl C. Peck,

Director, Center for Drug Evaluation and Research.

[FR Doc. 89-24327 Filed 10-13-89; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Blood Products Advisory Committee

Date, time, and place. October 31, 1989, 8:30 a.m., Ramada Inn, 8400 Wisconsin Ave., Bethesda, MD 20814.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; Linda A. Smallwood, Division of Blood and Blood Products (HFB-400), Center for Biologics Evaluation and Research, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-496-4396.

General function of the committee. The committee reviews and evaluates available data concerning the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should notify the committee contact person.

Open committee discussion. On the morning of October 31, 1989, the committee will discuss the recommendation for approval of tissue plasminogen activator, Eminase™, Beecham Laboratories, and in the afternoon will discuss the donor reentry algorithm for human immunodeficiency virus I (HIV-1) and public health issues related to antibody to hepatitis C virus (anti-HCV) testing of donors.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, Rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. I), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: October 6, 1989.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-24258 Filed 10-13-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-89-2067]

Submission of Proposed Information Collection to OMB

AGENCY: Adminstration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below

has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 6, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Energy Conservation Requirements of Chapter 12 of Handbook 4350.1, Appendix 1, Energy.

Office: Housing.

Description of the Need for the Information and its Proposed Use: Owners are to review, annually, their Energy Conservation Plan to effect energy conservation measures and to notify the Department that they are in compliance with the Plan.

Form Number: None.

Respondents: Businesses or Other For-Profit and Non-Profit Institutions.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
First Year							
Survey	9,000		1		5		45,000
Plan	9,000		1		3		27,000
Recordkeeping	9,000		1		.05		450
Later Years							
Annual Plan Review	9,000		1		1		9,000
Recordkeeping	9,000		1		.05		450

Total Estimated Burden Hours: First Year, 72,450, Later Years, 9,450.

Status: Reinstatement.

Contact: James J. Tahash, HUD, (202) 426–3944, John Allison, OMB, (202) 395–6880.

Dated: October 6, 1989.

Proposal: Statment of Facts and Supplements.

Office: Housing.

Description of the Need for the Information and its Proposed Use: The Department's Office of Interstate Land Sales Registration will use the information from the Statement of Facts or any of the supplements to ensure that developers of certain types of subdivisions comply with the Interstate Land Sales Full Disclosure Act.

Form Number: HUD–9928, 9929–A, 9929–B, 9929–C.

Respondents: Businesses or Other For-Profit and Small Businesses and Organizations.

Frequency of Submission: Other.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–9928	300		1		1		300
HUD–9929–A	20		1		.25		5
HUD–9929–B	100		1		.75		75
HUD–9929–C	70		1		1		70

Total Estimated Burden Hours: 450.
Status: Extension.
Contact: Roger G. Henderson, HUD, (202) 755–0502, John Allison, OMB, (202) 395–6880.

Dated: October 6, 1989.

[FR Doc. 89–24278 Filed 10–13–89; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–89–2068]

Privacy Act of 1974; Proposed Amendment to a System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of a proposed amendment to an existing system of record.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT–54, Parking Application Files.

EFFECTIVE DATE: This amendment shall become effective without further notice in 30 calendar days (November 25, 1989) unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Donna L. Eden, Departmental Privacy Act Officer, Telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Parking Application Files is an automated system of records consisting of applications submitted by individuals for HUD-controlled parking spaces. The information maintained includes names, addresses, vehicle information (year, make, tag number, and state) about the applicant and pool members. For the applicant, priority group is also maintained. This information is used to manage the parking facilities and for identifying and verifying eligibility for limited parking spaces.

The Department is revising the system of records to indicate that it has been automated; to expand the categories of records in the system to include the social security number for both the applicant and pool members; to establish a new routine use which will permit the Department to disclose the application data to other Government agencies and private sector organizations for computer matching purposes; and to include the new authority for maintenance of the system.

The amended portion of the system notice is set forth below. Previously, the system and a prefatory statement containing the general routine uses applicable to all of the Department's systems of records were published in the "Federal Register Privacy Act Issuances, 1987 Compilation, Volume II."

Authority: 5 U.S.C. Sec. 552a, 88 Stat. 1896: Section 7(d) Department of HUD Act (42 U.S.C. Sec. 3535(d)).

Issued at Washington, DC, October 5, 1989.

Claire E. Freeman,

Assistant Secretary for Administration.

HUD/DEPT–54

SYSTEM NAME:

Parking Application Files.

SYSTEM LOCATION:

Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

HUD employees and individuals from other Government agencies or private sector organizations who made application to park in HUD controlled space.

CATEGORIES OF RECORDS IN THE SYSTEM:

For the applicant and carpool members, names (print and signature), home addresses, office telephone numbers, social security numbers, year and make of vehicles, states (in which vehicles are registered) and tag numbers; for the applicant, room number, permit number, correspondence (organization) code, date of applicaiton, and priority group (handicapped, job requirements/executive officials (SES) or carpool/vanpool); for pool members, agency or company name; for administrative purposes, date issued, type of permit (new or replacement), and signature of approving official.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property Management Regulations, Section 101–20.104, Parking facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraph in prefatory statement. Other Routine Uses: To contractor for managing the parking facilities; to parking coordinators of Government agencies and private sector organizations for verification of employment and participation in pool.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

For manual records, legal size file folder; for automated records, hard disk.

RETRIEVABILITY:

Name, address, social security number, permit number, vehicle tag number, and agency name or HUD correspondence (organization) code on either the applicant or pool members.

SAFEGUARDS:

Manual records are maintained in a lockable file cabinet with access limited to authorized personnel. Access to automated records is by password.

RETENTION AND DISPOSAL:

(1) For individuals issued permits, as long as permits are valid; (2) for individuals on the waiting list, approximately 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Mail and Transportation Branch, Office of Administrative and Management Services, ASBR, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

[FR Doc. 89–24333 Filed 10–13–89; 8:45 am]
BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[AA–650–09–4120–09]

Uinta-Southwestern Utah Regional Coal Team; Reestablishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix (1982)). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is reestablishing the regional coal team (RCT) for the Uinta-Southwestern Utah (Utah and Colorado) coal production region. The RCT is an independent subcommittee of the Federal-State Coal Advisory Board whose charter was renewed by the Secretary on September 28, 1988. As such, the RCT will guide all phases of the coal activity planning process in the region and will provide advice to the Secertary, through the Director, Bureau of Land Management, on regional coal leasing levels, and on regional coal lease

sale schedules and the tracts to be offered.

Further information may be obtained from Stan McKee, (202) 343–4636 Bureau of Land Management (605), U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

The certification of reestablishment is published below.

Certification

I hereby certify that the reestablishment of the Uinta-Southwestern Utah Regional Coal Team is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by those statutory authorities listed in 43 CFR 3400.0–3 and by Departmental policy for Federal-State cooperation concerning the Federal coal management program.

Dated: September 25, 1989.

Manuel Lujan, Jr.,

Secertary of the Interior.

[FR Doc. 89–24326 Filed 10–13–89; 8:45 am]

BILLING CODE 4310–89–M

Bureau of Land Management

[UT–060–5320–06]

MANCOS Mesa Wilderness Study Area; Environmental Assessment

October 6, 1989.

AGENCY: Bureau of Land Management, Moab District, Interior.

ACTION: Notice of 30-day comment period on a draft environmental assessment analyzing proposed reclamation of a post-Federal Land Policy and Management Act (FLPMA) road, constructed within a Wilderness Study Area (WSA).

SUMMARY: A draft environmental assessment has been prepared in response to the Bureau of Land Management's proposal to reclaim approximately 30 miles of road constructed within the Mancos Mesa WSA (UT–060–181). The road construction done for mining exploration, began on October 26, 1976, just 5 days after passage of the FLPMA on Octooer 21, 1976. Guidance regarding the protection of areas with potential for designation as wilderness was unavailable at this time.

The objective of the proposal is to restore the area disturbed by construction of the road system to a more natural appearance.

Interested parties may comment upon the environmental assessment for a period of 30 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 7, Monticello, Utah 84532, Telephone: (801) 587–2141.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 89–24272 Filed 10–13–89; 8:45am]

BILLING CODE 4310–PQ–M

[NM–940–09–4214–11; NM NM 52394]

Proposed Continuation of Withdrawal; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a 528.64-acre withdrawal for the Avalon Reservoir, Brantley/Carlsbad Project, continue for an additional 50 years. The land would remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received by January 16, 1989.

ADDRESS: Comments should be sent to: New Mexico State Director, BLM, P.O. Box 1449, Santa Fe, New Mexico 87504–1449.

FOR FURTHER INFORMATION CONTACT: Clarence F. Hougland, BLM, New Mexico State Office, (505) 988–6071.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that the existing land withdrawal made by Secretarial Order of December 10, 1928, be continued for a period of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

T. 21 S., R. 26 E.,
Sec. 10, lots 1 to 9, inclusive, lot 11, and NE¼NE¼;
Sec. 14, lots 1 and 3.

The area described contains 528.64 acres in Eddy County.

The purpose of the withdrawal is for the Avalon Reservoir, Brantley/Carlsbad Project. The withdrawal closed the described land to surface entry and mining but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether the withdrawal will be continued and if so, for how long. The final determination on the continuation will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Dated: October 4, 1989.

Monte G. Jordan,

Associate State Director.

[FR Doc. 89–24273 Filed 10–13–89; 8:45 am]

BILLING CODE 4310–FB–M

[OR–943–00–4214–10; GPO–004; ORE–03587, ORE–03587–A, ORE–012712–A, ORE–015246–C, OR–7602, OR–8762, OR–21314, OR–21576, OR–21578, OR–21594]

Proposed Continuation of Withdrawals; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes that all or portions of nine separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to mining and, where closed, opened to surface entry.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–231–6905.

The Forest Service proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The following described lands and projects are involved:

Fremont National Forest

1. ORE–03587–A, Public Land Order No. 1144 dated May 4, 1955. Dairy Creek Recreation Area, 120.00 acres. Located in Lake County, 26 miles northwest of Lakeview. T. 36 S., R. 17 E., W.M., Secs. 2, 3, and 4.

2. ORE–012712–A, Public Land Order No. 3071 dated May 7, 1963. Cottonwood Meadows Recreation Area, 180.39 acres.

Located in Lake County, 18 miles northwest of Lakeview.T. 38 S., R. 18 E., W.M., Secs. 7 and 18.

3. OR–8762, Public Land Order No. 5291 dated October 11, 1972. Fishhole Recreation Area, 274.36 acres. Located in Lake County, 23 miles west of Lakeview. T. 38 S., R. 16 E., W.M., Secs. 21 and 22.

4. OR–21314, Secretarial Order Dated October 5, 1908. Thomas Creek Ranger Station Administration Site, also known as Thomas Creek Work Center. Located in Lake County, 17 miles northwest of Lakeview. T. 37 S., R. 18 E., W.M., Secs. 27 and 34.

5. OR–21576, Secretarial Order dated December 20, 1907. Cougar Peak Administrative Site, 80.00 acres. Located in Lake County, 16 miles northwest of Lakeview. T. 38 S., R. 18 E., W.M., Sec. 7.

6. OR–21578, Secretarial Order dated August 13, 1907. Dog Lake Administrative Site, 143.59 acres. Located in Lake County, 18 miles southwest of Lakeview. T. 40 S., R. 17 E., W.M., Secs. 21 and 22.

7. OR–21594, Secretarial Order dated January 8, 1908. Silver Creek Administrative Site, 80.00 acres. Located in Lake County, 12 miles southwest of the town of Silver Lake. T. 30 S., R. 13 E., W.M., Secs. 1 and 2.

Wallowa-Whitman National Forest

8. OR–7602, Public Land Order No. 5077 dated June 10, 1971. Phillips Lake Recreation Area, 921.04 acres. Located in Baker County, 12 miles southwest of Baker. T. 10 S., R. 38 E., W.M., Secs 26, 27, and 28. T. 10 S., R. 39 E., W.M., Sec. 30.

Klamath National Forest

9. ORE–015246–C, Public Land Order No. 3650 dated April 15, 1965. Mt. Ashland Winter Sports Area, 90.00 acres. Located in Jackson County, 8 miles south of Ashland. T. 40 S., R. 1 E., W.M., Sec. 21.

Winema National Forest

10. ORE–03587, Public Land Order No. 1144 dated May 5, 1955. Miller Lake Recreation Area, 1,274.43 acres. Located in Klamath County, 8 miles west of Chemult. T. 27 S., R. 6½ E., W.M., Secs. 11, 12, 13, and 14.

The withdrawals currently segregate the lands from operation of the mining laws, but not the mineral leasing laws, and some of the lands are closed to operation of the public land laws generally. The Forest Service requests no changes in the purpose or segregative effect of the withdrawals except that the lands be opened to operation of the public land laws generally where they are presently closed.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: October 4, 1989.

Catherine H. Crawford,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89–24274 Filed 10–13–89; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

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 information collection requirement and related explanatory material may be obtained by contacting Jeane Kalas at 303–231–3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget, Paperwork Reduction Project (1010–0073), Washington, DC, 20503; telephone 202–395–7340.

Title: Net Profit Share Payments for Outer Continental Shelf Oil and Gas Leases, 30 CFR Part 220.

OMB approval number: 1010–0073.

Abstract: Companies involved in the exploration and development of Outer Continental Shelf oil and gas leases under the Net Profit Share Lease (NPSL) system make net profit share payments rather than royalty payments. To encourage exploration and development of a lease, the NPSL system provides for a sharing, by the lessee and the Government, of the risk involved. The lessee is permitted to deduct allowable costs to determine net profit, and profit share payments are not due until the lease becomes profitable. Lessees are required to maintain an NPSL capital account and to provide annual reports listing costs incurred, credits received, and the balance in the account. Beginning the first month in which production revenues are credited to the capital account, lessees are required to prepare monthly reports showing volume and disposition of oil and gas production, production revenue, all costs and credits to the account, the balance in the account, and the net profit share payment due the Government.

Bureau Form Number: None.

Frequency: Annually or monthly.

Description of Respondents: Oil and gas companies.

Annual Responses: 127.

Annual Burden Hours: 2,071.

Bureau Clearance Officer: Dorothy Christopher, 703–787–1239.

Dated: August 30, 1989.

Jerry D. Hill,

Associate Director for Royalty Management.

[FR Doc. 89–24331 Filed 10–13–89; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Concession Contract Negotiations; Fire Island National Seashore, NY

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession contract to authorize marina and marine related facilities and services for the public at Fire Island National Seashore, New York, for a period of ten (10) years from October 1, 1989, through September 30, 1998.

EFFECTIVE DATE: The Prospectus describing this opportunity will be released to the public in the near future, and sixty days will be allowed from the date of release for responses to be received.

ADDRESS: Interested parties should contact the Regional Director, North Atlantic Region, 15 State Street, Boston, Massachusetts 02109 (telephone: 617–565–8864), for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract has been determined to be

categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal must be postmarked or hand delivered on or before the sixtieth (60th) day following the release date shown on the cover of the Prospectus to be considered and evaluated.

Dated: June 6, 1989.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region.

[FR Doc. 89-24337 Filed 10-13-89; 8:45 am]

BILLING CODE 4310-70-M

Revision of Park Boundary: Lowell National Historical Park; and Revision of Lowell Historic Preservation District

Whereas, subsection 101(b) of the Act of June 5, 1978, Public Law 95-290 (92 Stat. 290) authorizes the Secretary of the Interior to make minor revisions of the Park and Preservation District boundaries after obtaining the consent of the City Manager of Lowell and the City Council of Lowell; and

Whereas, the City Council of Lowell on March 15, 1988, voted to approve the minor revisions in the Park and Preservation district boundaries; and

Whereas, the City Manager of Lowell on March 16, 1988, approved the minor revisions of the boundaries of the Park and the Preservation District,

Therefore, pursuant to subsection 101(b) of the Act of June 5, 1978, Public Law 95-290 (92 Stat. 290) notice is given that the boundary of the Lowell National Historical Park and the boundary of the Lowell Historic Preservation District are hereby revised to include the additional tracts consisting of 0.82 and 11.43 acres, respectively, in Lowell, Massachusetts, as depicted on Drawing No. 80,008D, Sheets 7, 8, 11, 12, 14, and 18 of 18, dated March, 1989. The maps are on file and available for inspection in the office of the National Park Service, Mid-Atlantic Region, Land Resources Division, 143 South Third Street, Philadelphia, Pennsylvania 19106 and in the office of the National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

Dated: July 31, 1989.

John Guthrie,

Acting Regional Director, North Atlantic Region, National Park Service.

[FR Doc. 89-24356 Filed 10-13-89; 8:45 am]

BILLING CODE 4310-70-M

Acadia National Park, Bar Harbor, ME; Acadia National Park Advisory Commission; Two Meetings

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463. 86 Stat. 770, 5 U.S.C. App. 1, sec. 10), that the Acadia National Park Advisory Commission will hold meetings on Monday, October 30, 1989, and Monday, November 13, 1989.

The Commission was established pursuant to Public Law 99-420, section 103. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the Park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The two scheduled meetings will convene at Acadia National Park Headquarters, McFarland Hill, Rt. 233, Bar Harbor, Maine.

The meeting on October 30, 1989, will be a workshop to solicit input on the Acadia National Park General Management Plan. The meeting will begin at 1:00 p.m.

The Monday, November 13, 1989, meeting will begin at 1:00 p.m. and consider the following agenda:

1. Old Business.
2. New Business:
   - A. Committee Reports—
     - (1) Acquisition Committee Reports
     - (2) Easement Committee Reports
   - B. General Management Plan Update
   - C. Annual Report of the Advisory Commission
   - D. Otter Creek Landing
3. Proposed agenda and date of next Commission meeting.

The Commission meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609.

Dated: October 6, 1989.

Gerald D. Patten,

Regional Director.

[FR Doc. 89-24265 Filed 10-13-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Applications to Consolidate, Merge or Acquire Control

The following Applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonable to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Findings

The findings for these applications are set forth at 49 CFR 1182.6

MC-F-19510, filed September 25, 1989. CBS Bus Service, Inc. (CBS Service) (30 Mahan Street, West Babylon, NY 11704)—Purchase—Coram Bus Service, Inc. (Coram) (124 Mt. Sinai-Coram Road, Coram, NY 11727). Thomas G. Moonis and George Semke (Moonis and Semke)—Continuance in Control—CBS Bus Lines, Inc. (CBS Lines).

Applicants' representative: Gerald K. Gimmel, 444 North Frederick Avenue, Suite 200, Gaithersburg, MD 20877.

CBS Service, a motor common carrier of passengers, seeks approval to acquire the assets (including the operating authority in MC-165988) of Coram under

authorization of the U.S. Bankruptcy Court for the Eastern District of New York in Case Nos. 086–60237–21 and 086–60238–21. Coram holds interstate irregular-route operations, between points in the United States (except Hawaii).

Moonis and Semke own 50 percent of the stock of CBS Service and a similar amount of Harran Transportation Co., Inc. (MC–40815), a common carrier of passengers and of CBS Lines, a new carrier seeking its initial common carrier authority to transport passengers, in charter and special operations, between points in the United States (except Hawaii) (MC–223305, interim grant published October 2, 1989, in the ICC Register).

Applicants have been granted temporary authority to lease the pertinent operating rights pending final disposition of the finance application.

Decided: October 4, 1989.

By the Commission, the Motor Carrier Board.

Noreta R. McGee,

Secretary.

[FR Doc. 89–24345 Filed 10–13–89; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-309X)]

CSX Transportation, Inc.; Abandonment Exemption of Rail Line in Putnam County, Indiana, et al

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc., of 26.73 miles of rail line in Putnam, Hendricks, and Marion Counties, IN, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on November 15, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by October 26, 1989, petitions to stay must be filed by October 31, 1989, and petitions for reconsideration must be filed by November 13, 1989.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 309X), to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Lawrence H. Richmond, CSX Transportation, Inc., 100 North Charles Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245 [TDD for hearing impaired: (202) 275–1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 275–1721.)

Decided: September 26, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips. Vice Chairman Simmons and Commissioner Lamboley dissented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 89–24344 Filed 10–13–89; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55; Sub-No. 317X]

CSX Transportation, Inc.; Abandonment Exemption of Railroad Line in Nicholas County, WV

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 5.12-mile line of railroad between milepost 0.00, at Fenwick, and milepost 5.12, at Jetsville, in Nicholas County, WV.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by October 20, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: October 12, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89–24435 Filed 10–13–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

October 10, 1989.

The Office of Management and Budget (OMB) has been sent the following proposals for the collection of information for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information: (1) The title of the form/collection; (2) the agency form number, if any, and the applicable component of the Department sponsoring the collection; (3) how often the form must be filled out or the information is collected; (4) who will be asked or required to respond, as well as a brief abstract; (5) an estimate of the total number of respondents and the amount of time estimated for an average respondent to respond; (6) an estimate of the total public burden (in hours) associated with the collection; and, (7) an indication as to whether Section 3504(h) of Public Law 96–511 applies.

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[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

Comments and/or suggestions regarding the item(s) contained in this notice, especially those regarding the estimated response time, should be directed to the OMB reviewer, Mr. Edward H. Clarke, on (202) 395–7340 *and* to the Department of Justice's Clearance Officer, Mr. Larry E. Miesse, on (202) 633–4312. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *and* the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *and* to Mr. Larry E. Miesse, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Existing Collection in use Without an OMB Control Number

(1) Domestic field survey of "Regulated Chemical Firms."

(2) No form number. Office of Diversion Control, Drug Enforcement Administration.

(3) One time.

(4) Business or other for-profit. The Chemical Diversion and Trafficking Act of 1988 was enacted and final regulations have been published. In order to identify those firms that will be subject to this Act, this one-time domestic field survey is required.

(5) 2,000 respondents at .25 hours per response.

(6) 500 estimated annual burden hours.

(7) Not applicable under 3504(h).

Larry E. Miesse,

Department Clearance Officer.

[FR Doc. 89–24284 Filed 10–13–89; 8:45 am]

BILLING CODE 4410–09–M

Drug Enforcement Administration

[Docket No. 89–29]

Abelardo A. Pelaez, M.D.; Revocation of Registration

Abelardo A. Pelaez, M.D. (Respondent), submitted three applications, each dated May 14, 1988, for DEA registration at three separate addresses in the State of West Virginia. On January 9, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Respondent, proposing to deny the three applications. The statutory predicate for the Order to Show Cause was that Respondent's West Virginia medical license was on probation for prescribing controlled substances for his wife outside the scope of legitimate medical practice; that Respondent wrote prescriptions after being notified that his DEA registration had expired; and, that Respondent had been indicted by a Federal Grand Jury for knowingly and intentionally using an expired DEA registration.

By letter dated May 1, 1989, Respondent, through Counsel, requested a hearing and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, an Order for Prehearing Statements was issued. Subsequently, Government counsel filed a Motion for a Summary Disposition. The Order for Prehearing Statements was vacated and Respondent was given to and including June 30, 1989, to file an opposition or other response to the Government's motion. That date passed without Respondent filing an opposition or any other response.

On July 13, 1989, the Administrative Law Judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed by either side and, on August 25, 1989, the Administrative Law Judge transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety, and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

The Administrator finds that Respondent was notified by the West Virginia Board of Medicine, via certified letter dated November 5, 1985, that he was required to immediately cease dispensing, prescribing, or administering any controlled substances, including Demerol, to Kay Pelaez, his wife. In February 1988, Respondent entered into a consent order with the West Virginia Board of Medicine which provided that his medical license be placed on probation for three years and that he comply with certain requirements of the Board, including: that he shall not prescribe controlled substances to his wife; that he take certain education courses; that he maintain a record of every Schedule II prescription that he writes for a period of three years; and that he pay a civil fine of $1,000.00.

Respondent's DEA Certificate of Registration, AP4801280, expired on March 31, 1988. Thereafter, through July 1988, Respondent continued to prescribe controlled substances using the expired registration. He was indicted by a Federal Grand Jury in the United States District Court for the Southern District of West Virginia for knowingly and intentionally prescribing after his DEA registration had expired. Respondent was tried and convicted on all four counts of the indictment and was sentenced to fifteen months incarceration and fined $20,000.00.

On May 19, 1989, the West Virginia Board of Medicine issued an order revoking Respondent's license to practice medicine in the State of West Virginia effective June 1, 1989. This action, following a hearing, was based upon Respondent's violation of the February 1988 Consent Decree and on his Federal conviction for prescribing controlled substances after his DEA registration had expired.

The Administrative Law Judge concluded that there was no issue of fact to be resolved in this matter. Lack of state authorization to handle controlled substances requires that Respondent's application for registration be denied. 21 U.S.C. 823(f). Thus, the Administrative Law Judge recommended that Respondent be denied registration under the Controlled Substances Act.

The Administrator adopts the findings and recommendation of the Administrative Law Judge, and, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that Respondent's applications for registrations be, and they hereby are, denied. This order is effective November 15, 1989.

Dated: October 5, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89–24357 Filed 10–13–89; 8:45 am]

BILLING CODE 4410–09–M

Albert L. Pullium, M.D.; Revocation of Registration

On May 17, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Albert L. Pullium, M.D., of 6711 Bellfort Boulevard, Houston, Texas, proposing to revoke DEA Certificate of Registration AP8039821, and to deny any pending applications for renewal of his registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Dr. Pullium's continued registration was inconsistent with the public interest, as the term is used in 21 U.S.C. 824(a)(4) and 823(f).

The Order to Show Cause was sent to Dr. Pullium by registered mail, return-

receipt requested. Although more than 30 days have elapsed since the Order to Show Cause was received at Dr. Pullium's address, DEA has received no request for a hearing or other response to the Order to Show Cause. Therefore, in accordance with 21 CFR 1301.54 (a), (d) and (e), the Administrator concludes that Dr. Pullium has waived his opportunity for a hearing in this matter, and enters this final order based upon the information contained in the DEA investigative file.

The Administrator finds that in 1988, the DEA Houston Field Division received information from the Houston Police Department and the Harris County, Texas Sheriff's Department, and a local pharmacist, that Dr. Pullium was issuing prescriptions for controlled substances indiscriminately and for other than legitimate medical purposes. Based upon this information, the DEA Houston Field Division initiated an undercover criminal investigation of Dr. Pullium's controlled substance prescribing practices.

As part of the criminal investigation, on September 15, 1988, a DEA Special Agent, using the undercover name "Charles Calhoun," visited Dr. Pullium's medical office. The Special Agent's conversations with Dr. Pullium were tape-recorded and monitored during the visit. After waiting approximately one hour, the Special Agent was taken to an examining room where he was weighed and had his blood pressure taken by an office nurse. Some time later, Dr. Pullium entered the examining room and asked him how he was doing. The Agent replied that he was "jittery." The Agent also told him that when he lived in Macon, Georgia, his physician treated him for the "jitters" with Valium, Tylenol #4 with codeine and another drug that was "very fine." Dr. Pullium then inquired as to whether the other drug was one of the "big three," which he explained were Ambenyl, Robitussin AC and Tussionex; all are heavily abused codeine-based cough syrups. The Agent acted as though he did not know which cough syrup he had received previously, but repeated to Dr. Pullium that he received it from his other physician for the "jitters." Eventually, the Agent told Dr. Pullium that Tussionex sounded like the cough syrup he used to get. He also claimed that he used to get "high" off the drugs. The Agent further told Dr. Pullium that he did not have any medical problems, but that he preferred obtaining prescriptions from him rather than buying the drugs on the street. In prescribing the Tussionex for the Agent, Dr. Pullium informed him that "they [regulatory agencies] are strict about that * * * I'm gonna have to say you got an acute case of bronchitis or something like that to justify my records," although the Agent never stated that he was suffering from bronchitis. In that visit, the Agent obtained prescriptions for 60 dosage units of Valium 10 mg. tablets, 40 dosage units of Tylenol #4 with codeine tablets and eight ounces of Tussionex suspension cough syrup from Dr. Pullium in exchange for $60.00. Dr. Pullium also told the Agent where he should have the prescriptions filled. Other than being weighed and having his blood pressure taken by the nurse, Dr. Pullium did not perform any medical or physical examination of the Agent.

The Agent returned to Dr. Pullium's office on November 2, 1988. Their conversations on that date were also tape-recorded. The conversation between the Agent and Dr. Pullium immediately turned to the attributes of a woman the Agent alleged to have met previously. He stated that she lives with a criminal friend of his who often has parties where illegal drugs are used. Dr. Pullium expressed an interest in attending one of the parties with the Agent in the future. When the Agent claimed that he had used "crack" cocaine at a previous party, Dr. Pullium admitted that he occasionally uses marijuana. The Agent also told Dr. Pullium that he had access to stolen electronic equipment. Dr. Pullium expressed an interest in obtaining a stolen combination televison/VCR for his relatives from the Agent. The Agent also stated that he would like to obtain controlled substance prescriptions during that visit. Dr. Pullium issued him prescriptions for 60 dosage units of Valium 10 mg. tablets, 40 dosage units of Tylenol #4 with codeine, and eight ounces of Tussionex suspension cough syrup in exchange for $30.00. The Agent never expressed a medical need for any of the drugs. During that visit, Dr. Pullium did not perform any medical or physical examination on the Agent.

On December 1, 1988, the Special Agent telephoned Dr. Pullium to determine whether he still was interested in purchasing a "stolen" television/VCR. Dr. Pullium stated that he remained interested in purchasing the item. On December 6, 1988, the Agent telephoned Dr. Pullium's office and arranged to sell him the television/VCR for $150.00 the following day. Prior to that time, the DEA Houston Field Division made arrangements with a local merchant to borrow a combination television/VCR for the Agent's visit to Dr. Pullium's office. The item retailed for approximately $700.00.

On December 7, 1988, the Special Agent returned to Dr. Pullium's office with the combination television/VCR. Their conversations during that visit were also tape-recorded. Upon first meeting with Dr. Pullium, the Agent informed him that the item was in his van outside and explained that if he was not interested in it, the Agent knew several other persons who would purchase it. Dr. Pullium and his wife, who was at the office during that visit, went with the Agent to his van. Dr. Pullium requested that the Agent drive the van to the rear of his office building. At the rear of the building, Dr. Pullium examined the television/VCR, acknowledged that he wanted it, and asked the Agent to place it in his car. Dr. Pullium also asked the Agent what prescriptions he wanted. The Agent requested prescriptions for the same drugs he received from Dr. Pullium during past visits. Dr. Pullium acquiesced and went upstairs to his office to retrieve the prescriptions and money for the television/VCR. Shortly thereafter, Dr. Pullium returned downstairs with a check in the amount of $150.00 for the television/VCR and prescriptions for 60 dosage units of Valium 10 mg. tablets, 40 dosage units of Tylenol #4 with codeine, and eight ounces of Tussionex suspension cough syrup. The Agent was not asked to pay for the prescriptions obtained during the visit. At no time did the Agent claim to suffer from any medical ailments which would require treatment with those drugs.

On December 8, 1988, DEA Special Agents and Investigators served a criminal search warrant at Dr. Pullium's medical office. Pursuant to the warrant, the Agents and Investigators seized the patient records for "Charles Calhoun." A review of those records revealed that Dr. Pullium falsified several statements in them to justify his unlawful prescribing practices. The record for the Agent's September 15, 1988, visit indicated that he was "nervous and jump a lot at times" and that he suffered from "chronic bronchitis," "chronic anxiety," and "tension headaches." The Agent never complained about "tension headaches" nor did he ever cough during the initial visit or complain of suffering from bronchitis. Dr. Pullium's entry for the Agent's November 2, 1988, visit stated that "the patient has basically the same general problems of nervous tension type headaches and a chronic cough as on the first visit." His general diagnosis was the same as on the previous visit. The Agent never complained during this visit of any headaches or chronic cough. No entry

was made for the Agent's December 7, 1988, visit.

Based upon the results of undercover criminal investigation, on December 21, 1988, in the United States District Court for the Southern District of Texas, Houston Division, Dr. Pullium was indicted on nine counts of unlawfully dispensing controlled substances, by precription, in violation of 21 U.S.C. 841(a)(1). On September 18, 1989, Dr. Pullium was convicted, after entering pleas of guilty, to three counts of unlawfully dispensing controlled substances. He was sentenced to 30 days imprisonment followed by five years probation; he was further ordered to perform 100 hours of community service annually for the duration of his probation and to pay a $10,000.00 fine.

Based upon the information described above, the Administrator finds that Dr. Pullium's DEA Certificate of Registration should be revoked. First, Dr. Pullium has been convicted of a felony offense relating to controlled substances. The conviction itself is sufficient to support the revocation of his registration. *See* 21 U.S.C. 824(a)(2); *See also, Raymond A. Carlson, M.D.*, Docket No. 86–50, 53 FR 74725 (1988); and *John G. Bennett, M.D.*, Docket No. 87–80, 53 FR 48989 (1988).

In addition, Dr. Pullium has exhibited an inability or unwillingness to properly handle controlled substances. He clearly issued prescriptions for dangerous controlled substances to the undercover Agent for other than legitimate medical purposes. Dr. Pullium falsified the Agent's patient records by stating that he suffered from various medical problems which would justify the prescribing of controlled substances in order to conceal his illegal activities. There is no legal justification for the issuance of those prescriptions or the falsification of the Agent's patient records. Greed is the only apparent motivation for Dr. Pullium's illegal activities which can be gleaned from the investigative record. Such improper handling of controlled substances by a DEA registrant cannot be tolerated.

Consequently, based upon Dr. Pullium's recent felony conviction and improper prescribing practices, the Administrator finds that Dr. Pullium's continued registration is inconsistent with the public interest and that his DEA Certificate of Registration must be revoked. Pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator orders that DEA Certificate of Registration AP8039821, previously issued to Albert L. Pullium, M.D., be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective November 15, 1989.

Dated: October 6, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89–24358 Filed 10–13–89; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Bloodborne Diseases, Survey

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of expedited information collection clearance under the Paperwork Reduction Act.

SUMMARY: The Occupational Safety and Health Administration (OSHA), Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR part 1320 (53 FR 16618, May 10, 1988)), is submitting a request for approval to the Office of Management and Budget for a survey to support an assessment of the technological and economic feasibility of a standard to protect workers from occupational exposure to bloodborne pathogens. This will be a one time only survey.

DATE: OSHA has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by November 15, 1989.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the survey or reporting burden should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW . Room N–1301, Washington, DC 20210 ((202) 523–6331).

Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, Room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Average Burden Hours/ Minutes Per Response.	80 minutes.
Frequency of Response	(one time only).
Number of Respondents	462.
Annual Burden Hours	(one time only).
Affected Public	462 establishments.
Respondents Obligation to Reply.	Voluntary.

Signed at Washington, DC, this 5th day of October 1989.

Theresa M. O'Malley,

Acting Departmental clearance Officer.

BILLING CODE 4510–26–M

Standard Form **83**
(Rev. September 1983)

Request for OMB Review

Important

Read instructions before completing form. Do not use the same SF 83 to request both an Executive Order 12291 review and approval under the Paperwork Reduction Act.

Answer all questions in Part I. If this request is for review under E.O. 12291, complete Part II and sign the regulatory certification. If this request is for approval under the Paperwork Reduction Act and 5 CFR 1320, skip Part II, complete Part III and sign the paperwork certification.

Send three copies of this form, the material to be reviewed, and for paperwork—three copies of the supporting statement, to:

Office of Information and Regulatory Affairs
Office of Management and Budget
Attention: Docket Library, Room 3201
Washington, DC 20503

PART I.—Complete This Part for All Requests.

1. Department/agency and Bureau/office originating request

U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis

2. Agency code

1 2 1 8

3. Name of person who can best answer questions regarding this request

Hugh Conway, Director, Office of Regulatory Analysis

Telephone number

(202) 523-9690

4. Title of information collection or rulemaking

Bloodborne Pathogens Rulemaking -- Hospital Survey

5. Legal authority for information collection or rule *(cite United States Code, Public Law, or Executive Order)*

29 USC 655 (b) (5) or Executive Order 12291

6. Affected public *(check all that apply)*

1 ☐ Individuals or households
2 ☐ State or local governments
3 ☐ Farms
4 ☐ Businesses or other for-profit
5 ☐ Federal agencies or employees
6 ☐ Non-profit institutions
7 ☐ Small businesses or organizations

PART II.—Complete This Part Only If the Request Is for OMB Review Under Executive Order 12291

7. Regulation Identifier Number (RIN)

___ ___ ___ ___ ___ ___ ___ ___ ___ ___, or, None assigned ☐

8. Type of submission *(check one in each category)*

Classification
1 ☐ Major
2 ☐ Nonmajor

Stage of development
1 ☐ Proposed or draft
2 ☐ Final or interim final, with prior proposal
3 ☐ Final or interim final, without prior proposal

Type of review requested
1 ☐ Standard
2 ☐ Pending
3 ☐ Emergency
4 ☐ Statutory or judicial deadline

9. CFR section affected

_____ CFR _____

10. Does this regulation contain reporting or recordkeeping requirements that require OMB approval under the Paperwork Reduction Act and 5 CFR 1320? . . . . . ☐ Yes ☐ No

11. If a major rule, is there a regulatory impact analysis attached? . . . . . 1 ☐ Yes 2 ☐ No
If "No," did OMB waive the analysis? . . . . . 3 ☐ Yes 4 ☐ No

Certification for Regulatory Submissions

In submitting this request for OMB review, the authorized regulatory contact and the program official certify that the requirements of E.O. 12291 and any applicable policy directives have been complied with.

Signature of program official — Date

Signature of authorized regulatory contact — Date

12. ***(OMB use only)***

Previous editions obsolete
NSN 7540-00-634-4034

83-108

Standard Form 83 (Rev. 9-83)
Prescribed by OMB
5 CFR 1320 and E.O. 12291

PART III.—Complete This Part Only If the Request Is for Approval of a Collection of Information Under the Paperwork Reduction Act and 5 CFR 1320.

13. Abstract—Describe needs, uses and affected public in 50 words or less 'Occupational Health; Health Standards; Health Survey' The data collected in this survey will help define the extent of employee exposure to certain bloodborne diseases and current practices in hospitals, in order to assess the technological and economic feasibility of a standard to protect workers from exposure to blood and other potentially infectious materials.

14. Type of information collection *(check only one)*

Information collections not contained in rules

1 [X] Regular submission
2 [ ] Emergency submission *(certification attached)*

Information collections contained in rules

3 [ ] Existing regulation *(no change proposed)*
4 [ ] Notice of proposed rulemaking (NPRM)
5 [ ] Final, NPRM was previously published
6 Final or interim final without prior NPRM
A [ ] Regular submission
B [ ] Emergency submission *(certification attached)*

7. Enter date of expected or actual Federal Register publication at this stage of rulemaking *(month, day, year)*: _____

15. Type of review requested *(check only one)*

1 [X] New collection
2 [ ] Revision of a currently approved collection
3 [ ] Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
4 [ ] Reinstatement of a previously approved collection for which approval has expired
5 [ ] Existing collection in use without an OMB control number

16. Agency report form number(s) *(include standard/optional form number(s))*

none

17. Annual reporting or disclosure burden

1 Number of respondents	462
2 Number of responses per respondent	1
3 Total annual responses *(line 1 times line 2)*	462
4 Hours per response	1.3
5 Total hours *(line 3 times line 4)*	614

18. Annual recordkeeping burden

1 Number of recordkeepers	
2 Annual hours per recordkeeper	
3 Total recordkeeping hours *(line 1 times line 2)*	
4 Recordkeeping retention period	years

19. Total annual burden

1 Requested *(line 17-5 plus line 18-3)*	614
2 In current OMB inventory	0
3 Difference *(line 1 less line 2)*	614
Explanation of difference	
4 Program change	614
5 Adjustment	

20. Current *(most recent)* OMB control number or comment number

21. Requested expiration date

February 28, 1990

22. Purpose of information collection *(check as many as apply)*

1 [ ] Application for benefits
2 [ ] Program evaluation
3 [ ] General purpose statistics
4 [X] Regulatory or compliance
5 [ ] Program planning or management
6 [ ] Research
7 [ ] Audit

23. Frequency of recordkeeping or reporting *(check all that apply)*

1 [ ] Recordkeeping

Reporting

2 [ ] On occasion
3 [ ] Weekly
4 [ ] Monthly
5 [ ] Quarterly
6 [ ] Semi-annually
7 [ ] Annually
8 [ ] Biennially
9 [X] Other *(describe)*: nonrecurring

24. Respondents' obligation to comply *(check the strongest obligation that applies)*

1 [X] Voluntary
2 [ ] Required to obtain or retain a benefit
3 [ ] Mandatory

25. Are the respondents primarily educational agencies or institutions or is the primary purpose of the collection related to Federal education programs? [ ] Yes [X] No

26. Does the agency use sampling to select respondents or does the agency recommend or prescribe the use of sampling or statistical analysis by respondents? [X] Yes [ ] No

27. Regulatory authority for the information collection

_____ CFR _____ ; or _____ FR _____ ; or, Other *(specify)*: P. L. 91-596

Paperwork Certification

In submitting this request for OMB approval, the agency head, the senior official or an authorized representative, certifies that the requirements of 5 CFR 1320, the Privacy Act, statistical standards or directives, and any other applicable information policy directives have been complied with.

Signature of program official
Vivian E. Allen
Vivian E. Allen

Date
10/2/89

Signature of agency head, the senior official or an authorized representative
for Paul E. Larson

Date
10/5/89

☆U.S. Government Printing Office: 1985—479-665/39282

BILLING CODE 4510-26-C

Appendix—Supporting Statement for Survey and Related Data Gathering to Support OSHA Rulemaking on Bloodborne Diseases

A. Justification

1. Necessity of Data Collection

The Office of Regulatory Analysis of the Occupational Safety and Health Administration (OSHA) is collecting data to support an assessment of the technological and economic feasibility of a standard to protect workers from occupational exposure to certain bloodborne diseases, primarily the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). Health care and certain other workers are at increased risk for certain infectious diseases due to their exposure to blood and other potentialy infectious body fluids. Occupational exposure takes place in a variety of ways, the most common being injuries from needles and other sharp instruments and the contamination of open wounds from blood splash. These exposures are common, not just in medical personnel but in workers indirectly involved in the handling of potentially infectious body fluids.

OSHA has at this time no specific standard regulating exposure to biological hazards such as viruses. In 1983 the agency issued guidelines in conjunction with the Department of Health and Human Services for reducing the risks of occupational exposure to HBV. In 1988 the agency issued enforcement procedures providing uniform inspection procedures and guidelines to be followed when conducting inspections and issuing citations under section 5(a)(1) of the Act for occupational exposure to both HBV and HIV.

OSHA has developed a proposed section 6(b) rule to protect workers from bloodborne diseases. The proposal includes provision for safe work practices, personal protective equipment, training, post-exposure protocol and, in the case of HBV, a vaccination program.

OSHA's Congressional mandate stipulates that the agency carefully design and study its regulatory proposals. Section 6(b)(5) of the OSHA Act 2d U.S.C. 655 (b)(5) mandates that regulations promulgated by the Agency shall most adequately assure worker safety and health "to the extent feasible on the basis of the best available evidence." They are to be based on "research and the latest available scientific data." Section 6(f) of the Act requires regulations to be justified by "substantial evidence in the record" and authorizes the Secretary of Labor "to enter into contracts, agreements or other arrangements with appropriate public agencies or private organizations for the purposes of conducting studies related to his responsibility under the Act." The courts have endorsed the view that technological and economic factors affect the feasibility of proposed regulations. Thus, OSHA is obligated to gather data on the technological feasibility, cost of compliance, and economic consequences of future standards.

Executive Order 12291 reiterates this obligation by requiring the preparation of preliminary and final Regulatory Impact Analyses for each major rule. The Agency must analyze the potential benefits and costs of the rule and alternative approaches. The Regulatory Impact Analysis may be combined with the analysis required by the Regulatory Flexibility Act. This Act specifically requires an analysis that describes the "impact of the proposed rule on small entities" and significant regulatory alternatives that "take into account the resources available to small entities."

In order to fulfill the Congressional and Presidential mandates and to better evaluate the economic and technological feasibility of the final OSHA standard, OSHA requires a data base that describes current industry practices and identifies situations where potential hazards exist. Thus, in accordance with Section 6 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 655, OSHA is planning to gather statistically accurate data through a survey of hospitals to assess the extent to which hospitals have already implemented infection control measures to protect workers from bloodborne pathogens. These data will enable the Agency to refine its preliminary estimates of the direct and indirect costs associated with the proposed rule. As discussed below, none of the available data sources are fully adequate for this purpose.

To estimate accurately the cost of the standard, data are needed on baseline compliance rates of hospitals for specific provisions of the standard. Currently, much of the data available for estimating the extent to which hospitals have adopted measures to protect workers from bloodborne pathogens are limited or outdated. In addition, most of the data available to OSHA are not based on a random sample, and thus their accuracy cannot be judged. The data that do exist are for the most part over a year old, and are mostly from large, urban hospitals in areas which report a high incidence of HBV and HIV infection. Moreover, those studies on compliance that exist do not allow an estimate of the extent to which a facility may have adopted measures which would, at least in part, meet the requirements of the proposed standard.

In addition to estimates of compliance rates, data are needed on a variety of specific aspects of a facility's operation. For example, data on the number of incidents of employee exposure to blood or materials contaminated with blood are needed to estimate the cost of the post-exposure protocol.

A timetable for the survey is presented in Figure A–1. The timetable shows that OSHA is attempting to complete the survey within a short period of time in order to permit completion of the final regulatory analysis in conjunction with the final rule. The schedule currently calls for completion of the bulk of the survey effort within a 10-week period. Therefore, we request that an expedited review be performed by OMB.

Figure A–1.—Schedule for Design and Completion

Complete design of survey instrument and submit information collection plan to OMB.	Oct. 6, 1989.
Publish Federal Register notice of survey submission to OMB.	Oct. 12, 1989.
Obtain sampling frames for each sample stratum.	Oct. 15, 1989.
Receive OMB approval of survey (expedited).	Nov. 6, 1989.
Mail notification letters to survey targets.	Nov. 7, 1989.
Begin telephone interviewing...	Nov. 20, 1989.
Complete telephone interviewing.	Dec. 18, 1989.
Perform data tabulations.....	Jan. 1, 1990.
Integrate survey results into a draft final report.	Jan. 15, 1990.
Respond to comments and submit final report.	Feb. 1, 1990.

2. Uses of the Information

The data gathered through this survey will be used by OSHA to make estimates of the direct and indirect costs of the various provisions for safe work practices, personal protective equipment, training, post-exposure follow up and HBV vaccination. The information gathered from all of the data collection efforts will be used by OSHA to prepare a final Regulatory Impact Analysis (RIA) for the final rule. Executive Order 12291 requires preparation of an RIA for each major rule. In an RIA, the Agency must assess the potential benefits and costs of the rule and of alternative approaches.

The discussion below describes in detail the data uses for responses to each set of questions in the survey instrument.

A. *Questions on Infection Control Policies.* This set of questions identifies the types of infection control policies that have been adopted by the hospital, including isolation and surgical precautions, as well as general polices with regard to bloodborne infections. An understanding of the types of policies will provide general indication of the hospital's compliance level and a quality control check on later responses.

B. *Questions on Hospital Employment Structure.* These questions identify how many workers are employed by the hospital in each employment category. Employment categories include direct patient care employees, laboratory staff, and service employees. These questions also identify how many full time employees there are in each category. Data from these questions have an important effect on the cost of training and the HBV vaccination program aspects of the proposal.

C. *Data of Rates on Employee Exposure.* The next set of questions ask for estimates of the proportion of workers that are potentially exposed to blood or materials contaminated with blood. Data is gathered for each employment category mentioned above. Information gathered here is important in determining how exposure varies among the different employee categories.

D. *Questions on Policies for Use of Personal Protective Equipment.* Data are collected on the hospital's policies regarding employee use of personal protective equipment. Estimates are gathered for glove use, including when gloves are to be worn and how often they are to be changed. The data are specific to different employee categories. Where appropriate, additional questions are asked regarding the use of masks, goggles, shields and gowns. These questions are important in determining PPE usage rates and the level of current compliance. Hospitals covered in this survey were not included in the OSHA survey on personal protective equipment.

E. *Questions on Procurement of Personal Protective Equipment.* These questions gather data on the amounts of personal protective equipment purchased by the hospital, including gloves, gowns, masks, goggles and face shields. These data are used in determining usage rates for PPE as well as in the estimation of current compliance.

F. *Questions on Contract and Unpaid Workers.* These questions identify how many contract and unpaid workers are in danger of potential exposure and if they are offered personal protective equipment. This information is requested because these types of workers technically would not be the responsibility of the hospital under OSHA's proposed rule; thus, a rigorous analysis can not be performed without these data.

G. *Questions on Hepatitis B Vaccination Policies.* Questions are asked to determine the percentage of exposed workers who have received the HBV vaccine, if the hospital screens employees prior to vaccination, the extent to which these workers are offered the HBV vaccine free of charge, and when appropriate, the proportion of workers that accept the vaccine. Data from these questions are important in determining costs associated with the comprehensive surveillance program.

H. *Questions on Employee Training.* Data are collected on the length, frequency and timing of infection control training provided to at risk employees by the hospital. This information will enable the Agency to estimate the incremental effect of its proposed training provision.

I. *Questions on Post-Exposure Protocol.* Questions are asked to determine the annual number of exposures occurring in the hospital. Further, data are collected regarding source and employee testing, post-exposure employee counseling and medical treatment. Data from these questions are integral in determining cost and current compliance with regard to post-exposure procedures.

J. *Questions on Sharps Handling and Infectious Waste Disposal.* These questions deal with current practices with respect to disposal of infectious items. Questions are also asked to determine what types of waste the hospital treats as infectious. This information is important because the costs of disposing of waste designated as infectious are greater than the costs of disposal for non-infectious items.

K. *Questions on Laboratory Specific Infection Control Practices.* Data are collected with regard to centrifuge operation and aerosolization of infectious fluids and whether appropriate hazard signs are posted when concentrated HIV or HBV samples are in use. These questions are important for determining current levels of compliance.

L. *Questions on Policies Specific to AIDS and Hepatitis B.* These questions determine if any patient groups undergo routine HIV or HBV screening, how the status of HIV or HBV patients is made apparent, and if such patients are treated any differently than non-infected patients. These questions address issues of concern to the Centers for Disease Control.

3. Use of Technology to Reduce Burden

Information for this survey will be collected using a Computer Assisted Telephone Interviewing (CATI) system. Such a procedure will improve the quality and efficiency of the survey in a number of ways and will also reduce respondent burden. First, since the survey is done via telephone, there is no need for scheduling on-site visits to gather the information. This is expected to increase both the response rate and reduce the cost and time of completing interviews.

Further, CATI system responses are entered directly into the computer, eliminating the need for separate recording and coding operations. Also, the computer ensures that the proper sequence of questions is followed automatically. For example, if the response to one question suggest that a follow-up question can be skipped, the computer will automatically move on. The interviewer simply reads the questions as they appear on the screen. In addition, the use of the CATI allows the interviewer to omit questions that would not be relevant for the particular facility being questioned. This system produces a smoothly flowing interview and eliminates any pauses or delays by the interviewer to enter responses by hand or to find the next question. In essence, the computer produces a questionnaire tailored to each facility. If, however, the hospital indicates that it prefers to submit the information by mail, this method will also be accepted. There are no technical or legal obstacles to these plans for reducing the burden.

4. Efforts to identify Duplication

OSHA delayed this effort to allow for full coordination of its activities with the Centers for Disease Control and to eliminate the potential for duplication of efforts. OSHA and its contractor, Jack Faucett Associates, Inc., have conducted an extensive literature review and have explored sources within governmental and private agencies for data that are to be collected from these surveys. The findings indicate that there are no attempts to gather, in a systematic fashion, data on the work practices and the costs of control measures to protect workers from occupationally related exposures to bloodborne diseases for the hospitals affected by the rule.

5. Availability of Data from Existing Sources

More data have been collected that is relevant to the OSHA rulemaking for hospitals than for any other facility type potentially affected by the proposed standard. However, relative to the large proportion of the costs of the standard that hospitals will bear, the current data are not fully adequate.

A number of studies have considered the rates of exposure of health care workers to infected material, including studies by Marcus, Newberger, McCray, Gerberding, McCormick and others. However, the past studies have focused on the number of exposure incidents and have generally not provided useful data upon which to estimate the total number of exposed workers.

Incomplete or out of data data are available on levels of compliance among hospitals. CDC conducted a survey of hospitals in July of 1985 to measure the rate of adoption of selected universal precautions policies but these data are now seriously out of date. A survey in early 1988 of hospitals by the Joint Commission on Accreditation of Health Care Organizations (JCAHCO) asked whether the hospitals had adopted procedures that met or were equivalent to the CDC recommendations. These data, however, do not provide the detail required to estimate hospitals' current level of compliance with the proposed rule. A survey in 1987 conducted by Celetano for the Association of Practitioners of Infection Control had similar limitations as the JCAHCO survey.

The Service Employees International Union (SEIU) surveyed workers at a variety of facilities to estimate compliance with various infection control practices. The SEIU data were useful in developing the preliminary RIA but do not cover all the areas of interest. In addition, the small sample size and non-random selection of facilities in this survey limits the usefulness of these data.

There have been a number of surveys and studies analyzing the cost effectiveness of HBV vaccination programs and the levels of immunization of health care workers, but data on current vaccination rates are out of date, given anecdotal evidence that many facilities have only recently adopted vaccination programs. Data are also limited on the number of hospitals that offer the HBV vaccination free of charge and the types of workers that are offered the vaccine.

Regional data are available on infectious waste disposal practices in New Jersey, New York, Pennsylvania and parts of Washington State. National data, however, are limited. A study by Rutala in July of 1987 and January of 1988 provided national data on hospital infectious waste practices. Given the recent changes in many state laws and regulations and the public attention given during the summer of 1988 to infectious waste hospital practices are expected to have changed significantly. Current detailed data are needed on the types of waste hospitals are treating as infectious waste.

CDC collects information regarding the incidence of bloodborne diseases in their national medical surveillance, but these data lack information regarding occupationally related exposures to these infections, and do not address current work practices or control costs.

6. Minimizing Small Employer Burden

Approximately one-half of the establishment surveyed are expected to be small. To reduce the burden on these facilities, both the total number of facilities surveyed and the number of questions asked have been kept to a minimum.

7. Consequence of Less Frequent Collection

This is a one time only data collection. No plans exist for subsequent periodic follow up of this study.

8. Consistency With 5 CFR 1320.6

There are no special circumstances that require the collection of information in any manner inconsistent with the guidelines in 5 CFR 1320.6.

9. Expert Review of the Survey Questionnaire

The survey design team has had discussions with industry experts in order to assess the substance of the survey questions. The clarity of instructions and other specific survey design elements have been reviewed by contractor survey experts, OSHA personnel and expert safety consultants in industry.

A. The survey instrument has been reviewed in September of 1989 by:

Dr. Hugh Conway, Office of Regulatory Analysis, OSHA, 202–523–9916;
Mr. Larry Braslow, Office of Regulatory Analysis, OSHA, 202–523–9916;
Mr. Robert Andrei, Office of Regulatory Analysis, OSHA, 202–523–9916;
Mr. Jack Smalligan, Jack Faucett Associates, 301–961–8800;
Mr. Ronald Bird, Jack Faucett Associates, 301–961–8800;
Ms. Gina Pugliese, American Hospital Associates, 312–280–5995.
Dr. Robert Hiett, KCA Research, 703–642–5220.
Ms. Jacquelyn Polder, Centers for Disease Control, 404–639–1644

B. No major problems arose during this review.

C. Public comment will be solicited through the Federal Register notice for the study.

10. Confidentiality

Procedures have been developed to protect the confidentiality of the collected data. These measures are summarized below:

A. All contractor and subcontractor personnel will be given instructions regarding the importance of keeping all information they obtain from respondents confidential.

B. The data will be collected using a Computer Assisted Telephone Interviewing (CATI) system. This technology enables the survey responses to be automatically written to a computer data file. Neither the name of the company nor the respondent will appear in the data file. A listing of respondents will be kept separately in a locked file cabinet at the contractor's office, and will be destroyed when no longer needed. The respondents' names will be linked to the data base through a unique number assigned at the time of the interview.

C. Publications of study results will be of a statistical nature only. Respondents will never be identified in any publication or presentation, nor will their names be made available to other individuals or groups.

11. Sensitive Questions

The proposed survey instrument contains no questions of a sensitive nature.

12. Costs

The total one-time cost to the government of the proposed data collection is $150,000. This estimate includes costs incurred by contractors for administration and operation of the data collection, tabulation of survey results, and subsequent analyses. The total one-time cost to the hospitals is estimated to be $12,556 (using 2 hours per facility for complete responses and 5 minutes/facility for screening or refusals).

13. Estimate of Respondent Reporting Burden

The survey instrument has been designed to allow the respondent to provide estimates and approximations. It is not the intent of the survey to require respondents to compile new data. Where data are requested, the survey instruments note that reference

is being made to data which the respondent should be able to estimate readily or access easily.

It is estimated that 2 hours will be required for the completion of the survey. Based on 300 respondents, the respondent burden for completed surveys will be approximately 600 hours. For non-complete responses (screening or refusals), the burden will be 14 hours. The total respondent burden will be 614 hours. The respondent burden is summarized below.

Type of respondent	Number of respondents	Completion time (min.)	Total burden (hrs.)	Respondent costs [1]
Non-response or screening only	162	5	15	$286
Complete	300	120	600	12,270
Total	462		614	12,556

[1] Based on an administrative wage rate of $20.45 per hour including fringe benefits.

OSHA's 1989 information collection budget (ICB) allocated 600 hours to this survey.

14. Tabulation/Publication Timetable

The survey results will be placed in the relevant OSHA docket in whole or in part by OSHA as deemed appropriate as soon as complete computer files are finalized. Analysis of the data will appear in the final Regulatory Impact Analysis.

B. Statistical Methods

1. Characterization of the Universe and Sample

Universe and Sampling Frame. The universe of interest for the Blood Borne Diseases (BBD) Hospital Survey consists of all hospitals in the United States. It includes hospitals of all sizes, publicly as well as privately-controlled hospitals, and hospitals offering a range of services (e.g., general, psychiatric, and specialty hospitals). For the purposes of this survey, however, state or local government controlled hospitals in OSHA state plan states are excluded.

The sampling frame will be the hospital list marketed by the SMG Marketing Group, Inc., a company specializing in the health care industry. It is noted that should any problems arise with implementing the SMG frame, the American Hospital Association (AHA) frame will be used as a backup data source. The data sources for the SMG list are the records kept by State Health Departments. For licensing and other purposes, all hospitals must file accurate and up-to-date information with their respective State Health Department. These records are public documents that can be freely and completely accessed by private parties.

The SMG list, because of its completeness and data origin, is used by a number of U.S. health agencies for their data-gathering efforts. It is updated quarterly (the last update was completed in June, 1989), but information on hospitals which have closed since June is maintained current by feedback provided by users of the list. That is, whenever mail with an SMG-generated mailing label is returned to the sender, either because the facility is not at the address indicated or because it has closed, SMG immediately records this information on the data base. The coverage of this list, estimated at about 95 percent of operating hospitals at any given point in time, is quite good, since it is based on public records and all hospitals licensed in a State must report to the State Health Department. Because the list is in constant use and feedback on closed facilities is incorporated in the file on an ongoing basis, the expected proportion of "bad" listings associated with non-operating hospitals at any given point in time is less than 5 percent.

Design Overview. The sampling plan for the BBD Hospital Survey consists of a stratified probability sample of 300 hospitals. Two strata, defined on the basis of reported number of hospital beds (the measure of size), are used to select the sample. The sampling unit, based on the SMG data base, is the reporting unit. The two sampling strata are defined by splitting the hospital frame into two groups at roughly the median of the distribution of number of beds. The sample of 300 hospitals is allocated to each size stratum in proportion to the stratum measure of size. To achieve implicit stratification by geographic region of the country, the file will be ordered by Census region within strata and a systematic sample selection will be carried out independently within each primary stratum.

2. Information Collection Procedures

The information on the BBD Hospital Survey will be collected via CATI with prior mailing of the questionnaire to each sample hospital. (Respondents will be permitted to submit completed questionnaires by mail if they so desire.) The survey questionnaire and instructions supplementing the definitions and explanations appearing on the questionnaire will be mailed to a previously identified contact person (obtained from the SMG listing). The questionnaire will be broken up into information sections to facilitate completion. The contact person will be responsible for distributing the different sections to the appropriate hospital staff member. This approach allows different parts of the questionnaire to be answered by the person(s) most knowledgeable about the particular subject matter, while maintaining a central contact who will report the results to the telephone interviewers. The initial mailing of questionnaires will be accompanied by a letter of introduction, signed by the Assistant Secretary of Labor.

Effective Sample Size and Precision of Sample Estimates. The expected precision for the overall estimate and the stratum-level estimates was derived as follows. It is noted here that this approach is a continuation of the methodology employed in the BBD Survey presently being conducted for eighteen other health care industry sectors (FR Vol. 54, No. 137, Wednesday, July 19, 1989, p. 30330). The actual (i.e., incremental) cost (COST) incurred by a given hospital in order to come into compliance with the proposed standard may be modeled as the product of two independent random variables. The first variable, Y, relates to the total compliance cost for the establishment. This includes its baseline costs (i.e., those costs the hospital currently experiences as a result of its current health safety policies) plus its additional costs stemming from new policies it may be required to implement based upon the new standard. This total cost is independent of any establishment policy or practice and is derived solely from the characteristics of each facility (e.g., numbers of employees, numbers of people treated). The second variable, P, measures the hospital's current rate of non-compliance with the proposed standard. Its values range from 0 to 1. Hence, the incremental cost to each

establishment as a result of the standard may be modeled as:

$$COST_i = Y_i \times P_i;$$

where,

$COST_i$ = Incremental cost to hospital i;
Y_i = Total compliance cost to hospital i; and
P_i = Current percent non-compliance for hospital i to new standard.

Using the assumption of independence of Y and P, the expected value and variance of this cost may be expressed as:

$E(COST) = E(Y) * E(P) = Y * P$; and

$Var(COST) = (E(Y))^2 Var(P) + (E(P))^2 Var(Y) + Var(P)Var(Y)$.

Having split the total variability in cost into two independent components, one stemming from the variability in facility characteristics and the other stemming from variability in policy (i.e., current compliance), sample requirements were estimated based upon various assumptions about the distributions of each.

For the total cost variable, Y, a gamma distribution was assumed, using a value equal to 3 for the shape parameter. This parameter corresponds to a slightly skewed distribution with moderate variability (CV=0.58). The population coefficient of variance (CV) is defined as the population standard deviation divided by population mean. For the non-compliance variable, P, a triangular distribution was assumed with endpoints at zero and one.[1] The mean of the distribution (expected non-compliance rate) was assumed to be 0.33. The figure is consistent with OSHA's assessment of current practice in the hospital industry.

Using the above parameters for the total cost variable, Y, and the percent non-compliance variable, P, the incremental cost variable has a population CV equal to 0.99. Based on this assumed population CV and simple random sampling selection, a sample size of 300 results in a relative standard error (RSE) of 0.057 (5.7%) in the survey estimate. The stratum level estimates, based on a sample size of 150 hospitals each, are expected to have a relative standard error of 0.08 (8%). Specifically, ignoring the finite population correction factor, these estimates were derived from the following standard formula:

$RSE(Y) = CV_y / \sqrt{n}$.

The number of solicitations required to achieve the target number of 300 completed questionnaires from eligible hospitals was estimated by inflating this target sample size by the expected number of unsuccessful interview attempts. These losses are due to non-response (e.g., refusal, language barrier, extenuating circumstances existing during the data collection period), the inability to contact a hospital because it has closed, and other unforseen losses. Based on previous experience in hospital surveys, losses due to non-response are estimated at 25 percent, losses due to out-of-business and other out-of-scope are estimated at 10 percent, and losses due to other unforseen reasons are estimated at 20 percent. Hence, 462 hospitals will be asked to participate in the survey and 462 questionnaires will initially be mailed to the identified participants. An additional 205 hospitals will be assigned as a reserve sample. After the losses experienced in the mailing are determined (e.g., number of returned envelopes), subsets of the reserve sample will be released as required to achieve the 300 target completed interviews with eligible hospitals. Specifically, the total number of hospitals to be initially selected, 667, was estimated by:

$300 \times 1/(1 - (.25 + .10 + .20)) = 300 \times (1/.45) = 667$.

Stratification. The expected relative standard errors (RSE) indicated above were derived under the assumption of simple random sampling. However, with stratification, the efficiency of the sample may be increased. By identifying subdomains of the universe of interest that are more similar among themselves with respect to the key characteristics to be estimated from the survey and by selecting independent samples within each subdomain or stratum, the overall variance of the estimates may be reduced. The reduction in variance is a function of the correlation between the stratification variable(s) and the estimates to be produced from the survey. For the BBD Hospital Survey, number of hospital beds will be used as the primary stratification variable. We expect this size measure to be correlated with incremental cost of compliance with the proposed standard.

Stratification may also be used to achieve specific sample sizes for selected subdomains of the universe, since sample selection is carried out independently within strata. Thus, estimates for these selected subdomains can also be produced. Although estimates for the entire hospital sector are of primary importance in this survey, estimates by size subdomain are also of interest.

Two strata will be identified for sample selection: (1) Hospitals with less than 300 beds, and (2) hospitals with 300 or more beds. These stratum boundaries were defined following the "CUM square root of frequency" procedure.[2] For this survey, this rule implies that the two strata will represent approximately equal cumulative square root of the measure of size (total hospital beds accounted for by the hospitals) in the stratum. The table below shows how the rule was implemented. It presents the distribution of hospitals by bed size categories reported by AHA, total number of beds accounted for by hospitals in the category, and the cumulative square root of number of hospital beds for the two resulting strata.

[1] Kish, L. *Survey Sampling*, John Wiley and Sons, Inc., New York, 1965, p. 262.

[2] Cochran, W.G., *Sampling Techniques*, Third Edition, John Wiley and Sons, Inc., New York, 1977.

DISTRIBUTION OF HOSPITALS AND BEDS BY STRATA.[3]

Stratum	Number of hospital units	Number of beds	Square root (beds)	Cumulative percent of beds
6 to 24 beds	290	5,608	75	3
25 to 49 beds	1,145	42,845	207	10
50 to 99 beds	1,673	120,841	348	21
100 to 199 beds	1,581	222,765	472	38
200 to 299 beds	858	207,602	456	[4] 53
300 to 399 beds	503	172,627	415	67
400 to 499 beds	275	122,855	351	79
500+ beds	496	371,557	610	100
Total	6,821	1,266,700	2,933	

[3] "Hospital Statistics," American Hospital Association 1988 Edition, table 3, p. 12.
[4] The cumulative percent closest to 50 percent defines the stratum boundary.

Sample Selection Methodology. Sample selection under stratified sampling will be carried out independently within strata. To implement the selection, the SMG hospital file will be sorted by the primary strata (less than 299 beds, and 300 or more beds) and by secondary strata. (Census geographic region) within bed size. The sort by region within primary strata will achieve a proportional distribution of the within-stratum sample across the four Census regions. The skip interval for the selection within stratum will be established as the reciprocal of the sampling rate corresponding to the particular stratum. As discussed earlier, a total sample of 667 hospitals will be selected. Four hundred sixty-two (462) hospitals will initially be contacted. This sample includes additional units to cover losses due to nonresponse, out-of-scope or out-of-business listings on the SMG file, and "bad" telephone numbers (e.g., ring-no-answer, disconnected). Two hundred five (205) hospitals will be identified as a reserve sample to cover unforeseen losses.

Estimation Procedure. The survey estimator will be selfweighting within stratum, but sampling weights will be required to produce overall estimates to account for differential probabilities of selection across the two strata. The overall estimator will take the form:

$$Y = \sum_{i} WGT_{hi} * NRAF_{hi} * RESP_i$$

where,

WGT_{hi} = the stratum h sampling weight corresponding to hospital i; and

$NRAF_{hi}$ = the stratum h non-response adjustment corresponding to hospital i.

The non-response adjustment will be computed within stratum as the ratio of eligible hospitals (indexed by i), weighted by number of beds to cooperating eligible hospitals (indexed by i*) weighted by number of beds. That is

$$NRAF_h = \frac{\sum_{ieh} (WGT_i \times BEDS_i)}{\sum_{ieh} (WGT_i^* \times BEDS_i^*)}$$

Sampling errors of survey estimates will reflect stratification. With a stratified sample, the variance of the overall estimate is equal to the sum of the stratum variances.

3. Methods to Maximize Response Rates

This survey is voluntary and is expected to yield a response rate of approximately 75 percent of in-scope hospitals. Every effort will be made to complete interviews for all in-scope hospitals: Up to five call-backs will be made to obtain a completed questionnaire. We expect that having identified a contact person at the hospital prior to the call by the CATI interviewer will facilitate obtaining a completed interview. Also, we hope to obtain an endorsement from the American Hospital Association. If obtained, this support will be indicated in our initial contact letter. In addition, the CATI process will help improve the overall response rate by:

- Allowing direct telephone contact with the hospital staff person in charge of reporting responses for all sections of the questionnaire (the central contact person); and
- Scheduling and maintaining a detailed record of the initial solicitation and all call-backs to obtain an interview with the contact person at the hospital.

BILLING CODE 4510-26-M

_____, 1989

OMB Approval # _____
OSHA Contact: Robert Andrei
(202) 523-9916

Name _____
Address _____
_____
_____

DRAFT

Dear _____:

The objective of the Occupational Safety and Health Act of 1970 is to provide a safe and healthful workplace for all employees in the United States. To help achieve this objective, the Occupational Safety and Health Administration (OSHA) is conducting a survey to support an assessment of the technological and economic feasibility of a standard to protect workers from occupational exposure to certain bloodborne diseases, primarily the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV). Your hospital has been selected to participate in this survey, and an interviewer will be calling you in two weeks to ask some questions about practices at your facility which provide workers with protection against bloodborne diseases.

The information you can provide is essential to OSHA's rulemaking process, and will help to ensure that the Agency's final analysis reflects the infection control practices of hospitals such as yours. A copy of the survey is attached. Questions are asked regarding the infection control policies of your facility, policies for the use of personal protective equipment, training programs, and related topics. To assist you in the preparation of your responses for this survey, we have structured the questionnaire such that particular sections can be distributed among the respective departments or offices of your hospital. Participation in the survey is voluntary and all responses will be kept strictly confidential and will not be identified by name in any reports or data compilations submitted to OSHA.

The survey has been designed as a Computer Assisted Telephone Interview (CATI) survey, that is, the information requested in the questionnaire is to be collected by our telephone interviewers. However, if you should complete the questionnaire prior to receiving a call from an interviewer, you may forward your written response to:

KCA Research
5501 Cherokee Avenue
Suite 111
Alexandria, Virginia 22312
RE: Hospital Project

Mr. _____
Page 2

For the purposes of this survey, we are requesting information only on those services provided on location by your hospital; information associated with any services provided at a separate location should not be reported in response to questions in this survey.

We estimate that it will take an average of 2 hours or less per complete response for this survey. If you have any comments regarding this estimate or any other aspect of this survey, including suggestions for reducing this burden, send them to the Office of Information Management, Department of Labor, Room N1301, 200 Constitution Avenue, NW, Washington, DC 20210; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

You can help us to expedite our survey process by designating the best qualified person to answer questions regarding worker protection from blood and other potentially infectious materials. Your cooperation will be instrumental in OSHA's development of a feasible and effective final standard.

Thank you for your time and assistance and we look forward to receiving your valuable input.

Sincerely,

_____
Acting Assistant Secretary

INFECTION CONTROL POLICIES

1. Are there policies at your hospital regarding infection control?

Yes, written	1	
Yes, not written	2	
No	3	
Don't Know	4	GO TO 6
Refused	5	

2. Which policies most closely describe isolation policies adopted by your hospital? (Check all that apply)

__ Category Specific Isolation Precautions
__ Disease Specific Isolation Precautions
__ Universal Precautions
__ Body Substance Isolation
__ Facility Specific Policy
__ Other (specify) _____

3. Which of the following best describes policies used for isolation precautions in your hospital?

__ When a patient is known or suspected of having an infectious disease/condition, precautions are used that are appropriate for a category of conditions; that is, Enteric precautions for gastrointestinal diseases, Wound and Skin precautions for infected wounds, AFB precautions for pulmonary tuberculosis, etc.
__ When a patient is known or suspected of having an infectious disease/condition, that disease is considered specifically; only those precautions that are indicated to interrupt transmission of that disease or condition are recommended, for example, private room, masks, gowns, or gloves.
__ ALL body substances of ALL patients are handled as if they may be infectious. Gloves are worn for contact with mucous membranes, nonintact skin, and moist body substances, including contact with blood, feces, urine, sputum, saliva, wound drainage, and other body fluids; additional precautions are required for diseases transmitted by the airborne route.
__ A policy developed by your facility which may be a combination of the above or others. Specify _____
__ No official policy.

DRAFT

4. Which of the following policies MOST CLOSELY resemble policies that your facility uses for the prevention of transmission of bloodborne infections:

__ ALL body substances of ALL patients are handled as if they may be infectious.
__ CERTAIN body fluids including blood, semen, vaginal secretions, tissues, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid of ALL patients are handled as if infectious.
__ ALL body substances of patients known or suspected of being infected with a bloodborne pathogen are handled as if they may be infectious.
__ CERTAIN body fluids including blood, semen, vaginal secretions, tissues, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid of patients known or suspected of being infected with a bloodborne pathogen are handled as if infectious.
__ A policy developed by your facility which may be a combination of the above or others. Specify _____
__ No official policy.

5. During surgical procedures in the operating room, is there a policy for changes in routine practices if the patient is known or suspected of having a bloodborne infection?

Yes, written	1
Yes, not written	2
No	3
Don't Know	4
Refused	5

DRAFT

STAFF STRUCTURE

6. How many total employees, including full and part-time employees, are presently employed at your establishment? Do not include contract workers or unpaid workers.

7. Do you have contract workers who perform work onsite?

8. Do you have unpaid workers, such as volunteers or students, who perform work onsite?

Following are two questions which refer to the list of employee categories appearing on page 4.

Employees are only those workers who are employed by you and who are on your payroll. Do not include self-employed physicians with hospital privileges, contract workers, or volunteers.

Please indicate for each employee category:

the total number of employees in that category; and

the number of full time employees.

[INTERVIEWER READS DOWN LIST]

DRAFT

9. I. Direct Patient Care

Diagnosing Occupations
Physicians* ___; full time ___
Dentists ___; full time ___
All other ___; full time ___

Health Assessment, Treating, and Technical Occupations
R.N. ___; full time ___
L.P.N. ___; full time ___
Therapists ___; full time ___
Physicians' Assist. ___; full time ___
Technicians ___; full time ___
All other ___; full time ___

Health Service Occupations
Dental Assistants ___; full time ___
Nursing Aides ___; full time ___
Orderlies ___; full time ___
Attendants ___; full time ___
All other ___; full time ___

10. II. Laboratory Staff

Technologists ___; full time ___
Technicians ___; full time ___
All other ___; full time ___

11. III. Service Employees

Housekeepers ___; full time ___
Laundry ___; full time ___
Central Supply ___; full time ___
All other ___; full time ___

* Please include all M.D.s, D.O.s, interns, and residents, if paid.

DRAFT

POTENTIAL FOR EXPOSURE

Following are two questions which refer to the list of employee categories appearing on pages 7 through 9.

This list is identical to the list used for STAFF STRUCTURE.

These questions ask about occupational exposure to blood and other potentially infectious materials.

Potentially infectious materials include the following body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, amniotic fluid, saliva in dental procedures, and any body fluid that is visibly contaminated with blood. Also included as potentially infectious materials are any unfixed tissue or organ, HIV- or HBV-containing solution, cell, tissue or organ culture, and organs or tissues from experimental animals infected with HIV or HBV.

The OSHA definition of occupational exposure is reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. This determination of reasonably anticipated contact is to be made without regard to personal protective equipment, such as gloves.

For each employee category listed, please indicate;

the percentage of total employees in that category who are occupationally exposed, as defined above; and

the percentage of occupationally exposed employees in that category who are exposed to splashes or spatter of blood or other potentially infectious materials.

[INTERVIEWER READS DOWN LIST]

DRAFT

12. I. Direct Patient Care

Diagnosing Occupations
Physicians
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Dentists
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
All other
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
(Please list up to 5 of the most frequently exposed occupational categories that you have included in the "all other" category.)
_____;_____; _____; _____; _____; _____

Health Assessment, Treating, and Technical Occupations
R.N.
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
L.P.N.
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Therapists
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Physicians' Assist.
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___

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Technicians
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
All other
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
(Please list up to 5 of the most frequently exposed occupational categories that you have included in the "all other" category.)
_____;_____; _____; _____; _____; _____

Health Service Occupations
Dental Assistants
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Nursing Aides
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Orderlies
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Attendants
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
All other
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of total number exposed to splashes or spatter of blood or other potentially infectious materials___
(Please list up to 5 of the most frequently exposed occupational categories that you have included in the "all other" category.)
_____;_____; _____; _____; _____; _____

DRAFT

13. II. Laboratory Staff

Technologists
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Technicians
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
All other
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
(Please list up to 5 of the most frequently exposed occupational categories that you have included in the "all other" category.)
_____;_____; _____; _____; _____; _____

14. III. Service Employees

Housekeepers
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Laundry
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
Central Supply
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
All other
% who are occupationally exposed to blood or other potentially infectious materials ___;
% of those occupationally exposed who are exposed to splashes or spatter of blood or other potentially infectious materials___
(Please list up to 5 of the most frequently exposed occupational categories that you have included in the "all other" category.)
_____;_____; _____; _____; _____; _____

DRAFT

15. Are any of your direct patient care employees who are exposed to blood or other potentially infectious materials exposed less frequently than once per month, on average?

Yes	1	
No	2	------
Don't Know	3	------ GO TO Q.17
Refused	4	------

16. Please estimate the percentage of exposed direct patient care employees who are exposed less frequently than once per month.

17. Are any of your laboratory staff who are exposed to blood or other potentially infectious materials exposed less frequently than once per month, on average?

Yes	1	
No	2	------
Don't Know	3	------ GO TO Q.19
Refused	4	------

18. Please estimate the percentage of exposed laboratory staff members who are exposed less frequently than once per month.

19. Are any of your service employees who are exposed to blood or other potentially infectious materials exposed less frequently than once per month, on average?

Yes	1	
No	2	------
Don't Know	3	------ GO TO Q.21
Refused	4	------

20. Please estimate the percentage of exposed service employees who are exposed less frequently than once per month.

POLICIES FOR USE OF PERSONAL PROTECTIVE EQUIPMENT (PPE)

The following questions are about personal protective equipment used to guard against exposure to blood and other potentially infectious materials.

The occupational categories for which information is requested below follow the groupings presented in the section on Staff Structure (p. 4). For example, employees with direct patient care responsibilities would be all those employees grouped under section I on page 4.

21. What is your facility's overall policy on the wearing of gloves by workers who have direct patient care responsibilities?

__ When contact with ALL body substances, including saliva, urine, and feces can be reasonably anticipated.
__ When contact can be reasonably anticipated with blood, semen, vaginal fluid, or other body fluids which contain blood or to which CDC's recommendations for universal precautions apply.
__ Whenever the health care worker chooses to use gloves.
__ No policy for the ROUTINE use of gloves.
__ Other (specify) _____

22. When does your policy state that gloves should be replaced by workers who have direct patient care responsibilities? (Check all that apply)

__ Between patients
__ As soon as possible whenever gloves are visibly soiled with blood.
__ As soon as possible whenever gloves are torn.
__ As soon as the worker leaves the work area.
__ No policy; decision is made by the worker.

23. What is your facility's overall policy on the wearing of gowns by workers who have direct patient care responsibilities?

__ If soiling of exposed skin or clothing with ANY body substance (including saliva, urine, and feces) can be reasonably anticipated.
__ If soiling of exposed skin or clothing with blood, semen, vaginal fluid, or other body fluids which contain blood or to which CDC's recommendations for universal precautions apply, can be reasonably anticipated.
__ Whenever the health care worker chooses to use a gown.
__ No policy for the ROUTINE use of gowns.
__ Other (specify) _____

DRAFT

24. What is your facility's overall policy on the wearing of face protection, including masks, goggles, and face shields by workers who have direct patient care responsibilities?

__ If splashes, spray, or spatter of ANY body substance (including saliva, urine, and feces) may be generated.
__ If splashes, spray, or spatter of blood, semen, vaginal fluid, or other body fluids which contain blood or to which CDC's recommendations for universal precautions apply, may be generated.
__ Whenever the health care worker chooses to use face protection.
__ No policy for the ROUTINE use of face protection.
__ Other (specify) _____

25. What is your facility's overall policy on the wearing of gloves by workers in the laboratory during routine processing of blood specimens? Please indicate all that apply.

__ During processing of ANY blood specimen.
__ Only during processing of blood specimens from isolation patients.
__ Only during processing of labelled blood specimens known or suspected to contain a bloodborne agent.
__ Only if worker has non intact skin.
__ No policy; decision is made by the worker.

26. When does your policy state that gloves should be changed by workers in the laboratory engaged in routine processing of blood specimens? Please indicate all that apply.

__ As soon as possible whenever gloves are visibly soiled with blood.
__ As soon as possible whenever gloves are torn.
__ As soon as the worker leaves the work area.
__ Upon completion of specimen processing.
__ No policy; decision is made by the worker.
__ Other

27. What is your facility's overall policy on the wearing of gowns by workers in the laboratory during routine processing of blood specimens? Please indicate all that apply.

__ During the processing of ANY specimen.
__ If soiling of exposed skin or clothing during processing of ANY blood specimen can be reasonably anticipated.
__ If soiling of exposed skin or clothing only during processing of blood specimens from isolation patients can be reasonably anticipated.
__ If soiling of exposed skin or clothing only during processing of labelled blood specimens known or suspected to contain a bloodborne agent can be reasonably anticipated.
__ Only if worker has non intact skin.
__ No policy; decision is made by the worker.

DRAFT

28. What is your facility's overall policy on the wearing of face protection, including masks, goggles, and face shields, by workers in the laboratory during routine processing of blood specimens? Please indicate all that apply.

__ During the processing of ANY specimen.
__ If splashes, spray, or spatter may be generated during processing of ANY blood specimen.
__ If splashes, spray, or spatter may be generated during processing of blood specimens from isolation patients.
__ If splashes, spray, or spatter may be generated during processing of labelled blood specimens known or suspected to contain a bloodborne agent.
__ Whenever the laboratory technician chooses to use face protection.
__ No policy for the ROUTINE use of face protection.

29. What is your facility's overall policy on the wearing of gloves by service employees? Please indicate all that apply.

__ During handling of ALL used linen and waste.
__ During handling of used linen and waste from isolation patients.
__ During handling of used linen or waste from a patient known or suspected of being infected with a bloodborne pathogen.
__ During handling of linen and waste visibly contaminated by blood.
__ If worker has non intact skin.
__ No policy; decision is made by the worker.

30. When does your policy state that gloves should be changed by service employees? Please indicate all that apply.

__ As soon as possible whenever gloves are visibly contaminated with blood or other potentially infectious materials.
__ As soon as possible whenever gloves are torn.
__ As soon as the worker leaves the work area.
__ No policy; decision is made by the worker.

31. What is your facility's overall policy on the wearing of gowns by service employees? Please indicate all that apply.

__ During handling of ALL used linen or waste.
__ During handling of used linen and waste from isolation patients.
__ During handling of used linen or waste from a patient known or suspected of being infected with a bloodborne pathogen.
__ During handling of linen or waste visibly contaminated by blood.
__ If worker has non intact skin.
__ No policy; decision is made by the worker.

32. What is your facility's overall policy on the wearing of face protection, including masks, goggles, and face shields, by service employees? Please indicate all that apply.

__ If splashes, spray, or spatter of blood may be generated during handling of ANY item of used linen or waste.
__ If splashes, spray, or spatter of blood may be generated during handling of used linen or waste from isolation patients.
__ If splashes, spray, or spatter of blood may be generated during handling of used linen or waste from a patient known or suspected of being infected with a bloodborne pathogen.
__ If splashes, spray, or spatter of blood may be generated during handling of items of linen or waste visibly contaminated by blood.
__ Whenever the housekeeping or laundry employee chooses to use face protection.
__ No policy for the ROUTINE use of face protection.

I'm now going to ask you about your policy for the wearing of gloves with regard to seven specific procedures. The procedures are phlebotomy by experienced phlebotomists, phlebotomy by students, starting an IV, giving IV medication, fingersticks on adults, heelsticks on infants, and intramuscular injections. I'd like you to tell me, for each procedure, which of the following most closely resembles your policy: (1) that gloves should always be worn; (2) that gloves should be worn at the discretion of the worker; (3) that gloves should be worn only if the patient is known to have a bloodborne infection; or (4) that gloves should be worn only if the worker has non-intact skin.

33. Phlebotomy performed by experienced phlebotomists: Please indicate all that apply.

__ Gloves should always be worn.
__ Gloves should be worn if the worker anticipates exposure to blood or other potentially infectious materials.
__ Gloves should be worn if the patient is known to have a bloodborne infection.
__ Gloves should be worn if the worker has non-intact skin.
__ Other

34. Phlebotomy performed by students: Please indicate all that apply.

__ Gloves should always be worn.
__ Gloves should be worn if the worker anticipates exposure to blood or other potentially infectious materials.
__ Gloves should be worn if the patient is known to have a bloodborne infection.
__ Gloves should be worn if the worker has non-intact skin.

35. Starting an IV:

__ Gloves should always be worn.
__ Gloves should be worn at the discretion of the worker.
__ Gloves should be worn only if the patient is known to have a bloodborne infection.
__ Gloves should be worn only if the worker has non-intact skin.

36. Giving IV medication through a side port:

__ Gloves should always be worn.
__ Gloves should be worn at the discretion of the worker.
__ Gloves should be worn only if the patient is known to have a bloodborne infection.
__ Gloves should be worn only if the worker has non-intact skin.

37. Fingersticks on adults:

__ Gloves should always be worn.
__ Gloves should be worn at the discretion of the worker.
__ Gloves should be worn only if the patient is known to have a bloodborne infection.
__ Gloves should be worn only if the worker has non-intact skin.

38. Heelsticks on infants:

__ Gloves should always be worn.
__ Gloves should be worn at the discretion of the worker.
__ Gloves should be worn only if the patient is known to have a bloodborne infection.
__ Gloves should be worn only if the worker has non-intact skin.

39. Intramuscular injections:

__ Gloves should always be worn.
__ Gloves should be worn at the discretion of the worker.
__ Gloves should be worn only if the patient is known to have a bloodborne infection.
__ Gloves should be worn only if the worker has non-intact skin.
__ Gloves not routinely worn.

40. When a phlebotomist needs to draw blood on several patients in a serial fashion, and the patients come to the phlebotomist, for example, in an outpatient clinic, when does your policy state that phlebotomists gloves should be changed?

__ Gloves changed and hands washed between each patient.
__ Gloves changed but hands not necessarily washed between each patient.
__ Gloves changed only if visibly worn or soiled with blood.
__ Gloves not necessarily changed, but washed between patients.
__ Gloves not worn routinely.
__ Other (specify) _____

41. When a phlebotomist needs to draw blood on several patients in a serial fashion, and the phlebotomist goes to the patient, for example, on the ward, when does your policy state that phlebotomists gloves should be changed?

__ Gloves changed and hands washed between each patient.
__ Gloves changed but hands not necessarily washed between each patient.
__ Gloves changed only if visibly worn or contaminated.
__ Gloves not necessarily changed, but washed between patients.
__ Gloves not worn routinely.
__ Other (specify) _____

42. Are glove use policies for phlebotomists different than policies for other health care providers?

Yes	1
No	2

43. Does your hospital label blood and body fluid specimens to inform persons of known or suspected pathogens?

Yes	1
No	2 ------ GO TO Q.45

44. Which blood and body fluid specimens are labeled? Please indicate all that apply.

__ All specimens.
__ All blood.
__ Blood known or suspected to contain hepatitis B virus.
__ Blood known or suspected to contain human immunodeficiency virus.
__ Blood specimens from any patient in isolation.
__ Other, please specify_____.

PROCUREMENT

45. How many disposable latex gloves were purchased by your establishment during the first six months of 1989?

46. How many disposable vinyl gloves were purchased by your establishment during the first six months of 1989?

Of all the disposable gloves, what percentage is purchased for use by:

47. direct patient care employees _____
48. laboratory staff _____
49. service employees _____

50. How many pairs of reusable gloves were purchased by your establishment in 1988?

Of all the reusable gloves, what percentage is purchased for use by:

51. direct patient care employees _____
52. laboratory staff _____
53. service employees _____

54. How many disposable protective staff gowns were purchased by your establishment during the first six months of 1989?

Of all the disposable protective staff gowns, what percentage is purchased for use by:

55. direct patient care employees _____
56. laboratory staff _____
57. service employees _____

58. How many reusable protective staff gowns were purchased by your establishment in 1988?

Of all the reusable protective staff gowns, what percentage is purchased for use by:

59. direct patient care employees _____
60. laboratory staff _____
61. service employees _____

62. How many disposable masks were purchased by your establishment during the first six months of 1989?

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Of all the disposable masks, what percentage is purchased for use by:

63. direct patient care employees _____
64. laboratory staff _____
65. service employees _____

66. How many pair of goggles were purchased by your establishment in 1988?

Of all the goggles, what percentage is purchased for use by:

67. direct patient care employees _____
68. laboratory staff _____
69. service employees _____

70. How many reusable face shields were purchased by your establishment in 1988?

Of all the reusable face shields, what percentage is purchased for use by:

71. direct patient care employees _____
72. laboratory staff _____
73. service employees _____

74. How many disposable syringes were purchased by your establishment during the first six months of 1989?

75. How many non-disposable syringes were purchased by your establishment during the first six months of 1989?

DRAFT

CONTRACT AND UNPAID WORKERS

[IF Q.7 = 0, GO TO Q.83]

76. Are any of your contract workers exposed to blood or other potentially infectious material while at your workplace?

Yes	1	
No	2	------
Don't Know	3	------ Go to Q.83
Refused	4	------

77. How many of those exposed contract workers are direct patient care or laboratory workers?

[IF 0, GO TO Q.79]

78. Does your firm provide personal protective equipment such as gloves, gowns, or face protection for these direct patient care or laboratory workers?

Yes	1
No	2
Don't know	3
Refused	4

79. How many of these exposed contract workers are housekeeping workers?

[IF 0, GO TO Q.81]

80. Does your firm provide personal protective equipment such as gloves, gowns, or face protection for these contract housekeeping workers?

Yes	1
No	2
Don't know	3
Refused	4

81. How many of these exposed contract workers are laundry workers?

[IF 0, GO TO Q.83]

DRAFT

82. Does your firm provide personal protective equipment such as gloves, gowns, or face protection for contract laundry workers?

Yes	1
No	2
Don't know	3
Refused	4

[IF Q.8 = 0, GO TO Q.86]

83. Are any of your unpaid workers exposed to blood or other potentially infectious materials while at your workplace?

Yes	1	
No	2	------
Don't know	3	------ GO TO Q.86
Refused	4	------

84. How many of your unpaid workers are exposed?

85. Does your firm provide personal protective equipment such as gloves, gowns, or face protection for these unpaid workers?

Yes	1
No	2
Don't know	3
Refused	4

DRAFT

HEPATITIS B VACCINE POLICIES

[ASK Q.86 - 92 FOR DIRECT PATIENT CARE EMPLOYEES AND LABORATORY STAFF IF AT LEAST ONE RESPONSE TO Q.12 OR Q.13 IS GREATER THAN 0]

86. What percentage of the direct patient care and laboratory employees who are exposed to blood or other potentially infectious material have been vaccinated against hepatitis B?

87. How is the hepatitis-B vaccine funded for direct patient care and laboratory employees?

__ Free of charge to all ---------- GO TO Q.89
__ Free of charge to certain high risk workers
__ Health insurance benefit ----------GO TO Q.90
__ Sliding fee ---------- GO TO Q.90
__ Employee pays/no reimbursement ------ GO TO Q.93
__ Vaccine not provided ---------- GO TO Q.93

88. Of your direct patient care and laboratory employees who are exposed to blood or other potentially infectious materials, what percentage are offered the hepatitis-B vaccine free of charge?

89. Of these, what percentage have accepted your offer of free hepatitis-B vaccination?

90. Are direct patient care and laboratory employees screened for anti-HBs or anti-HBc prior to vaccination?

Yes	1	
No	2 ------	
Don't know	3 ------	GO TO Q.93
Refused	4 ------	

91. What percentage of those direct patient care and laboratory employees screened for hepatitis B antibody are found to be immune?

92. For what percentage of the direct patient care and laboratory employees who are occupationally exposed to blood or other potentially infectious materials is hepatitis B vaccine mandatory?

DRAFT

[ASK Q.93 - 98 FOR SERVICE EMPLOYEES IF AT LEAST ONE RESPONSE TO Q.14 IS GREATER THAN 0]

93. What percentage of the service employees who are exposed to blood or other potentially infectious material have been vaccinated against hepatitis B?

94. How is the hepatitis-B vaccine funded for service employees who are exposed?

__ Free of charge to all ---------- GO TO Q.96
__ Free of charge to certain high risk workers
__ Health insurance benefit ----------GO TO Q.97
__ Sliding fee ---------- GO TO Q.97
__ Employee pays/no reimbursement ------ GO TO Q.99
__ Vaccine not provided ---------- GO TO Q.99

95. Of your service employees who are exposed to blood or other potentially infectious materials, what percentage are offered the hepatitis-B vaccine free of charge?

96. Of these, what percentage have accepted your offer of free hepatitis-B vaccination?

97. Are service employees screened for the hepatitis-B antibody prior to vaccination?

Yes	1	
No	2	
Don't know	3	------ GO TO Q.99
Refused	4	

98. What percentage of those housekeeping and laundry employees screened for hepatitis B antibody are found to be immune?

EMPLOYEE TRAINING PRACTICES

[ASK Q.99 - 102 FOR DIRECT PATIENT CARE EMPLOYEES IF AT LEAST ONE RESPONSE FOR Q.12 IS GREATER THAN 0]

99. Do you offer training to direct patient care employees regarding the characteristics of bloodborne diseases and recommended precautions to prevent occupational exposure?

Yes	1	
No	2	------
Don't know	3	------ GO TO Q.103
Refused	4	------

100. How frequently is the training provided to direct patient care employees? Please indicate all that apply.

Once upon employment	01
At job change	02
Monthly	03
Quarterly	04
Semiannually	05
Annually	06
Less often than annually	07
Varies by tasks performed	08
Other (specify)	09
Don't Know	10
Refused	11

101. What is the length of the average training session for direct patient care employees?

Less than half an hour	1
1/2 to 1 hour	2
2 to 3 hours	3
4 to 6 hours	4
7 to 8 hours	5
Longer than 8 hours	6
Other (specify)	7
Don't know	8
Refused	9

102. Does the initial training for direct patient care employees take place prior to assignment to tasks involving exposure to blood or other potentially infectious materials?

Yes	1
No	2
Don't know	3
Refused	4

[ASK Q.103 - 106 FOR CLINICAL LABORATORY EMPLOYEES EMPLOYEES IF AT LEAST ONE RESPONSE FOR Q.13 IS GREATER THAN 0]

103. Do you offer training to laboratory employees regarding the characteristics of bloodborne diseases and recommended precautions to prevent occupational exposure?

Yes	1	
No	2	------
Don't know	3	------ GO TO Q.107
Refused	4	------

104. How frequently is the training provided to laboratory employees? Please indicate all that apply.

Once upon employment	01
At job change	02
Monthly	03
Quarterly	04
Semiannually	05
Annually	06
Less often than annually	07
Other (specify)	08
Don't Know	09
Refused	10

105. What is the length of the average training session for laboratory employees?

Less than half an hour	1
1/2 to 1 hour	2
2 to 3 hours	3
4 to 6 hours	4
7 to 8 hours	5
Longer than 8 hours	6
Other (specify)	7
Don't know	8
Refused	9

106. Does the initial training for laboratory employees take place prior to assignment to tasks involving exposure to blood or other potentially infectious materials?

Yes	1
No	2
Don't know	3
Refused	4

[ASK Q.107 - 110 FOR SERVICE EMPLOYEES IF AT LEAST ONE RESPONSE FOR Q.14 IS GREATER THAN 0]

107. Do you offer training to service employees regarding the characteristics of bloodborne diseases and acceptable practices to prevent occupational exposure?

Yes	1	
No	2	------
Don't know	3	------ GO TO Q.111
Refused	4	------

108. How frequently is the training provided to service employees? Please indicate all that apply.

Once upon employment	01
At job change	02
Monthly	03
Quarterly	04
Semiannually	05
Annually	06
Less often than annually	07
Other (specify)	08
Don't Know	09
Refused	10

109. What is the length of the average training session for service employees?

Less than half an hour	1
1/2 to 1 hour	2
2 to 3 hours	3
4 to 6 hours	4
7 to 8 hours	5
Longer than 8 hours	6
Other (specify)	7
Don't know	8
Refused	9

110. Does the initial training for service employees take place prior to assignment to tasks involving exposure to blood or other materials contaminated with blood?

Yes	1
No	2
Don't know	3
Refused	4

DRAFT

111. Does your facility provide training to contract employees who may be exposed while providing direct patient care?

Yes	1
No	2
Don't know	3
Refused	4

112. Does your facility provide training to contract employees who may be exposed while working in the laboratory?

Yes	1
No	2
Don't know	3
Refused	4

113. Does your facility provide training to contract employees who may be exposed while providing housekeeping services?

Yes	1
No	2
Don't know	3
Refused	4

114. Does your facility provide training to contract employees who may be exposed while providing laundry services?

Yes	1
No	2
Don't know	3
Refused	4

POLICIES AND PROCEDURES FOR EXPOSURE INCIDENTS

The next set of questions concerns the procedures followed in your facility after the occurrance of an exposure incident.

An exposure incident is defined as a specific eye, mouth, other mucous membrane, non-intact skin, or other parenteral contact with blood or other potentially infectious materials that results from the performance of an employees duties.

In 1988, how many exposure incidents were reported among direct patient care or laboratory employees that resulted from:

115. needle sticks?_____
116. cuts from sharp instruments other than needles?_____
117. other contact, such as a splash in the eye or blood contact with broken skin? _____

In 1988, how many exposure incidents reported among service employees resulted from:

118. needle sticks?_____
119. cuts from sharp instruments other than needles?_____
120. other blood contact, such as a splash in the eye or blood contact with broken skin? _____

What percentage of sharps-related injuries occurred:

121. before or during use of a sharp instrument?
122. due to needle recapping?
123. during or after disposal of a sharp instrument?
124. during the handling of used linen?

125. In what percentage of the reported exposure incidents was the source patient identified?

126. For what percentage of these reported incidents was the HBV status of the source patient already known?

127. For what percentage of these reported incidents was the HIV status of the source patient already known?

128. When the HBV status of a patient is unknown, and that patient has been the source of an exposure incident, when does your policy state that the patient should be tested for HBV?

___ Always, if the patient has been involved in an exposure incident.
___ If the patient is thought to be a member of a population at high risk for hepatitis-B
___ Never ----------
___ No policy ------ GO TO 131
___ Don't know -----
___ Refused --------

129. Is consent obtained prior to testing the patient?

Yes	1	
No	2 ------	
Don't know	3 ------	GO TO Q.131
Refused	4 ------	

130. Of patients asked, what percentage agree to be tested for Hepatitis-B?

131. When the HBV status of an employee is unknown, and that employee has been involved in an exposure incident, when does your policy state that the employee should be tested for HBV? Please indicate all that apply.

___ Always, following an exposure incident.
___ If the source patient is positive for hepatitis B surface antigen
___ If the source patient is thought to be a member of a population at high risk for hepatitis-B
___ If the source is unknown
___ Never ----------
___ No policy ------ GO TO 133
___ Don't know -----
___ Refused --------

132. Of the employees offered blood testing for HBV antibody following an exposure incident, what percentage agree to the procedure?

133. When the HBV status of an employee is unknown or the employee is known to be susceptible, and that employee has been involved in an exposure incident, when does your policy state that the employee should be offered hepatitis-B immune globulin? Please indicate all that apply.

___ Always, following an exposure incident.
___ If the source patient is positive for hepatitis B surface antigen
___ If the source patient is thought to be a member of a population at high risk for hepatitis-B
___ If the HBV status of the source is unknown
___ Never ----------
___ No policy ------ GO TO 135
___ Don't know -----
___ Refused --------

134. Of the employees offered hepatitis B immune globulin, what percentage agree to receive it?

135. When the HBV status of an employee is unknown or the employee is known to be susceptible, and that employee has been involved in an exposure incident, when does your policy state that the employee should be offered hepatitis-B vaccine? Please indicate all that apply

___ Always, following an exposure incident.
___ If the source patient is positive for hepatitis B surface antigen
___ If the source patient is thought to be a member of a population at high risk for hepatitis-B
___ If the HBV status of the source is unknown
___ Never ----------
___ No policy ------ GO TO 137
___ Don't know -----
___ Refused --------

136. Of the employees offered vaccine after an exposure incident, what percentage agree to receive it?

137. When the HIV antibody status of a patient is unknown, and that patient has been the source of an exposure incident, when does your policy state that the patient should be tested for HIV?

___ Always, if the patient has been involved in an exposure incident.
___ Only if the patient is thought to be a member of a population at high risk for HIV
___ Never ----------
___ No policy ------ GO TO 141
___ Don't know -----
___ Refused --------

138. Is consent obtained prior to testing the patient?

Always	1	
Sometimes	2	
Never	3	------
Don't know	4	------ GO TO Q.141
Refused	5	------

139. How is consent obtained?

___ On admission, consent is obtained to do testing for any infectious disease and special mention of HIV is made
___ On admission, consent is obtained to do testing for any infectious disease and no special mention of HIV made
___ Special consent is obtained whenever HIV antibody testing is to be done
___ Other (Specify) _____

140. Of patients asked, what percentage agree to be tested for HIV antibody?

141. When an employee has been involved in an exposure incident, when does your policy state that the employee should undergo baseline and follow-up testing for HIV?

___ Always, following an exposure incident.
___ Only if the source patient is thought to be a member of a population at high risk for HIV
___ Only if the source patient is positive for HIV antibody
___ Never ----------
___ No policy ------ GO TO 336
___ Don't know -----
___ Refused --------

142. Of the employees offered HIV blood testing after an exposure incident, what percentage agree to the procedure?

143. When an employee has been involved in an exposure incident, when does your policy state that the employee should be offered post exposure counseling about the AIDS virus?

___ Always, following an exposure incident.
___ Only if the source patient is thought to be a member of a population at high risk for HIV
___ Only if the source patient is positive for HIV antibody
___ Never
___ No policy
___ Don't know
___ Refused

144. By hospital policy, is Zidovudine (AZT) prophylaxis discussed with an exposed employee following an exposure incident to an HIV antibody positive patient?

Yes, for all exposures	1	
Usually	2	
Occasionally	3	
Never	4	------ GO TO Q.147
Refused	5	------

145. Is AZT recommended to the exposed employee?

Yes, for all exposures	1	
Usually	2	
Occasionally	3	
Never	4	------ GO TO Q.147
Refused	5	------

146. By hospital policy, if the person who experiences an exposure incident elects to take AZT prophylaxis, what percentage is paid for by:

____ Worker who sustained the injury
____ Hospital
____ Workers Compensation
____ Private Insurance
____ Other _____

POLICIES AND PROCEDURES FOR HANDLING SHARPS

147. Does your facility have a policy prohibiting needle recapping by hand?

Yes	1
No	2
Don't know	3
Refused	4

148. A Sharps Disposal Container is defined as a closable, leakproof, puncture resistant, disposable container that is labeled or color coded. Are such containers available in your facility?

Yes	1
No	2
Don't know	3 ------ GO TO Q.150
Refused	4 ------

These containers should be located as close to the point of use of needles and sharp instruments as is practicable, for example, at the bedside or in the immediate patient care area.

149. In how many different locations would containers need to be installed to meet this criterion?

MANAGEMENT OF INFECTIOUS WASTE

150. Which of the following does your facility consider to be infectious waste requiring special handling? Please indicate all that apply.

___ Human blood and blood products
___ Contaminated sharps
___ Microbiological waste
___ Pathological waste
___ Waste from communicable disease isolation
___ Animal carcasses, bedding, etc.
___ Contaminated laboratory waste
___ All patient care waste
___ Patient care waste soiled with blood or other potentially infectious materials

151. Does your facility consider any other types of waste to be infectious? Please specify _____

152. Is the infectious waste destined for disposal placed in a closable, color coded or labeled container or bag?

Yes, always	1
Usually	2
Occasionally	3
Never	4
Refused	5

DRAFT

INFECTION CONTROL PRACTICES IN THE LABORATORY

153. Is it your policy that safety cups are to be used in centrifuge operation for all blood, body fluid, and other potentially infectious material?

__ Yes
__ No, only for operations involving materials known to be infectous
__ Don't know
__ Refused

154. Do your laboratories ever work with concentrated amounts of the hepatitis-B virus or human immunodeficiency virus?

Yes	1	
No	2	------
Don't know	3	------ GO TO Q.158
Refused	4	------

155. Is there a potential for aerosolization of fluid containing these viruses?

Yes	1
No	2
Don't know	3
Refused	4

156. Are hazard warning signs incorporating the universal biohazard symbol posted on all access doors of work areas and all rooms containing concentrated amounts of the hepatitis-B virus or human immunodeficiency virus?

Yes	1
No	2
Don't know	3
Refused	4

157. Is it your policy that during activities involving concentrated amounts of the hepatitis-B virus or human immunodeficiency virus work be performed in biosafety cabinets or other physical containment devices?

Yes	1
No	2
Don't know	3
Refused	4

DRAFT

EFFECTIVENESS OF CURRENT INFECTION CONTROL POLICIES

158. Have you conducted any studies to measure the extent to which your policies for the prevention of occupational exposure to blood and other potentially infectious materials are followed by employees?

Yes	1
No	2
Don't know	3
Refused	4

If YES, please forward the results of such studies, if possible, to the Occupational Safety and Health Administration in Washington, DC. The address will be provided at the conclusion of the interview.

POLICIES SPECIFIC TO AIDS AND HEPATITIS B

159. Does your hospital policy state that any group of patients should routinely be tested for HIV antibody? Please omit patients who are tested because of an occupational exposure to their blood by a health-care worker.

Yes	1	
No	2 -----	
Don't know	3 -----	GO TO Q.161
Refused	4 -----	

160. Which patients does your policy state should be tested?

___ All admissions
___ All surgical patients
___ Only certain surgical patients; Specify _____
___ Those patients with known history of activity which places them at increased risk of HIV infection
___ Others, specify _____

161. Are any health care workers routinely requested to have HIV antibody screening?

Yes	1	
No	2 -----	
Don't know	3 -----	GO TO Q.163
Refused	4 -----	

162. Which health-care workers are routinely requested to have HIV antibody screening? Exclude those who are being followed after an occupational exposure:

_____

163. If a patient is known to have AIDS or to be HIV antibody positive how are persons made aware of the patient's status?

___ No special notification
___ Sign on door
___ Notification on the Kardex or Nursing Care Plan
___ Chart is marked
___ Word of mouth
___ Other, please specify _____

164. Does your hospital have a policy on work assignment for pregnant health-care workers caring for patients with HIV, HBV, or CMV infected patients?

Yes, written	1	
Yes, not written	2	
No	3	
Don't Know	4	GO TO 166
Refused	5	

165. Please check the statements which are consistent with your policy for pregnant health-care workers:

HBV	HIV	CMV	
___	___	___	Work assignment is not changed
___	___	___	Worker has the option to change assignments to not care for known infected patients
___	___	___	Other, please specify _____

166. Does your hospital have a policy on health-care worker "refusal" to care for patients known to have AIDS or HIV infection?

Yes, written	1
Yes, not written	2
No	3
Don't Know	4
Refused	5

167. Does your hospital have a policy which addresses the management of HIV infected health care workers?

Yes, written	1
Yes, not written	2
No	3
Don't Know	4
Refused	5

168. Have patients known to be infected with the Human Immunodeficiency Virus (HIV) or to have AIDS been admitted to your hospital since 1981?

Yes	1
No	2
Don't know	3
Refused	4

169. Please estimate the number of patients admitted to your hospital during 1988 meeting the Centers for Disease Control's (CDC) case definition for AIDS:

___ 1-10
___ 11-25
___ 25-50
___ 50-100
___ more than 100

In our contact letter, we listed a number of services which are typically found as a part of a hospital. We also asked that you exclude these services when responding to the questions contained in the survey instrument, if possible, if such services are provided in separate facilities .

170. Will your answers today exclude such units?

Yes	1	
No	2	GO TO Q.171
Don't know	3	
Refused	4	

171. Which of the following services are part of your hospital and are provided in separate facilities?

- Ambulatory Surgery
- Blood Bank
- Chemical Dependency Unit
- Hemodialysis
- Histopathology Lab
- Home Care
- Hospice
- Long Term Care (nursing home, including care for the mentally retarded)
- Outpatient Services
- Other _____

172. For our records, what is your name, title and the name of your hospital?

If you wish to elaborate on any of the responses given today or supply any additional new information, please forward such information to OSHA at the address given below.

200 Constitution Avenue, NW
Room N-3627
Washington, DC 20210
Attn.: Robert Andrei

Thank you for your time.

[FR Doc. 89-24077 Filed 10-13-89; 8:45 am]
BILLING CODE 4510-26-C

NATIONAL SCIENCE FOUNDATION

Committee Management Renewals; Advisory Panels for Archaeology and Physical Anthropology

The Assistant Director for Biological, Behavioral, and Social Sciences, has determined that the renewal of the Advisory Panel for Archaeology and the Advisory Panel for Physical Anthropology for an additional two years is necessary and in the public interest. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Dated: October 10, 1989.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-24296 Filed 10-13-89; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Ethics and Value Studies Meeting

The National Science Foundation announces the following:

Name: Advisory Panel for Ethics & Values Studies.

Date/Time: November 2, 1989, 8:30 a.m. to 5:00 p.m.; November 3, 1989, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW, Room 1242.

Type of Meeeting: Part Open—Open November 3, 8:30 a.m. to 10:45 a.m., Closed Remainder.

Contact: Rachelle Hollander, Program Director, Ethics and Values Studies, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9894, Room 312.

Minutes: May be obtained from the contact person at the above address.

Purpose of Panel Meeting: To provide advice and recommendations concerning support for research in Ethics and Values Studies in Science, Technology, and Society.

Agenda: Open—General discussion of approaches to "ethics" and "values" in the discourse of the physical and natural sciences, social sciences, and humanities disciplines.

Closed—To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-24297 Filed 10-13-89; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for History and Philosophy Meeting

The National Science Foundation announces the following:

Name: Advisory Panel for History and Philosophy of Science.

Date/Time: November 17, 1989, 9:00 a.m. to 5:00 p.m.; November 18, 1989, 9:00 a.m. to 4:00 p.m.

Place: The Holiday Inn, 17th Street at Rhode Island Avenue, NW., Washington, DC 20036.

Type of Meeting: Closed.

Contact: Ronald J. Overmann, Program Director, Studies in Science, Technology & Society, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9894. Room 312.

Minutes: May be obtained from the contact person at the above address.

Purpose of Advisory: To provide advice and recommendations concerning research in the Studies in Science, Technology & Society Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-24298 Filed 10-13-89; 8:45am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Workshop on Conversion to the Metric System

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop on NRC conversion to metric system.

SUMMARY: The Nuclear Regulatory Commission (NRC) will hold a public workshop to collect information that will assist the NRC in developing its policy and potential plans for converting to the metric system certain activities as required by the Omnibus Trade and Competitiveness Act of 1988.

DATES: The workshop will be held on November 14 and 15, 1989, from 8 a.m. to 5 p.m.

ADDRESS: Holiday Inn—Inner Harbor, 301 W. Lombard St., Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Sheri Hichar (301) 492-3793 or Joseph J. Mate (301) 492-3795, Office of Nuclear Regulatory Research, Washington, DC 20555.

SUPPLEMENTARY INFORMATION: The Omnibus Trade and Competitiveness Act of 1988 (hereafter referred to as "the Act") designated the metric system as the preferred system of weights and measures for United States trade and commerce. It also required that, by the end of Fiscal Year 1992, each Federal agency "* * * use the metric system of measurement in its procurements, grants and other business-related activities, except to the extent that such use is impractical * * *". In this context, the "metric system" is defined as the International System of Units, also known as SI units.

In accordance with the Act, the NRC has begun developing its policy and plans for converting to the metric system. A public workshop is being held to collect information from the public, State and local governments, and the regulated industry that will assist the NRC in developing and implementing its metric conversion policy.

A range of options has been tentatively identified by the staff for NRC conversion to the metric system, including immediate conversion, gradual conversion, and partial conversion (for example, certain licensed activities could be excluded). Each option presents varying advantages and disadvantages, which may differ depending on the kind of licensed activity. In order to develop a metric conversion policy that maximizes the economic and international trade benefits of conversion, while avoiding adverse impacts, the NRC plans to structure the workshop to explore how metric conversion may affect the various categories of licensed activities. An outline of the agenda for the workshop is presented below. Each agenda item is followed by a series of topics or questions that are intended to illustrate the kinds of issues to be discussed and the information exchange sought. The issues listed are not intended to be exhaustive nor are they indicative of any fixed Commission positions already taken on such issues. The NRC encourages interested parties to raise

additional significant issues, either during the workshop or prior to it. To suggest additional issues prior to the workshop, letters or telephone calls should be received by either NRC contacts listed above by November 3, 1989.

During the workshop itself, there will be opportunities for attendees to ask questions and offer comments on each topic. Members of the public who wish to make a presentation on any of the topics discussed below should notify one of the contacts listed so that they may be added to the agenda. A transcript of the workshop will be taken and made available to the public via the NRC Public Document Room.

Agenda for Public Workshop on NRC Metric Conversion

Day 1: November 14, 1989

National Policy on Conversion to the Metric System. The background objectives and statutory basis for conversion to the metric system will be discussed. What is the intent of Congress in the passage of the Omnibus Trade and Competitiveness Act of 1988? What is the role of the Interagency Committee on Metric Policy (ICMP) for implementation of the 1988 Act? What are other Federal agencies doing in metric conversion? What are the current plans and views of State governments, Agreement States and the regulated industry in responding to the most recent metric legislation of 1988?

NRC Current Practice and Future Plans. NRC staff will describe a range of options for converting to the metric system. The goal of the NRC policy will be to achieve consistency with the metric conversion requirements included in the Act, while tailoring implementation of the metric system so that the desired economic and trade benefits are achieved with a minimum of adverse economic or safety impact on the public and the regulated industry. The NRC recognizes that the impacts could vary considerably depending on the category of licensed and business-related activity. A principal purpose of the workshop is to assist the NRC in assessing those impacts as fully as possible and to assist in deciding the scope of important efforts that should be undertaken by NRC in conversion to metric.

Use of Metric System in Regulation of Future Nuclear Power Plants. In developing its policy for scope of effort and use of the metric system in regulation of future plants, the NRC will need to consider a variety of issues. The following are some examples. What are the current plans of the nuclear industry with respect to use of metric units in future plants? Will metric units be used in the design and operation of future plants? Should metric units be required in all licensing documentation for future plants, or should there be exceptions? Should there be a cutoff date after which all applications should be metric and, if so, what should be the cutoff date? What impact could NRC policy have on the commercial prospects of future plants, including international trade? Would mandatory use of the metric system in NRC/industry communications have any design or safety implications or impracticalities that should be considered?

Use of Metric System in Regulation of Existing Nuclear Power Plants. Would conversion of existing plants to the metric system be completely impractical? Are there any options for partial conversion that should be considered? What are the implications of partial conversion or non-conversion in such areas as procurement of spare parts and international commerce in the equipment and services markets? How would suppliers be affected? Whether conversion to metric units should be undertaken and, if so, how should conversion be handled in the areas such as emergency preparedness, waste management, and decommissioning of nuclear power plants? What steps, if any, can and should be taken by the NRC to familiarize the public with the use of metric radiation units? Would gradual conversion to metric radiation units enhance or hinder public understanding?

Day 2: November 15, 1989

Use of Metric System in Medical and Industrial Applications of Radioactive Material. To what extent are metric or dual units currently used in medical and industrial applications of radioactive material? Is conversion planned in the future? What type of conversion (immediate, partial, etc.) would be the most effective and orderely considering trade, commerce, and costs? Would conversion requirements by the NRC in its grants, procurements and business-related activities facilitate international trade and improve the competitiveness of U.S. firms? What safety implications would need to be factored into NRC's conversion policy and requirements? How would use of the metric system affect transportation of radioactive materials used in medical and industrial applications? Are there any small business impacts that should be considered and what might these be?

Use of Metric System in Regulation of Fuel Cycle Facilities. To what extent is the metric system, or dual units, used in fuel cycle facilities? Are there plans to convert in the future? What economic benefits, including international trade benefits, might accrue from conversion to the metric system? What would be the advantages and disadvantages of complete or partial conversion, and what timeframe for conversion would be most practical? How would transportation be affected?

Academic/Research Institutions. To what extent is the metric system currently in use in various academic and research settings? What are the plans for conversion in the future, if any? What kinds of adverse impacts might arise from NRC conversion in its grants, procurements and business-related activities? How might these impacts be avoided or minimized?

High-Level Waste Management. What are the current plans for use of metric units in the high-level waste program? What implications, if any, will use of the metric system have for the transportation portion of the system?

Low-Level Waste Management. What are the current practices and future plans with regard to metric unit conversions in low-level waste management, including transportation? What units are being used by State agencies? What are the plans for conversion? What are the advantages and disadvantages of NRC conversion to the metric system? What would be the likely impact?

A copy of the background information, along with further information on the workshop, may be obtained by telephoning either contact listed above. In order to assist NRC in making arrangements for the meeting, persons planning to attend are requested to notify either contact of their intent at their earliest convenience.

Dated at Rockville, Maryland, this 10th day of October, 1989.

For the Nuclear Regulatory Commission.

Zoltan R. Rosztoczy,

Deputy Director, Divsions of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 89-24329 Filed 10-13-89; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27342; File No. SR-AMEX-89-22]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Listing of Index Warrants Based on the Nikkei Stock Average

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 21, 1989, the American Stock Exchange ("AMEX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is proposing under section 106 of the Amex Company Guide, to list index warrants based on the Nikkei Stock Average. In accordance with the requirements set forth in Securities Exchange Act Release No. 26152 (October 3, 1988) 53 FR 39832 (October 12, 1988), the Amex has submitted this filing pursuant to Rule 19b-4 under the Act to obtain Commission approval to list these warrants.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In Securities Exchange Act Release No. 26152 (October 3, 1988) 53 FR 39832 (October 12, 1988), the Commission approved amendments to Section 106 (Currency and Index Warrants) of the Amex Company Guide to permit the listing of index warrants based on established market indices, both foreign and domestic.

In approving the aforementioned amendments, the Commission expressed interest in the impact of additional index products on U.S. markets, and stated that the Amex would be required to submit for Commission approval any specific index warrants that it proposed to trade. The Amex is now proposing to list index warrants based on the Nikkei Stock Average, an internationally recognized, price-weighted index consisting of 225 representative, actively-traded stocks on the Tokyo Stock Exchange. The Nikkei Stock Average is calculated and managed by Nihon Keisai Shimbun, Inc. of Japan.

Such warrant issues will conform to the listing guidelines under section 106 of the Amex Company Guide, which provide that (1) the issuer shall have assets in excess of $100,000,000 and otherwise substantially exceed the size and earnings requirements in section 101(a) of the *Company Guide*; (2) the term of the warrants shall be for a period ranging from one to five years from date of issuance; and (3) the minimum public distribution of such issues shall be 1,000,000 warrants together with a minimum of 400 public holders, and have an aggregate market value of $4,000,000.

Nikkei index warrants will be direct obligations of their issuer subject to cash-settlement during their term, and either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a "put" would receive payment in U.S. dollars to the extent that the Nikkei Stock Average has declined below a pre-stated cash settlement value. Conversely, holders of a warrant structured as a "call" would, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Nikkei Stock Average has increased above the pre-stated cash settlement value. If "out-of-the-money" at the time of expiration, the warrants would expire worthless.

The Amex has adopted suitability standards applicable to recommendations to customers of index warrants and transactions in customer accounts. Exchange Rule 411, Commentary .02 makes the options suitability standard in Exchange Rule 923 applicable to recommendations regarding index warrants. The Exchange also recommends that index warrants be sold only to options-approved accounts. Exchange Rule 421, Commentary .02 requires a Senior Registered Options Principal or a Registered Options Principal to approve and initial a discretionary order in index warrants on the day the order is entered. In addition, the Amex, prior to the commencement of trading, will distribute a circular to its membership calling attention to specific risks associated with warrants on the Nikkei Stock Average.

In its approval order for index warrants, the Commission noted that, with respect to foreign index warrants, there should be an adequate mechanism for sharing surveillance information with respect to the index's component stocks. In this regard, the Amex is undertaking to establish an appropriate means to accomplish such information sharing.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act, and in particular, section 6(b)(5), as the warrants are designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change 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 self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 6, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Dated: October 6, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24343 Filed 10-13-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27343; File No. SR-PSE-89-25]

Self-Regulatory Organizations; Proposed Rule Change by Pacific Stock Exchange, Inc. Relating to Additions to PSE Rules Regulating the Activities of Alternate Specialists

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 19, 1989, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

[1] 17 CFR 200.30-3(a)(12) (1988).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has submitted a rule filing proposing the adoption of several policy statements relating to the PSE's alternate specialist system. The Exchange requests implementation of these policies on a six month pilot basis in order to evaluate their effectiveness.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

During the course of an ongoing evaluation of the interaction of market conditions and Exchange systems, the PSE's Market Performance Committee, Equity Floor Trading Committee, and Equity Allocation Committee initiated a review of the PSE's Alternate Specialist System.

PSE Rule II, Section 10, governs securities traded on an alternate specialist basis. The alternate specialist system was designed as a means of aiding primary specialists in the facilitation of a fair and competitive market. Following approval and appointment, an alternate specialist applies for securities in which he will have an obligation to engage "* * * in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and the demand for a particular security, or a temporary distortion of the price relationships between the Exchange and other markets." (Rule II, section 10(d)).

Subsequent to its review of the alternate specialist system, the Market Performance Committee of the PSE formulated and approved policy statements governing activities of alternate specialists. These proposals include clarification of the duty of alternate specialists to clear posts on each of the PSE's two equity trading floors prior to entering an order off the floor; a requirement that where an alternate specialist is also a primary specialist he will be precluded from acting as an alternate specialist if he fails to maintain his primary specialist ranking in the top 90%; establishment of a 500-share minimum for participation on pre-opening orders when requested by the specialist; and a requirement that names of alternate specialists and designated stocks be posted at each specialist post.

The Exchange requests approval of these policies for a six-month trial period to allow it an opportunity to monitor effectiveness and determine whether additional changes are necessary. The Exchange seeks to add these policy statements to PSE Rule II, subsection 10(d) as commentaries .02 through .05.

The statutory basis for the proposed rule change is section 6(b)(5) of the Act in that they will act to facilitate transactions in securities and help to perfect the mechanism of a free and open market in Exchange listed securities, by furthering the effectiveness of the alternate specialist within the system.

(B) Self-Regulatory Organization's Statement on the Burden on Competition

The Exchange does not believe that its policy statements regarding the activities of alternate specialists will impose any burden on competition that is not necessary or appropriate in furtherance of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited or 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 self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR-PSE-89-25 and should be submitted by November 6, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 6, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24283 Filed 10-13-89; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Order of Suspension of Trading U.S. Assurance Corp.

October 11, 1989.

It appears to the Securities and Exchange Commission that there is a lack of adequate current information concerning the securities of U.S. Assurance Corporation, a Nevada corporation with executive offices in Dallas, Texas and San Francisco, California, and that questions have been raised regarding the adequacy and accuracy of publicly disseminated information concerning, among other things, compliance with the registration provisions of the Securities Act of 1933 and the financial condition of the company. Specifically, among other things, subsantial questions have been raised about whether the issuer has distributed and is distributing securities in violation of the Securities Act of 1933, the value of a significant amount of securities it holds as assets, the existence of certain assets including but not limited to debentures, certificates of deposit, and securities it holds as assets, and the completion of a merger with another company. The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of U.S. Assurance Corporation.

Therefore, *it is Ordered,* pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of U.S. Assurance Corporation, over-the-counter or otherwise, is suspended for the period from 9:30 a.m. (e.d.t.), October 11, 1989 through 11:59 p.m. (e.d.t.), on October 20, 1989.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-24342 Filed 10-13-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week ended October 6, 1989

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 46528

Date Filed: October 6, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 3, 1989

Description: Application of Northwest Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations applies for an amendment to its certificate of public convenience and necessity for Route. The amendment seeks to provide maximum future benefits for the U.S. in Pacific air route matters by improving Northwest's access on Route 129 to Malaysia and by the addition of Indonesia and Vietnam to the certificate.

Docket Number: 46529

Date Filed: October 6, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 3, 1989

Description: Application of Northwest Airlines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for an amendment to its certificate of public convenience and necessity for Route 129 that would eliminate Condition (7) from Route 129.

Docket Number: 45723

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: November 3, 1989

Description: Application of Transportes Aereos Ejecutivos, S.A. de C.V., pursuant to Section 402 of the Act and Subpart Q of the Regulations, applies for Amendment of its Permit issued to it in Order 89-8-29, to the extent necessary to permit TAESA to engage in charter air transportation of property and mail between points in Mexico, on the one hand, and points in the U.S., on the other hand, using B-727 or other large aircraft.

Docket Number: 46532

Date Filed: October 6, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 3, 1989

Description: Application of of LTU Lufttransport-Unternehmen GmbH. & Co. KG. pursuant to section 402 of the Act and subpart Q of the Regulations requests amendment of its permit to add authority to engage in scheduled foreign air transportation of persons, property and mail between any point or points in the Federal Republic of Germany; directly and via intermediate points; and the coterminal points: New York, New York, Miami, Florida, San Francisco, California, Los Angeles, California, and Honolulu, Hawaii and beyond to any points outside the United States of America, without directional limitation.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-24286 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

Status of the Implementation of the Recommendations of the Great Lakes Pilotage Study; Public Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meeting.

SUMMARY: Inquiries have been received regarding the status of the implementation of the recommendations contained in the Final Report of the Department of Transportation's Great Lakes Pilotage Study published December 7, 1988. Additionally, numerous requests have been received, including requests from Members of

Congress, for a public meeting to discuss the recommendations of the Great Lakes Pilotage Study. Accordingly, a public meeting will be held on November 3, 1989, in Chicago, Illinois.

DATE AND TIME: The public meeting will be held on November 3, 1989. It will begin at 10 a.m. and end at 4 p.m. or sooner if all speakers have been heard.

ADDRESS: The meeting will be held at the Holiday Inn—City Centre, 300 E. Ohio Street, Chicago, Illinois, (312) 787–6100.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke, Merchant Vessel Personnel Division (G–MVP), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, (202) 267–0217.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this public meeting by presenting oral views or submitting written views. The details of how the meeting will be conducted will be explained at the beginning of the meeting. Individuals wishing to present oral views should so indicate on the sign-in sheet that will be available upon entering the meeting room. The following is a brief description of the status of the implementation of the recommendations of the Great Lakes Pilotage Study Report.

Status of the Recommendations

Pilotage Requirements

The final report recommends no changes in pilotage requirements in designated or undesignated waters. However, it did recommend that we continue to recognize the Canadian B Certificate (valid in undesignated waters only) while working with Canada to strengthen its certificate as appropriate. In this regard, the U.S. Coast Guard met with Canadian officials in March 1989 to begin discussions on the possible strengthening of the qualification requirements necessary to obtain the Canadian B Certificate. Additional meetings will be held to continue our discussions with Canada.

Salty Lakers

The final report recommends that U.S. pilotage legislation be amended to permit the Canadian salty laker vessels to leave and reenter the system any number of times without losing their exemption from pilotage when operating as lakers with licensed laker crews. The report recognizes that any proposed accommodation of Canadian salty lakers would have to be considered in the context of government-to-government consultations. Consultations with Canada on the salty laker issue have not been initiated to date. Thus, a legislative change has not been proposed.

Workload Standards

The final report recommends that, while the bridge time work standard should not be the only factor used in determining the number of pilots in the rate base, nor should it be rigidly applied, bridge time is an important factor and one that should continue to be utilized. The bridge time work standard continues to be utilized in determining the number of pilots to be included in the rate base.

The report also recommends that the Coast Guard consider lowering the undesignated water on-board-ship time work standard from 2,000 hours to 1,800 hours to more accurately reflect travel time needs. The Coast Guard has adopted this recommendation, and the 1,800 hour figure is now used in ratemaking analyses.

Financial Oversight and Rates

The final report recommends that financial oversight functions be tightened. These are being implemented through rulemaking. The Coast Guard published a notice of proposed rulemaking (54 FR 11930) on March 22, 1989, proposing amendments to the Great Lakes Pilotage Regulations. The comment period ended May 22, 1989. The proposed amendments deal with financial oversight; a pilotage fee comparable to detention charges for a pilot deadheading across Lake Erie; audits; and support service entity related by beneficial ownership to a pilot. The Coast Guard is in the process of developing a final rule regarding the proposals contained in that notice of proposed rulemaking.

The Coast Guard is developing guidelines regarding how allowable expenses will be determined for ratemaking purposes. The principle of uniformity of expenses among the pilotage districts is also to be applied. Increased attention will be given to the reasonableness of expenses.

Enforcement Practices

The final report recommends that each violation of the Great Lakes Pilotage statutes and regulations be subject to a civil penalty not to exceed $10,000. The Department of Transportation has developed and submitted to the Congress a proposed legislative amendment increasing the penalty provisions of 46 U.S.C. 9308 from $500 to $10,000. The final report also recommended that a vessel be allowed to contact the Coast Guard directly when a pilot is not available. That recommendation is being implemented through an amendment contained in the notice of proposed rulemaking discussed above.

Relationship With Canada

The final report contains recommendations regarding our relationships with Canada, including adding a consultation provision to the Memorandum of Agreements (MOA) and possible discussions on a definition of identical rates; U.S. pilots entering the Welland Canal; inclusion of the Canadian Cornwall District in the scope of shared assignments; dispatching issues; and system-wide rate approval to include the Canadian Laurentian and Cornwall District under the MOA. Negotiations have not been initiated as yet with respect to these relationships with Canada.

Issues for Future Consideration

The final report contains several issues for future consideration which were determined to be too comprehensive to be considered within the scope of the study. The final report published December 7, 1988, included the statement that the Department of Transportation was willing to further consider the issues of alternative pilotage services, centralized dispatching, and across-the-board assignments, if sufficient interest was shown within 90 days following publication. The study report was given wide distribution to interested parties through mailings within the affected industry. Sufficient interest has not been shown in these issues; therefore, the Department will not pursue these issues at this time.

Dated: October 1, 1989.

M.J. Schiro,

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

[FR Doc. 89–29361 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

[Summary Notice No. PE–89–39]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before November 6, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on October 10, 1989.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 19651.
Petitioner: Learjet Corporation.
Regulations Affected: 14 CFR 21.197.
Description of Relief Sought: To extend Exemption No. 4593 as amended, that allows petitioner to ferry aircraft between its facilities at Wichita, Kansas and Tucson, Arizona before completion of flight test, certification, and customer delivery. Exemption No. 4593, as amended, will expire on January 31, 1990.

Docket No.: 22286.
Petitioner: Finnair.
Sections of the FAR Affected: 14 CFR 21.197.

Description of Relief Sought: To extend exemption No. 4598, as amended, that allows petitioner to fly its DC–10–30 aircraft number N345HC to a base for repairs, alterations, or maintenance when it does not meet all applicable airworthiness requirements but is capable of safe flight. Exemption No. 4598, as amended, will expire on February 1, 1990.

Docket No.: 25716.
Petitioner: Flamenco Airways, Inc.
Regulations Affected: 14 CFR 43.3(g).
Description of Relief Sought/ Disposition: To allow petitioner's pilots to remove one to four seats on their Britten Norman BN2A aircraft and install a supplemental type certificate stretcher in the seat tracks vacated by the seats. *PARTIAL GRANT, October 4, 1989, Exemption No. 5106.*

Docket No.: 26022.
Petitioner: Air Midwest, Inc.
Sections of the FAR Affected: 14 CFR 135.337(a)(2), (3), and (4) and 135.339(c)(1).
Description of Relief Sought/ Disposition: To allow petitioner to use certain instructor pilots of British Aerospace Corporation to train petitioner's initial cadre of pilots in the British Aerospace Jetstream 31 (BA–3201) type airplane without meeting all of the applicable training requirements of Subpart H of Part 135. *GRANT, October 4, 1989. Exemption No. 5105.*

[FR Doc. 89–24318 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–13–M

Deadline for Submission of Preapplication for Airport Grant Funds Under the Airport Improvement Program for Fiscal Year 1990

Section 509(e) of the Airport and Airway Improvement Act of 1982 (AAIA) provides that the sponsor of each airport to which entitlement funds are apportioned shall notify the Secretary, by such time and in a form as prescribed by the Secretary, of the sponsor's intent to apply for passenger and cargo entitlement funds. Notification of the sponsor's intent to apply during Fiscal Year 1990 for any of its entitlement funds, including those unused from prior years, shall be in the form of a project preapplication or application (SF 424) submitted to the FAA field office no later than January 31, 1990. Approval of preapplications or applications after that date may be deferred by the FAA until the following fiscal year. FAA field offices, in developing their regional programs, may request sponsors' input at an earlier date. Every effort should be made to have projects under grant by August 15, 1990.

The FAA also recommends that all other airports or planning agencies expecting to apply for airport grant funds do so early in the fiscal year. Such prospective applicants should contact the appropriate FAA field office for information on that office's deadline. These offices will assist in the preparation of preapplications/ applications and provide procedural information as needed.

Prompt submission of complete requests will allow earlier funding decisions by the FAA. This, in turn, may be advantageous to sponsors in competing for available funds and in maximizing construction during a construction season.

This notice submitted by Mr. Stanley Lou, Manager, Programming Branch, APP–520, on (202) 267–3831.

Issued in Washington, DC on October 5, 1989.

Lowell H. Johnson,

Acting Director, Office of Airport Planning and Programming.

Radio Technical Commission for Aeronautics (RTCA); Special Committee 165—Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. I), notice is hereby given for the fourth meeting of RTCA Special Committee 165 on Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services on November 6–9, 1989, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) approval of the third meeting's minutes, RTCA Paper No. 313–89/SC165–25 (previously distributed); (3) technical presentations; (4) working group reports: (a) Equipment Standards Working Group (WG–1); (b) Operation and Implementation Working Group (WG–2), and (c) Service Performance Criteria Working Group (WG.–3); (5) review of overall draft progress; (6) working group sessions; (7) assignment of tasks; (8) other business; and (9) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral

statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 10, 1989.

Geoffrey R. McIntyre,

Designated Officer.

[FR Doc. 89-24319 Filed 10-13-89; 8:45am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Dunn and Chippewa Counties, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project on STH 29 in Dunn and Chippewa Counties, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Ms. Jaclyn D. Lawton, Environmental Coordinator, Wisconsin Division, FHWA, 4502 Vernon Boulevard, Madison, Wisconsin 53705-4905, Telephone: (608) 264-5967.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation will prepare an Environmental Impact Statement (EIS) on a proposal to improve State Trunk Highway 29 (STH 29) between Interstate 94 (I-94) in Dunn County and County Trunk Highway "J" (CTH "J") east of Chippewa Falls in Chippewa County, a distance of about 21 miles.

Improvements to the corridor are considered warranted to enhance safety of travel for existing and project traffic demand. Alternatives under consideration include: (1) Taking no action; (2) constructing a freeway/expressway on existing location; (3) constructing a freeway/expressway on new location; and (4) constructing a freeway/expressway using a combination of existing and new alignments. Incorporated into the studies of the build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting will be held at a date/place to be determined. Meetings with public officials will be held in Dunn and Chippewa Counties between September 1989 and September 1990. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 6, 1989.

Ronald C. Marshall, P.E.,

Acting Division Administrator, Madison, Wisconsin.

[FR Doc. 89-24275 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Juneau, AK

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project. The project would begin within the boundary of the City and Borough of Juneau, Alaska and extend northwesterly up Lynn Canal or northeasterly up the Taku River Valley.

FOR FURTHER INFORMATION CONTACT: Tom Neunaber, Field Operations Engineer, Federal Highway Administration, P.O. Box 021648, Juneau, Alaska 99802-1648 or; Art Dunn, Project Environmental Coordinator, Alaska Department of Transportation and Public Facilities (ADOT&PF), P.O. Box 021467, Juneau, Alaska 99802-1467.

SUPPLEMENTARY INFORMATION: The ADOT&PF will prepare an EIS on improving access to the State of Alaska's capital city, Juneau. Several alternatives will be investigated to meet the need for increased vehicular access to the State Capital including new highway construction and/or upgrading of the existing ferry system.

The ADOT&PF has been directed by the state legislature to evaluate through an EIS, improved access to Alaska's capital, Juneau to meet the needs of the traveling public and commerce both to and from the city. The existing ferry link between Juneau, Haines and Skagway often runs at capacity during the summer peak demand period. The ADOT&PF has identified preliminary alternatives for remedying the situation. These consist of a road link, a combination road and shuttle ferry system or improved ferry system between Haines and/or Skagway and potential routes up the Taku River Valley to connect with the Alaska Highway. The "no build" alternative will be considered.

Federal, State and local organizations, land owners, and the general public will be contacted beginning in October 1989, and continue to be invited to participate in project scoping and the development of the Draft Environmental Impact Statement (DEIS). Information meetings to discuss the scope of the project, and formal scoping Public Hearings will be held prior to the DEIS development. Any additional alternatives developed during the public scoping process will be addressed in the DEIS.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Jerald E. Heimbuch,

Assistant Division Administrator, Federal Highway Administration, Juneau, Alaska.

[FR Doc. 89-24276 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Wood and Portage Counties, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Wood and Portage Counties, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Ms. Jaclyn D. Lawton, Environmental Coordinator, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin 53705–4905, Telephone: (608) 264–5967.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to improve State Trunk Highway 54 (STH 54) between the Wisconsin River in the City of Wisconsin Rapids, Wood County, and U.S. Highway 51 (USH 51) near the Village of Plover, Portage County, Wisconsin, a distance of about 17 miles. Improvements to the corridor are considered necessary to provide for existing and projected traffic demand including a high percentage of trucks, and to reduce the high accident rate.

Planning, environmental, and engineering studies are underway to develop transportation alternatives. The EIS will assess the need, location, and environmental impacts of alternatives including: (1) *No-Build*—This alternative assumes the continued use of existing facilities with the maintenance necessary to ensure their use; (2) *Upgrade the Existing Facility*—This alternative would improve the safety and traffic-handling capability of the existing route; (3) *Construction on New Alignment*—This alternative would involve construction on new location; and (4) *Re-Routing*—This alternative would re-route portions of STH 54 in the City of Wisconsin Rapids to other corridors in the city.

Coordination activities have begun. Scoping meetings have been and will be held on an individual and/or group meeting basis. Agency coordination will be accomplished during these meetings. Questions and comments from individuals and agencies concerning this proposed action and environmental impact statement should be directed to the FHWA at the address provided.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 6, 1989.

Ronald C. Marshall, *P.E.,*

Acting Division Administrator, Madison, Wisconsin.

[FR Doc. 89–24277 Filed 10–13–89; 8:45 am]

BILLING CODE 4910–22–M

Urban Mass Transportation Administration

Environmental Impact Statement on Transit Improvements in the New Jersey Hudson River Waterfront Corridor

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of Intent.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and Hudson River Waterfront Transportation Office of the New Jersey Transit Corporation (NJ Transit) are undertaking the preparation of an Environmental Impact Statement (EIS) for alternative transit improvements for the Hudson River Waterfront Region in New Jersey. The EIS is being prepared in conformance with 40 CFR part 1500–1508, Council on Environmental Quality, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969 as amended; and 49 CFR part 622, Urban Mass Transportation Administration, Environmental Impact and Related Procedures. In addition, in conformance with the Urban Mass Transportation Act of 1964 and UMTA policy, the Draft EIS will be prepared in conjunction with an Alternatives Analysis, and the Final EIS in conjunction with Preliminary Engineering.

FOR FURTHER INFORMATION CONTACT: Ms. Letitia Thompson, UMTA Region II, 26 Federal Plaza, New York, New York 10278; Telephone: (212) 264–8162.

SUPPLEMENTARY INFORMATION:

Scoping Meetings

The UMTA and NJ Transit invite the public and affected Federal, State and local government agencies to participate in determining the alternatives to be evaluated in the EIS and identifying any significant issues related to the alternatives. Two public scoping meetings will be held in Jersey City, NJ on November 9, 1989 in the Council Chambers, Jersey City Hall, 280 Grove Street, from 3:00–5:00 p.m. and 7:00–9:00 p.m., respectively.

At these scoping meetings, staff will present a description of the proposed scope of study using maps and visual aids, as well as a plan for an active citizen involvement program, a projected work schedule, and an estimated budget. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be assessed, impacts to be analyzed, and evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meetings or subsequently in writing before November 24, 1989. Written comments should be sent to: Gwen A. Watson, Director of Communications & Outreach, NJ Transit Hudson River Waterfront Transportation Office, 2 Journal Square Plaza, 8th Floor, Jersey City, NJ 07306.

Corridor Description

The Hudson River Waterfront Transportation Study area is bounded on the east by the Hudson River, on the south by the Kill Van Kull, on the west by Newark Bay, Hackensack River and Overpeck Creek, and on the north by the city lines of Edgewater, Ridgefield and North Bergen Townships.

The study area is located in Hudson and Bergen counties, stretching approximately 18.5 miles, and includes all or part of: Bayonne, Jersey City, Hoboken, Union City, Weehawken, West New York, North Bergen, Secaucus, Guttenberg, Edgewater, and Ridgefield. Study area population and employment for 1980 were 608,185 people and 262,500 jobs and are projected to grow to as high as 658,280 people and 306,000 jobs by the year 2000. Geographic constraints including steep cliffs and rivers, a serious lack of north-south facilities to serve local travel needs, and large volumes of east-west through traffic using the Hudson River crossings are already causing serious traffic congestion. Recent and projected development and redevelopment of sites along the waterfront will impose additional travel demands which must be addressed if the region is to continue to grow and prosper.

Alternatives

Transportation alternatives currently proposed for consideration in the corridor are the following:

1. A no-build option, under which the existing transportation systems including projects which already are committed, would be examined.

2. A low-cost transportation system management approach which would include some roadway improvements, improved or expanded local bus service, and preferential treatments for car pools and van pools.

3. A joint Light Rail Transit and Bus Transitway, that would be largely at-grade, typically within existing railroad rights of way. The initially proposed study alignment extends from Secaucus on the west, Edgewater on the north to Bayonne on the south and is generally adjacent to the waterfront. The route utilizes parts of the Conrail River Line right-of-way through the Weehawken

Tunnel and along the eastern edge of the Palisades around the west side of Hoboken. Optional alignments in Hoboken are along the waterfront or along Washington Street. Several options also exist at the southern end of the alignment; either utilizing the existing New Jersey Transit rail right of way paralleling the New Jersey Turnpike or using the West Side Industrial track, an abandoned rail right of way in Jersey City.

4. An all-busway option that would provide an exclusive or semi-exclusive right of way for selected bus routes in the corridor. The busway alternative alignment is essentially the same as that of the previous alternative (3) indicated above, with exclusive bus roadways used throughout instead of rail facilities.

5. An automated guideway transit that would be built on an exclusive guideway, totally separated from other forms of transportation. Again, the alignment of this alternative would extend from Edgewater through Bayonne but would feature a reserved right-of-way for the exclusive use of fully-automated, driverless transit vehicles. Most of the route would be on aerial structure with a limited amount of at-grade routing with overpasses and underpasses for crossing traffic.

6. New north-south highway and additional east-west roadways to serve the Waterfront. This alternative will feature mass transit service as developed in the "no-build" alternative and will examine the likely consequences of reliance on developing more roadways on the waterfront in lieu of major transit improvements.

Comments at the scoping meetings should focus on the appropriateness of these and other options for consideration in the study, not on individual preferences for a particular alternative as most desirable for implementation.

Probable Effects

The UMTA and NJ Transit propose to evaluate in the EIS all significant social, economic, and environmental impacts of the alternatives under consideration. The impacts analyzed will include noise, residential and business displacements, changes in development patterns and land use, community disruption due to traffic, noise, displacements, and parking changes, safety considerations, effects on parks and historic sites, aesthetic quality of the environment, degradation of the air quality and water quality especially near stations, hazardous waste sites, impacts on wetlands and floodplains, and affects on navigable waterways and the coastal zone. These impacts will be evaluated both for the construction period and for the long-term operation of each alternative. Measures to mitigate harm will be explored for any adverse impact identified. Construction of any alternative other than the No-Build will require increased capital outlays for several years. The TSM and guideway alternatives are expected to increase transit service and patronage with associated increases in operating and maintenance costs.

The alternatives are expected to have no significant impact on energy use, regional air quality, highway congestion except near stations and ecologically sensitive areas. During scoping, comments on the probable effects should focus on the completeness of the proposed set of impacts to be evaluated. Other impacts or criteria judged relevant to decision-making should be identified.

Issued On: October 10, 1989.

Leonard Braun,

Eastern Area Director.

[FR Doc. 89-24287 Filed 10-13-89; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 28-89]

Treasury Notes of October 15, 1996, Series H-1996

Washington, October 5, 1989.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31, of title 31, United States Code, invites tenders for approximately $7,500,000,000 of United States securities, designated Treasury Notes of October 15, 1996, Series H-1996 (CUSIP No. 912827)YB 2), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each acccepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated October 16, 1989, and will accrue interest from that date, payable on a semiannual basis on April 15, 1990, and each subsequent 6 months on October 15 and April 15 through the date that the principal becomes payable. They will mature October 15, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to government securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31, CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of Public Debt, Washington, D.C. 20239-1500, prior to 1:00 p.m., Eastern Daylight Saving Time, Wednesday, October 11, 1989. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, October 10, 1989, and received no later than Monday, October 16, 1989.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed, in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used.

Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders wil be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserved the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notices allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Monday, October 16, 1989. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, October 12, 1989. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be asigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 89-24369 Filed 10-13-89; 8:45 am]

BILLING CODE 4810-40-M

Office of Thrift Supervision

[AC-5; OTS No. 4714]

Metro Savings Bank, F.S.B., Final Action Approval of Conversion Application

Date: October 2, 1989.

Notice is hereby given that on September 27, 1989, the General

Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Metro Savings Bank, F.S.B., Wood River, Illinois for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and Supervisory Agent, Office of Thrift Supervision, Chicago District Office, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24323 Filed 10-13-89; 8:45 am]

BILLING CODE 6720-01-M

[AC-6; OTS NO. 5584]

Pamrapo Savings Bank, S.L.A.; Final Action Approval of Conversion Application

Date: October 2, 1989.

Notice is hereby given that on September 27, 1989, the General Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Pamrapo Savings Bank, S.L.A.; Bayonne, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and Supervisory Agent, Office of Thrift Supervision, New York District Office, One World Trade Center, Floor 103, New York, New York 10048.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 89-24324 Filed 10-13-89; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES COURT OF VETERANS APPEALS

[Docket No. 89/001.FR]

Commencement of Operations

In accordance with the Court of Veterans Appeals Judges Retirement Act, Pub. L. No. 101-94, section 202, the United States Court of Veterans Appeals announces that it is Commencing operations effective October 16, 1989.

Pursuant to section 202 of Public Law No. 101-94, anyone who has been adversely affected by a final decision of the Board of Veterans' Appeals that was made before today's date, October 16, 1989, has until November 14, 1989, to file a notice of appeal with the Court providing that November 14, 1989, is later than the date that would otherwise be applicable for the filing of a notice of appeal under section 4066 of title 38, United States Code.

Further information, including rules of practice and procedure before the Court, may be obtained by contacting Melanie G. Dorsey, Executive Officer, 1625 K Street, NW., Suite 400, Washington, DC 20006; (202) 254-6600.

Frank Q. Nebeker,

Chief Judge, United States Court of Veterans Appeals.

[FR Doc. 89-24325 Filed 10-13-89; 8:45 am]

BILLING CODE 2210-55-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 198
Monday, October 16, 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).

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1421]

TIME AND DATE: 10 a.m., October 18, 1989.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on September 27, 1989.

ACTION ITEMS:

New Business

A—Budget and Financing

A1. Authority to Write Off Uncollectible Accounts Receivable.

A2. Fiscal Year 1990 Budget Financed from Appropriations.

A3. Fiscal Year 1990 Budget Financed from Nonpower Proceeds.

A4. Proposed Arrangements for Early Payment of up to Approximately $6.7 Billion of High Interest TVA Bonds Held by the Federal Financing Bank.

A5. Proposed Agreements with Federal Reserve Banks to Serve as Fiscal Agent and Maintain Certain Accounts.

*A6. Regulations Relating to Book-entry Procedures for TVA Power Securities.

A7. Proposed Second Amendatory Resolution to Basic Tennessee Valley Authority Power Bond Resolution to Provide for Use of Book-entry Procedures.

A8. Proposed Third Amendatory Resolution to Basic Tennessee Valley Authority Power Bond Resolution Providing for Elimination at a Future Time of Requirements for a Trustee.

A9. Proposed Purchase Agreement with the Federal Financing Bank Covering Arrangements for Short-term Power Bond Financing.

A10. Proposed Supplemental Resolution Authorizing Tennessee Valley Authority Power Bonds First Short-Term Series.

A11. Proposed Underwriting Agreement with the First Boston Corporation; Goldman, Sachs & Co.; Merrill Lynch Capital Markets; Morgan Stanley & Co. Incorporated; and Salomon Brothers Inc., as Representatives of the Several Underwriters.

A12. Proposed Supplemental Resolution Authorizing Tennessee Valley Authority Power Bonds 1989 Series C.

A13. Proposed Offering Circular and Proposed Offering Circular Supplement for 1989 Series C TVA Bonds.

A14. Proposed Redemption Prior to Maturity of Certain High-Interest Debt Held by the Federal Financing Bank.

A15. Proposed Resolution Authorizing Chairman and Certain Tennessee Valley Authority Officers to Take Further Actions Relating to Refinancing Arrangements.

B—Purchase Awards

*B1. Requisition 76—Short-term Coal for Colbert Fossil Plant.

*B2. Requisition 21—Term Coal for Gallatin Fossil Plant.

*B3. Requisition 78—Short-term Coal for Johnsonville Fossil Plant.

B4. Requisition 77—Short-term Coal for Shawnee Fossil Plant (Spray Dryer Project).

B5. Invitation GA–06328A—Induced Draft Fans for Allen Fossil Plant.

B6. YB–93919B—Indefinite Quantity Term Contract for Services, Hardware and Software—ADP Equipment Management Department.

E—Real Property Transactions

*E1. Agreement with the City of Johnson City, Tennessee, Covering Relocation of TVA's Sullivan-Northeast Johnson City No. 1 161-kV Line and Northeast Johnson City-West Johnson City No. 2 69-kV Line to Provide Clearance for a Manufacturing Plant.

E2. Sale of Permanent Easement Affecting 0.10 Acre of TVA's Sequoyah Access Railroad Property in Hamilton County, Tennessee.

E3. Grant and Conveyance of Highway Right-of-way Affecting Approximately 3.93 Acres in White County, Tennessee.

E4. Grant of Permanent Easement Affecting Approximately 5.5 Acres of South Holston Reservoir Land in Sullivan County, Tennessee.

F—Unclassified

F1. Supplement No. 5 to Contract No. TV–74449A with U.S. Department of the Army, Corps of Engineers, Memphis District, for Laboratory Analysis of Water and Sediment Samples.

F2. Supplement No. 1 to Contract No. TV–77677A with Walker State Technical College for a Business and Industry Center.

F3. Supplement No. 1 to Contract No. TV–77679A with Snead State Community College for a Continuing Education Center.

F4. Filing of Condemnation Cases.

F5. Nonexclusive Licensing of Patented Process for Dewatering Flue Gas Desulfurization Sludges and Delegation of Approval Authority for Nonexclusive Licensing of Power Patents.

F6. Contract No. TV–79561T with The Hartford Steam Boiler Inspection and Insurance Company for Authorized Nuclear Inspection Agency Services.

F7. Supplement No. 4 to Personal Services Contract No. TV–76659A with Rohrer, Hibler & Replogle, Inc., for Managerial Assessments and Related Activities.

F8. Tennessee Valley Authority Retirement System's New Investment Management Agreements.

*F9. Recommendations Resulting from the Thirty-seventh Salary Policy Negotiations.

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*Item approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager of Public Affairs, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479–4412.

Dated: October 11, 1989.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 89–24422 Filed 10–12–89; 11:04 am]

BILLING CODE 8120–01–M

Corrections

Federal Register
Vol. 54, No. 198
Monday, October 16, 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 641

[Docket No. 90926-9226]

Reef Fish Fishery of the Gulf of Mexico

Correction

In proposed rule document 89-23708 beginning on page 41297 in the issue of Friday, October 6, 1989, make the following correction:

On page 41297, in the first column, under **DATE:**, in the second and third lines, the date should read November 17, 1989.

BILLING CODE 1505-01-D

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 correction:

On page 40463, in the second column, under **DATE:**, in the second and third lines, the date should read "November 13, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospehric Adminstration

50 CFR Part 651

[Docket No. 90927-9227]

RIN 0648-AC79

Northeast Multispecies Fishery

Correction

In proposed rule document 89-23117 beginning on page 40466 in the issue of Monday, October 2, 1989, make the following correction:

On page 40466, in the third column, under **DATE:**, in the second and third lines, the date should read "November 13, 1989".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS-50573; FRL-3651-3]

2,4-Pentanedione; Proposed Significant New Use of a Chemical Substance

Correction

In proposed rule document 89-22692 beginning on page 39549 in the issue of Wednesday, September 27, 1989, make the following corrections:

1. On page 39550, in the first column, under **VI. ALTERNATIVES**, in paragraph 2., in the second line, "section 5" should read "section 6".

2. On page 39551, in the second column, in the ninth line, "SHUR" should read "SNUR".

§ 721.1535 [Corrected]

3. On the same page, in the third column, in § 721.1535(a)(2), in the first line, "Significant" should read "significant".

4. On the same page, in the same column, at the end of § 721.1535, in the parenthetical expression, in the third line, "0028" should read "0038".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 24722; Amdt. 91-213]

RIN 2120-AB04

Night-Visual Flight Rules Visibility and Distance From Clouds Minimums

Correction

In rule document 89-22990 beginning on page 40324 in the issue of Friday, September 29, 1989, make the following correction:

On page 40326, in the table at the bottom of the page, in the last column, in the last line, "2,000 feet horizontal" should read "1 mile horizontal".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Tax on Certain Imported Substances; Filing of Petition

Correction

In notice document 89-23084 beginning on page 40567 in the issue of Monday, October 2, 1989, make the following correction:

On page 40568, in the formula which begins in the first column and ends in the third, the symbol for water should read "H_2O" and the symbol for oxygen should read "$\frac{1}{2}O_2$".

BILLING CODE 1505-01-D

federal register

Monday
October 16, 1989

Part II

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for July 1989

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53121; FRL-3638-9]

Premanufacture Notices; Monthly Status Report for July 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 JULY 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-53121]" 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, Rm. 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 JULY; (b) PMNs received previous and still under review at the end of JULY; (c) PMNs for which the notice review period has ended during JULY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during JULY; and (e) PMNs for which the review period has been suspended. Therefore, the JULY 1989 PMN Status Report is being published.

Date: August 23, 1989.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report, July 1989

I. 94 Premanufacture Notices and Exemption Requests Received During the Month

PMN No.

P 89-0861	P 89-0862	P 89-0863	P 89-0864
P 89-0865	P 89-0866	P 89-0867	P 89-0868
P 89-0869	P 89-0870	P 89-0871	P 89-0872
P 89-0873	P 89-0874	P 89-0875	P 89-0876
P 89-0877	P 89-0878	P 89-0879	P 89-0880
P 89-0881	P 89-0882	P 89-0883	P 89-0884
P 89-0885	P 89-0886	P 89-0887	P 89-0888
P 89-0889	P 89-0890	P 89-0891	P 89-0892
P 89-0893	P 89-0894	P 89-0895	P 89-0896
P 89-0897	P 89-0898	P 89-0899	P 89-0900
P 89-0901	P 89-0902	P 89-0903	P 89-0904
P 89-0905	P 89-0906	P 89-0907	P 89-0908
P 89-0909	P 89-0910	P 89-0911	P 89-0912
P 89-0913	P 89-0914	P 89-0915	P 89-0916
P 89-0917	P 89-0918	P 89-0919	P 89-0920
P 89-0921	P 89-0922	P 89-0923	P 89-0924
P 89-0925	P 89-0927	P 89-0928	P 89-0929
P 89-0930	P 89-0931	P 89-0932	P 89-0933
P 89-0934	P 89-0935	P 89-0936	P 89-0937
P 89-0938	P 89-0939	P 89-0940	P 89-0941
P 89-0942	P 89-0943	Y 89-0146	Y 89-0147
Y 89-0148	Y 89-0149	Y 89-0150	Y 89-0151
Y 89-0152	Y 89-0153	Y 89-0154	Y 89-0155
Y 89-0156	Y 89-0157		

II. 293 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 86-1263	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 87-1104
P 87-1192	P 87-1226	P 87-1227	P 87-1337
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 88-1020	P 88 1021
P 88-1035	P 88-1063	P 88-1168	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 88-2349	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 88-2540
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 89-0184	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 89-0483	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 89-0626	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 89-0672
P 89-0676	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 89-0721	P 89-0726
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	P 89-0769	P 89-0770	P 89-0775
P 89-0776	P 89-0785	P 89-0807	P 89-0808
P 89-0810	P 89-0815	P 89-0817	P 89-0819
P 89-0823	P 89-0829	P 89-0836	P 89-0837
P 89-0644	P 89-0850	P 89-0851	P 89-0854
P 89-0855			

III. 130 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 87-1028	P 87-1066	P 87-1273	P 87-1379
P 87-1547	P 87-1548	P 88-0602	P 88-0606
P 88-1005	P 88-1189	P 88-1956	P 88-2100
P 88-2169	P 88-2212	P 88-2213	P 88-2228
P 88-2229	P 88-2536	P 88-2568	P 89-0078
P 89-0116	P 89-0122	P 89-0426	P 89-0506
P 89-0574	P 89-0575	P 89-0579	P 89-0580
P 89-0581	P 89-0582	P 89-0583	P 89-0584
P 89-0585	P 89-0586	P 89-0587	P 89-0588
P 89-0589	P 89-0590	P 89-0591	P 89-0592
P 89-0593	P 89-0594	P 89-0595	P 89-0597

P 89-0598 P 89-0599 P 89-0600 P 89-0601 P 89-0630 P 89-0631 P 89-0633 P 89-0634 P 89-0674 P 89-0675 P 89-0676 P 89-0677
P 89-0602 P 89-0603 P 89-0604 P 89-0605 P 89-0635 P 89-0636 P 89-0637 P 89-0638 P 89-0678 P 89-0679 P 89-0680 P 89-0681
P 89-0606 P 89-0607 P 89-0608 P 89-0609 P 89-0639 P 89-0640 P 89-0642 P 89-0643 P 89-0692 P 89-0703 Y 89-0124 Y 89-0138
P 89-0610 P 89-0611 P 89-0612 P 89-0613 P 89-0644 P 89-0645 P 89-0646 P 89-0647 Y 89-0139 Y 89-0140 Y 89-0141 Y 89-0142
P 89-0614 P 89-0615 P 89-0616 P 89-0617 P 89-0649 P 89-0652 P 89-0654 P 89-0656 Y 89-0143 Y 89-0144 Y 89-0145 Y 89-0146
P 89-0618 P 89-0619 P 89-0620 P 89-0621 P 89-0661 P 89-0662 P 89-0663 P 89-0664 Y 89-0147 Y 89-0148
P 89-0622 P 89-0623 P 89-0624 P 89-0625 P 89-0665 P 89-0666 P 89-0667 P 89-0668
P 89-0626 P 89-0627 P 89-0628 P 89-0629 P 89-0669 P 89-0670 P 89-0671 P 89-0673

IV. 121 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 83-1033	G C6-8 Carboxylic acid	Mar. 15, 1985.
P 84-0957	G Polyester resin	June 27, 1989.
P 85-0370	G Haloalkyl substituted cyclic ether	Do.
P 85-1390	G (Dialkyl-substituted-hydroxyphenyl) benzotriazole	July 14, 1989.
P 86-0016	G {(Dialkylcarbomonocyclic) amino}nthylium salt	June 15, 1989.
P 86-0017	G {(Dialkylcarbomonocyclic) amino}xanthylium salt, methylheteromonocyclic, phenyl heteromonocyclic, formal polymer	June 20, 1989.
P 86-0301	G Ammonium carboxylate-containing fluorochemical urethane	June 15, 1989.
P 86-0338	G Quaternary ammonium compound	May 30, 1989.
P 86-0860	G Hydrocarbon resin	June 28, 1989.
P 86-1038	G Oxime blocked polyether urethane	June 29, 1989.
P 86-1336	G Hexanediol polyester polyurethane	June 13, 1989.
P 86-1337	G Polyester of 1,6-hexanediol	June 13, 1989.
P 87-0244	G Substituted polyacrylate	Jan. 15, 1988.
P 87-0318	1,1'-(1,2-ethanediylbis(oxy)) bis (3-methylbenzene)	Aug. 15, 1989.
P 87-0918	G Polyester urethane of neopentyl glycol	June 13, 1989.
P 87-1519	G Isocyanate polymer with polyalkyloxy compound, substituted propionic acid, and a diamine	June 23, 1989.
P 87-1684	G Fatty quaternary ammonium chloride	July 18, 1989.
P 88-0238	G Modified polyether carbodiimide	Apr. 18, 1989.
P 88-0282	G Fatty amine	June 6, 1989.
P 88-0355	G Aliphatic polyester	May 19, 1988.
P 88-0377	Tricyclo(5.2.1-0, 2,6) dec-3(4)-ene, 8-(3'-hydroxy-2'-methylbut-1'-eny)-	June 30, 1989.
P 88-0420	G Trialkoxy silane derivative	Apr. 4, 1988.
P 88-0565	G Diarylmethane	June 23, 1989.
P 88-0624	G Phenyltris(dimethylsiloxy) silane	July 14, 1989.
P 88-1001	Ethylene glycol; propylene glycol; ethyl isocyanurate; dimethyl terephthalene; acetic acid, zinc salt; methylene dianiline; trimeilitic anhydride.	June 16, 1989.
P 88-1201	G Anhydride-modified methacrylate polymer	June 21, 1989.
P 88-1290	Cylclohexadec-8-en-1-one mixture of cis and trans isomer	June 5, 1989.
P 88-1299	G Polyamide alloy	June 9, 1989.
P 88-1612	G Polyamide alloy	June 8, 1989.
P 88-1628	G Di(substituted)alkyl hydrogen acid phosphite	Dec. 6, 1988.
P 88-1663	G Acrylic lactone co-polymer	July 12, 1989.
P 88-1676	G Acrylic lactone copolymer	Do.
P 88-1726	G Mercaptan terminated polyether polymer	June 16, 1989.
P 88-1764	Ethanone, 1-(4-chlorophenyl)-2,2,2-trifluoro-omega-(1,3-dioxolan-2-yl-methyl)oxime	June 29, 1989.
P 88-1776	G Chlorosulfonated polymer	May 23, 1989.
P 88-1835	G Bisphenol-A-polycarbonate, alkylaryl alkyl endcapped	June 6, 1989.
P 88-1850	G Mixed alkylated diphenylamine	Mar. 27, 1989.
P 88-1900	G Substituted aromatic azo compound	June 29, 1989.
P 88-1949	G Copolyester	July 1, 1989.
P 88-1996	1-Octylamine, N, N-dimethyl-N-oxide	June 30, 1989.
P 88-2121	G Substituted aromatic azo compound	June 29, 1989.
P 88-2154	G Urethane modified polyester	May 30, 1989.
P 88-2166	Siloxanes and silicones, dimethyl, polymers with silsesquionanes, hydroxy-terminated, reaction products with methyltris(ethylketoxime silane and trimethoxy(3-(oxiranylmethoxy)propyl)siane.	July 4, 1989.
P 88-2167	Siloxanes and silicones, dimethyl, polymers with methyl silsesquioxanes, hydroxyterminated, reaction products with methyltris(ethylmethylketox ime)silane, trimethoxy(3-(oxiranylmethoxy)propyl) silane and (3-anilinopropyl)trimethoxysilane.	July 4, 1989.
P 88-2168	Siloxanes and silicones, dimethyl, polymers with methyl silsesquioxanes, hydroxyterminated, reaction,reaction products with hydroxy-terminated dimethylsiloxanes, methyltris(ethylmethylketox ime)silane,trimethoxy(3-(oxiranylmethoxy)propyl)silane and ethenyltriacetoxysilane.	Do.
P 88-2175	G Polyethylene glycol, fatty acid esters of	June 7, 1989.
P 88-2184	G Polyamide modified acrylic resin	July 18, 1989.
P 88-2187	G Substituted carboxylic acid alkane diol polyester	July 14, 1989.
P 88-2194	G Substituted carboxylic acid, alkane diol polyester	July 13, 1989.
P 88-2300	G Alkoxysilane terminated polyester polymer	June 1, 1989.
P 88-2442	G Substituted aromatic azo compound	June 29, 1989.
P 88-2443	G Substituted aromatic azo compound	Do.
P 88-2444	G Substituted aromatic azo compound	Do.

IV. 121 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Identity/generic name	Date of commencement
P 88-2445	G Substituted aromatic azo compound	Do.
P 88-2446	G Substituted aromatic azo compound	Do.
P 88-2447	G Substituted aromatic azo compound	Do.
P 88-2448	G Substituted aromatic azo compound	Do.
P 88-2501	G Chlorinated polypropylene modified acrylic copolymer	June 15, 1989.
P 88-2520	G Isocyanate terminated polyether polyol	June 30, 1989.
P 88-2629	G Chloroalkyldisiloxane	June 12, 1989.
P 89-0010	G Salt of substituted oxazine	June 28, 1989.
P 89-0011	G Substituted oxazine	June 30, 1989.
P 89-0025	G Aryl bisphosphite	June 5, 1989.
P 89-0053	G Bis(aralky)(diaryl)phospho anediyl ammonium chloride	June 19, 1989.
P 89-0057	G Modified soya alkyd	June 27, 1989.
P 89-0085	Phosphine oxide, diphenyl(2,4,6-trimethylbenzoyl)	Apr. 19, 1989.
P 89-0189	G Aryl novolac resin	July 19, 1989.
P 89-0249	G Acrylic solution polymer	May 20, 1989.
P 89-0250	G Organotin compound	July 12, 1989.
P 89-0251	G Organopolysiloxane	Do.
P 89-0252	G Organopolysiloxane	Do.
P 89-0289	G Acrylourethane	Sept. 9, 1989.
P 89-0308	G Polyorganosilazane	July 12, 1989.
P 89-0354	G Polymer of alkyl poly(ethoxyethyl)ester of mon-ethylenically unsaturated carboxylic acid, mono-ethylenically unsaturated carboxylic acid and alkyl ester of mono-ethylenically unsaturated carboxylic acid, sodium salt.	June 15, 1989.
P 89-0357	G Polymer of alkylpoly(ethoxylethyl)est r of mono-ethylenically unsaturated carboxylic acid, mono-ethylenically unsaturated carboxylic acid and alkyl ester of mono-ethylenically unsaturated carboxylic acid ammonium salt.	June 16, 1989.
P 89-0416	G Alkyl grignard reagent	July 14, 1989.
P 89-0420	Formaldehyde; urea; dicyandiamide; phosphoric acid; monoethanolamine	June 20, 1989.
P 89-0425	G Organosiloxane	July 12, 1989.
P 89-0442	G Amino functional zirconium aluminum chloride hydroxide polymer	July 17, 1989.
P 89-0443	G Amino functional zirconium aluminum chloride hydroxide polymer	Do.
P 89-0444	G Amino functional zirconium aluminum chloride hydroxide polymer	Do.
P 89-0458	G Dithiophosphoric acid ester	June 27, 1989.
P 89-0459	G Metal dithiophosphate	June 28, 1989.
P 89-0463	G Polymer of polyalkylene glycol; alkyl diol; and monocyclioc dicarboxylic acid, dialkyl ester	June 16, 1989.
P 89-0470	G Copper phthalocyanine derivative	June 26, 1989.
P 89-0485	Alkenes, C2-C3 hydroformylation products, C3-C12 fraction; obtained by hydroformylation of ethylene and propylene, removal of propionaldehyde and butyraldehydes and further distillation to obtain a fraction rich in C3-C12 oxygenated hydrocarbons.	June 22, 1989.
P 89-0495	G Ethenetricarbonitrile derivative	July 8, 1989.
P 89-0496	G Propanedinitrile derivative	Do.
P 89-0497	G Propaneamine derivative	Do.
P 89-0500	G Acrylic polyelectrolyte	July 7, 1989.
P 89-0503	G Unsaturated polyester resin	June 23, 1989.
P 89-0529	G Acrylated alkyd	June 26, 1989.
P 89-0531	G Substituted pyrylium salt	June 27, 1989.
P 89-0532	G Substituted pyrylium based squarylium dye	Do.
P 89-0533	G Substituted pyrylium salt	June 26, 1989.
P 89-0534	G Substituted 2H-Pyran	Do.
P 89-0535	G Aliphate dione	June 27, 1989.
P 89-0536	G Substituted thiopyrylium based squarylium dye	June 30, 1989.
P 89-0537	G Substituted thiopyrylium salt	June 28, 1989.
P 89-0565	G Polyurethane based on polyiisocyanates, polyols and polyamines	June 26, 1989.
P 89-0569	G Berium compound	June 30, 1989.
Y 88-0242	G Polyolefin copolymer	June 14, 1989.
Y 88-0243	4-Methyl-1-pentene; hydrogen	May 9, 1989.
Y 88-0251	G Saturated polyester	May 25, 1989.
Y 89-0018	G Acrylic alkyd copolymer	May 15, 1989.
Y 89-0025	G Acrylic modified rubber	June 1, 1989.
Y 89-0081	G Polyester resin solution	June 12, 1989.
Y 89-0089	G Polymers of: alkyl acrylates, lactone	July 7, 1989.
Y 89-0090	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0091	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0092	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0093	G Polymers of: alkyl acrylate, lactone	Do.
Y 89-0094	G Polymers of: Alkyl acrylates, lactone	Do.
Y 89-0095	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0096	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0097	G Polymers of: alkyl acrylates, lactone	Do.
Y 89-0098	G polymers of: Alkyl acrylates, lactone	Do.
Y 89-0099	G Polymers of: alkyl acrylates, vinylbenzene	Do.
Y 89-0100	G Polymers of: alkyl acrylates, styrene	Do.
Y 89-0122	2-propenic acid, 2-methyl, 2-hydroxyethylester;methyl 2-methyl-propenoate; butyl-2-propenoate; phenylethene; phenylethene; ethyl-3,3-di(t-butyl peroxyl peroxy)butyrate.	June 28, 1989.

V. 29 Premanufacture Notices for Which the Period Has Been Suspended

PMN NO.			
P 88–0898	P 88–1740	P 88–1999	P 88–2000
P 88–2001	P 88–2341	P 88–2568	P 88–2631
P 88–2632	P 89–0576	P 89–0577	P 89–0589
P 89–0596	P 89–0604	P 89–0626	P 89–0632
P 89–0641	P 89–0650	P 89–0651	P 89–0653
P 89–0657	P 89–0658	P 89–0659	P 89–0660
P 89–0672	P 89–0698	P 89–0701	Y 89–0149
Y 89–0150			

[FR Doc. 89–20665 Filed 10–13–89; 8:45 am]
BILLING CODE 6560–50–M

federal register

Monday
October 16, 1989

Part III

Environmental Protection Agency

Proposing the Granting of an Exemption to Upjohn Company for the Continued Injection of Hazardous Waste Subject to the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3670-8]

Proposing the Granting of an Exemption to Upjohn Company for the Continued Injection of Hazardous Waste Subject to the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to grant an exemption to the Upjohn Company of Kalamazoo, Michigan for the continued injection of certain hazardous wastes.

SUMMARY: The United States Environmental Protection Agency (USEPA or Agency) today is proposing to grant an exemption from the ban on disposal of hazardous wastes through injection wells to the Upjohn Company (Upjohn), Kalamazoo, Michigan. Upjohn may therefore continue to inject Resource Conservation and Recovery Act (RCRA) regulated hazardous wastes, if the exemption is granted. Upjohn submitted a petition to the USEPA under 40 CFR Part 148, which allows any person to petition the Administrator to determine whether its continued injection of certain hazardous wastes is protective of human health and the environment. After a comprehensive review of all material submitted, the USEPA has determined, with a reasonable degree of certainty, that Upjohn's injected wastes will not migrate out of the injection zone over the next 10,000 years.

DATE: The USEPA is requesting public comments on today's proposed decision. Comments will be accepted until November 20, 1989. Comments post-marked after the close of the comment period will be stamped "Late". A public hearing will be scheduled for this proposed action and notice will be given in a local paper and to all people on a mailing list developed by the Underground Injection Control (UIC) program. If you wish to be notified of the date and location of the public hearing please contact the person listed below.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency Region V, Underground Injection Control Section (5WD-TUB-9), 230 South Dearborn Street, Chicago, Illinois 60604, Attn: Edward P. Watters.

FOR FURTHER INFORMATION CONTACT: David Werbach, Lead Petition Reviewer, UIC Section, Water Division, Office Telephone Number: (312) 886-4242, 9th floor Trans Union Building, 111 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

A. *Authority*—The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the continued land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA section 3004(d)(1), (e)(1), (f)(2), (g)(5)). The statute specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA section 3004(k)). After the effective date of prohibition, hazardous waste can only be injected under two circumstances:

(1) When the waste has been treated in accordance with the requirements of 40 CFR part 268 pursuant to section 3004(m) of RCRA, (the USEPA has adopted the same treatment standards for injected wastes in 40 CFR part 148, subpart B); or

(2) When the owner/operator has demonstrated that there will be "No Migration" of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking an exemption from the ban must demonstrate either:

(a) That the waste undergoes a chemical transformation so as to no longer pose a threat to human health and the environment; or

(b) That fluid flow is such that injected fluids would not migrate vertically upward out of the injection zone or to a point of discharge in a period of 10,000 years by use of mathematical models (40 CFR 148.20(a), 53 FR 28118 (July 26, 1988)).

B. *Facility Operation and Process*—The Upjohn facility in Kalamazoo, Michigan (See Figure 1) produces pharmaceutical chemicals used for both intermediate and finished products. All of the manufacturing processes are carried out in batch operations where individual production processes are combined to form a waste stream of variable composition. The liquid waste managed at the Upjohn facility is segregated into the following disposal categories:

(1) Spent solvents for on-site reclamation and reuse;

(2) Spent solvents for off-site reclamation;

(3) Waste waters to the Kalamazoo Public Owned Treatment Works (POTW); and

(4) Waste waters for deep well injection.

Part of the waste stream is currently injected into Well Numbers 3 and 4, which are Class I Hazardous Waste injections wells completed in the Munising Formation. Wastewater for deep well injection is generated at a rate of approximately 13 to 15 million gallons per year. The majority of the injected waste results from equipment rinses, extractions and crystallization operations conducted as part of the production process. This waste is typically composed of water mixed with organic solvents which constitute 2 to 5 percent of the wastestream. The facility previously injected 300 million gallons of waste into two shallower wells which were completed in the Traverse Limestone, Dundee Limestone and the Detroit River Group. In 1977, these two wells were taken off primary injection and were allowed to serve as emergency back-up to the two newer wells until they were plugged. Well Number 1 was plugged in 1984, and Well Number 2 was plugged in 1979. Approximately 900 million gallons per year consisting mainly of process water and sanitary wastewater is discharged to the Public Owned Treatment Works.

C. *Waste Minimization*—The Resource Conservation and Recovery Act (RCRA) emphasized the preeminence of source reduction and recycling as a strategy for managing solid waste. There are four major components of waste minimization—(1) Inventory Management and Improved Operations, (2) Modification of Equipment, (3) Production Process Changes, and (4) Recycling and Reuse. The Upjohn facility recovers approximately 10 million gallons per year of acetone, methanol, and methylene chloride as spent solvent for reuse at the facility. Approximately 2.7 million gallons of spent solvent are recovered and sent off-site as a part of a spent solvent waste fuels program. Upjohn plans to add additional equipment to recover tetrahydrofuran and the company will continue to assess waste minimization and identify and implement cost effective approaches to reduce the volume and toxicity of the waste generated.

D. *Submission*—On February 22, 1988, Upjohn submitted a petition for exemption from the land disposal restrictions on hazardous waste injection under the HSWA Amendments of RCRA (40 CFR part 148). This submission was reviewed for

completeness and revised documents were received on September 21, 1988, and May 24, 1989. Several subsequent supplemental submissions were made thereafter to resolve minor deficiencies. The total submission was reviewed by staff at the USEPA and by consultants hired by the Agency to assist in their determination.

II. Basis for Determination

A. *Waste Description and Analysis (148.22)*—The wastes to be injected are spent halogenated and non-halogenated solvents, and are defined under 40 CFR Part 261 as F001, F002, and F005. These wastes are also characteristically ignitable and characteristically toxic for chromium, and therefore listed as D001 and D007 respectively, under part 261.

B. *Well Construction and Operation (148.22)*—The construction of the two Upjohn wells consists of four strings of casing for each well; the casing is cemented to the surface to preclude potential avenues for the injected fluid to escape the injection zone (See Figure 2a and 2b). Injection takes place through a tubing set on a packer and isolated from the casing by a fluid-filled annulus which is continuously monitored. The monitoring system is designed to trigger alarms and shut off if the injection or annulus pressure exceeds the maximum permitted levels, of if the annulus pressure falls below the minimum permitted level. Injection pressure is limited to 700 pounds per square inch (psi), which is below the value yielded by the equation in 40 CFR 147.1153 and below the value obtained from tests on the wells designed to determine the minimum fracture pressure of the injection interval. The injection pressure limit is conservative based on the aforementioned criteria and assures that the injection pressure provides insufficient energy to initiate or propagate existing fractures in the injection zone.

C. *Mechanical Integrity Test Information*—To assure that the waste does not leak prior to reaching the injection zone, Mechanical Integrity Tests (MIT) of the wells are required. Section 148.20(a)(2)(iv) requires submission of a satisfactory MIT performed within one year of petition submission, including Radioactive Tracer Test results. The Upjohn wells were tested in early December of 1987. The Standard Pressure Test as described in 40 CFR 146.8, the Radioactive Tracer Test, and the Temperature Log were performed. Results of these tests confirmed that the wells have mechanical integrity. They confirmed the positive results recorded on the continuous monitoring equipment. From both a construction and operation standpoint, the Upjohn injection wells ensure, with a reasonable degree of certainty, transmission of the injected fluid to the injection zone without leakage.

D. *Site Description*—Both of the injection wells at the Upjohn facility have approximately 3972 feet of separation between the lowermost underground source of drinking water (USDW) and the top of the injection zone (Munising Formation). This separation zone is composed of shales, limestones, dolomites, and evaporites.

The Michigan basin into which Upjohn injects is an almost circular sedimentary basin which extends to a depth of 14,000 feet in the center of the basin. The geologic strata generally dips less than 1 degree toward the center of the basin. The sedimentary formations can be classified into four general sequences—(1) the Cambrian sandstone sequence, (2) the Ordovician to middle Devonian carbonate-evaporite sequence, (3) the late Devonian to Mississippian shale-sandstone sequence, and (4) the Pennsylvanian coal bearing sequence. The Cambrian sandstone sequence (Munising Formation), the lowermost sedimentary unit in the basin, has the most favorable properties for the disposal of liquid waste because of its high permeability and porosity. There are very few historical seismic occurrences in the Michigan basin and a tectonic stress analysis revealed that the injected fluid is unlikely to cause an earthquake.

1. *Injection Zone Description*—The injection zone must have sufficient permeability, porosity, thickness and areal extent to prevent migration of fluids into USDWs. The injection zone consists of 1315 feet of the Munising Formation at a depth of 4302 to 5617 feet below the surface. The Munising Formation extends throughout the Michigan basin and reaches the surface near Munising, Michigan, several hundred miles from the Upjohn facility. Upjohn has subdivided the injection zone into an injection interval and a containment interval.

The injection zone is composed of the entire Munising formation, which contains four members, the Dresbach and Franconia sandstone Members, the Eau Claire dolomite-shale-sandstone Member, and the Mt. Simon sandstone Member. The Dresbach Member is composed of sandstone, is 4428 feet deep and 102 feet thick, and has a porosity ranging from 3 to 16 percent and permeability ranging from 0.1 millidarcies (md) to 180 md. The Franconia Member is composed mainly of sandstone and is 4302 feet deep and 126 feet thick, has a porosity ranging from 5 to 15 percent, and permeability ranging from 0.001 md to 10 md. The Eau Claire Member has been subdivided into two units by Upjohn, the upper Eau Claire dolomite-shale unit and the lower Eau Claire sandstone unit. Injection occurs into the lower Eau Claire sandstone unit and the Mt. Simon Member, at depths between 4837 feet and 5617 feet. Both wells were completed to inject solely into the Mt. Simon Member; however, in 1985, a hole in the casing of Well Number 4 was identified at a depth of 4837 feet (53 feet above the top of the Mt. Simon) by a noise log. The injection zone was expanded to include the Eau Claire Member by the USEPA through a permit modification in October, 1987. Approximately 5 percent of the 13–15 million gallons per year being injected flows into the Eau Claire Member through Well Number 4. The Mt. Simon Member is approximately 727 feet thick, and is composed mainly of massive sandstone. The porosity of the Mt. Simon ranges from 4 to 16 percent, and the permeability ranges from 2 md to 160 md. The Eau Claire Member is 360 feet thick; the lower 140 feet are composed of sandstone and minor amounts of dolomite, has a porosity range of 2 to 10 percent, and permeability ranging from 0.1 md to 100 md. The upper portion of the Eau Claire is composed of thinly bedded dolomite, shale, and sandstone, is 220 feet thick, has a porosity range of 2 to 13 percent and a permeability range from 0.0001 md to 10 md. The injection interval, consisting of the Mt. Simon and the lower Eau Claire, has generally high porosity and permeability which allow the waste to be injected without the use of a high injection pressure.

The containment interval is a portion of the injection zone, above the injection interval, which contains confining units (dolomites/shales) and pressure bleed-off units (sandstones). The upper Eau Claire, Dresbach, and Franconia Members are defined as the containment interval at Upjohn. The upper Eau Claire at a depth of 4530 to 4750 feet has a low permeability (0.0001 md to 10 md) which makes this unit a very effective barrier against the upward migration of waste. The Dresbach and Franconia Members are composed mainly of standstone and have higher permeabilities and porosities which act as pressure bleed-off units to allow any pressure build-up in the upper Eau Claire to be dissipated. No fractures or faults are known to exist in the containment interval.

2. *Confining Zone Description*—The confining zone must be (1) laterally continuous, (2) free of transecting, transmissive faults or fractures over an area sufficient to prevent fluid movement and, (3) of sufficient thickness and lithologic and stress characteristics to prevent vertical propagation of fractures. The immediate confining zone above the injection zone is composed of the Trempealeau Dolomite (See Figures 2A and 2B), which has an average thickness of 240 feet in the area adjacent to the Upjohn facility, is at a depth of 4062 feet below the surface, and is 3732 feet below the lowermost USDW. Geophysical logs indicate that the Trempealeau Dolomite has low porosity and permeability; porosity ranges from 1 to 7 percent and permeability ranges from less than 0.001 md to 10 md. The Trempealeau Dolomite is found throughout the Michigan basin as indicated in numerous lithologic logs. No faults or fractures are known to exist in the Trempealeau Dolomite in the Area of Review. A study of the tectonic stresses shows that the formation is understressed, and no fractures are likely to be propagated because the injection pressure is strictly regulated to prevent overpressuring the formations.

The confining zone must be separated from the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide added layers of protection by either providing additional confinement (low permeability units) or allowing pressure bleed-off (high permeability units). Overlying the Trempealeau Dolomite at the Upjohn site is an alternating sequence of thick, low permeability units such as the Utica Shale, Detroit River Group, and the Antrim-Coldwater-Ellsworth Shales, and more permeable units such as the Salina Group, Dundee Limestone, and the Traverse Limestone. Some of the low permeability layers are up to 500 feet thick and are continuous for hundreds of square miles. Numerous oil and gas deposits in the Michigan basin are confined by these low permeability units, which suggests that these units would serve as secondary confining zones for any escaped injection fluid.

Geochemical Conditions—The characteristics of the injection and confining zone fluids and lithologies must be adequately described in order to determine the wastestream's compatibility with the zones. The injection zone is composed mainly of quartz sandstone, with minor amounts of siltstone and dolomite. These rocks are generally very resistant to chemical degradation, and therefore little, if any, compatibility problems are expected. Upjohn has injected approximately 110 million gallons of wastewater during the period from 1977 to 1987, and during this time, no adverse pressure response has occurred to indicate that the wells have suffered from a compatibility problem. The confining zone is composed of dolomite and should have little compatibility problems with the injected fluid, because it has low porosity and permeability which will inhibit any reaction between the rocks and the injected fluid.

4. *Area of Review*—The area of review (AOR) is the area within which the petitiner must identify all wells which penetrate the confining zone and demonstrate whether they have been properly completed or plugged and abandoned. For the Upjohn facility, the USEPA has designated an AOR of 2.5 miles, based on a flow model which shows that the pressure build-up 2.5 miles from the wells is no more than 10 psi. This is less than 2 percent of the maximum pressure build-up at the well bore. There are no wells within the AOR that penetrate the confining zone, and the nearest identified well that penetrates the confining zone is located approximately 40 miles from the injection facility. Accordingly, no corrective action is required for this facility.

E. *Model Demonstration of No Migration*—Over the past 20 years, mathematical modeling has emerged as the preeminent tool for the predictive analysis of hydrogeologic systems. It is appropriate then that the demonstration of no migration of hazardous constituents from the injection zone involves the use of predictive mathematical models. A combination of analytical and numerical models were used in Upjohn's demonstration.

Models used for the "no-migration" demonstration must be adequately verified and validated. The verification process has two principal objectives: (1) to ensure that the simulation code is mathematically accurate, and (2) to ensure tht the various features of the code are used correctly. The objective of model validation is to demonstrate that the model adequately represents the type of rock layers, the physical processes of the injection zone, and the boundary conditions of the modeled interval.

The Upjohn modeling demonstration used a numerical code known as SWIFT III (Sandia Waste-Isolation Flow and Transport Model) to predict the buildup of pressure and the lateral flow of waste from the Upjohn injection wells. The SWIFT III code has been used and verified extensively, as reported in various federal publications. The long history of development and successful use of SWIFT for sites similar to Upjohn provide confidence that the basic processes are accurately represented by the model.

The vertical migration of waste was modeled using a stochastic approach, designed to assign a range of probable permeabilities to a layered interval in which the waste is contained, in order to evaluate the model uncertainty through probabilities of vertical migration distance. The model calculates migration velocity based on an analytical solution using pressures predicted by SWIFT as the initial drive mechanism. Other analytical models were also used to demonstrate various components of the waste migration. All of the models used have been verified and validated as recorded in the model documentation, or in references to methods or techniques tht are widely accepted by the technical community.

1. *Model Development and Calibration*—The development of the Upjohn model was a two-step process. First, a conceptual model was developed from well logs and cores for the rock layers of the Munising Formation, extending from the base of the Mt. Simon Member through the Franconia Member, which included hydrogeologic information such as porosity, permeability and thickness. Next, this initial set of hydraulic parameters was calibrated or "fine-tuned" by comparing injection histories predicted by these parameters to records of injectivity tests on both wells run during the week of November 6, 1987. Hydaulic parameters for the Mt. Simon Member which were developed from the calibration exercise include a permeability of 27 md, a porosity of 7.2 percent and an effective, or modeled, thichness of 100 feet. Other model parameters, such as skin factor, viscosity, and diffusion coefficients, were assigned from site-specific information when possible, and otherwise based on accepted literature values. For those parameters most affecting pressure build-up and waste migration, such as permeability, a range of values was modeled so that pressure and migration under conservative conditions could be determined. Where parameters were uncertain, reasonably conservative values were chosen.

2. *Model Predictions*—Two simulation time periods were considered in the demonstration: a 40 year operational period and a 10,000 year post-operational period. For the operational period, pressure build-up due to injection and the lateral and vertical

migration due to this pressure were modeled. For the post-operational period, additional lateral migration due to the natural flow gradient and additional vertical migration due to molecular diffusion were modeled. Modeling results, and the parameter choices which ensure that these results represent reasonably conservative conditions, are presented below.

For the operational period, an average monthly injection rate of 38 gallons per minute or approximately 20 million gallons per year, was used to predict pressure build-up in the injection zone. This exceeds the actual average injection rate of 13 to 15 million gallons per year and provides a conservative cushion to the demonstration by causing an over-prediction of modeled pressure build-up and waste migration. The modeling predicts that at the end of the 40 year operational period, the maximum pressure build-up at the wellbore is approximately 550 psi. Adding this build-up to the original reservoir pressure of approximately 2650 psi, the estimated maximum pressure in the Mt. Simon Sandstone at the end of the operational period would be 3200 psi. This is below the calculated fracture propagation pressure of 3870 psi. This pressure buildup is greatest near the injection wells and decreases outward, declining to less than 10 psi at a distance of 2.5 miles (the edge of the Area of Review).

The stochastic model described briefly above was used to predict vertical waste migration. The predicted pressure profile at the end of the operational period was used as a basis for calculating vertical waste migration velocity. This is a conservative approach because it will over-predict waste movement by ignoring (1) the lower vertical pressures that will exist in the early part of the operational period and (2) the smaller migration velocity further from the top of the injection interval. A modeled range of vertical permeabilities of the Eau Claire Member of 10^{-6} to 10^{3} md and a most probable permeability of 10^{-4} md, resulted in a vertical migration of waste at this site during its operational life between 95 feet (2 percent chance) and less than five (5) feet (77 percent chance). During the post-operational period, molecular diffusion is the primary migration mechanism. Using a conservative coefficient of molecular diffusion of 1×10^{-10} meter squared per second, the maximum vertical transport of the waste front during the post-operational period is 186 feet. This is a conservative estimate because it assumes the waste front extends to a point where the ratio of modeled concentration to original waste concentration (concentration ratio) is 10^{-12}, whereas a concentration ratio of 10^{-7} is sufficient to reduce all hazardous constituents injected by Upjohn to below health-based levels or detection limits, as documented following page VII–94 of Volume 3 of Upjohns' September 21, 1988, submittal. The total vertical migration at the Upjohn site would be a maximum of 281 feet above the permitted injection interval, or 41 feet below the top of the Dresbach Member. Therefore, the waste will be contained within the permitted injection zone.

Lateral migration of the waste plume during the operational period is mainly driven by injection and is modeled to extend 1576 feet, using realistic site-specific parameters deduced from the calibration exercises mentioned above. During the post-operational period, the modeled movement of the waste plume also considered the natural flow gradient of the Mt. Simon

Member, by buoyancy forces resulting from a lighter waste being injected into a more dense formation water, and molecular diffusion. Molecular diffusion and buoyancy forces result in the movement of the waste front of 5000 feet in 10,000 years, when a concentration ratio of 10^{-7} is used to define the edge of the waste plume. At this distance, all hazardous constituents will be below the health-based levels or detection limits. The groundwater flow velocity in this formation is estimated at 0.47 ft/yr at this site. Because the direction of this flow is uncertain, it is conservatively estimated to exist in every direction from the Upjohn site. This results in an additional drift of the waste plume of 4745 feet in 10,000 years. Therefore, the maximum predicted lateral migration of waste at the Upjohn site is 11,321 feet. This is within the permitted injection zone and within the Area of Review of 2.5 miles.

F. *Quality Assurance and Quality Control*—The Upjohn Company and its consultants have demonstrated that adequate quality assurance and quality control plans were followed in preparing the petition. Upjohn has followed appropriate protocol for locating records for penetrations in the area of review, for collection and analyses of geologic and hydrogeologic data, for waste characterization, and for all tasks associated with the modelling demonstration.

III. Conditions of Petition Approval

As a condition of granting this exemption to the ban on injection of certain hazardous wastes, the USEPA will require the following conditions to be met through modification of the well permits:

(1) The combined annual injection volume for Well Numbers 3 and 4 must not exceed 20 million gallons;

(2) The injection zone must be comprised of the Franconia, Dresbach, Eau Claire, and Mt. Simon Members of the Munising Formation; and

(3) Injection shall occur only into the Mt. Simon Member and into that portion of the Eau Claire Member which is below 4750 feet.

Dated: October 5, 1989.

Charles H. Sutfin,

Director, Water Division, Region V, U.S. Environmental Protection Agency.

BILLING CODE 6560-50-M

FIGURE 1

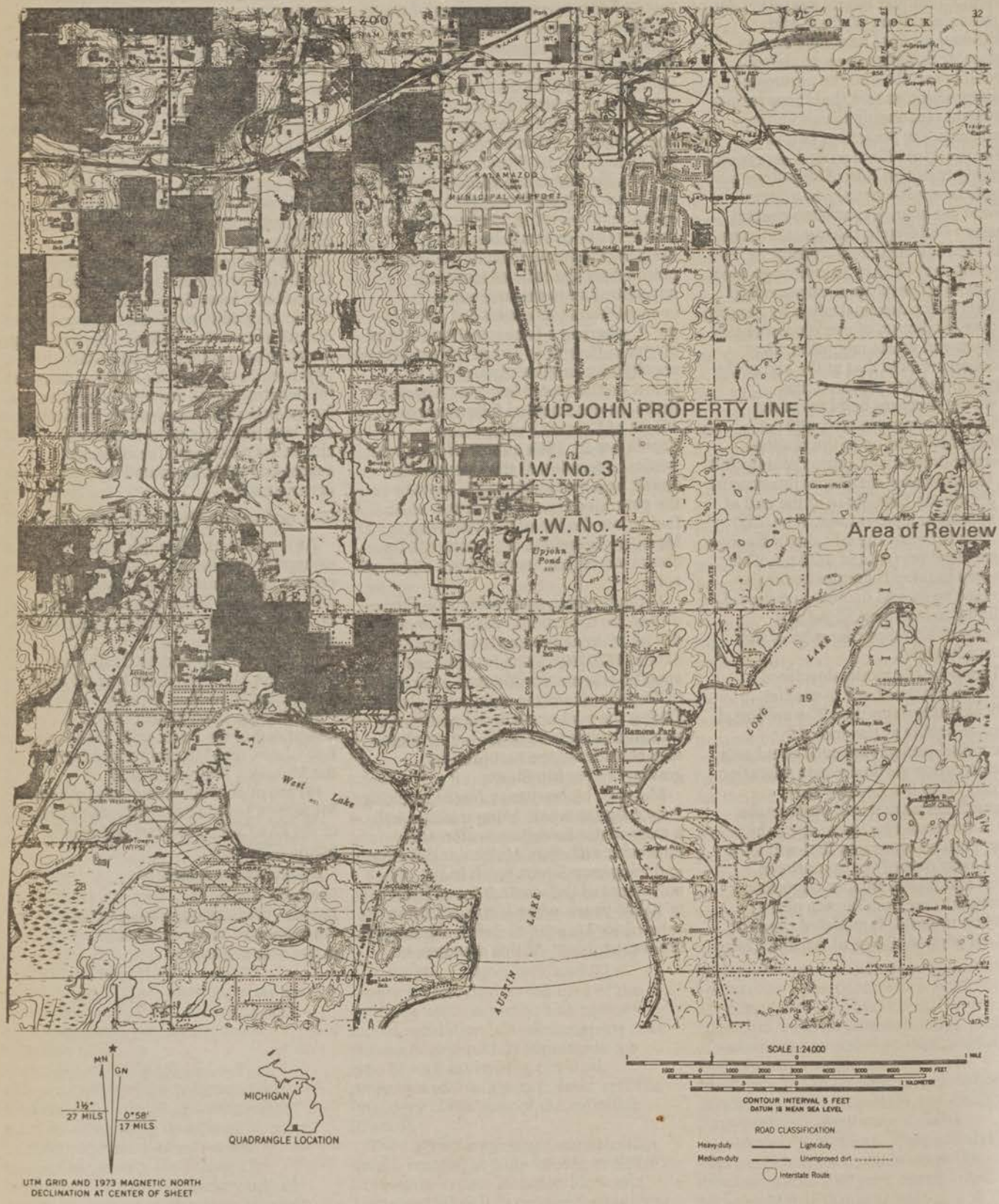
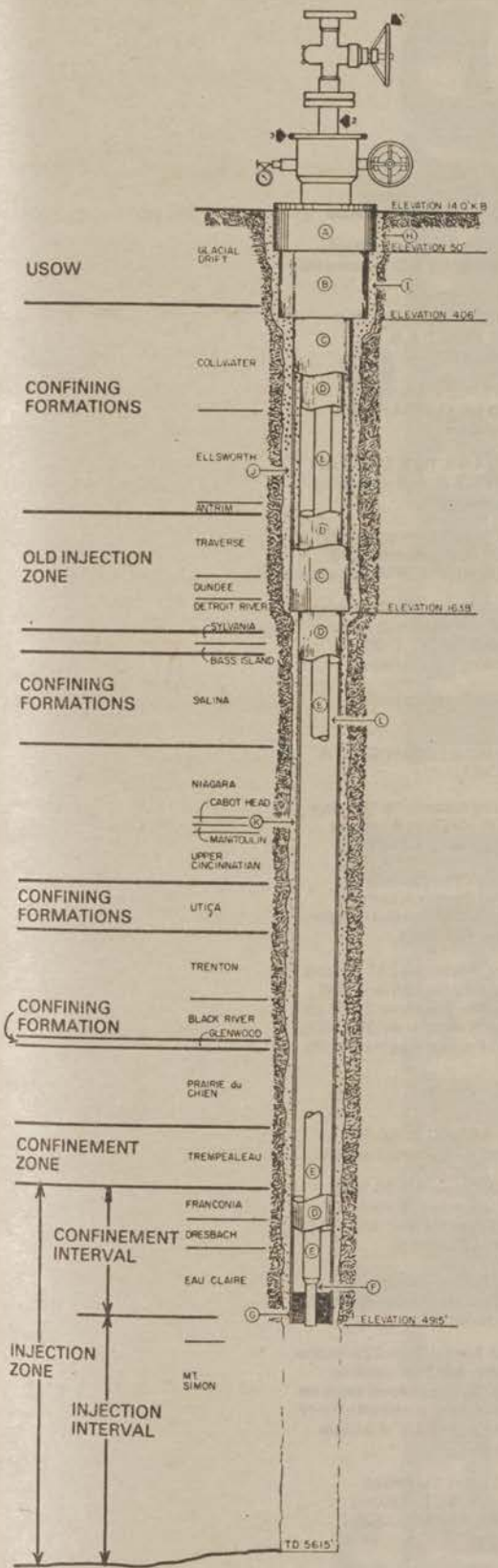

KALAMAZOO
COMSTOCK
UPJOHN PROPERTY LINE
I.W. No. 3
I.W. No. 4
Area of Review
Upjohn Pond
West Lake
LONG LAKE
AUSTIN LAKE
MN
GN
1½°
27 MILS
0°58'
17 MILS
UTM GRID AND 1973 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET
MICHIGAN
QUADRANGLE LOCATION
SCALE 1:24000
CONTOUR INTERVAL 5 FEET
DATUM IS MEAN SEA LEVEL
ROAD CLASSIFICATION
Heavy-duty
Light-duty
Medium-duty
Unimproved dirt
Interstate Route

FIGURE 2A



DESCRIPTION OF MATERIAL

A. 24" O.D. unknown weight, ungraded steel conductor pipe set at 50' K.B. and cemented to surface.

B. 16" O.D. 65 lbs/ft, H-40, R-2, ST&C API casing set @ 406' K.B. and cemented to surface.

C. 10¾" O.D., 40.5 lbs/ft, K-55 R-8, ST&C API casing set @ 1638' K.B. and cemented to the surface in two stages.

D. 7" O.D., 23 lbs/ft, K-55, r-2, LT&C API casing set @ 4915' K.B. and cemented in two stages.

E. 3½" O.D. × 0.350" wall, Fibercast Epoxy chemical disposal tubing with Model "F" 316 SS non-ported seating nipple. 8.40' seal assembly with 7 seal units, 0.82'-3½" AST × 3½" API XO sub, 3.15' tubing sub above seal assembly, subs on top, total length 4861.40' to No Go.

F. 80-32 Model "GBH" 316SS Locator tubing Seal Assembly with 7-70 Hard Nitrile Bond Seal Units.

G. Baker Model "A" Retrieva D packer set at 4860 feet.

H. 24" conductor casing cemented to surface with 125 sx Class A with 3% $CaCl_2$ circulated.

I. 16" surface casing cemented to surface with 200 sx. Class A with 3% $CaCl_2$ and 375 sx. prozmix A with 4% gel and 3% $CaCl_2$ cement circulated.

J. 10¾" intermediate casing cemented in two stages with DV tool at 840'. First stage cemented with 900 sx. Class A with 3% $CaCl_2$ and second stage with 600 sx. pozmix A with 3% $CaCl_2$. Both stages circulated to surface.

K. 7" long string casing cemented in two stages with DV tool at 2492". First stage cemented with 970 sx. Class A with 3% $CaCl_2$ and second stage with 940 sx. pozmix with 6% gel and 3% $CaCl_2$. Neither stage circulated to surface.

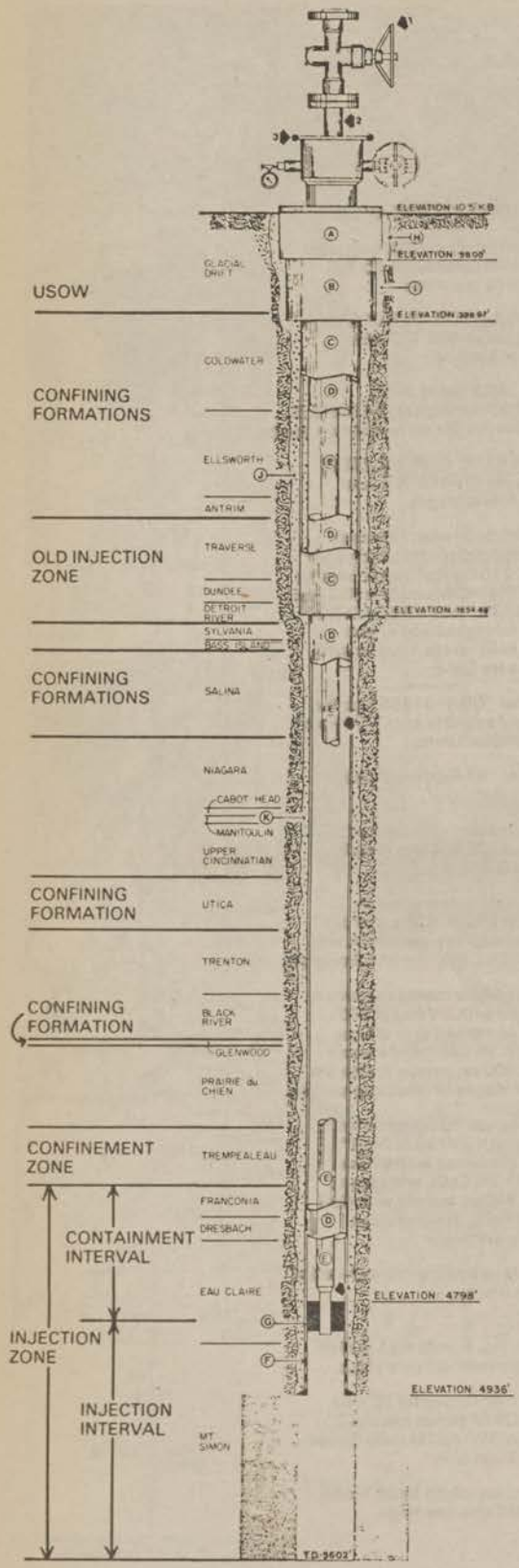
L. Annular fluid — fresh water with added corrosion inhibitor.

1. 3" Mohawk, Fig. 6, with ASA 600 RF Flanges. Carpenter-20 gate valve.

2. 3"Nom. Sch. 40 Carpenter 20 tube with ASA 600 RF flange top and 3" NPT Females 3½" ASTM male thread on bottom, 4 feet long.

3. 7" × 3" Hercules tubing head, Model with 2-2" NPT side openings.

FIGURE 2B



DESCRIPTION OF MATERIALS

A. 24" O.D., 125.5 #/ft. Ungraded Steel Conductor pipe set @ 58 K.B. & cemented to surface.

B. 16" O.D., 65 #/ft., H-40, Rg 3, ST&C API casing set @ 388.97' K.B. and cemented to surface.

C. 10¾" O.D., 40.5 #/ft., K-55, Rg 2, ST&C API casing set @ 1654.48' K.B. and cemented to surface.

D. 7" O.D., 26 #/ft., K-55, Rg 2, LT&C, API casing run to 4876' K.B. and cemented to surface in three stages.

E. 3½" O.D. × .350" wall Fibercast epoxy tubing with 7.60" seal assembly and a 3'-3½" API EUE ×3½" ASTM crossover sub.

F 7" O.D. × .375 wall Carpenter 20 casing, LT&C as integral part of Item D., from 4876' K.B. to 4936' (59.92' C-20, plus 3.35 cementing equipement).

G. Baker Model 4784 Retreiva packer set at 4798 feet.

H. 24" Conductor casing cement-Class A. Regular w/3% $CaCl_2$.

I. 16" Surface casing cement-Halliburton Lite cement tail in w/Class A regular W/Class A Regular w/3% $CaCl_2$.

J. 10¾" Intermediate casing cement-Halliburton 50-50 Pozmix A cement w/60% gel and 4% $CaCl_2$ tailed in with Class A Regular w/3% $CaCl_2$.

K. 7" casing cement-1st stage-281 gallons Halliburton Epseal Epoxy cement, 2nd stage, 50-50 Pozmix A cement 2/2% gel tailed in w/Class A regular w/3% $CaCl_2$, 3rd stage, 50-50 Pozmix A cement with 2% gel.

1. 3" Mohawk, Fig. #6, 600 lb. RF, RS Gate valve Carpenter 20 construction.

2. 3" Nom., Sch. 40, Carpenter 20 Tube w/3" 600# RF Carpenter 20 Flange-Top and 3" NPT Female × 3½" ASTM Male thread on bottom 4 feet long.

3. 7" × 3" Hercules Tubing Head — Model-A7s w/Stripper Rubber Assembly and 2-2" NPT side openings.

4. Baker size 80-32, Model GBH 22S locator seal assembly with 3-80 Hd. packing elements and 21-80-32 molded seals on a 316 ss tube, with xo sub on bottom and SS seating nipple with 2.25" diameter opening on bottom.

5. Fresh water w/15 gal. Corrosion inhibitor, (Corban 326), 10 gallons M-76 (bactericide), and 10lb. J-297 (oxygen scavenger).

[FR Doc. 89-24354 Filed 10-13-89; 8:45 am]
BILLING CODE 6560-50-C

federal register

Monday
October 16, 1989

Part IV

Tennessee Valley Authority

18 CFR Part 1314

Book-entry Procedures for TVA Power Securities; Rule

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1314

Book-entry Procedures for TVA Power Securities

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: This final rule sets forth terms and conditions governing the issuance of, and transactions in, all TVA power securities issued in book-entry form. The Federal Reserve Banks maintain a national system for electronic issue, maintenance, and transfer of securities issued by the United States Government and certain Federal agencies and require agencies seeking to issue book-entry securities through this national book-entry system to have agency rules establishing book-entry procedures. This Part, by establishing book-entry regulations for TVA, will permit it to issue book-entry securities through the Federal Reserve Banks' system.

EFFECTIVE DATE: October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Edward S. Christenbury at (615) 632–2241.

SUPPLEMENTARY INFORMATION: TVA, a wholly owned corporate agency and instrumentality of the United States, is authorized to issue bonds, notes, and other evidences of indebtedness to assist in financing its power program. This new part 1314 establishes book-entry procedures for TVA power securities. It has been determined that this rule does not require a notice of proposed rulemaking as it involves the fiscal policy of the United States. In addition, it is in the public interest that this Part become effective as soon as possible to facilitate TVA's performance of its responsibilities under section 15d and other sections of the TVA Act, 16 U.S.C. 831–831dd. Accordingly, it has been determined that a notice of proposed rulemaking is also not required because it would be contrary to the public interest. The effective date of this rule has not been delayed 30 days since the public interest necessitates the adoption and implementation of this rule without delay for the reasons set forth above. In addition, the effective date has not been delayed because this rule relieves a restriction.

This rule is not a major rule for the purpose of Executive Order 12291.

List of Subjects in 18 CFR Part 1314

Bonds, securities.

For the reasons set forth in the preamble, title 18, chapter XIII of the Code of Federal Regulations is amended by adding a part 1314 to read as follows:

PART 1314—BOOK-ENTRY PROCEDURES FOR TVA POWER SECURITIES

Sec.
1314.1 Applicability and effect.
1314.2 Definition of terms.
1314.3 Authority of Reserve Banks.
1314.4 Scope and effect of book-entry TVA power securities accounts.
1314.5 Transfer or pledge.
1314.6 Delivery of book-entry TVA power securities.
1314.7 Classes of accounts.
1314.8 Identification of accounts.
1314.9 Servicing book-entry TVA power securities.

Authority: The Tennessee Valley Authority Act of 1933, as amended, 16 U.S.C. 831–831dd.

§ 1314.1 Applicability and effect.

(a) *Applicability.* The regulations in this Part govern the issuance of, and transactions in, all TVA power securities (as defined herein) issued by TVA in book-entry form on or after the effective date of this part.

(b) *Effect.* The TVA power securities to which these regulations apply are obligations, which, by the terms of their issue, are available exclusively in book-entry form.

§ 1314.2 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "*TVA*" means the Tennessee Valley Authority, a wholly owned corporate agency and instrumentality of the United States of America created and existing under the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831–831dd).

(b) "*Reserved Bank*" means the Federal Reserve Bank of New York and its branches (and any other Federal Reserve Bank, and its branches, which agrees to issue TVA power securities in book-entry form) as fiscal agent of the United States acting on behalf of TVA and, when indicated, acting in its individual capacity.

(c) The "*TVA Basic Bond Resolution*" means the Basic Tennessee Valley Authority Power Bond Resolution [1] adopted by the TVA Board of Directors on October 6, 1960, as heretofore or hereafter amended.

(d) "*TVA power security*" means a TVA power bond, TVA power bond anticipation obligation, TVA power note, or other TVA power evidences of indebtedness issued by TVA under section 15d of the TVA Act, as amended, and the TVA Basic Bond Resolution.

(e) "*Definitive form*" means engraved or printed form.

(f) "*Book-entry TVA power security*" means a TVA power security issued under, and in the form of an entry made as prescribed in, this part on the records of a Reserve Bank.

(g) "*TVA power bond*" means any TVA power security issued by TVA under § 2.2 of the TVA Basic Bond Resolution and the supplemental resolution adopted by the TVA Board of Directors authorizing the issuance thereof.

(h) "*TVA power bond anticipation obligation*" means any TVA power security issued under § 2.4 of the TVA Basic Bond Resolution.

(i) "*Other TVA power evidences of indebtedness*" means any TVA power security issued under § 2.5 of the TVA Basic Bond Resolution.

(j) "*TVA power note*" means any other TVA power evidences of indebtedness in the form of a note having a maturity at the date of issue of less than one year.

(k) "*Pledge*" includes a pledge of, or any other security interest in, book-entry TVA power securities as collateral for loans or advances or to secure deposits of public moneys or the performance of an obligation.

(l) "*Depository institution*" means any national bank, State bank, other bank or trust company, or any other financial institution, authorized by law to secure Reserve Bank services.

(m) "*CUSIP number*" is a unique identification for each security issue established by the Committee on Uniform Security Identification Procedures.

(n) "*Date of call*" is the date on which TVA will make payment of a book-entry TVA power security before maturity in accordance with its terms.

§ 1314.3 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to:

(a) Issue book-entry TVA power securities by means of entries on its records, which shall include the name of the Reserve Bank's depositor, the latter's employer identification number, where appropriate, and the amount, maturity date and CUSIP number of each security;

(b) Otherwise service and maintain book-entry TVA power securities; and

[1] A copy of the TVA Base Bond Resolution may be obtained upon request directed to TVA, 400 West Summit Hill Drive, Knoxville, Tenn. 37902, Attn.: Treasurer.

(c) Issue a confirmation of transaction in the form of an advice (serially numbered or otherwise), which specifies the amount, maturity date and CUSIP number of the security, as well as the date of the transaction.

§ 1314.4 Scope and effect of book-entry TVA power securities accounts.

(a) *Scope and effect of accounts at Reserve Bank.* Each Reserve Bank, as fiscal agent of the United States acting on behalf of TVA, may apply the regulations in this Part to any book-entry TVA power securities in accounts held in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding their maintenance in book-entry form. This paragraph is applicable, but not limited to, book-entry TVA power securities deposited or maintained:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) For a depository institution for its sole account;

(3) For a depository institution held for the account of its customers;

(4) In connection with deposits in a depository institution of funds of States, municipalities, or other political subdivisions;

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The maintenance of book-entry TVA power securities under this paragraph shall not derogate from or adversely affect the relationship that would otherwise exist between a Reserve Bank in its individual capacity and the entities for which accounts are maintained. With respect to book-entry TVA power securities, the Reserve Bank is authorized to take all actions necessary in respect of such securities to enable the Reserve Bank, in its individual capacity, to perform its obligations as depository with respect to such securities.

(b) *Deposits not to be accepted.* No deposits shall be accepted under this section after the date of maturity or call of the security.

§ 1314.5 Transfer or pledge.

(a) *Reserve Bank records.* A transfer or a pledge of book-entry TVA power securities to a Reserve Bank or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this Part is effected and perfected, notwithstanding any provision of law to the contrary, by the Reserve Bank making an appropriate entry in its record of the book-entry TVA power securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall:

(1) Have the same effect as the delivery of TVA power securities in bearer definitive form;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder;

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee.

A transfer or pledge of book-entry TVA power securities under this paragraph (a) shall have priority over any transfer, pledge or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) *Member banks or others.* A transfer or a pledge of book-entry TVA power securities, or any interest therein, maintained by a Reserve Bank (in its individual capacity or as fiscal agent of the United States acting on behalf of TVA) in a book-entry account under this part is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of TVA power securities or any interest therein, if such securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry TVA power securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry TVA power securities either in its individual capacity or as fiscal agent of the United States acting on behalf of TVA is not a bailee for purposes of notification of pledges of those securities under this paragraph (b) or a third person in possession for purposes for purposes of acknowledgment of transfers thereof under this paragraph (b). Where book-entry TVA power securities are recorded on the books of an entity for account of the pledgor or transferor thereof and such securities are maintained with the Reserve Bank, such entity shall, for purposes of perfecting a pledge of such securities or effecting their delivery to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchase may be obtained. The Reserve Bank will not accept notice or advice of a transfer or a pledge effected or perfected under this paragraph (b), and any such notice or advice shall have no effect. The Reserve Bank may continue to deal with its depositors in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph (b).

(c) *Filing and recording unnecessary.* No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry TVA power securities or any interest therein.

(d) *Nonconversion.* Book-entry TVA power securities are not convertible into definitive form, nor are definitive form TVA power securities convertible into book-entry form.

(e) *Transfer by Reserve Bank.* A transfer of book-entry TVA power securities within a Reserve Bank shall be made in accordance with procedures established by the Reserve Bank not inconsistent with this part. The transfer of book-entry TVA power securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) *Timeliness of requests.* All requests for transfer or any authorized transaction must be received prior to the date of call or maturity of the TVA power securities.

§ 1314.6 Delivery of book-entry TVA power securities.

Where a Reserve Bank has received book-entry TVA power securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor, it shall not be liable for conversion or for participation in breach of fiduciary duty even though the depositor has no right to dispose of or take other action in respect of such securities. A Reserve Bank shall be fully discharged of its obligations under this part by the transfer or delivery of book-entry TVA power securities to its depositor or upon the order of such depositor.

§ 1314.7 Classes of accounts.

A Reserve Bank is authorized to maintain book-entry TVA power securities for depository institutions located in its district for securities such institutions hold for their own account, or hold for the account of their customers, and as otherwise specified in § 1314.4. Purchasers of book-entry TVA power securities, on original issue or otherwise, may have such securities maintained in book-entry form at depository institutions of a Reserve

Bank, or in accounts maintained at entities providing securities safekeeping services for customers (e.g., securities dealers) which have related accounts at such depository institutions.

§ 1314.8 Identification of accounts.

Book-entry accounts may be established in such form or forms as customarily permitted by the entity (e.g., depository institution, securities dealer, etc.) maintaining them, except that each account should include data to permit both customer identification by name, address, and taxpayer identifying number, as well as a determination of the book-entry TVA power securities being held in such account by amount, maturity, date and CUSIP number, and of transactions relating thereto.

§ 1314.9 Servicing book-entry TVA power securities.

(a) *Payment of interest.* Interest becoming due on book-entry TVA power securities shall be charged to the appropriate TVA account at the Federal Reserve Bank of New York on the interest-due date and remitted or credited in accordance with the instructions of the depository institution.

(b) *Payment of principal and redemption premiums.* Upon call or at maturity book-entry TVA power securities shall be redeemed and charged to the appropriate TVA account at the Federal Reserve Bank of New York, and the redemption proceeds, i.e., principal, redemption premium, and any interest payable with the principal, shall be disposed of in accordance with the instructions of the depository institution for whose account the securities were maintained.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 89-24542 Filed 10-13-89; 10:46 am]

BILLING CODE 8120-01-M

federal register

Monday
October 16, 1989

Part V

The President

Proclamation 6045—Italian-American Heritage and Culture Month, 1989

Federal Register
Vol. 54, No. 198
Monday, October 16, 1989

Presidential Documents

Title 3—

The President

Proclamation 6045 of October 12, 1989

Italian-American Heritage and Culture Month, 1989

By the President of the United States of America

A Proclamation

This month, we celebrate the rich ethnic heritage of Italian-Americans and the many contributions they have made to American culture. Throughout our Nation's history, men and women of Italian descent have made outstanding contributions in business and the arts, education, and government, as well as in athletics and military service. Virtually every aspect of our life as a Nation has been enriched by their unique talents and hard work.

Italian-Americans share with us not only the colorful traditions of their ancestral homeland, but also its proud history. It was a brave son of Genoa, Christopher Columbus, who first discovered the New World nearly half a millennium ago and, in so doing, forged the path that millions of immigrants have since followed to the United States. Italy has also given the world the great works of Dante, the breathtaking art of Giotto and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti. Italian-Americans enjoy a rich cultural heritage, indeed.

Many outstanding men and women of Italian descent have enriched our Nation's own history. All Americans take great pride in the accomplishments of individuals such as Fiorello La Guardia, the beloved Mayor of New York City; Enrico Fermi, who won the 1938 Nobel Prize in Physics; Paolo Soleri, the celebrated architect; and baseball hero Joe DiMaggio. They and other Italian-Americans throughout the United States have made extraordinary contributions to our life as a Nation.

Whether defending freedom on the front lines of battle or participating in the daily workings of our democracy, Italian-Americans have clearly demonstrated their love of freedom and self-government and their profound respect for the rights and dignity of every individual. Their patriotism—coupled with their deep faith and devotion to family life—has truly strengthened the fabric of our society.

In recognition of the many contributions Italian-Americans have made and continue to make to our Nation, the Congress, by House Joint Resolution 392, has designated the month of October 1989 as "Italian-American Heritage and Culture Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of October 1989 "Italian-American Heritage and Culture Month." I urge all Americans to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth 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.

George Bush

[FR Doc. 89-24562
Filed 10-13-89; 11:23 am]
Billing code 3195-01-M

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4	15.00	Jan. 1, 1989
5 Parts:		
1–699	15.00	Jan. 1, 1989
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1200–End, 6 (6 Reserved)	13.00	Jan. 1, 1989
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210–299	24.00	Jan. 1, 1989
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1000–1059	16.00	Jan. 1, 1989
1060–1119	13.00	Jan. 1, 1989
1120–1199	11.00	Jan. 1, 1989
1200–1499	20.00	Jan. 1, 1989
1500–1899	10.00	Jan. 1, 1989
1900–1939	11.00	Jan. 1, 1989
1940–1949	21.00	Jan. 1, 1989
*1950–1999	22.00	Jan. 1, 1989
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9 Parts:		
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10 Parts:		
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500–End	28.00	Jan. 1, 1989
11	10.00	[2] Jan. 1, 1988
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[2] No amendments to this volume were promulgated during the period Jan.1, 1988 to Dec.31, 1988. The CFR volume issued January 1, 1988, should be retained.

[3] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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