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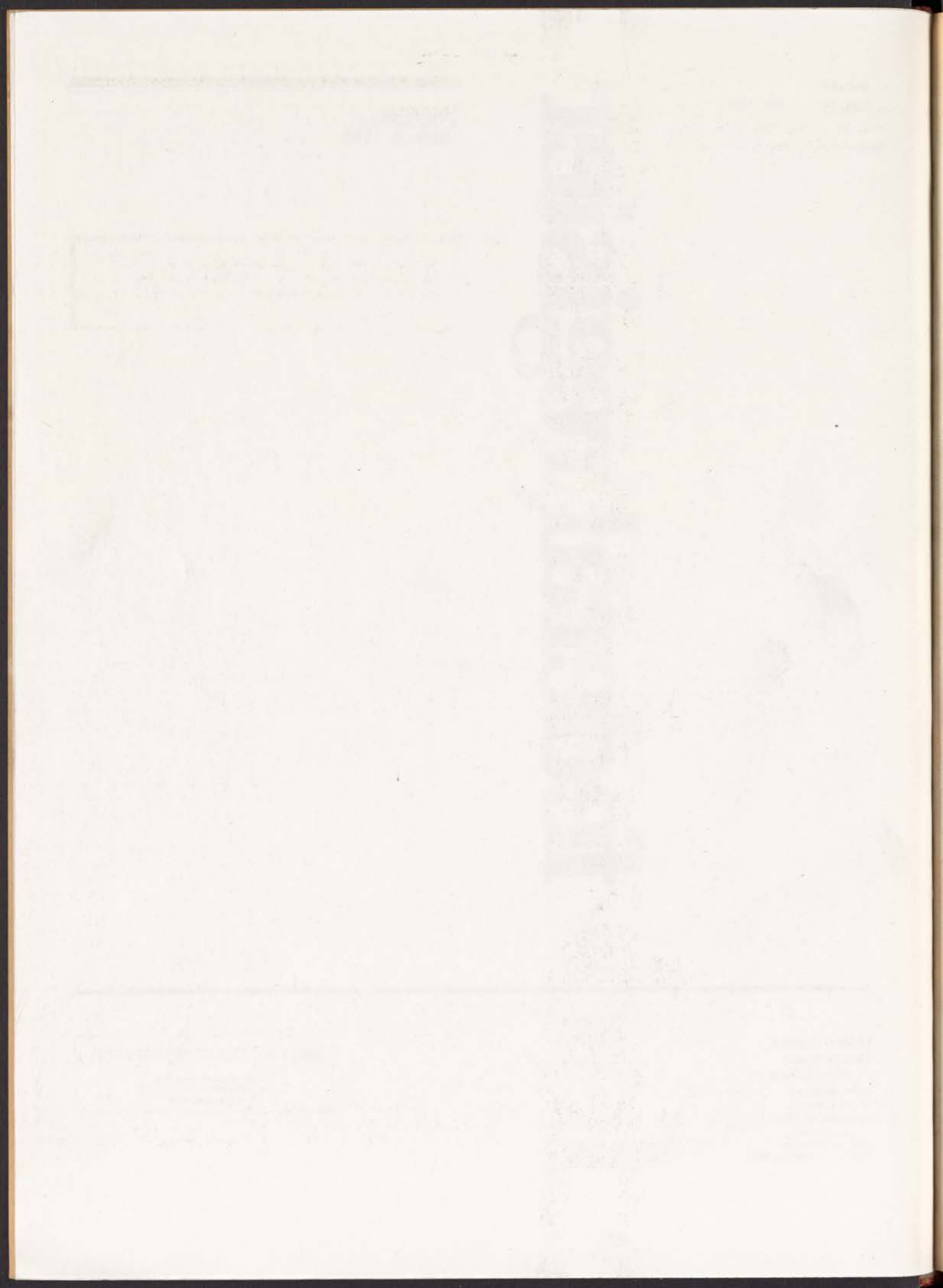
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- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** June 15; at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street, NW., Washington, DC
- RESERVATIONS:** 202-523-5240

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Federal Register

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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 953

[Docket No. FV-89-048]

Southeastern Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 953 for the 1989-90 fiscal period.

Authorization of this budget will allow the Southeastern Potato Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: June 1, 1989, through May 31, 1990.

FOR FURTHER INFORMATION CONTACT: Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-447-5331.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 104 and Marketing Order No. 953 (7 CFR Part 953), both as amended, regulating the handling of Irish potatoes grown in Southeastern States (Virginia and North Carolina). The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the

Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

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

There are approximately 60 handlers of Southeastern potatoes under this marketing order, and approximately 150 potato producers. 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 the handlers and producers may be classified as small entities.

The budget of expenses for the 1989-90 fiscal year was prepared by the Southeastern Potato Committee (committee), the agency responsible for local administration of the order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of Southeastern potatoes. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of potatoes. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses.

The Southeastern Potato Committee met on April 20, 1989, and unanimously recommended a 1989-90 budget of \$11,000 and an assessment rate of \$0.01 per hundredweight. This year's budget

and assessment rate are the same as last year's. Major expense items include committee staff salaries, travel expenses, and utilities. The assessment rate, when applied to anticipated fresh market potato shipments of 700,000 hundredweight, would yield \$7,000 in assessment revenue which, when added to \$4,000 from reserve funds, will be adequate to cover budgeted expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the *Federal Register* on May 12, 1989 (54 FR 20604). That document contained a proposal to add § 953.246 to authorize expenses and establish an assessment rate for the Southeastern Potato Committee. That rule provided that interested persons could file comments through May 22, 1989. No comments were received.

It is found that the specified expenses are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1989-90 fiscal period begins on June 1, 1989, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is also found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553).

List of Subjects in 7 CFR Part 953

Marketing agreements and orders, potatoes (Virginia and North Carolina).

For the reasons set forth in the preamble, 7 CFR Part 953 is amended as follows:

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

1. The authority citation for 7 CFR Part 953 continues to read as follows:

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

2. A new § 953.246 is added to read as follows:

Note: This section prescribes the annual expenses and assessment rate and will not be published in the Code of Federal Regulations.

§ 953.246 Expenses and assessment rate.

Expenses of \$11,000 by the Southeastern Potato Committee are authorized, and an assessment rate of \$0.01 per hundredweight of potatoes is established for the fiscal period ending May 31, 1990. Unexpended funds may be carried over as a reserve.

Dated: June 2, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-13559 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 982

[FV-89-039FR]

Expenses and Assessment Rate for Filberts/Hazelnuts Grown in Oregon and Washington

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 982 for the 1989-90 marketing year established under the filbert/hazelnut marketing order. The marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable filberts/hazelnuts handled from the beginning of such year. An annual budget of expenses is prepared by the Filbert/Hazelnut Marketing Board (Board), the agency responsible for local administration of the filbert/hazelnut marketing order, and submitted to the U.S. Department of Agriculture for approval. The members of the Board are handlers and producers of filberts/hazelnuts. They are familiar with the Board's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The assessment rate recommended by the

Board is derived by dividing the anticipated expenses by expected shipments of filberts/hazelnuts. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Board's expected expenses. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATES: July 1, 1989, through June 30, 1990.

FOR FURTHER INFORMATION CONTACT:

Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2524-S, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 982 (7 CFR Part 982), both as amended, regulating the handling of filberts/hazelnuts grown in Oregon and Washington. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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

There are approximately 26 handlers of filberts/hazelnuts grown in Oregon and Washington subject to regulation under the filbert/hazelnut marketing order, and approximately 1,300 producers of filberts/hazelnuts in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual 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 filbert/hazelnut producers and handlers may be classified as small entities.

The filbert/hazelnut marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable filberts/hazelnuts handled from the beginning of such year. An annual budget of expenses is prepared by the Filbert/Hazelnut Marketing Board (Board) and submitted to the U.S. Department of Agriculture for approval. The members of the Board are handlers and producers of filberts/hazelnuts. They are familiar with the Board's needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Board is derived by dividing anticipated expenses by expected shipments of the commodity. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Board's expected expenses. The recommended budget and assessment rate are usually acted upon by the Board shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approvals must be expedited so that the Board will have funds to pay its expenses.

The Board conducted a telephone vote on April 3, 1989, and unanimously recommended 1989-1990 marketing order expenditures of \$426,060 and an assessment rate of \$14.00 per ton of filberts/hazelnuts. In comparison, 1988-89 marketing year budgeted expenditures were \$424,100 and the assessment rate was \$14.00 per ton. Major expenditure categories in the 1989-90 budget are \$67,560 for administration, \$250,000 for promotion, and \$100,000 for the emergency reserve fund. Assessment income for 1989-90 is expected to total \$280,000 based on a crop estimate of 20,000 tons of filberts/hazelnuts. Interest and incidental income is estimated at \$35,000. Reserve funds are adequate to meet the anticipated \$111,060 deficit in assessment and other income.

While this final action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have

a significant economic impact on a substantial number of small entities.

This action adds a new § 982.334 and is based on Board recommendations and other information. A proposed rule was published in the May 5, 1989, issue of the *Federal Register* (54 FR 19377). Comments on the proposed rule were invited from interested persons until May 15, 1989. No comments were received.

After consideration of the information and recommendations submitted by the Board and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

This budget and assessment rate should be expedited because the Board needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis. In addition, handlers are aware of this action, which was recommended by the Board at public meetings. Therefore, it is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553).

List of Subjects in 7 CFR Part 982

Filberts, Hazelnuts, Marketing agreements and orders, Oregon, Washington.

For the reasons set forth in the preamble, 7 CFR Part 982 is amended as follows:

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

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR Part 982 continues to read as follows:

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

2. A new 982.334 is added to read as follows:

§ 982.334 Expenses and assessment rate.

Expenses of \$426,060 by the Filbert/Hazelnut Marketing Board are authorized, and an assessment rate payable by each handler in accordance with § 982.61 is fixed at \$14.00 per ton of assessable filberts/hazelnuts for the 1989-90 marketing year ending June 30, 1990. Unexpended funds may be carried over as a reserve.

Dated: June 2, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-13560 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1210

[FV-88-1, AMS-FV-88-063]

RIN 0581-AA32

Watermelon Research and Promotion Plan; Decision Establishing Final Plan Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final decision establishes a Watermelon Research and Promotion Plan as authorized by the Watermelon Research and Promotion Act of 1985. The plan was favored by a majority of producers and a majority of handlers accounting for more than two-thirds of the total volume of watermelons produced and handled by both producers and handlers voting in a referendum conducted by the Department on February 6-21, 1989. The plan authorizes establishment of projects relating to research, development, advertising, and promotion to maintain and expand existing markets and establish new or improved markets and uses for watermelons. This plan also defines the powers and duties of the 29 member National Watermelon Board, provides for collection of assessments, specifies the objectives of Board activities, and provides a mechanism for terminating the plan if its continuance is not favored by producers and handlers as demonstrated in a referendum.

EFFECTIVE DATE: Final Rule is effective June 8, 1989.

FOR FURTHER INFORMATION CONTACT: Richard H. Mathews, Marketing Specialist, Marketing Order Administration Branch, Room 2525-South, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 475-3915.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding include the following. A Notice of Hearing issued February 2, 1987, and published in the February 4, 1987, issue of the *Federal Register* (52 FR 3588). A seven day Extension of Time for Receipt of Post Hearing Briefs requested by proponents, granted on April 17, 1987, and published in the *Federal Register* on April 21, 1987 (52 FR 13086). A Recommended Decision and Opportunity to File Written Exceptions published in the March 24, 1988, issue of the *Federal Register* (53 FR 9637). A Secretary's Decision and Referendum Order on the Proposed Plan published in the December 20, 1988, issue of the *Federal Register* (53 FR 51110).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the U.S. Code, and therefore is excluded from the requirements of Executive Order 12291.

Preliminary Statement

This plan is issued pursuant to the applicable rules of practice and procedure governing proceedings to formulate and amend an order (plan) (7 CFR Part 1200). This plan is effective pursuant to the provisions of the Watermelon Research and Promotion Act, hereafter referred to as the "Act" (Pub. L. 99-198, 99th Congress, effective January 1, 1986, 7 U.S.C. 4901-4916).

The plan was formulated on the record of a public hearing conducted in Las Vegas, Nevada, on February 18 and 19, 1987, and Atlanta, Georgia, on February 24 and 25, 1987. Notice of the sessions was published in the February 4, 1987, issue of the *Federal Register* (52 FR 3588). That notice contained a proposed plan submitted by the National Watermelon Association, Inc.

Upon the basis of evidence introduced at the hearing and the record thereof, a Recommended Decision and Opportunity to File Written Exceptions was published in the March 24, 1988, issue of the *Federal Register* (53 FR 9637). Eleven exceptions were received. Three favored the proposed plan as written in the recommended decision, seven expressed opposition to certain provisions in the proposed plan, and one was not in favor of the proposed plan. Each of the eleven exceptions was discussed and ruled upon in the Secretary's Decision.

The Secretary's Decision was issued December 20, 1988, directing that a referendum be conducted for the Watermelon Research and Promotion Plan in accordance with the procedure for the conduct of referenda (7 CFR Part 1210.200) as published in the December 20, 1988, issue of the *Federal Register* (53 FR 51089), to determine whether the issuance of the proposed plan was approved or favored by producers and handlers, as defined in the plan, who during the representative period were engaged in the production or first handling of watermelons within the contiguous 48 States. The representative period was determined to be the calendar year January 1, 1988, through December 31, 1988. The referendum ballot provided only for the approval or disapproval of the plan. In the referendum, a majority of producers (52 percent) and a majority of handlers (56 percent) voted in favor of the proposed plan. Those in favor of the plan accounted for 73 percent of the volume

voted in the referendum. Thus, the plan meets statutory criteria for industry approval.

The plan authorizes, with the approval of the Secretary, the collection of equal assessments on producers and handlers of watermelons. Handlers will be responsible for collecting and submitting assessments and for maintaining appropriate records. Refunds of collected assessments can be obtained by producers and handlers who do not support the plan. Assessment funds will be used to promote watermelons through a variety of market research and product promotion programs. These programs will be developed and administered by a national-level, Watermelon Promotion Board (Board) composed of 14 producer members, 14 handler members, and a public member. Daily administration of the plan will be carried out by a staff directly responsible to the Board. All administrative rules and regulations, as well as research and promotion programs developed by the Board, must be submitted to the Secretary of Agriculture for approval.

Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the RFA. The purpose of the RFA is to fit regulatory action to the scale of business subject to such action, in order that small businesses will not be unduly or disproportionately burdened. Research and promotion programs, and their rules and regulations, are unique in that they are normally brought about through group action of essentially small entities acting for their own benefit.

As stated in the notice of hearing, interested persons were invited to present evidence at the hearing on the probable impact of the regulatory and informational requirements of the proposed plan on small businesses for the purposes of RFA. In that regard, such evidence was considered in arriving at the findings and conclusions contained in the recommended decision and the Secretary's decision. Those findings and conclusions are incorporated herein.

The record indicates that most handlers regulated under this program would meet the Small Business Administration's (SBA) definition of small agricultural service firms (13 CFR 121.2). Small agricultural service firms are defined as those having annual gross receipts for the last three years of less than \$3,500,000. There may be as many

as 300 such handlers of watermelons who will be subject to regulation under this plan. Small agricultural producers are defined by the SBA as having revenues for the last three years of less than \$500,000. Hearing evidence indicates that watermelons are produced on almost 12,000 farms in the United States. A vast majority of these farms would meet the SBA definition of small agricultural producers. Many farms produce less than five acres of watermelons, and thus will not be affected by the plan. The industry also includes a few large farms in excess of 400 acres.

Record evidence shows the majority of watermelons are produced for fresh market sales. Proponents of the plan testified that the watermelon industry is in serious trouble because of an apparent decrease in demand for watermelons. Record exhibits indicate a significant and steady decline in per capita consumption of watermelons between 1960 and 1981. Consumption fell 30 percent, from 17.2 pounds to 12.3 pounds per capita, during this period. No testimony was provided that would explain the decline in per capita consumption. However, the record indicates that under the plan, the issue would be studied, possible causes identified and corrective programs initiated.

While consumption declined during the 1960's and 1970's, total value of the crop increased by 400 percent. Most of this increase in value reflected inflationary changes rather than rises in real dollar income. In constant dollars the crop value increased only 15 percent in the 21 year period. Comparable values of vegetables and melons, fresh fruit market prices, and the consumer price index for all foods increased over 300 percent during the same period.

The plan will assess both producers and handlers at equal rates, not to exceed two cents per hundredweight on watermelons produced and two cents per hundredweight on watermelons handled. Testimony at the hearing indicates a unanimous agreement by those testifying that this amount will be relatively insignificant and will not impose a financial burden on large or small producers and handlers. The two cents per hundredweight assessment rate represents less than one percent of producer income and less than one percent of handler income based on a seasonal average selling price of \$6 per hundredweight. The benefits of the program are expected to exceed the costs. Producers and handlers who do not agree with the program may request a refund of assessments paid.

While the plan imposes certain recordkeeping and reporting requirements on handlers, information required to be reported under the plan can be compiled from records currently maintained by handlers. Such recordkeeping and reporting requirements are minimal and should not impose an undue burden on handlers. In addition, the plan provides for referenda to determine if watermelon producers and handlers favor termination or suspension of the plan or any provisions thereof. In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. Chapter 35) and section 3504(h) of the PRA, the information collection and recordkeeping requirements contained in the plan were submitted to the OMB for approval. The OMB approved the information collection provisions of the plan under OMB number 0581-0158.

Based on comparable research and promotion programs, it has been estimated that it takes an average of 15 minutes to complete required forms. Approximately 300 handlers could be affected by the reporting and recordkeeping requirements of the plan.

We have reviewed this action in view of the executive order on Federalism, Executive Order 12612 (52 FR 41686) and determined that the plan does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. This action is consistent with the principles and provisions of Executive Order 12612. Implementation of this national plan does not foreclose appropriate State Programs for watermelons.

Findings, Conclusions, and Rulings on Exceptions

The material issues, findings and conclusions, and rulings on exceptions contained in the Recommended Decision and the Secretary's Decision published in the **Federal Register** on March 24, 1988 (53 FR 9637) and December 20, 1988 (53 FR 51110) respectively, are incorporated by reference in this document and are hereby ratified and affirmed.

General Findings

Upon the basis of the evidence introduced at the hearing, and the record thereof, it is found that:

(1) The plan, and all of its terms and conditions thereof, as hereinafter set forth, will tend to effectuate the declared policy of the Act;

(2) The plan regulates the handling of watermelons in the contiguous 48 States

in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed plan upon which a hearing has been held;

(3) The handling of watermelons in the contiguous 48 States, as defined in the plan, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(4) The plan is applicable only to persons involved in the production of and first handling of watermelons, as specified in the Act.

Additional Findings

It is necessary and in the public interest to make this plan effective upon publication in the *Federal Register* so that the Board, the administrative agency provided for in the plan, may be nominated, selected, and may start to function as soon as possible. The start of the 1990 marketing year is January 1, 1990. Before the program can begin, it will be necessary for the Board to recommend regulations for the Secretary's approval and publication in the *Federal Register*. In addition, the Board will have to draft bylaws for approval by the Secretary. It will also be necessary for the Board to recommend a budget of anticipated expenses to the Secretary for approval. Further, it will be necessary for the Board to hire a staff to carry out its necessary administrative functions. Therefore, it appears that no useful purpose would be served by postponing the effective date of this plan for 30 days beyond the date of its publication in the *Federal Register*.

In view of the foregoing it is hereby found and determined that good cause exists for not postponing the effective date of this plan until 30 days after publication in the *Federal Register* (5 U.S.C. 553(d), Administrative Procedure Act).

Conclusions

It is hereby determined that: (1) The issuance of the plan is favored or approved by producers and handlers who participated in a referendum on the question of its approval and who, during the period January 1, 1988, through December 31, 1988 (which was deemed to be a representative period for the purposes of the referendum), were engaged in the production of five or more acres and/or first handling of watermelons within the forty-eight contiguous States of the United States; and (2) The issuance of this plan is the appropriate means for carrying out the declared policy of the Act.

List of Subjects in 7 CFR 1210

Watermelons, Agricultural research, Agricultural promotion, Market development.

Order Relative to Production and Handling of Watermelons

It is hereby ordered, That, on January 1, 1990, the collection of assessments and the handling of watermelons shall be in conformity to and in compliance with the following terms and conditions:

Final Plan

The following plan shall be the detailed means by which the foregoing conclusions may be carried out.

For the reasons set forth in the preamble, 7 CFR Part 1210 is amended as follows:

PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN

1. The authority citation for Part 1210 continues to read as follows:

Authority: 7 U.S.C. 4901-4916.

2. 7 CFR Part 1210, is hereby amended by adding Subpart—Watermelon Research and Promotion Plan (§§ 1210.301 through 1210.367), to read as follows:

Subpart—Watermelon Research and Promotion Plan

Definitions

Sec.	
1210.301	Secretary.
1210.302	Act.
1210.303	Plan.
1210.304	Board.
1210.305	Watermelon.
1210.306	Producer.
1210.307	Handle.
1210.308	Handler.
1210.309	Person.
1210.310	Fiscal period and marketing year.
1210.311	Programs and projects.
1210.312	Promotion.
1210.313	Research.

National Watermelon Promotion Board

1210.320	Establishment and membership.
1210.321	Nominations and selection.
1210.322	Term of office.
1210.323	Acceptance.
1210.324	Vacancies.
1210.325	Procedure.
1210.326	Compensation and reimbursement.
1210.327	Powers.
1210.328	Duties.

Research and Promotion

1210.330	Policy and objectives.
1210.331	Programs and projects.

Expenses and Assessments

1210.340	Budget and expenses.
1210.341	Assessments.
1210.342	Exemption from assessment.
1210.343	Producer and handler refunds.

Sec.

1210.344 Operating reserve.

Reports, Books, and Records

1210.350	Reports.
1210.351	Books and records.
1210.352	Confidential treatment.

Miscellaneous

1210.360	Right of the Secretary.
1210.361	Personal liability.
1210.362	Influencing government action.
1210.363	Suspension or termination.
1210.364	Proceedings after termination.
1210.365	Effect of termination or amendment.
1210.366	Separability.
1210.367	Patents, copyrights, inventions, and publications.

Subpart—Watermelon Research and Promotion Plan

Definitions

§ 1210.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1210.302 Act.

"Act" means the Watermelon Research and Promotion Act of 1985 (Title XVI, Subtitle C of Pub. L. 99-198, 99th Congress, effective January 1, 1986, 99 Stat. 1622).

§ 1210.303 Plan.

"Plan" means this watermelon research and promotion Plan issued by the Secretary pursuant to the Act.

§ 1210.304 Board.

"Board" means the National Watermelon Promotion Board, hereinafter established pursuant to § 1210.320.

§ 1210.305 Watermelon.

"Watermelon" means all varieties of the Family Cucurbitaceae; Genus and Species; *Citrullus Lanatus*, popularly referred to as watermelon grown by producers in the 48 contiguous States of the United States.

§ 1210.306 Producer.

"Producer" means any person engaged in the growing of five acres or more of watermelons including any person who owns or shares the ownership and risk of loss of such watermelon crop.

§ 1210.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place or cause watermelons to which one has title or

possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of field run watermelons by the producer thereof to a handler for grading, sizing or processing.

§ 1210.308 Handler.

"Handler" means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons, including a producer who handles watermelons of the producer's own production. For the purposes of this subpart, the term "handler" means the "first" person who performs the handling functions.

§ 1210.309 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity.

§ 1210.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12 month period from January 1 to December 31 or such other period which may be approved by the Secretary.

§ 1210.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising, or promotion programs or projects developed by the Board pursuant to § 1210.331.

§ 1210.312 Promotion.

"Promotion" means any action taken by the Board, pursuant to the Act, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising.

§ 1210.313 Research.

"Research" means any type of systematic study or investigation, and/or the evaluation of any study or investigation designed to advance the image, desirability, usage, marketability, production, or quality of watermelons.

National Watermelon Promotion Board

§ 1210.320 Establishment and membership.

(a) There is hereby established a National Watermelon Promotion Board, hereinafter called the "Board". The Board shall be composed of producers and handlers and one public representative appointed by the Secretary. An equal number of producer and handler representatives shall be nominated by producers and handlers pursuant to § 1210.321. The public

representative shall be nominated by the producer and handler Board members in such manner as may be prescribed by the Secretary. If producers and handlers fail to select nominees for appointment to the Board, the Secretary may appoint persons on the basis of representation as provided in § 1210.324. If the Board fails to adhere to procedures prescribed by the Secretary for nominating a public representative, the Secretary shall appoint such representative.

(b) Membership on the Board shall be determined on the basis of two handler and two producer representatives for each of seven districts in the contiguous States of the United States. Such districts as hereby established have approximately equal production volume according to the three-year average production as set forth in the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981. They are:

District #1—South Florida including all areas south of State Highway 50.

District #2—North Florida including all areas north of State Highway 50.

District #3—The States of Alabama and Georgia.

District #4—The States of South Carolina, North Carolina, Virginia, Delaware, Maryland, West Virginia, Pennsylvania, New Jersey, New York, Ohio, Michigan, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

District #5—The States of Mississippi, Kentucky, Tennessee, Louisiana, Arkansas, Missouri, Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, and New Mexico.

District #6—The State of Texas.

District #7—The States of Arizona, California, Nevada, Utah, Oregon, Idaho, Wyoming, Washington, and Montana.

(c) After two years, the Board shall review the districts to determine whether realignment of the districts is necessary and at least every five years thereafter the Board shall make such a review. In making such review, it shall give consideration to:

(1) The most recent three years USDA production reports or Board assessment reports if USDA production reports are unavailable;

(2) Shifts and trends in quantities of watermelon produced, and

(3) Other relevant factors.

As a result of this review, the Board may realign the districts subject to the approval of the Secretary. Any such realignment shall be recommended by the Board to the Secretary at least six months prior to the date of the call for nominations and shall become effective at least 30 days prior to such date.

§ 1210.321 Nominations and selection.

The Secretary shall appoint the members of the Board from nominations to be made in the following manner:

(a) Except for initial Board members whose nomination process should be conducted by the Secretary, the Board shall issue a call for nominations by February first of each year in which an election is to be held. The call shall include at a minimum, the following information:

(1) A list of the vacancies and qualifications as to producers and handlers by district for which nominees may be submitted.

(2) The date by which the nominees shall be submitted to the Secretary for consideration to be in compliance with § 1210.323 of this subpart.

(3) A list of those States, by district, entitled to participate in the nomination process.

(4) The date, time, and location of any next scheduled meeting of the Board, national and State producer or handler associations, and district conventions if any.

(b) Nominations for positions that will become vacant shall be made by district convention in the district entitled to nominate. Notice of such convention shall be publicized to all producers and handlers within such district, and the Secretary at least ten days prior to said event. The notice shall have attached to it the call for nominations from the Board. The responsibility for convening and publicizing the district convention shall be that of the then members of the Board from that district.

(c) All producers and handlers within the district may participate in the convention; *Provided*, That producers who handle 50 percent or less of their own production may vote for producer members only, and producers who handle more than 50 percent of their own production may vote for handler members only; *And provided further*, That if a producer or handler is engaged in the production or handling of watermelons in more than one State or district, the producer or handler shall participate within the State or district in which the producer or handler so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(d) The district convention shall conduct the selection process for the nominees in accordance with procedures to be adopted at each such convention, subject to the following requirements:

(1) There shall be two individuals nominated for each vacant position. Each nominee shall meet the

qualifications set forth in the call; *Provided*, That producers who handle 50 percent or less of their own production may be nominated for producer positions only, and producers who handle more than 50 percent of their own production may be nominated for handler positions only; *And provided further*, That if a producer or handler is engaged in the production or handling of watermelons in more than one State or district, the producer or handler shall participate within the State or district in which the producer or handler so elects in writing to the Board and such election shall remain controlling until revoked in writing to the Board.

(2) No State in Districts 3, 4, 5, and 7 as currently constituted shall have more than three representatives concurrently on the Board.

(3) Each State represented at the district convention shall have one vote for each producer position and one vote for each handler position from the District on the Board, which vote shall be determined by the producers and handlers from that State by majority vote. Each State shall further have an additional vote for each five hundred thousand hundredweight volume as determined by the three year average annual crop production summary reports of the USDA, or if such reports are not published, then the three year average of the Board assessment reports; *Provided*, That for the first two calls for nominees, the USDA Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to any additional production volume votes.

§ 1210.322 Term of office.

(a) The term of office of Board members shall be three years, except that the members of the initial Board shall serve terms as follows: The four producers and four handlers from district 1 (south Florida) and district 6 (Texas), and the public member shall serve one-year initial terms; four producers and four handlers from district 2 (north Florida) and district 3 (Georgia and Alabama) shall serve two-year initial terms; and the remaining six producers and six handlers from districts 4, 5, and 7 shall serve three-year initial terms.

(b) The term of office for the initial Board shall begin immediately following appointment by the Secretary. Time in the interim period, from appointment until the term begins pursuant to this section, shall not count towards the initial "term of office". In subsequent years, the term of office shall begin on January 1 or such other period which may be approved by the Secretary.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve more than two successive terms; *Provided*, That those members serving initial terms of one year may serve two additional consecutive three-year terms.

§ 1210.323 Acceptance.

Each person nominated for membership on the Board shall qualify by filing a written acceptance with the Secretary. Such written acceptance shall accompany the nominations list required by § 1210.321.

§ 1210.324 Vacancies.

(a) In the event any member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, the Secretary shall remove such member from office. Further, without recommendation of the Board, a member may be removed by the Secretary upon showing of adequate cause, if the Secretary determines that the person's continual services would be detrimental to the purposes of the Act.

(c) To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1210.321, except that said nomination and replacement shall not be required if the unexpired term of office is less than six months. In the event of failure to provide nominees for such vacancies, the Secretary may appoint other eligible persons.

§ 1210.325 Procedure.

(a) Fifteen Board members shall constitute a quorum and any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings all votes shall be cast in person.

(b) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature

when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, telephone, or by other means of communication; *Provided*, That each member receives an accurate, full, and substantially identical explanation of each proposition. Telephone votes shall be promptly confirmed in writing. All votes shall be recorded in the Board minutes.

§ 1210.326 Compensation and reimbursement.

Board members shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as Board members.

§ 1210.327 Powers.

The Board shall have the following powers subject to § 1210.363:

(a) To administer the provisions of this Plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this Plan;

(c) To require its employees to receive, investigate, and report to the Secretary complaints of violations of this Plan; and

(d) To recommend to the Secretary amendments to this Plan.

§ 1210.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet, organize, and select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish working committees of persons other than Board members.

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) To prepare and submit for the Secretary's approval, prior to the beginning of each fiscal period, a recommended rate of assessment and a fiscal period budget of the anticipated expenses in the administration of this Plan, including the probable costs of all programs and projects;

(d) To develop programs and projects, which must be approved by the Secretary before becoming effective, and enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of

programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this Plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to the Board;

(g) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(h) To investigate violations of the Plan and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of the Plan;

(i) To periodically prepare, make public, and make available to producers and handlers reports of its activities carried out.

(j) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(k) To act as intermediary between the Secretary and any producer or handler;

(l) To furnish the Secretary such information as the Secretary may request;

(m) To notify watermelon producers and handlers of all Board meetings through press releases or other means;

(n) To appoint and convene, from time to time, working committees drawn from producers, handlers and the public to assist in the development of research and promotion programs for watermelons; and

(o) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of programs or projects to effectuate the declared purpose of the Act.

Research and Promotion

§ 1210.330 Policy and objective.

It shall be the policy of the Board to carry out an effective, continuous, and

coordinated program of research, development, advertising, and promotion in order to:

(a) Strengthen watermelons' competitive position in the marketplace,

(b) Maintain and expand existing domestic and foreign markets, and

(c) Develop new or improved markets.

It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the watermelon industry.

§ 1210.331 Programs and projects.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for advertising and other sales promotion of watermelons designed to strengthen the position of the watermelon industry in the marketplace and to maintain, develop, and expand markets for watermelon;

(b) Establishing and carrying out research and development projects and studies to the end that the acquisition of knowledge pertaining to watermelons or their consumption and use may be encouraged or expanded, or to the end that the marketing and use of watermelons may be encouraged, expanded, improved, or made more efficient: *Provided*, That quality control, grade standards, supply management programs or other programs that would otherwise limit the right of the individual watermelon producer to produce watermelons shall not be conducted under, or as a part of, this Plan;

(c) The development and expansion of watermelon sales in foreign markets;

(d) A prohibition on advertising or other promotion programs that make any reference to private brand names or use false or unwarranted claims on behalf of watermelons or false or unwarranted statements with respect to the attributes or use of any competing product;

(e) Periodic evaluation by the Board of each program or project authorized under this Plan to insure that each program or project contributes to an effective and coordinated program of research and promotion and submission of such evaluation to the Secretary. If the Board or the Secretary finds that a program or project does not further the purposes of the Act, then the Board or the Secretary shall terminate such program or project; and

(f) The Board to enter into contracts or make agreements for the development

and carrying out of research and promotion and pay for the costs of such contracts or agreements with funds collected pursuant to § 1210.341.

Expenses and Assessments

§ 1210.340 Budget and expenses.

(a) Prior to the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this Plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1210.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of watermelons, such other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, and any referendum and administrative costs incurred by the Department of Agriculture. The funds to cover such expenses shall be paid from assessments collected pursuant to § 1210.341.

§ 1210.341 Assessments.

(a) During the effective period of this subpart, assessments shall be levied on all watermelons produced and all watermelons first handled for consumption as human food. No more than one assessment on a producer nor more than one assessment on a handler shall be made on any lot of watermelons. The handler shall be assessed an equal amount on a per unit basis as the producer. If a person performs both producing and handling functions, both assessments shall be paid by such person.

(b) Assessment rates shall be fixed by the Secretary in accordance with section 1647(f), of the Act; *Provided*, That the maximum assessment shall not exceed two cents per hundredweight for producers and two cents per hundredweight for handlers. No assessments shall be levied on watermelons grown by producers of less than five acres of watermelons.

(c) Each handler, as defined, is responsible for payment to the Board of both the producer's and the handler's assessment pursuant to regulations issued hereunder. The handler may collect producer assessments from the producer or deduct such assessments from the proceeds paid to the producer

on whose watermelons the assessments are made. The handler shall maintain separate records for each producer's watermelons handled, including watermelons produced by said handler. In addition, the handler shall indicate the total quantity of watermelons handled by the handler, including those that are exempt under this Plan, and such other information as may be prescribed by the Board.

(d) Assessments shall be paid to the Board at such time and in such manner as the Board, with the Secretary's approval, directs, pursuant to regulations issued hereunder. Such regulations may provide for different handlers or classes of handlers and different handler payment and reporting schedules to recognize differences in marketing practices or procedures used in any State or production area.

(e) There shall be a late payment charge imposed on any handler who fails to remit to the Board the total amount for which any such handler is liable on or before the payment due date established by the Board under paragraph (d) of this section. The amount of the late payment charge shall be set by the Board subject to approval by the Secretary.

(f) There shall also be imposed on any handler subject to a late payment charge, an additional charge in the form of interest on the outstanding portion of any amount for which the handler is liable. The rate of such interest shall be prescribed by the Board subject to approval by the Secretary.

(g) The Board is hereby authorized to accept advance payment of assessments by handlers that shall be credited toward any amount for which the handlers may become liable. The Board shall not be obligated to pay interest on any advance payment.

(h) The Board is hereby authorized to borrow money for the payment of administrative expenses subject to the same fiscal, budget, and audit controls as other funds of the Board.

(i) The Board may authorize other organizations to collect assessments in its behalf with the approval of the Secretary. Any reimbursement by the Board for such services shall be based on reasonable charges for services rendered.

§ 1210.342 Exemption from assessment.

The Board may exempt watermelons used for nonfood purposes from the provisions of this Plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1210.343 Producer and handler refunds.

Any producer or handler against whose watermelons an assessment is made and collected under this Plan and who is not in favor of supporting the research, development, advertising, and promotion program provided for under this Plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that the producer or handler paid the assessment for which refund is sought. Any such demand shall be made personally by such producer or handler on a form which the producer or handler shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer or handler at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor.

§ 1210.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established; *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

Reports, Books, and Records

§ 1210.350 Reports.

Each handler shall maintain a record with respect to each producer for whom watermelons were handled and for watermelons produced and handled by the handler. Handlers shall report to the Board at such times and in such manner as the Board may prescribe by regulations whatever information as may be necessary in order for the Board to perform its duties. Such reports may include, but shall not be limited to, the following information:

(a) Total quantity of watermelons handled for each producer and by the handler, including those which are exempt under this Plan;

(b) Total quantity of watermelons handled for each producer and by the handler, on which the producer assessment was collected;

(c) Name and address of each person from whom an assessment was collected, the amount collected from each person, and the date such collection was made; and

(d) Name and address of each person claiming exemption from assessment and a copy of each such person's claim of exemption.

§ 1210.351 Books and records.

Each handler subject to this Plan shall maintain, and during normal business hours make available for inspection by employees of the Board or Secretary, such books and records as are necessary to carry out the provisions of this Plan and the regulations issued thereunder, including such records as are necessary to verify any required reports. Such records shall be maintained for two years beyond the fiscal period of their applicability.

§ 1210.352 Confidential treatment.

(a) All information obtained from the books, records, or reports required to be maintained under §§ 1210.350 and 1210.351 shall be kept confidential and shall not be disclosed to the public by any person. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or on the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this Plan: Except that nothing in this subpart shall be deemed to prohibit:

(1) The issuance of general statements based on the reports of a number of handlers subject to this Plan if such statements do not identify the information furnished by any person; or

(2) The publication by direction of the Secretary of the name of any person violating this Plan together with a statement of the particular provisions of this Plan violated by such person.

(b) Any disclosure of confidential information by any employee of the Board, except as required by law, shall be considered willful misconduct.

Miscellaneous

§ 1210.360 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1210.361 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member or employee, except for acts of dishonesty or willful misconduct.

§ 1210.362 Influencing government action.

No funds collected by the Board under this plan shall in any manner be used for the purpose of influencing governmental policy or action, except for making

recommendations to the Secretary as provided in this subpart.

§ 1210.363 Suspension or termination.

(a) Whenever the Secretary finds that this Plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this Plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the watermelon producers and handlers to determine if watermelon producers and handlers favor termination or suspension of this Plan. The Secretary shall suspend or terminate this Plan at the end of the marketing year whenever the Secretary determines that the suspension or termination is favored by a majority of the watermelon producers and handlers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in production or handling of watermelons and who produced or handled more than 50 percent of the volume of watermelons produced or handled by those producers and handlers voting in the referendum. For purposes of this section, the vote of a person who both produces and handles watermelons will be counted as a producer vote if that person handles 50 percent or less of that person's own production during a representative period, and will be counted as a handler vote if that person handles more than 50 percent of that person's own production during a representative period. Any such referendum shall be conducted at county extension offices.

§ 1210.364 Proceedings after termination.

(a) Upon the termination of this Plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

- (1) Continue in such capacity until discharged by the Secretary;
- (2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1210.328(d);
- (3) From time-to-time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of

the trustees, to person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers and handlers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers and handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1210.365 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this Plan or any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not:

- (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this Plan or any regulation issued thereunder; or
- (b) Release or extinguish any violation of this Plan or any regulation issued thereunder; or
- (c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 1210.366 Separability.

If any provision of this Plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Plan or applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1210.367 Patents, copyrights, inventions, and publications.

Any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this Plan shall be the property of the United States government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same

fiscal, budget, and audit controls as other funds of the Board. Upon termination of this part, § 1210.364 shall apply to determine the disposition of all such property.

Signed at Washington, DC, on May 31, 1989.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 89-13467 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3250]

Cooper Rand Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York marketer of consumer products from representing that any lighter-to-lighter charger will restart a discharged battery instantly or as quickly as jumper cables, or from making any other performance claim for the product, unless respondent can substantiate such claims. In addition, the order requires respondent to prominently disclose in each advertisement and in the product instruction insert, either a statement concerning the product's limitations or the specific length of time needed to recharge a battery.

DATE: Complaint and Order issued April 18, 1989.¹

FOR FURTHER INFORMATION CONTACT: Allen Hile, FTC/H-238A, Washington, DC 20580. (202) 326-3122.

SUPPLEMENTARY INFORMATION: On Wednesday, February 8, 1989, there was published in the *Federal Register*, 54 FR 6141, a proposed consent agreement with analysis in the Matter of Cooper Rand Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW, Washington, DC 20580.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely Or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.250 Success, use or standing. Subpart—Corrective Actions And/Or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation; § 13.533-45(k) Records, in general; § 13.533-50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods:—Goods: § 13.1590-20 Federal Trade Commission Act; § 13.1715 Quality; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use or standing.

List of Subjects in 16 CFR Part 13

Automobile battery chargers, Battery chargers, Trade practices.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

Donald S. Clark,
Secretary.

[FR Doc. 89-13581 Filed 6-7-89; 8:45 am]

BILLING CODE 6750-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 325

RIN 3220-AA45

Registration for Railroad Unemployment Benefits

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby revises Part 325 of its regulations under the Railroad Unemployment Insurance Act. This revision to this part will eliminate the current requirement that unemployed railroad employees register in person at an employment office at seven-day intervals as a condition for payment of unemployment benefits and would replace that requirement with a provision permitting such employees to file their claims for unemployment benefits by mail.

DATE: This rule will be effective July 1, 1989. The Board will consider comments from the public. Comments must be received by July 10, 1989.

ADDRESS: Office of Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611; (312)751-4513 (FTS) 386-4513.

SUPPLEMENTARY INFORMATION: Part 325 of the Board's regulations have required an unemployed railroad employee to register in person at an employment office at weekly intervals in order to claim unemployment benefits under the Railroad Unemployment Insurance Act. The employment offices consist mainly of some 2500 railroad offices where the railroads have employees serving as unemployment claims agents. The agents perform their duties pursuant to agreements between the Board and each individual railroad employer.

In recent years, the number of unemployment claims agents has declined rapidly and, as a result, many unemployed railroad employees are no longer able to register at their usual place of employment and must travel a considerable distance to find another agent to take their claims. To ameliorate the inconvenience and hardship that thus occurs and to eliminate the burden entailed by in-person reporting, the Board is replacing its current registration procedures with a procedure that allows claims for unemployment benefits to be filed by mail. The new registration procedure will be phased in beginning July 1, 1989. In the initial phase-in period claimants in the geographic areas serviced by the Board's district offices in Chicago, Illinois, Decatur, Illinois, Joliet, Illinois, Detroit, Michigan, Indianapolis, Indiana, Milwaukee, Wisconsin, and Toledo, Ohio will file applications and claims for benefits as provided in the amended Part 325. Unemployment claims agents will, where available, provide information and assistance to claimants, but will not take applications and claims from claimants in the area serviced by the seven district offices.

Claimants in geographic areas not serviced by the seven district offices listed above will, until September 1, 1989, continue to file applications and claims in accordance with the procedures provided in Part 325 as in effect prior to July 1, 1989. Accordingly, unemployment claims agents will continue to take applications and claims for benefits during this two-month period. Effective September 1, 1989, the

new mail-in procedure established by the amended Part 325 will be effective for all applications and claims for benefits. Unemployment claims agents, where available, will provide information and assistance to claimants through the end of calendar year 1989, but will not take applications and claims.

The Board is also adding to Part 325 provisions requiring a waiting period before benefits are payable (proposed § 325.1(d)), and prepayment verification of claims (proposed § 325.6). Such provisions are required by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, Pub. L. 100-647.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. The information collections contemplated by this part were submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act and have been approved for use in the test/phase-in period under OMB control number 3220-0166.

List of Subjects in 20 CFR 325

Railroad employees, Railroad unemployment benefits.

Title 20 CFR Chapter II, Part 325, is revised as follows:

PART 325—REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS

Sec.

325.1 General.

325.2 Procedure for registering for unemployment benefits.

325.3 Application for unemployment benefits and employment service.

325.4 Claim for unemployment benefits.

325.5 Death of employee.

325.6 Verification procedures.

Authority: 45 U.S.C. 362(i) and 362(l).

§ 325.1 General.

(a) *Statutory basis.* The Railroad Unemployment Insurance Act (Act) provides for the payment of unemployment benefits to qualified railroad employees for days of unemployment. The term "day of unemployment" is defined in section 1(k) of the Act. Section 12(i) of the Act authorizes and requires the Board to establish a procedure by which unemployed employees may register for unemployment benefits for days on which they are unemployed, able to work, and available for work and to pay benefits when such employees have complied with the Board's procedures.

(b) *Day of unemployment.* The amount of unemployment benefits payable to a qualified employee will be computed in accordance with section 2(a) of the Act. Under that section, benefits are payable to a qualified employee for each day of unemployment over four in each registration period, generally a period of 14 consecutive days, in a benefit year except that no benefits are payable for any day of unemployment during the employee's waiting period in each benefit year.

(c) *Registration period.* Except for registration periods in extended unemployment benefit periods, a "registration period" means a period of 14 consecutive days beginning with the first day for which an employee registers following:

- (1) His or her last day of work, or
- (2) The last day of the employee's last preceding registration period, and with respect to which the employee properly files a claim for benefits on such form and in such manner as the Board prescribes.

With respect to an extended benefit period, each of the successive 14-day periods in the extended unemployment benefit period is a registration period.

(d) *Waiting period.* An employee's first registration period in any benefit year is his or her waiting period, provided that such employee has at least five days of unemployment in such registration period and has complied with the requirements of this part. When the Board finds that an employee's unemployment is due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, no benefits are payable for the first 14 days of unemployment due to such stoppage of work. For subsequent days of unemployment due to such stoppage of work, benefits shall be payable for days of unemployment in excess of four during any registration period within the same benefit year.

(e) *Pay for time lost.* An employee may claim unemployment benefits in accordance with this part even though he or she is also pursuing a claim for pay for time lost or other remuneration. If such pay is awarded to the employee with respect to any day for which the Board has paid him or her unemployment benefits, the Board will recover the amount of unemployment benefits that was paid for any day or days for which he or she was awarded pay for time lost. See Part 322 of this chapter. It is the employee's responsibility to tell the Board that he or she has filed or intends to file a claim for time lost.

§ 325.2 Procedure for registering for unemployment benefits.

(a) *Registering as unemployed.* To claim unemployment benefits for any day, an employee must register as unemployed by doing the following:

- (1) Apply for unemployment benefits and employment service in accordance with § 325.3;
- (2) File a claim in accordance with § 325.4; and
- (3) Provide any other information that the Board needs to properly adjudicate his or her right to unemployment benefits.

(b) *No benefits payable without registration.* No unemployment benefits shall be paid to any otherwise qualified employee with respect to any day claimed as a day of unemployment, and no waiting period credit shall be allowed, until such time as the employee has complied with the requirements of paragraph (a) of this section.

(c) *When a registration period may begin.* When registering for unemployment benefits, an employee may claim benefits for any calendar day on which he or she is unemployed and believes himself or herself to be eligible for benefits. A registration period may begin as early as the first calendar day on which an employee is unemployed following his or her last day of work even though such first calendar day would have been a rest day if the employee had not become unemployed. However, a registration period may not begin with any calendar day with respect to which an employee has received or will receive remuneration.

Example 1. An employee whose rest days are Saturday and Sunday is laid off on Friday, September 2 after working his regular shift on that day. His first 14-day registration period could start as early as Saturday, September 3. A registration period starting on September 3 would end on September 16. If he continues to be unemployed, his next registration period could begin September 17 and end September 30, and so forth.

Example 2. An employee whose rest days are Saturday and Sunday is laid off on Friday, September 2, but he decides to take two weeks' vacation pay covering days through Friday, September 16. Because he will have received remuneration for days through September 16, his claim for unemployment benefits could begin on Saturday, September 17, if he continues to be unemployed after his vacation ends.

Example 3. An employee whose rest days are Saturday and Sunday is laid off on Monday, September 5, after working his regular shift on that day. His first 14-

day registration period could begin on Tuesday, September 6, the first day on which he was unemployed following his last day of work.

(Approved by the Office of Management and Budget under control number 3220-0166)

§ 325.3 Application for unemployment benefits and employment service.

(a) *Requirement.* An unemployed employee who wishes to claim unemployment benefits shall apply for such benefits by completing the form prescribed by the Board for that purpose. Such form shall also constitute an application for employment service. An application will be required at the beginning of each period of unemployment in a benefit year unless:

- (1) The employee filed an application for an initial period of unemployment in a benefit year and has a subsequent period of unemployment within the same benefit year; or
- (2) The employee had filed an application for benefits for a period of unemployment that began in the preceding benefit year and the period of unemployment continued into the next ensuing benefit year.

In either of these circumstances, the initial application will be treated as an application for days in the subsequent period of unemployment or as an application for days in the next ensuing benefit year, as the case may be.

(b) *Purpose of application.* An application for unemployment benefits and employment service is a document that serves three purposes. First, it identifies an employee who has become unemployed and wishes to begin receiving unemployment benefits. Second, it assists the Board in determining whether the applicant is a qualified employee and if so, whether any of the information reported on the application affects his or her eligibility for payment of benefits. Third, it assists the Board in placing the employee in any suitable employment that may be available.

(c) *Time for filing application.* An employee may deliver or mail his or her application to any Board office, but such application must be received at a Board office within 30 calendar days of the first day that the employee intends to claim as a day of unemployment. For example, if an employee becomes unemployed on October 31 and intends to claim unemployment benefits for days starting November 1, the application must reach a Board office no later than November 30. If the application is received December 1, the employee may not be paid unemployment benefits for November 1 as such day would not be

considered as a "day of unemployment". If an employee returns to work and then becomes unemployed again within the same benefit year, he or she is not required to file a new application for benefits and employment service but need only contact the nearest Board office to obtain a claim form and file such form as described in § 325.4.

(d) *Extension of time for filing.* Notwithstanding paragraph (c) of this section, the Board will consider an application for unemployment benefits as timely filed if:

(1) The employee can show that he or she made a reasonable effort to file the form on time but was prevented from doing so by circumstances beyond his or her control; provided, however, that lack of diligence, forgetfulness or lack of knowledge of the time limit for applying shall not be considered to be a circumstance beyond the employee's control; and

(2) The employee files an application within one year of the day or days that he or she claims as a day or days of unemployment.

§ 325.4 Claim for unemployment benefits.

(a) *Requirement.* After an unemployed employee has applied for unemployment benefits in accordance with § 325.3, he or she shall claim a day as a day of unemployment by registering with respect to such day. Registration shall be made on the claim form provided by the Board to the employee.

(b) *Claim.* A claim for unemployment benefits shall cover a period of 14 consecutive calendar days. Each such 14-day period shall be a registration period. An employee shall provide the information called for by the claim form and shall file his or her claim in accordance with paragraph (c) of this section.

(c) *Time for filing.* A claim for unemployment benefits shall be filed at any Board office no later than 15 calendar days after the last day claimed or 15 calendar days after the date on which the claim form was mailed to the employee, whichever is later. In determining whether the time for filing the claim may be extended, the standards set forth in § 325.3(d) shall be applied. None of the days included in a claim that is not timely filed shall be considered a day of unemployment.

(d) *Claim for new period of unemployment.* An employee who has complied with the application requirement under § 325.3 with respect to a period of unemployment in a benefit year, and who again becomes unemployed in the same benefit year,

need not file a new application but may initiate a claim for benefits for days in such subsequent period by calling or visiting the nearest district office of the Board to request a claim form. Such request shall be made no later than 9 calendar days after the first day for which the employee wishes to claim benefits. Upon receipt of a request under this paragraph, the district office shall provide the employee with a claim form which shall show the beginning and ending dates of the registration period covered by the claim form, with the first day shown on the claim form being no earlier than the 9th day before the date on which the employee requested the claim form, unless the delay may be excused by applying the standards set forth in § 325.3(d).

(e) *Delayed claims.* If an employee makes an initial application and claim for benefits in accordance with this part but does not continue to file ongoing claims because he or she receives an initial determination denying his or her application or claim for benefits and if, upon review, the denial is reversed by an appeals referee or other authorized reviewing official, the employee shall have 30 days from the date of the notice of the reversal in which to file a claim or claims for benefits for the days that he or she would have claimed as days of unemployment but for the initial determination denying benefits. The appeals referee or other reviewing official, as appropriate, shall notify the employee of the 30-day time limit imposed by this paragraph. An employee whose claim for benefits has been denied may continue to claim any additional day or days for which he or she believes that he or she is eligible for benefits.

(f) *Claim required for waiting period.* The requirement to file a claim for unemployment benefits includes a requirement to file a claim for the non-compensable waiting period described in § 325.1(d), except that the Director of Unemployment and Sickness Insurance may waive such requirement in connection with unemployment resulting from a work stoppage or other labor dispute.

(g) *Withdrawal of claim.* An employee may withdraw his or her claim for unemployment benefits by submitting a written statement to that effect and by repaying any benefits paid on the claim, unless the employee's claim was intentionally false or fraudulent.

§ 325.5 Death of employee.

If an employee dies before filing one or more of the required forms, the form or forms may be filed by or in behalf of

the person or persons to whom benefits would be payable pursuant to section 2(g) of the Act. Such form or forms shall be filed within the time prescribed in § 325.3. Under these circumstances, the word "employee", as used in this part, shall include the individual or individuals by or in behalf of whom the form is filed.

§ 325.6 Verification procedures.

The Board's procedures for adjudicating and processing applications and claims for unemployment benefits filed pursuant to this part will include both pre-payment and post-payment procedures for verifying the validity of such applications and claims. Such procedures shall be designed with a view to obtaining substantial evidence as to the days of unemployment of the employees who register in accordance with this part. The verification procedures shall include, but are not limited to:

(a) Pre-payment contacts with railroad employers, utilizing data processing techniques to the extent feasible so as not to delay unduly the payment of valid claims; and

(b) Computer matching programs with state agencies or other entities that may have relevant data concerning non-railroad employment and benefit payments under state unemployment compensation laws.

Dated: May 30, 1989.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 89-13597 Filed 6-7-89; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR PART 175

[Docket No. 88F-0111]

Indirect Food Additives; Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of poly(oxypropylene) diamine as a

component of adhesives in food-packaging applications. This action is in response to a petition filed by Union Camp Corp.

DATES: Effective June 8, 1989; written objections and requests for a hearing by July 10, 1989.

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

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of May 26, 1988 (53 FR 19046), FDA announced that a food additive petition (FAP 8B4056) had been filed by Union Camp Corp., P.O. Box 2668, Savannah, GA 31402, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of poly(oxypropylene) diamine as a component of adhesives in food-packaging applications.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data and material establish safety of the level of use of the additive in adhesives for food-packaging applications, and that the regulations should be amended in § 175.105(c)(5) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

Any person who will be adversely affected by this regulation may at any time on or before July 10, 1989, file with the Dockets Management Branch (address above) written objections

thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR Part 175 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding under "Polyamides derived from reaction of one or more of the following acids with one or more of the following amines:" two new entries under the heading "Substances" to read as follows:

§ 175.105 Adhesives.

(c)	• • • • •
(5)	• • • • •

Substances	Limitations
Polyamides derived from reaction of one or more of the following acids with one or more of the following amines:	• • • • •
Amines:	• • • • •
Poly(oxypropylene) diamine (weight average molecular weight 2010) (CAS Reg. No. 9046-10-0).	• • • • •
Poly(oxypropylene) diamine (weight average molecular weight 440) (CAS Reg. No. 9046-10-0).	• • • • •

Dated: May 30, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-13576 Filed 6-7-89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF STATE

Office of Foreign Missions

22 CFR Part 151

RIN 1400-AA26

[Final Rule No. 108.885]

Compulsory Liability Insurance for Foreign Missions and Personnel

AGENCY: Office of Foreign Missions, State.

ACTION: Final rule.

SUMMARY: The Office of Foreign Missions of the Department of State is amending 22 CFR 151.4, which sets minimum limits of liability for motor-vehicle insurance for foreign diplomatic missions and their personnel. The minimum limits are changed from "not less than \$300,000 combined single limit for all bodily injury liability and property damage liability arising from a single incident," to "not less than \$100,000 per person and \$300,000 per incident for bodily injury liability and \$100,000 per incident for property damage or \$300,000 combined single limit for all bodily injury liability and property damage liability arising from a single incident." The adequacy of the changed minimum limits was confirmed as part of the Study and Report concerning the Status of Individuals with Diplomatic Immunity in the United States presented to Congress on March 18, 1988, as mandated by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 137, Pub. L. 100-204. The changed minimum limits also more accurately reflect the Office of Foreign Missions practice and the

availability of insurance policies since combined single limit policies are not available in all cases.

EFFECTIVE DATE: June 8, 1989.

FOR FURTHER INFORMATION CONTACT: E. Richard Atkinson, Senior Operations Officer, Office of Foreign Missions, (202) 673-6266.

SUPPLEMENTARY INFORMATION: Section 6 of the Diplomatic Relations Act required the President to establish, by regulation, liability insurance requirements to be met by each mission, members of the mission and their families, and those officials of the United Nations who are entitled to diplomatic immunity. The President delegated this function to the Secretary of State, who issued regulations on May 21, 1979. Congress amended section 6 in 1983 to substitute the Director of the Office of Foreign Missions within the Department of State for the President, and added the condition that the liability insurance requirements "reasonably be expected to afford adequate compensation to victims."

The Director of the Office of Foreign Missions has determined that an adequate level of liability insurance is provided by policies with limits of \$100,000 per person and \$300,000 per incident for bodily injury and \$100,000 per incident for property damage or of \$300,000 combined single limit for all bodily injury and property damage from a single incident. The adequacy of these minimum limits was confirmed as part of the Study and Report concerning the Status of Individuals with Diplomatic Immunity in the United States presented to Congress on March 18, 1988, as mandated by the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, section 137, Pub. L. 100-204. These minimum limits also reflect the Office of Foreign Missions practice and the availability of insurance policies since combined single limit policies are not available in all cases.

A proposed rule was published in the *Federal Register* on February 21, 1989 (54 FR 7449). Comments received were considered.

List of Subjects in 22 CFR Part 151

Aircraft, Foreign officials, Insurance, Motor vehicles, Vessels.

For reasons set forth in the preamble, Title 22, Chapter I of the Code of Federal Regulations, Part 151 is amended as set forth below:

PART 151—[AMENDED]

1. The authority citation for Part 151 continues to read as follows:

Authority: Sec. 6, Diplomatic Relations Act (Pub. L. 95-393; 22 U.S.C. 254e) as amended (Pub. L. 98-164, sec. 602; 22 U.S.C. 254e).

2. Section 151.4 is revised to read as follows:

§ 151.4 Minimum limits for motor vehicle insurance.

The insurance shall provide not less than \$100,000 per person and \$300,000 per incident for bodily injury liability and \$100,000 per incident for property damage or \$300,000 combined single limit for all bodily injury liability and property damage liability arising from a single incident, except where the Director of the Office of Foreign Missions grants a special exception.

John Condayan,

Acting Director, Office of Foreign Missions.

[FR Doc. 89-13585 Filed 6-7-89; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 89-06]

Temporary Drawbridge Operation Regulations; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: At the request of the City of Seattle, the Coast Guard is issuing a temporary rule amending the regulations that govern the operation of the Montlake Bridge across the Lake Washington Ship Canal, mile 5.4, at Seattle, Washington. This temporary rule extends the weekday afternoon closed period by one half hour (3:30 p.m. to 6:00 p.m. instead of the present 4:00 p.m. to 6:00 p.m.) and allows openings only on the hour and half hour Monday through Friday, except holidays from 12:30 p.m. to 3:00 p.m. and 6:00 p.m. to 6:30 p.m. This amendment is being made to evaluate its effect on both vehicular and waterway traffic. This action should accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This temporary regulation becomes effective on July 10, 1989, and terminates on September 8, 1989. Comments must be received by September 8, 1989.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. The comments and other materials

referenced in this notice will be available for inspection and copying at 915 Second Avenue, Room 3564. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch, (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: Persons affected by these temporary regulations are invited to comment on their feasibility and impact on both marine and vehicular traffic. Comments should include observed effects, both beneficial and detrimental, and any suggestions for changes. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with, opposition to, or any recommended changes in, the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Deborah K. Schram, project attorney.

Discussion of the Temporary Regulations

This temporary rule is being issued under 33 CFR 117.43 to evaluate the effects of requested changes to drawbridge operating regulations for the Lake Washington Ship Canal, 33 CFR 117.1051. Based upon the results of a test conducted by the City of Seattle (City) in 1987, the City requested the changes to relieve vehicular traffic congestion attributed to openings of the Montlake Bridge. Information provided by the City indicates that on weekday afternoons, a combination of capacity constraints in the Montlake Corridor and high traffic volumes of between 1800 and 2200 vehicles per hour (vph) on Montlake Boulevard, generates queues of traffic in both directions. Openings of the Montlake Bridge during this period causes further reductions in traffic capacity. With a traffic volume of 1600 vph it takes approximately 23 minutes for the queues to dissipate and at 1800 vph it takes 55 minutes to dissipate. Multiple openings of the bridge further lengthens the time it takes for queues to dissipate. The greatest number of bridge

openings occur during the months of July and August, averaging over 800 each, with weekday afternoon openings averaging 1.3 per hour. The average duration of bridge openings is slightly more than four minutes with many of the openings passing multiple vessels.

The impact of this temporary regulation on vehicular and marine traffic will be evaluated to determine whether the change results in substantial improvements in vehicular traffic without unduly restricting marine traffic. Based upon the results of our evaluation, the temporary regulation may be made permanent as is, modified, or discarded.

Economic Assessment and Certification

These temporary regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The test conducted by the City indicates that the temporary regulation should relieve vehicular traffic congestion in the Montlake Corridor without causing unnecessary delays to navigation.

Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); 33 CFR 117.43.

2. Section 117.1051 is amended for the period July 10, 1989, through September 7, 1989 by revising the introductory text of paragraph (d) and adding paragraph (e) to read as follows.

Note: Because this is a temporary rule, the following amendment will not be codified in the Code of Federal Regulations.

§ 117.1051 Lake Washington Ship Canal.

(d) The draws of the Ballard Bridge, mile 1.1, Fremont Bridge, mile 2.6, and

University Bridge, mile 4.3, shall open on signal, except that:

(e) The draw of the Montlake Bridge, mile 5.2, shall open on signal, except that:

(1) The draw need not open for a period of up to 10 minutes after receiving an opening request, if needed to pass accumulated vehicular traffic. However, the draw shall open without delay, when requested by vessels engaged in towing operations.

(2) Monday through Friday, except Federal Holidays, for any vessel or watercraft of less than 1,000 gross tons, unless the vessel has in tow a vessel of 1,000 gross tons or over:

(i) The draw need not open from 7 a.m. to 9 a.m. and 3:30 p.m. to 6 p.m.

(ii) From 12:30 p.m. to 3:30 p.m. and from 6 p.m. to 6:30 p.m., the draw need open only on the hour and half hour.

(3) Between the hours of 11 p.m. and 7 a.m. the draw shall open if at least one hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Bridge.

Dated: 23 May, 1989.

R. E. Kramek,

Rear Admiral, U.S. Coast Guard Commander,
13th Coast Guard District.

[FR Doc. 89-13543 Filed 6-7-89; 8:45 am]

BILLING CODE 491-014-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: June 5, 1989.

FOR FURTHER INFORMATION CONTACT:

Mrs. Judy Caden, Loan Guaranty Service (264), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-3042).

SUPPLEMENTARY INFORMATION: The Secretary is required by section 1812(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Secretary is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 Federal Register (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, VA and the Department of Housing and Urban Development has been determined to be

adequate to satisfy the intent of this Executive order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Secretary by sections 210(c), 1803(c)(1), 1811(d)(1) and 1812 (f) and (g) of title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

June 2, 1989.

By direction of the Secretary.

Anthony J. Principi,

Deputy Secretary of Veterans Affairs.

38 CFR Part 36, Loan Guaranty, is amended as follows:

PART 36—[AMENDED]

1. In § 36.4212, paragraph (a) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1812 may

not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by VA prior to the respective effective date:

(Authority: 38 U.S.C. 1812(f))

(1) Effective June 5, 1989, 12½ percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective June 5, 1989, 12 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective June 5, 1989, 12 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

2. In § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by VA which specify an interest rate in excess of 10 per centum per annum, effective June 5, 1989, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 10 per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by VA which specify an interest rate in excess of 10¼ per centum per annum, effective June 5, 1989, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 10¼ per centum per annum.

(Authority: 38 U.S.C. 1803(c)(1))

(c) Effective June 5, 1989, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 11½ per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by VA shall bear interest at the rate of 10 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 11½ percent per annum.

(Authority: 38 U.S.C. 1811(d)(1) and (2)(A))

[FR Doc. 89-13545 Filed 6-7-89; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Anthropomorphic Test Dummies

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 400 to 999, revised as of October 1, 1988, in § 571.208, standard 208, S5.1 introductory text appearing on page 395 a portion of the text was inaccurate. It should read as follows:

"S5.1 Vehicles subject to S5.1 shall comply with either S5.1(a) or S5.1(b), or any combination thereof, at the manufacturer's option; except that vehicles manufactured before September 1, 1990 that comply with the requirements of S4.1.2.1(a) by means not including any type of seat belt or inflatable restraint shall comply with S5.1(a)."

The line of asterisks after the introductory text should be removed.

BILLING CODE 1505-01-M

Proposed Rules

Federal Register

Vol. 54, No. 109

Thursday, June 8, 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

Agricultural Marketing Service

7 CFR Part 905

[Docket No. AO-85-A9; FV-88-102]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Secretary's Decision and Referendum Order on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision recommends further amendment of Marketing Agreement and Order No. 905 (7 CFR Part 905), covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and directs that a referendum be conducted to determine if the growers of these fruits favor the various amendment proposals. If approved, these proposals would amend the provisions of the marketing agreement and order to: (1) Classify Canada and Mexico as export markets rather than domestic markets as they are now; (2) define the Interior District and the Indian River District in the marketing order; (3) authorize changing the eligibility requirements for grower members on the Citrus Administrative Committee; (4) authorize the committee to borrow money to fund committee operations in emergency situations; and (5) provide for the conduct of periodic referenda on continuance of the order every six years. The proposed amendments are designed to improve the administration and functioning of the marketing agreement and order.

DATE: The representative period for the purposes of the referendum herein ordered is May 1, 1988, through April 30, 1989.

FOR FURTHER INFORMATION CONTACT:

Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and

Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone: 202-475-3918, or John R. Toth, Officer-in-Charge, Southeast Marketing Field Office, Florida Citrus Building, 500 3rd Street NW., P.O. Box 2276, Winter Haven, Florida 33883-2276, telephone: 813-299-4770. Copies of this decision may be obtained from either of the above named individuals.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued January 7, 1988, and published in the *Federal Register* [53 FR 898, January 14, 1988]; and Recommended Decision issued February 3, 1989, and published in the *Federal Register* [54 FR 6136, February 8, 1989].

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291.

Preliminary Statement

This proposed amendment of the order was formulated on the record of a public hearing held at Lakeland, Florida on February 17, 1988, to consider the proposed further amendment of Marketing Agreement and Order No. 905 (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to collectively as the order. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the Act, and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). The Notice of Hearing contained amendment proposals submitted by the Citrus Administrative Committee (committee), which locally administers the order. Those proposals pertained to: (1) Classifying Canada and Mexico as export markets rather than domestic markets as they are now; (2) defining the Interior District and the Indian River District in the marketing order; (3) authorizing changes in the eligibility requirements for grower members on the committee; (4) authorizing the committee to borrow money to fund committee operations in emergency situations; and (5) providing for the conduct of periodic referenda on continuance of the order every six years.

The notice also included a proposal by the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture (Department), to make any necessary conforming changes.

Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service (AMS), on February 3, 1989, filed with the Hearing Clerk, U.S. Department of Agriculture, a Recommended Decision containing a notice of the opportunity to file written exceptions thereto by March 10, 1989. The committee, the Florida Farm Bureau Federation, the Indian River Citrus League, and Florida Citrus Packers each filed an exception. Their comments supported the proposals and requested completion of the rulemaking action by September 1, 1989, the beginning of the 1989-90 shipping season.

In accordance with the provisions of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities. Small agricultural growers have been defined by the Small Business Administration (13 CFR 121.2) as those having average gross annual revenues for the last three years of less than \$500,000. Small agricultural service firms, which includes handlers under the marketing agreement and order, are defined as those with gross annual revenues of less than \$3,500,000.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Interested persons were invited in the notice of hearing to present evidence on the probable regulatory and informational impact of the proposed changes on small businesses. Marketing orders and rules issued thereunder are unique in that they are normally brought about through group action of essentially small entities acting on their own behalf. Thus, both the RFA and the Act are compatible with respect to small entities.

Approximately 100 shippers of Florida oranges, grapefruit, tangerines, and tangelos are regulated under the order. A minority of these shippers may be classified as small entities. In addition, there are approximately 13,000 orange,

grapefruit, tangerine, and tangelo growers in Florida. The majority of these growers may be classified as small entities.

The proposed amendments to the marketing order include classifying Canada and Mexico as export markets rather than domestic markets as currently provided. Such a change is expected to result in expanded Florida citrus sales by permitting shipment of the grades and sizes of fruit more consistent with the demand and preferences of the consumers in those markets, thereby benefitting Florida citrus growers and shippers. This change would not adversely affect small entities.

The proposal to make the Interior District synonymous with Regulation Area I and the Indian River District synonymous with Regulation Area II would facilitate the marketing of citrus through the use of commonly used terms, thus benefitting growers and shippers. This change would not adversely affect small entities.

The proposed amendment, which would authorize the committee with the approval of the Secretary, to change the eligibility requirements for grower members and grower alternate members to serve on the committee, would provide a means to increase the number of qualified growers who could serve on the committee. This change would have no adverse effect on small entities.

The proposed amendment to permit the committee to borrow money in emergency situations would provide the committee with additional flexibility in financing committee operations during such emergency situations, and thereby benefit growers and shippers who operate under the order. There would be no adverse effect on small entities due to the change.

The proposed amendment to require a continuance referendum every six years would provide growers the opportunity to periodically vote on whether the order should be continued. This change would not adversely affect small entities.

All of the proposed amendments set forth in this document are designed to enhance the administration, operation and functioning of the order and should result in an overall positive economic impact on small businesses.

The proposed amendments to the order would have no significant impact on the recordkeeping and reporting burdens of the affected industry. Moreover, the proposed amendments (including referenda every six years) would not change the reporting and recordkeeping requirements under the Paperwork Reduction Act of 1980, which

have been previously approved by the Office of Management and Budget (OMB) (Approval No. 0581-0094).

Findings and Conclusions

Discussions and rulings included in the discussions of the material issues, findings, and general findings of the Recommended Decision set forth in the **Federal Register** [54 FR 6136; February 8, 1989] are hereby approved and adopted subject to the following modifications and corrections:

The language in material issue number 3 is changed to correct the following typographical and printing errors: (1) The word "because" in the first line of the first column on page 6139 should read "became", and the word "ordered" in the fourteenth line of the second column on page 6139 should read "offered". In addition, the language in paragraph (a)(4) of § 905.52 is modified by changing "United States" to read "48 contiguous States and the District of Columbia of the United States" to conform with the recommended amendatory changes in § 905.9.

Rulings on Exceptions

In arriving at the findings and conclusions and the regulatory provisions of this decision, the exceptions to the Recommended Decision were carefully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with the exceptions, such exceptions are hereby denied.

Marketing Agreements and Orders

Annexed hereto and made part hereof are the documents entitled, "Order Amending the Order, As Amended, Regulating The Handling Of Oranges, Grapefruit, Tangerines, And Tangelos Grown In Florida" and "Marketing Agreement, As Further Amended, Regulating The Handling Of Oranges, Grapefruit, Tangerines, And Tangelos Grown In Florida." These documents have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the

procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order, as amended and as hereby proposed to be further amended, regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, is approved or favored by growers, as defined under the terms of the order, who were engaged in the production for market of oranges, grapefruit, tangerines, and tangelos in the production area in Florida. The representative period for such referendum is hereby determined to be May 1, 1988, through April 30, 1989.

The agents of the Secretary to conduct such referendum are hereby designated to be John R. Toth and William G. Pimental, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Florida Citrus Building, 500 3rd Street, NW, P.O. Box 2276, Winter Haven, Florida 33883-2276, telephone: 813-299-4770, and Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone: 202-475-3918.

Order Amending the Order, As Amended, Regulating the Handling of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida¹

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Findings Upon the Basis of the Hearing Record

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed further amendment of the marketing

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

Upon the basis of the record it is found that:

General Findings

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, and as hereby further amended, regulates the handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area; and

(5) All handling of fresh oranges, grapefruit, tangerines, and tangelos grown in the production area defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Oranges, Grapefruit, Tangerines, and Tangelos.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

With the exception of a conforming change in paragraph (a)(4) of § 905.52, the provisions of the proposed marketing agreement and order,

amending the order, contained in the Recommended Decision issued by the Administrator on February 3, 1989, and published in the *Federal Register* [54 FR 6136, February 8, 1989], shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

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

2. Section 905.9 is revised, and § 905.52 is amended by revising paragraphs (a)(3), (a)(4), (a)(5), and (d) to read as follows:

§ 905.9 Handle or ship.

"Handle or ship" means (a) to sell, consign, deliver, or transport fruit, or in any other way to place fruit in the current of commerce between the production area and any point outside thereof in the 48 contiguous States and the District of Columbia of the United States; and (b) to export fruit from any point in the 48 contiguous States and the District of Columbia of the United States to any destination.

§ 905.52 Issuance of regulations.

(a) * * *

(3) Limit the shipment of the total quantity of any variety by prohibiting the shipment thereof: *Provided*, That no such prohibition shall apply to exports or be effective during any fiscal period with respect to any variety other than for one period not exceeding five days during the week in which Thanksgiving Day occurs, and for not more than two periods not exceeding a total of 14 days during the period December 20 to January 20, both dates inclusive.

(4) Provide that exports of any variety shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of such variety in the 48 contiguous States and the District of Columbia of the United States, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, marking, or pack of the container or containers which may be used in the shipment of fruit for export: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of Chapter 601 of the Florida Statutes and regulations effective thereunder.

* * *

(d) Whenever any variety is regulated pursuant to paragraph (a)(3) of this section, no such regulation shall be deemed to limit the right of any person to sell, contract to sell, or export such variety but no handler shall otherwise ship any fruit of such variety which was prepared for market during the effective period of such regulation.

3. Section 905.15 is revised and § 905.16 is amended by revising the introductory text to read as follows:

§ 905.15 Regulation Area I.

"Regulation Area I" is defined as the "Interior District", and shall include all that part of the production area not included in Regulation Area II.

§ 905.16 Regulation Area II.

"Regulation Area II" is defined as the "Indian River District", and shall include that part of the State of Florida particularly described as follows:

* * *

4. Section 905.19 is revised to read as follows:

§ 905.19 Establishment and membership.

(a) There is hereby established a Citrus Administrative Committee consisting of at least eight but not more than nine grower members, and eight shipper members. Grower members shall be persons who are not shippers or employees of shippers: *Provided*, That the committee, with the approval of the Secretary, may establish alternative qualifications for such grower members. Shipper members shall be shippers or employees of shippers. The committee may be increased by one non-industry member nominated by the committee and selected by the Secretary. The committee, with approval of the Secretary, shall prescribe qualifications, term of office, and the procedure for nominating the non-industry member.

(b) Each member shall have an alternate who shall have the same qualifications as the member for whom this person is an alternate.

5. Section 905.41 is amended by adding a new paragraph (c) to read as follows:

§ 905.41 Assessments.

* * *

(c) In the case of an extreme emergency, the committee may borrow money on a short term basis to provide funds for the administration of this part. Any such borrowed money shall only be used to meet the committee's current financial obligations, and the committee shall repay all such borrowed money by the end of the next fiscal period from assessment income.

6. Section 905.83 is amended by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

§ 905.83 Termination.

(c) The Secretary shall conduct a referendum six years after the effective date of this paragraph and every sixth year thereafter to ascertain whether continuance of this part is favored by producers. The Secretary may terminate the provisions of this part at the end of any fiscal period in which the Secretary has found that continuance of this part is not favored by producers who during a representative period, determined by the Secretary, have been engaged in the production for market of the fruit in the production area. Such termination shall be announced on or before July 31 of the fiscal period.

Dated: June 1, 1989.

Robert Melland,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 89-13556 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 921, 922, 923 and 924

[Docket No. FV-89-054]

Proposed Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish assessment rates under Marketing Order Nos. 921, 922, 923 and 924 for the 1989-90 fiscal year which began April 1, 1989. The proposal is needed for the marketing committees established under these orders to incur operating expenses during the 1989-90 fiscal year and to collect funds during that year to pay those expenses. This would facilitate program operations. Funds to administer these programs are derived from assessments on handlers.

DATE: Comments must be received by June 19, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning this proposed rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular

business hours. All comments should reference the docket number and the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Gary D. Rasmussen, 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) 475-3918.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order Nos. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington; 922 (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington; 923 (7 CFR Part 923) regulating the handling of cherries grown in designated counties in Washington; and 924 (7 CFR Part 924) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed 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 (AMS) has considered the economic impact of this proposed rule on small entities.

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

There are approximately 65 handlers of Washington peaches, 60 handlers of Washington apricots, 85 handlers of Washington cherries, and 40 handlers of Washington-Oregon prunes subject to regulation under their respective marketing orders, and approximately 390 Washington peach producers, 190 Washington apricot producers, 1,115 Washington cherry producers and 375 Washington-Oregon prune producers in their respective production areas. 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 these handlers and producers may be classified as small entities.

Each marketing order administered by the U. S. Department of Agriculture (Department) requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each marketing committee and submitted to the Department for approval. The members of the marketing committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the costs for goods, services, and Personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each marketing committee is derived by dividing anticipated expenses by the expected shipments of the commodity (in tons). Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The Stone Fruit Executive Committee (SFEC) met on April 13, 1989, and unanimously recommended 1989-90 fiscal year expenditures and assessment rates for Marketing Order Nos. 921, 922, 923, and 924. The SFEC is made up of officers of the marketing committees established under these orders.

Expenditures of \$18,615 for the Washington Fresh Peach Marketing Committee and an assessment rate of \$2.00 per ton of peaches shipped under M.O. 921 were recommended by the SFEC. In comparison, 1988-89 budgeted expenditures were \$18,378 and the assessment rate was \$1.20 per ton. Assessment income for the 1989-90 fiscal year is estimated at \$22,000 based

on a crop estimate of 11,000 tons of peaches.

The SFEC recommended expenditures of \$6,942 for the Washington Apricot Marketing Committee and an assessment rate of \$3.00 per ton of apricots shipped under M.O. 922. In comparison, 1988-89 budgeted expenditures were \$6,970 and the assessment rate was \$2.00 per ton. Assessment income for the 1989-90 fiscal year is estimated at \$3,000 based on a crop estimate of 1,000 tons of apricots. Committee reserve funds are available to cover the anticipated \$3,942 deficit for the 1989-90 fiscal year.

Expenditures of \$98,503 for the Washington Cherry Marketing Committee and an assessment rate of \$3.00 per ton of cherries shipped under M.O. 923 were recommended. In comparison, 1988-89 budgeted expenditures were \$97,210 and the assessment rate was \$2.00 per ton. Assessment income for the 1989-90 fiscal year is estimated at \$135,000 based on a crop estimate of 45,000 tons of cherries.

Finally, the SFEC recommended expenditures of \$17,490 for the Washington-Oregon Fresh Prune Marketing Committee and an assessment rate of \$2.00 per ton of prunes shipped under M.O. 924. In comparison, 1988-89 budgeted expenditures were \$17,342 and the assessment rate was \$1.00 per ton. Assessment income for the 1989-90 fiscal year is estimated at \$18,000 based on a crop estimate of 9,000 tons of prunes.

The committees' proposed 1989-90 fiscal year budgets are similar in scope and size to those approved for 1988-89. The recommended expenditures are for program administration, prune research and cherry market development.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

Based on the foregoing, it is found and determined that a comment period of less than 30 days is appropriate because the levels of expenses and assessment rates for these programs should be expedited. The committees established under these programs need to have sufficient funds to pay their expenses,

which are incurred on a continuous basis.

List of Subjects in 7 CFR Parts 921, 922, 923 and 924

Marketing agreements and orders, Peaches, Apricots, Cherries, Prunes, Washington, Oregon.

For the reasons set forth in the preamble, it is proposed that 7 CFR Parts 921, 922, 923 and 924 be amended as follows:

1. The authority citation for 7 CFR Parts 921, 922, 923 and 924 continues to read as follows:

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

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

2. A new § 921.228, is added to read as follows:

§ 921.228 Expenses and assessment rate.

Expenses of \$18,615 by the Washington Fresh Peach Marketing Committee are authorized, and an assessment rate of \$2.00 per ton of assessable peaches is established for the fiscal year ending March 31, 1990. Unexpended funds may be carried over as a reserve.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

3. A new § 922.228 is added to read as follows:

§ 922.228 Expenses and assessment rate.

Expenses of \$6,942 by the Washington Apricot Marketing Committee are authorized, and an assessment rate of \$3.00 per ton is established for the fiscal year ending March 31, 1990. Unexpended funds may be carried over as a reserve.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

4. A new § 923.229 is added to read as follows:

§ 923.229 Expenses and assessment rate.

Expenses of \$98,503 by the Washington Cherry Marketing Committee are authorized, and an assessment rate of \$3.00 per ton is established for the fiscal year ending March 31, 1990. Unexpended funds may be carried over as a reserve.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

5. A new § 924.229 is added to read as follows:

§ 924.229 Expenses and assessment rate.

Expenses of \$17,490 by the Washington-Oregon Fresh Prune Marketing Committee are authorized, and an assessment rate of \$2.00 per ton of assessable prunes is established for the fiscal year ending March 31, 1990. Unexpended funds may be carried over as a reserve.

Dated: June 2, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-13558 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 946

[Docket No. FV-89-030-PR]

Irish Potatoes Grown in Washington; Proposed Amendment to Eliminate Exemption for Yellow Fleshed Potatoes and Require Potatoes Exported in 50-Pound Cartons to be at Least U.S. No. 1 Grade

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would eliminate current provisions of the Washington potato handling regulation which exempt yellow fleshed potatoes from grade, size, pack, maturity and inspection requirements. It would also require potatoes exported in 50-pound cartons to be at least U.S. No. 1 grade. The objectives of these actions are to uphold the quality image of the Washington State potato industry in domestic markets and to provide a means by which foreign buyers could obtain a high quality product when purchasing Washington State potatoes.

DATE: Comments must be received by June 19, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket

number and the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR Part 946), both as amended, regulating the handling of Irish potatoes grown in the State of Washington. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed 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 (AMS) has considered the economic impact of this proposal on small entities.

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

There are approximately 50 handlers of Washington State potatoes subject to regulation under the marketing order, and approximately 490 producers in the production area. The Small Business Administration (13 CFR 121.2) has defined small agricultural producers as those having annual gross revenue for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than \$3,500,000. The majority of handlers and producers of Washington State potatoes may be classified as small entities.

In 1988, Washington State potato production totalled 63.25 million hundredweight (cwt.), and a record high yield of 550 cwt. per acre was attained. Approximately 87 percent of Washington potatoes produced are processed, and the remaining 13 percent is shipped to fresh market outlets. Fresh shipments of the 1988-89 Washington State potato crop to date are running

slightly ahead of last season's level. As of April 14, 1989, fresh potato shipments amounted to 6,413,376 cwt. compared to 6,295,484 cwt. at the same time last year.

In 1988, total harvested potato acreage in Washington State amounted to 115,000 acres. About 88 percent of potato acreage was planted to long varieties, such as the Russet Burbank, Norgold Russet and Norkotah Russet. The remaining 12 percent was divided between round white and round red varieties, and this percentage has increased in recent years.

Since 1987, increases have been particularly significant for yellow fleshed varieties, which are generally classified as a round white type potato due to their shape and skin color. The State of Washington Potato Committee (committee) projects that yellow fleshed potato planted acreage exceeds 1,000 acres this season.

The handling requirements for fresh Washington potatoes are specified in § 946.336 (53 FR 8143, March 17, 1988, as amended in 53 FR 21794, June 10, 1988). Current requirements for round potatoes specify that they be shipped under the following conditions. Round potatoes must grade at least U.S. No. 2 and must have a minimum diameter of 1 1/8 inches (47.6 mm) except red skinned potatoes that are one inch in diameter may be shipped if they otherwise grade at least U.S. No. 1. Furthermore, the maturity requirement for round potatoes is that they shall not be more than "moderately skinned." Currently, the handling regulation exempts non-white fleshed potatoes and export shipments from these handling requirements.

This proposed rule would eliminate the current exemption for yellow fleshed potatoes and would require potatoes exported in 50-pound cartons to be at least U.S. No. 1 grade. These changes were unanimously recommended by the committee to become effective beginning with the 1989-90 season which commences July 1, 1989.

Prior to 1987, no distinction was made between white and non-white fleshed potatoes, and all were required to meet the grade, size, pack, maturity and inspection requirements of the handling regulation. Additionally, handlers were required to pay assessments on all fresh potatoes. In May 1987, an exemption from these handling requirements, published at 52 FR 15489 was provided for non-white fleshed potato varieties because very few potatoes of this type were being produced, and such potatoes were generally marketed in different outlets than white fleshed potatoes. Supplies of yellow fleshed potatoes in commercial fresh outlets are increasing, however, due to increasing production

and consumer acceptance. Currently, yellow fleshed potatoes are being sold to grocery and restaurant outlets in which they compete with round, white fleshed potatoes.

Based on an approximate yield of 400 cwt. per acre and estimated planted acreage of 1,000 acres, Washington State production of yellow fleshed potatoes could be as much as 400,000 cwt. during the 1989 season. Because the production of yellow fleshed potatoes has increased and these potatoes are now competing directly with white fleshed potatoes in commercial fresh markets, the committee unanimously recommended that yellow fleshed potatoes be required to meet the handling requirements set for round variety potatoes. These requirements are that potatoes grade at least U.S. No. 2 and be at least 1 1/8 inches in diameter.

Most of the round type potatoes that are grown in Washington and shipped to fresh market outlets are red-skinned varieties. To provide handlers with the opportunity to satisfy increased consumer demand for small-sized potatoes of this type, the current handling regulation provides that round, red-skinned potatoes that are one inch in diameter may be shipped if they otherwise grade at least U.S. No. 1.

The committee recommended that a comparable reduced size requirement be provided for yellow-fleshed potatoes, even though such potatoes are white-skinned. Since these potatoes are a relatively new item available from Washington, the committee believes that shippers should be provided with maximum flexibility in marketing yellow-fleshed potatoes. Accordingly, the proposal provides that yellow-fleshed potatoes that are one inch in diameter may also be shipped if they otherwise grade at least U.S. No. 1.

The committee believes that this action should help maintain the quality image of the Washington State potato industry. Other non-white fleshed varieties, such as purple or blue fleshed, would continue to be exempt because very few of these potatoes are being produced, and such potatoes are a specialty crop and generally do not directly compete with white fleshed potatoes. In addition, blue or purple fleshed potatoes are customarily marketed in different outlets than white and yellow fleshed potatoes.

Exports of Washington potatoes have increased considerably since the early 1980's. Fresh potato exports from Washington State in 1981 amounted to about 420,000 cwt. In 1988, fresh potato exports exceeded 590,000 cwt. A record high of about 665,000 cwt. was reached

in 1986. Fresh potato exports in 1987 were about 550,000 cwt. and had an estimated value of \$10,383,000. Destinations for these potatoes included Hong Kong, Sweden and Singapore. Possibly the greatest potential for export market expansion lies in the Pacific Rim countries.

Currently, export shipments of potatoes are exempt from the requirements of the handling regulation. To provide a means by which foreign buyers can continue to obtain high quality when purchasing Washington State potatoes, the committee unanimously recommended that all potatoes exported in 50-pound cartons be required to be at least U.S. No. 1 grade. This export pack requirement is similar to the domestic pack requirement which requires potatoes packed in 50-pound cartons to be at least U.S. No. 1, except that an additional tolerance for internal defects is provided for domestic shipments. These cartons are regarded as a premium pack and are the container most often used for export shipments. Shippers would continue to be able to fill specific orders for lower quality potatoes by packing them in other than 50-pound cartons, since only potatoes packed in such cartons would be required to meet this minimum quality requirement. This action should result in increased purchases and improve returns to growers.

Other exemptions currently provided would be unchanged. The grade, size, maturity, and pack requirements are not applicable to shipments of potatoes for livestock feed, charity, seed, prepeeling, or other processing. Shipments to these outlets are also free from inspection requirements.

Section 8e of the Agricultural Marketing Agreement Act of 1937 requires that when certain domestically produced commodities, including Irish potatoes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Section 8e also provides that whenever two or more marketing orders regulating a commodity produced in different areas of the United States are concurrently in effect, the Secretary shall determine which of the areas produces the commodity in most direct competition with the imported commodity. Imports then must meet the quality standards set for that particular area. Since yellow fleshed potatoes are generally considered to be a round white type, imported yellow fleshed potatoes are required to meet the same quality and

size requirements set for round white varieties of potatoes. Because the import requirements for round white potatoes are based on those established under the marketing orders covering Colorado Area 3 potatoes (M.O. 948) and Southeastern States (M.O. 953), the proposed changes to the handling requirements for Washington State potatoes will have no effect on the potato import regulation. Accordingly, the findings and determinations with respect to imports of Irish potatoes contained in section 980.1 of the regulations would not be changed by this action.

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

A 10-day comment period is deemed appropriate because the shipping season is expected to begin in early July. The amendment, if adopted, would help the industry provide an acceptable quality product to consumers. Further, any change to the regulations that might be adopted should be made effective as close to the beginning of the shipping season as practicable so as to apply to as many shipments as possible during the season. All written comments received within the designated comment period will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 946

Marketing agreements and orders, Potatoes, Washington.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 946 be amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR Part 946 continues to read as follows:

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

2. Section 946.336 is amended by revising the introductory text and paragraphs (a)(2)(i), (c), and (d)(7) to read as follows:

§ 946.336 Handling regulation.

No person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section, except that shipments of the blue or purple flesh varieties of potatoes shall be exempt from both this handling regulation and the assessment requirements specified in § 946.41.

(a) * * *

(2) * * *

(i) *Round varieties*—1 1/8 inches (47.6 mm) minimum diameter, except yellow fleshed and round red varieties may be 1 inch (25.4 mm) minimum diameter, if U.S. No. 1.

(c) *Pack requirements.* (1) Domestic: Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes which fail to meet the U.S. No. 1 grade only because of internal defects may be shipped provided the lot contains not more than 10 percent damage by any internal defect or combination of internal defects but not more than 5 percent serious damage by any internal defect or combination of internal defects.

(2) Export: Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better.

(d) * * *

(7) *Export*, except to Alaska and Hawaii and except as provided in (c)(2) of this paragraph.

* * *

Dated: June 2, 1989.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 89-13562 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 948 and 958

[Docket No. FV-89-053]

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish assessment rates under Marketing Orders 948 and 958 for the 1989-90 fiscal period. Authorization of these budgets would enable the Colorado Area III Potato Committee and the Idaho-Eastern Oregon Onion Committee to incur expenses that are reasonable and necessary to administer the programs. Funds to administer these programs would be derived from assessments on handlers.

DATE: Comments must be received by June 19, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. Comments should

reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

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

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 97 and Order No. 948 (7 CFR Part 948), both as amended, regulating the handling of Irish potatoes grown in Colorado, and Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), both as amended, regulating the handling of onions grown in designated counties of Idaho and Malheur County, Oregon. The marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed 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 (AMS) has considered the economic impact of this proposed rule on small entities.

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

There are approximately 20 handlers of Colorado Area III potatoes under Marketing Order No. 948, and approximately 80 potato producers. Also, there are approximately 30 handlers of Idaho-Eastern Oregon onions under Marketing Order No. 958, and approximately 360 onion producers. 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 the handlers and producers may be classified as small entities.

The budgets of expenses for the 1989-90 fiscal year were prepared by the Colorado Area III Potato Committee and the Idaho-Eastern Oregon Onion Committee (committees), the agencies responsible for local administration of the orders, and submitted to the Department of Agriculture for approval. The members of these committees are handlers and producers of Colorado potatoes and Idaho-Oregon onions. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets were formulated and discussed in public meetings. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rates recommended by the committees were derived by dividing anticipated expenses by expected shipments of potatoes and onions. Because the rates are applied to actual shipments, they must be established at rates which will produce sufficient income to pay the committees' expected expenses.

The Colorado Area III Potato Committee (potato committee) met April 13, 1989, and unanimously recommended a 1989-90 budget of \$3,619, up from \$3,537 last year. In Colorado, both a State and Federal marketing order operate simultaneously. The State order, however, authorizes promotion, including paid advertising, which the Federal order does not. Administrative expenses that are shared are divided so that 85 percent is paid under the State and 15 percent under the Federal order. All promotion and advertising expenses are financed under the State order. The potato committee also recommended a rate of assessment of \$0.005, an increase from last year's \$0.002. The major increases were for the manager's salary (\$600), payroll taxes (\$171), and manager's expenses (\$100). The recommended assessment rate, when applied to projected fresh market shipments of 729,250 hundredweight, would yield \$3,646 in assessment income which should be adequate to cover budgeted expenses. Projected reserve funds at the end of the 1989-90 fiscal period of \$4,019 are within the order's maximum of two fiscal periods' expenses.

The Idaho-Eastern Oregon Onion Committee (onion committee) met April 18, 1989, and unanimously recommended a 1989-90 budget of \$1,083,081. This compares with \$1,038,500 for last year. The onion committee recommended an assessment rate of \$0.09 per hundredweight, the same as last year.

Substantial increases were recommended in research (\$4,650), promotion (\$29,266), and export programs (\$16,500) as well as manager's and clerical salaries (\$7,500). Partially offsetting these increases is a decrease of \$20,000 in capital improvements, which was used to purchase a new computer system and office furnishings last year. The recommended assessment rate, when applied to anticipated fresh market shipments of 7,200,000 hundredweight, would yield \$648,000 in assessment income. This, when combined with \$30,000 in interest income and \$405,081 from the reserve, should provide adequate funding for budgeted expenses. Operating reserve funds, currently at \$482,280, are well within the limit of one fiscal period's expenses.

While this proposed action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committees need to have sufficient funds to pay their expenses. The 1989-90 fiscal period for each program begins on July 1, 1989, and each marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes or onions handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committees at public meetings. Therefore, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approvals for these programs need to be expedited. The committees need to have sufficient funds to pay their expenses, which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 948 and 958

Marketing agreements and orders, potatoes, onions, Colorado, Idaho, Oregon.

For the reasons set forth in the preamble, it is proposed that 7 CFR Parts 948 and 958 are amended as follows:

1. The authority citation for 7 CFR Parts 948 and 958 continues to read as follows:

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

PART 948—IRISH POTATOES GROWN IN COLORADO

2. A new § 948.202 is added to read as follows:

§ 948.202 Expenses and assessment rate.

Expenses of \$3,619 by the Colorado Area III Potato Committee are authorized, and an assessment rate of \$0.005 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1990. Unexpended funds may be carried over as a reserve.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO; AND MALHEUR COUNTY, OREGON

3. A new § 958.233 is added to read as follows:

§ 958.233 Expenses and assessment rate.

Expenses of \$1,083,081 by the Idaho-Eastern Oregon Onion Committee are authorized, and an assessment rate of \$0.09 per hundredweight of assessable onions is established for the fiscal period ending June 30, 1990. Unexpended funds may be carried over as a reserve.

Dated: June 2, 1989.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-13563 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 871 0048]

Arkla, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Shreveport, LA corporation to divest either the TransArk pipeline or a portion of its own pipeline that runs through the two states. Respondent would also be required to obtain prior Commission approval and would be required to apply to the Federal Energy Regulatory

Commission for approval under that agency's abandonment procedures.

DATE: Comments must be received on or before August 7, 1989.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Ronald B. Rowe, FTC/S-3302, Washington, DC 20580, (202) 326-2610.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

List of Subjects in 16 CFR Part 13

Natural gas, Pipelines, Trade practices.

Agreement Containing Consent Order

The Federal Trade Commission, having initiated an investigation of the acquisition of the assets of TransArk Transmission Company ("TransArk"), by Arkla, Inc. ("Arkla") and other matters and it now appearing that Arkla is willing to enter into an Agreement Containing a Consent Order ("Agreement") to divest certain assets and cease and desist from certain acts:

It is hereby agreed by and between Arkla, by its duly authorized officers and its attorneys, and counsel for the Federal Trade Commission that:

1. Arkla is a corporation organized and existing under the laws of the State of Delaware with its executive offices located at 525 Milam Street, Shreveport, Louisiana 71151.

2. TransArk was a partnership owned by Lear Petroleum Corporation and ESCO Energy, Inc. through their respective subsidiaries Producer's Gas Company and Omega Pipeline Company.

3. Arkla admits all the jurisdictional facts set forth in the attached draft of complaint.

4. Arkla waives:

(a) Any further procedural steps;

(b) The requirement that the Federal Trade Commission's decision contain a

statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise challenge or contest the validity of the order entered pursuant to this agreement; and

(d) All rights under the Equal Access to Justice Act.

5. This agreement shall not become a part of the public record unless and until it is accepted by the Federal Trade Commission. If this agreement is accepted by the Federal Trade Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Federal Trade Commission thereafter may either withdraw its acceptance of this agreement and so notify Arkla in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by Arkla that the law has been violated as alleged in the draft of complaint here attached.

7. This agreement contemplates that, if it is accepted by the Federal Trade Commission, and if such acceptance is not subsequently withdrawn by the Federal Trade Commission pursuant to the provisions of § 2.34 of the Federal Trade Commission's Rules, the Federal Trade Commission may, without further notice to Arkla, (1) issue its complaint corresponding in form and substance with the draft of complaint attached hereto and its decision containing the following order to divest and to cease and desist in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the order to divest and to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Arkla's address as stated in this agreement shall constitute service. Arkla waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Arkla has read the draft complaint and order contemplated hereby. Arkla understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Arkla further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is hereby ordered, that, as used in this Order, the following definitions shall apply:

(a) "Acquisition" means Arkla's acquisition of the assets of TransArk.

(b) "Arkla" means Arkla, Inc., its subsidiaries, divisions, groups, and affiliates controlled by Arkla and their respective directors, officers, employees, agents and representatives, and their respective successors and assigns.

(c) "TransArk" means TransArk Transmission Company, a partnership of Producer's Gas Company and Omega Pipeline Company.

(d) The "Affected Portion of the Arkoma Basin" means the following counties in Arkansas: Sebastian, Crawford, Logan, Franklin, Johnson, Pope, Scott and Yell.

(e) An "Affected Portion of the Arkoma Basin Pipeline" means a pipeline facility other than one owned by Arkla that extends from a point within the Affected Portion of the Arkoma Basin to a point outside of such area with the capacity to transport at least twenty-five (25) million cubic feet per day of natural gas through such facilities out of the Affected Portion of the Arkoma Basin.

(f) The "Russellville-Morrilton-Conway Corridor" means the area within the State of Arkansas that is within 10 miles in any direction of that portion of the TransArk pipeline that is west of Conway, Arkansas and east of Russellville, Arkansas.

(g) A "Russellville-Morrilton-Conway Corridor Pipeline" means a pipeline facility other than one owned by Arkla that extends to a point within the Russellville-Morrilton-Conway Corridor from a point outside of such area with the capacity to deliver through such facilities at least twenty-five (25) million cubic feet per day of natural gas into the Russellville-Morrilton-Conway Corridor.

(h) The "TransArk assets" means the assets, including the pipeline and right of way, acquired by Arkla from TransArk pursuant to the Acquisition, except for the 2.45 miles of pipeline and other assets that were sold by Arkla to Arkansas Oklahoma Gas Co., pursuant to that certain Purchase Agreement

dated September 7, 1987, as further identified in Schedule A hereof.

(i) The "TransArk pipeline" means the pipeline acquired by Arkla from TransArk.

(j) "Arkla Pipeline Assets" means an undivided interest, consisting of the capacity to receive and deliver in the aggregate 75 million cubic feet of gas per day, in the portions of Arkla Energy Resources gas pipeline transmission system and gas gathering facilities identified in Schedule B hereof.

II

It is further ordered, that:

(A) Within twelve (12) months of the date this Order becomes final, Arkla shall enter into a final agreement to divest (a) the TransArk assets, absolutely and in good faith, conditioned only on Commission approval and other regulatory approvals. Provided, however, Arkla may enter into a final agreement to divest, absolutely and in good faith, (b) the Arkla Pipeline Assets, if the Commission, in its sole discretion approves the substitute divestiture of the Arkla Pipeline Assets for the TransArk assets. Within eighteen (18) months of the date this Order becomes final, Arkla shall divest, absolutely and in good faith, (a) the TransArk assets or (b) if the Commission in its sole discretion approves the substitute divestiture, the Arkla Pipeline Assets.

(B) Divestiture shall be made only to an acquirer or acquirers that receive the prior approval of the Federal Trade Commission and only in a manner that receives the prior approval of the Federal Trade Commission. The purpose of the divestiture of the TransArk assets or Arkla Pipeline Assets is to remedy the lessening of competition resulting from the acquisition as alleged in the Federal Trade Commission's complaint.

(C) Following the time that this Order becomes final and no later than thirty (30) days after receiving the prior approval of the Federal Trade Commission required by Paragraph II(B) hereof, Arkla shall in good faith (1) apply to the Federal Energy Regulatory Commission for abandonment of the TransArk assets or the Arkla Pipeline Assets and (2) apply for and cause the acquirer as part of the agreement to apply for approvals by the Federal Energy Regulatory Commission and any other state or federal agency from which approval must be obtained before Arkla may divest and the acquirer may acquire, own and operate the TransArk assets or acquire and own the Arkla Pipeline Assets. Arkla shall cooperate with and shall support in good faith with all due diligence and expedition the

acquirer in obtaining necessary regulatory approvals, including filing a statement that demonstrates Arkla's support for each such application. Arkla shall take no action to impede or interfere with the necessary regulatory approvals. Provided, however, that nothing herein shall preclude Arkla from seeking approval for the construction and operation by it of additional facilities as part of any application other than (a) the applications seeking abandonment of the TransArk assets or the Arkla Pipeline Assets or (b) the applications seeking approval of divestiture of the TransArk assets or the Arkla Pipeline Assets.

(D) In the agreement to divest the TransArk assets, Arkla may include such provisions as are necessary to provide for the exchange between Arkla and the operator of the TransArk assets of up to twenty (20) million cubic feet of gas per day between (a) points on the TransArk system proximate to the areas served at retail by Arkla, and (b) points on the Arkla system in Arkansas interconnected with or proximate to other pipelines to which the TransArk facility may be connected from time to time. This exchange agreement shall be subject to the prior approval of the Federal Trade Commission to ensure that it is consistent with the purposes of this Order.

(E) Arkla shall maintain the viability and marketability of the TransArk assets, until the divestiture required under Paragraph II(A) hereof is completed, and shall not cause or permit the destruction, removal or impairment of any assets to be divested except in the ordinary course of business and except for ordinary wear and tear. Arkla shall ensure that, until the divestiture required under Paragraph II(A) hereof is completed, the TransArk assets continue to be viable, and used in the business of transporting natural gas.

III

It is further ordered, that:

(A) If Arkla has not received prior Commission approval of a final agreement to divest, absolutely and in good faith, the TransArk assets or the Arkla Pipeline Assets within twelve (12) months of the date this Order becomes final, or has not divested, absolutely and in good faith, the TransArk assets or the Arkla Pipeline Assets within eighteen (18) months of the date this Order becomes final, Arkla shall consent to the appointment by the Federal Trade Commission of a trustee to divest the TransArk assets. In the event that the Federal Trade Commission brings an action pursuant to section 5(1) of the

Federal Trade Commission Act, 15 U.S.C. 45(1), or any other statute enforced by the Commission, Arkla shall consent to the appointment of a trustee in such action. The appointment of a trustee shall not preclude the Federal Trade Commission from seeking civil penalties or any other relief available to it for any failure by Arkla to comply with this Order. Provided, however, that if

(a) Arkla has, within six (6) months of the date this Order becomes final, entered into and filed for approval with the Commission a final agreement to divest, absolutely and in good faith, the TransArk assets or

(b) Arkla has, within three (3) months of the date this Order becomes final, entered into and filed for approval with the Commission a final agreement to divest, absolutely and in good faith, the Arkla Pipeline Assets or

(c) in the event that the Commission disapproves of a substitute divestiture of the Arkla Pipeline Assets, Arkla has, within six (6) months of the date of such disapproval, entered into and filed for approval with the Commission a final agreement to divest, absolutely and in good faith, the TransArk assets and

(d) Arkla has applied for all necessary regulatory approvals required for the consummation of the approved divestiture within thirty (30) days after receiving the Commission's approval of the divestiture,

the Commission shall not appoint a trustee or seek civil penalties or other relief until six (6) months after the Commission, Federal Energy Regulatory Commission or any other state or federal agency denies approval of the divestiture or acquisition, unless the Commission determines that Arkla has not in good faith, with all due diligence and expedition, supported obtaining the necessary regulatory approval required for the consummation of the divestiture of such assets to the acquirer approved by the Commission.

Provided, further, that if following any such denial by the Commission, Federal Energy Regulatory Commission or any other state or federal agency

(i) Arkla has, within six (6) months thereafter, entered into and filed for approval with the Commission a substitute final agreement to divest, absolutely and in good faith, the TransArk assets or the Arkla Pipeline Assets or

(ii) in the event that the Commission disapproves of the substitute divestiture of the Arkla Pipeline Assets, Arkla has, within three (3) months of the date of such disapproval, entered into and filed for approval with the Commission a

final agreement to divest, absolutely and in good faith, the TransArk assets and in either event

(iii) Arkla has applied for all necessary regulatory approvals required for the consummation of such divestiture within thirty (30) days after receiving the Commission's approval of the divestiture,

the Commission shall not appoint a trustee or seek civil penalties or other relief until the Commission, Federal Energy Regulatory Commission or any other state or federal agency denies approval of the divestiture or acquisition, unless the Commission determines that Arkla has not in good faith, with all due diligence and expedition, supported obtaining the necessary regulatory approvals required for the consummation of its divestiture of such assets to the acquirer approved by the Commission.

(B) If a trustee is appointed by the Federal Trade Commission or a court pursuant to Paragraph III(A) of this Order, Arkla shall consent to the following terms and conditions regarding the trustee's duties and responsibilities:

(1) The Federal Trade Commission shall select the trustee, subject to the consent of Arkla, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures.

(2) The trustee shall have the power and authority to divest the TransArk assets required to be divested by Paragraph II(A) of this Order.

(3) The trustee shall have eighteen (18) months from the date of appointment to accomplish the divestiture, which shall be subject to the prior approval of the Federal Trade Commission and, if the trustee is appointed by a court, subject also to the prior approval of the court. If, however, at the end of the eighteen-month period the trustee has submitted a plan of divestiture or believes that divestiture can be achieved within a reasonable time, the divestiture period may be extended by the Federal Trade Commission, or by the court for a court-appointed trustee. Provided, however, that the Federal Trade Commission or court may only extend the divestiture period two (2) times.

(4) No later than thirty (30) days after receiving the prior approval of the Federal Trade Commission, and if the trustee is appointed by a court, following also the prior approval of the court, of the divestiture proposed by the trustee, Arkla shall in good faith (1) apply to the Federal Energy Regulatory Commission for abandonment of the

TransArk assets; and (2) apply for (and cause the acquirer as part of the agreement to apply for) approvals by the Federal Energy Regulatory Commission and any other state or federal agency from which approval must be obtained before Arkla may divest and the acquirer may acquire, own and operate the TransArk assets. Arkla shall cooperate with and shall support in good faith with all due diligence and expedition the acquirer in obtaining necessary regulatory approvals, including filing a statement that demonstrates Arkla's support for each such application. Arkla shall take no action to impede or interfere with the necessary regulatory approvals. Provided, however, that nothing herein shall preclude Arkla from seeking approval for the construction and operation by it of additional facilities as part of any application other than the applications seeking abandonment of the TransArk assets or the applications seeking approval of divestiture of the TransArk assets.

(5) The trustee shall have full and complete access to the personnel, books, records, and facilities of any assets that the trustee has the duty to divest. Arkla shall develop such financial or other information as such trustee may reasonably request and shall cooperate with the trustee. Arkla shall take no action to interfere with or impede the trustee's accomplishment of the divestiture.

(6) The trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Federal Trade Commission, subject to Arkla's absolute and unconditional obligation to divest at no minimum price and the purpose of the divestiture as stated in Paragraph II(B) of this Order. If the trustee receives bona fide offers from more than one prospective purchaser, the Commission shall determine whether to approve each such purchaser, and the trustee shall divest to the purchaser selected by Arkla from among those approved by the Commission.

(7) The trustee shall serve at the cost and expense of Arkla, on such reasonable and customary terms and conditions as the Federal Trade Commission or a court may set, including the employment of accountants, attorneys or other persons reasonably necessary to carry out the trustee's duties and responsibilities. The trustee shall account for all monies and properties derived from the sale and all expenses incurred. Following accomplishment of the divestiture and

after approval by the Federal Trade Commission and, in the case of a court-appointed trustee, by the court, of the account of the trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Arkla and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrangement contingent on the trustee's divesting the TransArk assets.

(8) Within sixty (60) days after appointment of the trustee, and subject to the prior approval of the Federal Trade Commission and, in the case of a court-appointed trustee, of the court, Arkla shall execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to effect the divestiture.

(9) If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as provided in Paragraph III(A) of this Order.

(10) The trustee shall report in writing to Arkla and the Federal Trade Commission every sixty (60) days concerning the trustee's efforts to accomplish divestiture.

IV.

It is further ordered. That, within sixty (60) days after the date this Order becomes final and every sixty (60) days thereafter until Arkla has fully complied with the provisions of Paragraphs II and III of this Order, Arkla shall submit to the Federal Trade Commission a verified written report setting forth in detail the manner and form in which it intends to comply, is complying or has complied with those provisions. Arkla shall include in its compliance reports, among other things that are required from time to time, a full description of contacts or negotiations for the divestiture of assets specified in Paragraph II of this Order, including the identity of all parties contacted. Arkla also shall include in its compliance reports, copies of all written communications to and from such parties, all internal memoranda, reports and recommendations concerning divestiture, and a description of the status of all regulatory proceedings filed in accordance with this Order.

V.

It is further ordered. That, for a period commencing on the date this Order becomes final and continuing for ten (10) years from and after the date of this Order becoming final, Arkla shall cease and desist from acquiring, without the prior approval of the Federal Trade Commission, directly or indirectly,

through subsidiaries or otherwise, assets used or previously used by (and still suitable for use by), any interest in, or the stock or share capital of any Affected Portion of the Arkoma Basin Pipeline, of any Russellville-Morrilton-Conway Corridor Pipeline or of any entity that owns any assets, interest or stock or share capital in any such Pipeline. Provided, however, that these prohibitions shall not relate to (1) the construction of new facilities or (2) the continuation of the lease by Arkla from Arkansas Western Gas Company of those facilities described in that certain lease between those companies dated October 25, 1951. Provided further, if, and only if, Arkla has provided the Federal Trade Commission with thirty (30) days prior notice of either the reservation or acquisition set out in this proviso, these prohibitions shall not relate to (1) the reservation in the ordinary course of business of not more than twenty (20) percent of the firm capacity of any pipeline or (2) the acquisition by Arkla of any entity which, at the time of such acquisition, directly or indirectly owns any assets, interest, or stock or share capital in any such Pipeline, the fair market value of which assets, interest, or stock or share capital is in the aggregate no greater than twelve (12) million dollars. One year from the date this Order becomes final and annually for nine years thereafter Arkla shall file with the Federal Trade Commission a verified written report of its compliance with this paragraph.

VI

It is further ordered. That, for the purposes of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Arkla made to its principal office, Arkla shall permit any duly authorized representatives of the Federal Trade Commission:

(A) Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Arkla relating to any matters contained in this Order; and

(B) Upon five days notice to Arkla and without restraint or interference from Arkla, to interview officers or employees of Arkla who may have counsel present, regarding such matters.

VII

It is further ordered. That Arkla shall notify the Federal Trade Commission at least thirty (30) days prior to any

proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change that may affect compliance obligations arising out of the Order.

Schedule A

The easements and line pipe in place and the records and equipment used in connection therewith beginning at Sun Milepost 216+4592' (1' east of ML Block Valve at State Hwy. 45 at Fort Smith, Sebastian County, Arkansas) and ending at Sun Milepost 371+4960' (at McRae, White County, Arkansas) as acquired by Arkla from the TransArk partnership (designated by Arkla as its AER Line No. BT-14 and the western most portion of its MRT Line No. A-294), together with the easements and line pipe in place and equipment used in connection therewith constructed by Arkla in conjunction with the foregoing as follows:

(i) The taps on such facilities necessary to connect them with Arkla's meter run at the interconnection between such facilities and (a) Arkla's AER Line No. BT-16 in Franklin County, Arkansas and (b) Arkla's AER Line No. JM-30 in Faulkner County, Arkansas;

(ii) The relocations of such facilities constructed by Arkla as follows:

(a) Approximately 5,360' of 12-inch pipe between old station numbers 5109+34' and 5141+48';

(b) Approximately 7,204' of 12-inch pipe between old station numbers 3799+36' and 3832+54';

(c) Approximately 23,369' of 12-inch pipe between old station numbers 5299+51' and 5406+64';

(d) Approximately 1,400' of 12-inch pipe between old station numbers 4375+63' and 4389+63';

(e) Approximately 1,731' of 12-inch pipe between old station numbers 5052+44' and 5069+75';

(f) Approximately 1,500' of 12-inch pipe between old station numbers 5670+61' and 5685+61';

(g) Approximately 300' of 12-inch pipe between old station numbers 6873+31' and 6870+31';

(h) Approximately 160' of 12-inch pipe between old station numbers 1349+07' and 1350+67';

(j) Approximately 121' of 12-inch pipe between Mileposts 364+2569' and 364+2690';

(iii) The additional facilities constructed by Arkla appurtenant to such facilities as follows:

(a) A pigging receiver, composed of a 12-inch valve, a 10 foot barrel made of heavywall 16-inch pipe and a 4-inch

blowdown valve, located between old station numbers 6873+31' and 6870+31'.

(b) A 12-inch main line valve located between old station numbers 1349+07' and 1350+67'; and

(c) A 12-inch main line valve and 4-inch blowdown valve located at Milepost 348+4723'.

(iv) The tap to be constructed on such facilities necessary to connect them with Arkla's MRT meter run located at Milepost 371+4960' (at McRae, White County, Arkansas);

less that portion of the foregoing previously sold by Arkla to Arkansas Oklahoma Gas Company pursuant to that certain Purchase Agreement dated September 7, 1987.

Arkla hereby represents and warrants that the above includes all of the assets acquired by it from TransArk, together with all of the improvements and changes made thereto by Arkla from the date of such acquisition and as of March 7, 1989.

Schedule B

Arkla Pipeline Assets

(1) *Transmission.* The easements and line pipe in place and equipment in place associated with that portion of Arkla Energy Resources' transmission facilities as the same may exist as of March 1, 1989, and designated O, O-1-O, J, T, B (north of the intersection between line B and J in Pope County, Arkansas), BT-1, BT-1-A, B-106, BM-15, BM-10, BT-1-B, BT-16 and BT-14 commencing at the outlet side of Arkla's Chandler Compressor Station located in Latimer County, Oklahoma and extending easterly through Latimer and Le Flore Counties, Oklahoma and Sebastian, Crawford, Franklin, Logan, Johnson, Yell, Perry, Garland, Hot Spring, Pope, Conway, Faulkner, White, Grant, and Jefferson Counties, Arkansas to the points at which the lines designated J, BT-14, and T interconnect with the gas pipeline transmission system owned and operated by Mississippi River Transmission Corporation.

(2) *Gathering.* The easements and line pipe in place and equipment in place associated with that portion of Arkla Energy Resources' gathering facilities as the same may exist as of March 1, 1989, located in Haskell, Latimer and Le Flore Counties, Oklahoma, and Crawford, Pope, Yell, Franklin, Johnson, Logan and Sebastian Counties, Arkansas.

Analysis to Aid Public Comment on Consent Order Accepted Subject to Final Approval

The Federal Trade Commission ("Commission") has accepted for public

comment from Arkla, Inc. ("Arkla") an agreement containing consent order. The Commission is placing the agreement on the public record for sixty (60) days for reception of comments from interested persons.

Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's investigation of this matter concerned Arkla's acquisition of the assets of the TransArk Transmission Company ("TransArk"). Arkla is involved in all sectors of the natural gas industry, including the production, purchase, gathering, storage, transmission, distribution, and sale of natural gas in Arkansas, Missouri, Louisiana, Texas, Mississippi, Tennessee, Oklahoma and Kansas. TransArk was a natural gas transmission company that owned natural gas pipeline assets in the affected portion of the Arkoma Basin, consisting of the Arkansas counties of Sebastian, Crawford, Logan, Franklin, Johnson, Pope, Scott, and Yell; and in the Russellville-Morrilton-Conway corridor in Arkansas. At the time of the acquisition, TransArk was a general partnership owned by subsidiaries of the Lear Petroleum Co. ("Lear") and Esco Exploration Co. ("Esco").

The Commission has reason to believe that Arkla's acquisition of TransArk substantially lessened competition in the transportation of natural gas out of the affected portion of the Arkoma Basin; and, that the acquisition substantially lessened competition in the transportation of natural gas to the Conway-Morrilton-Russellville corridor in the state of Arkansas in violation of section 7 of the Clayton Act and section 5 of the Federal Trade Commission Act.

The Agreement containing Consent Order ("Order") would, if issued by the Commission, settle the complaint that alleges anticompetitive effects in the transportation of natural gas from the affected portion of the Arkoma Basin and to the Conway-Morrilton-Russellville.

Under the terms of the proposed Order, Arkla must divest either: (1) The TransArk pipeline; or (2) an undivided interest in the Arkla system ("Arkla Pipeline Assets"). The Order gives Arkla twelve months to seek Commission approval of a buyer for the assets they must divest. Arkla has eighteen months to divest the assets, subject to exceptions set forth in the trustee provisions. The divestiture shall be

made only to an acquirer or acquirers that receive the prior approval of the Commission. If Arkla fails to satisfy the divestiture provisions set out in the Order, the Commission may appoint a trustee to divest the TransArk assets.

The Order also requires Arkla to: (1) Apply in good faith to the Federal Energy Regulatory Commission ("FERC") for abandonment of the TransArk assets or the Arkla Pipeline Assets; and, (2) apply for and cause the acquirer as part of the agreement to apply for approvals by the FERC and any other state or federal agency that must approve the transaction.

For a period of ten (10) years from its effective date, the proposed Order prohibits Arkla from making substantial acquisitions of any pipeline assets in any affected portion of the Arkoma Basin or in the Russellville-Morrilton-Conway corridor.

It is anticipated that the Order would resolve the competitive problems alleged in the Complaint. The purpose of this analysis is to invite public comment concerning the Order, in order to aid the Commission in its determination of whether it should make final the Order contained in the agreement.

This analysis is not intended to constitute an official interpretation of the agreement and Order, nor is it intended to modify the terms of the agreement and Order in any way.

Donald S. Clark,

Secretary.

[FR Doc. 89-13580 Filed 6-7-89; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR 334

RIN 3067-AB35

Graduated Mobilization Response

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking proposes to add a new part in Title 44 Code of Federal Regulations, Graduated Mobilization Response Guidance, Chapter 1, Federal Emergency Management Agency (FEMA), Subchapter E Preparedness. New Part 334 responds to Part 1 of Executive Order 12656 of November 18, 1988, which provides that the Director, FEMA, assists the National Security Council in the implementation of national security emergency preparedness policy.

Sections 1701(6) and 1701(11) of the Executive Order direct the Director, FEMA, to coordinate the implementation of policies and programs for efficient mobilization and to provide guidance to the Federal departments and agencies on the appropriate use of defense production authorities. This Part defines the Graduated Mobilization Response (GMR) System as part of the National Security Emergency Preparedness program of planning mobilization actions that will permit a timely reaction to early warning indicators. The GMR system is to be incorporated by Federal departments and agencies in their mobilization plans and programs.

DATES: Comments are requested and should be submitted in writing to the address listed below no later than August 7, 1989.

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

FOR FURTHER INFORMATION CONTACT: Richard F. Marilley, Senior Planning Officer, Office of Mobilization Preparedness, Federal Emergency Management Agency, Room 627, 500 C Street, SW., Washington, DC 20472, Telephone (202) 646-2652.

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

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

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

The regulation in this part provides guidance to federal agencies which may or may not take an action which could be subject to environmental documentation requirements. The guidance has no environmental consequences and it is determined,

under FEMA's regulation published in 44 CFR 10.8, that it is not necessary to prepare either an environmental assessment or an environmental impact statement.

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

List of Subjects in 44 CFR 334

National defense, Emergency Graduated Mobilization Response.

Accordingly, Subchapter E Chapter 1, Title 44, Code of Federal Regulations proposes to be amended by adding a new Part 334 as follows:

PART 334—GRADUATED MOBILIZATION RESPONSE

Sec.

334.1 Purpose

334.2 Policy

334.3 Background

334.4 Definitions

334.5 GMR system description

334.6 Department and agency responsibilities

Authority: 50 U.S.C. 404; 50 U.S.C. App. 2061 et seq.; E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412; E.O. 10480 of August 14, 1953, 3 CFR 1949-53 Comp., p. 962; E.O. 12472 of April 3, 1984, 3 CFR 1948 Comp., p. 193; E.O. 12656 of November 18, 1988, 53 FR 47491;

§ 334.1 Purpose

This part:

(a) Provides policy guidance pursuant to the Defense Production Act of 1950, as amended; section 1-103 of Executive Order 12148, as amended, which includes functions continued from Executive Order 11051; section 104(f) of Executive Order 12656; and part 2 of Executive Order 10480.

(b) Establishes a Graduated Mobilization Response (GMR) system for developing and implementing mobilization actions that are responsive

to a wide range of national security threats and ambiguous or specific warning indicators. GMR allows for coherent decisions to proceed with responses to a crisis or emergency.

(c) Provides guidance to the Federal departments and agencies for developing plans that are responsive to a GMR system and for preparing costed option packages, as appropriate, to implement the plans.

§ 334.2 Policy.

(a) As established in Executive Order 12656, the policy of the United States is to have sufficient emergency response capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency. Accordingly, each Federal department and agency shall prepare its national security emergency preparedness plans and programs to respond adequately and in a timely manner to all national security emergencies.

(b) As part of emergency response, the GMR system should be incorporated in each department's and agency's emergency preparedness plans and programs to provide appropriate and effective response options for consideration in reacting to ambiguous and specific warnings.

(c) Emergency resource preparedness planning is essential to ensure that the nation is adequately prepared to respond to potential national emergencies. Such emergency resource preparedness planning requires an exchange of information and planning factors among the various departments and agencies responsible for different resource preparedness activities.

(d) To carry out their emergency planning activities, civilian department and agencies require the Department of Defense's (DOD) assessment of potential military demands that would be made on the economy in a full range of possible national security emergencies. Similarly, DOD planning should be conducted using planning regimes consistent with the policies and plans of the civilian resource departments and agencies.

(e) Under section 104(c) of Executive Order 12656, FEMA is responsible for coordinating the implementation of national emergency preparedness policy with Federal departments and agencies and with state and local governments and, therefore, is responsible for developing a system of planning procedures for integrating the emergency preparedness actions of Federal, State and local governments.

(f) Federal departments and agencies shall design their preparedness measures to permit a rapid and effective transition from routine to emergency operations, and to make effective use of the period following initial indication of a probable national security emergency. This will include:

(1) Development of a system of emergency actions that defines alternatives, processes, and issues to be considered during various stages of national security emergencies; and

(2) Identification of actions that could be taken at the Federal and local levels of government in the early stages of a national security emergency or pending national security emergency to mitigate the impact of or reduce significantly the leadtime associated with full emergency action implementation.

§ 334.3 Background

The GMR system is designed to take into account the need to mobilize the Nation's resources in response to a wide range of crisis or emergency situations. GMR is a flexible decision making process of preparedness and response actions which are appropriate to warning indicators or an event. Thus, GMR allows the government, as a whole, to take small or large, often reversible, steps to increase its national security emergency preparedness posture.

(b) Crises, especially those resulting in major military activities, always have some political or economic context. As the risks of military action increase, nations undertake more extensive preparations over a longer period of time to increase their military power. These preparations shape the nature and gravity of the threat as well as its likelihood and timing of occurrence. These measures permit the development of reliable indicators of threat at an early time in the evolution of a crisis. Depending on the nature of the situation or event and the nation involved, these early warning indicators may emanate from the political, socio-economic and/or industrial sectors.

(c) The GMR system enables the nation to approach mobilization planning and actions as part of the deterrent response capability and to use it to reduce the probability of conflict. Alternatively, if deterrence should fail, the GMR system would enable the nation to undertake a series of phased actions intended to increase its ability to meet defense and essential civilian requirements. The GMR system integrates the potential strength of the national economy into U.S. national security strategy.

§ 334.3 Definitions

(a) *Graduated Mobilization Response (GMR)* is a system for integrating mobilization actions designed to respond to ambiguous and/or specific warnings. These actions are designed to mitigate the impact of an event or crisis and reduce significantly the lead time associated with a full national security emergency action implementation.

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

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

(d) *GMR Plans* are those agency documents that describe, in general, the actions that an agency could take in the early stages of a national security emergency, or upon receipt of warning information about a possible national security emergency. These actions would be designed to mitigate the impact of, or reduce significantly, the lead times associated with full emergency action implementation. Such plans are required by section 201(4)(b) of Executive Order 12656.

(e) *A Costed Option Package* is a document that describes in detail a particular action that an agency could take in the early stages of a national security emergency. The general content of a GMR costed option package includes alternative response options; the resource implications of each option; shortfalls, costs, timeframes and political feasibility.

§ 334.5 GMR system description.

The GMR system contains three stages of mobilization activity (additional intermediate GMR stages may be developed). For example, a federal department or agency might divide "Crisis Management" into two, three, or more levels as suits its needs:

(a) *Stage 3, Planning and Preparation.* During the planning and preparation stage, federal departments and agencies develop their GMR plans and maintain capability to carry out their mobilization-related responsibilities in accordance with section 201 of Executive Order 12656. General types of problems likely to arise in a crisis situation are identified along with possible methods for dealing with them. Investment programs can be undertaken to overcome identified problems.

(b) *Stage 2, Crisis Management.* During the crisis management stage, GMR plans are reviewed and capabilities will be re-examined in light

of an actual event or crisis perceived to be emerging.

(1) Federal departments and agencies may need to gather additional data on selected resources or increase their preparedness activities. Costed Option Packages may need to be updated or new ones prepared for the response option measures in each of the department's and agency's area of responsibility. For example, when it appears likely that increased national resources may be required, resource readiness could be improved through the procurement of essential long lead time items, especially those that can be used even if the situation does not escalate. In general, long lead time preparedness actions would be considered for implementation at this time.

(2) Many preparedness actions at this stage would be handled through reprogramming, but the Costed Option Packages may also request new funding.

(3) If the crisis worsens, and prior to the declaration of national emergency, it may be necessary to surge certain production and stockpile items for future use.

(c) *Stage 1, National Emergency/War.* During national emergency or war, declared by the Congress or the President, mobilization of all national resources escalates and GMR will be subsumed into the overall mobilization effort. As military requirements increase, the national resources would increasingly be focused on the national security emergency. This would involve diverting non-essential demand for scarce resources from peacetime to defense uses, and converting industry from commercial to military production. Both surge production and expansion of the nation's productive capacity may also be necessary. Supplemental appropriations may be required for most Federal departments and agencies having national security emergency responsibilities.

§ 334.6 Department and agency responsibilities.

(a) During Stage 3, each department and agency with mobilization responsibilities will develop costed option packages for the actions that it considers necessary in the early warning period. The actions would be steps that could be taken to improve the nation's ability to mobilize, should a crisis worsen or hostilities occur.

(b) Each department and agency should choose response options appropriate to the crisis or emergency situation. GMR plans should contain a menu of costed option packages that provide details of alternative measures

that may be used in an emergency situation.

(c) FEMA will provide guidance pursuant to Executive Order 12656 and will coordinate GMR plans and option packages of DOD and the civilian departments and agencies to ensure consistency and to identify areas where additional planning or investment is needed.

(d) Departments and agencies should rely on early warning information

developed by the intelligence community and policy statements of the President for guiding their appropriate responses under the GMR system.

(e) During Stage 2, departments and agencies will coordinate their recommendations for action with the National Security Council (NSC) to ensure consistency with the overall national strategy. FEMA will assist the NSC in this coordination.

(f) Plans developed by the departments and agencies under this guidance may be shared, as appropriate, with States, local governments and the private sector to provide a baseline for their development of supporting plans.

Dated: June 2, 1989.

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 89-13611 Filed 6-7-89; 8:45 am]

BILLING CODE 6718-01-M

Notices

Federal Register

Vol. 54, No. 109

Thursday, June 8, 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

Forms Under Review by Office of Management and Budget

June 2, 1989.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Extension

- Agricultural Stabilization and Conservation Service; 7 CFR Part 1427—Cotton Loan Program Regulations; CCC Cotton A, A1, A2, 679, 837, 813, 813-1, 813-2, 879, 881, 881-1, 833 and 877; On Occasion; Individual of households; Farms; Businesses or other for-profit; 728,280 responses; 182,070 hours; not applicable under 3504(h); Beverly Pritts, (202) 447-8374.

- National Agricultural Statistics Service; Monthly Cold Storage Report;

None; Monthly; Businesses or other for-profit; 10,668 responses; 4,429 hours; not applicable under 3504(h); Larry Gambrell, (202) 447-7737.

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 89-13557 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

[CN 89 002]

Advisory Committee on Universal Cotton Standards Conference; Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Committee on Universal Cotton Standards will meet during the Universal Cotton Standards Conference to be held on June 22-23, 1989, in Memphis, Tennessee. The meeting will consist of two sessions. Both sessions are open to the public.

First Session

DATE: 11:00 a.m. to 12:00 p.m., June 22, 1989.

ADDRESS: Holiday Inn—Crowne Plaza Hotel, 250 N. Main St., Memphis, Tennessee.

Second Session

DATE: 8:30 a.m., June 23, 1989.

ADDRESS: Cotton Division Offices, 4841 Summer Avenue, Memphis, Tennessee.

FOR FURTHER INFORMATION CONTACT: Dr. H. H. Ramey, Jr., Fiber Technology Branch, Cotton Division, AMS, USDA, 4841 Summer Avenue, Memphis, Tennessee 38122; (901) 521-2921.

SUPPLEMENTARY INFORMATION: The agendas for the two sessions of the meeting are as follows:

First Session: Organizational meeting including the election of a chairperson and a review of the responsibilities of the committee.

Second Session: Consideration of revisions to the Universal Standards for Grade of American Upland Cotton.

These sessions are open to the public. Time, however, will be inadequate to permit lengthy public comment on the day of the meeting. Written comments may be submitted in advance or following the meeting to Jesse F. Moore, Director, Cotton Division, AMS, USDA,

P.O. Box 96456, Washington, DC 20090-6456, (202) 447-3193.

Dated: June 5, 1989.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 89-13740 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

North Fork of Illinois Bayou Proposed Municipal and Industrial Water Supply Dam and Reservoir

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement for a proposal to permit the construction of a municipal supply reservoir and dam on the North Fork of Illinois Bayou. The Corps of Engineers, Department of the Army, will participate as a cooperating agency. The agency invites written comments and suggestions on the scope of this analysis. In addition, the agency gives notice of the environmental analysis and decisionmaking process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATE: Comments concerning this proposal and the scope of analysis should be received by September 6, 1989 in order to ensure timely consideration.

ADDRESS: Submit written comments and suggestions concerning this proposal and the scope of analysis to Lynn C. Neff, Forest Supervisor, Ozark-St. Francis National Forests, P.O. Box 1008, Russellville, AR 72801.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and the environmental impact statement to Gerald Key, Ozark-St. Francis National Forests, P.O. Box 1008, Russellville, AR 72801, phone 501-968-2354.

SUPPLEMENTARY INFORMATION: The City Corporation, P.O. Box 458, Russellville, Arkansas, has applied to the Forest Service for a special use permit for a proposed reservoir and dam. The dam and reservoir will impact about 1,400 acres of National Forest System land. The purpose of the proposed project is

to impound water to serve as a water supply for the city of Russellville, Arkansas, and the surrounding tri-county area including Pope, Yell, and Logan Counties, Arkansas.

City Corporation has applied to the Department of the Army, Corps of Engineers, for a Clean Water Act section 404 permit. The scope of the environmental impact statement (EIS) will cover both the Forest Service and Corps of Engineers permit applications.

The Ozark-St. Francis National Forests Land and Resource Management Plan, completed in 1986, documented the eligibility of the North Fork of Illinois Bayou for National Wild and Scenic River status and recommended that a suitability study be conducted. The suitability study is currently being made and is scheduled for completion on September 30, 1989. A draft environmental impact statement on the suitability study was issued for public review and comment on January 13, 1989.

In deciding to issue or deny the proposed dam and reservoir permit, the Forest Service will use information from the EIS to determine if equal or better alternatives exist off the National Forest. Other alternatives may include other site locations, such as Huckleberry Creek, Hackers Creek, Shoal Creek, Lake Nimrod, Blue Mountain Lake, Piney Bay and Illinois Bayou Bay on Lake Dardanelle, increasing the size of existing sources, and combinations of these alternatives.

Lynn C. Neff, Forest Supervisor, Ozark-St. Francis National Forests, Russellville, Arkansas, is the responsible official for the Forest Service special use permit.

Colonel Anthony V. Nida, District Engineer, Little Rock District, Corps of Engineers is the responsible official for the Department of the Army 404 permit.

Public participation will be important at several points during the analysis. The first point is the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals and organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft environmental impact statement. The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.

5. Identifying potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, cumulative effects).

6. Determining other potential cooperating agencies and task assignments.

The Fish and Wildlife Service, Department of the Interior, the Arkansas Department of Pollution Control and Ecology, the Arkansas Soil and Water Conservation Commission, the Arkansas Game and Fish Commission, and the Arkansas Department of Health will be invited to participate as cooperating agencies in the analysis.

The Forest Supervisor and District Engineer will hold scoping meetings in both Russellville and Little Rock, Arkansas. A public meeting will be held in Russellville, Arkansas, at Hughes Community Center, "D" and Knoxville Streets on July 18, 1989, at 7:00 p.m. A meeting for agencies and the public will be held in Little Rock, Arkansas, Room 7208, Federal Building, 700 West Capitol Street on July 19, 1989, at 10:00 a.m.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by December 1, 1990. At that time the EPA will publish a notice of availability of the draft EIS in the *Federal Register*. The comment period for this draft EIS will be 60 days from the date the EPA's Notice of Availability appears in the *Federal Register*. It is very important that those interested in this proposal participate at this time. To be most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation on the environmental review of the proposal so that it is meaningful and alerts the agency to the reviewers' positions and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 533, 1978, and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS, *Wisconsin Heritage, Inc. v. Harris*, 490 F. Supp. 1334, 1338, (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the comment period ends on the draft EIS, the comments will be analyzed and considered in preparing the final EIS, scheduled to be completed by April 1, 1991. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4).

The responsible officials will consider the comments, responses, and environmental consequences discussed in the EIS and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible officials will document the decision and reasons for the decision in the Record of Decision.

The Forest Supervisor's decision will be subject to appeal under 36 CFR Part 217.

Lynn C. Neff,
Forest Supervisor.

Date: May 31, 1989.

[FR Doc. 89-13592 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Linganore Creek Watershed, MD

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Linganore Creek Watershed, Frederick and Carroll Counties, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Pearl S. Reed, State Conservationist, Soil Conservation Service, John Hanson Business Center, 339 Revell Highway, Suite 302, Annapolis, MD 21401, telephone (301) 757-0919.

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

The project concerns watershed protection to protect long-term soil productivity. The planned measures

include stripcropping, diversions, grass waterways, structures for water control, waste management systems, and cropland conversion.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Mr. Pearl S. Reed.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the *Federal Register*. (This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Pearl S. Reed,
State Conservationist.
May 30, 1989.

[FR Doc. 89-13593 Filed 6-7-89; 8:45 am]

BILLING CODE 3410-16-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: Bureau of Export Administration

Title: Written Assurance for Exports of Technical Data Under General License GTDR

Form Number: Export Administration Regulations, Section 779.4 (e), (f), OMB-0694-0023

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 550 respondents; 284 reporting/recordkeeping hours. Approximate time per response is 30 minutes

Needs and Uses: This procedure requires that certain written assurances be provided by foreign importers of specific U.S. origin technical data to assure that the data is not exported or reexported to proscribed destinations. The requirement of these letters provides a

measure of security and compliance with established export control policy. *Affected Public:* Businesses or other for-profit institutions; small businesses or organizations

Frequency: On occasion and recordkeeping

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Donald Arbuckle, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance 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 Donald Arbuckle, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Date: June 2, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-13579 Filed 6-7-89; 8:45 am]

BILLING CODE 3510-CW-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Michael Galgano From an Objection by the New York Department of State

AGENCY: National Oceanic and Atmospheric Administration; Commerce.

ACTION: Notice of appeal and request for comments.

On July 8, 1988, Michael Galgano (Appellant), filed with the Secretary of Commerce a notice of appeal under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's (Department) implementing regulations, 15 CFR Part 930, Subpart H. The appeal is taken from an objection by the New York Department of State to the Appellant's consistency certification for U.S. Army Corps of Engineers' (Corps) permit application No. 87-754 for the proposed construction of a timber bulkhead with backfill in Meyers Pond, Town of Southampton, Suffolk County, New York. The State's objection precludes the Corps from issuing to the Appellant a permit to perform construction of a timber bulkhead with backfill pending the outcome of the Appellant's appeal. The Appellant has now perfected his appeal by filing the

supporting data and information required by the Department's implementing regulations.

The CZMA provides that a timely objection by a state to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary of Commerce finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(B). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the Commission's consistency objections based on Ground I. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that (1) the proposed activity furthers one or more of the national objectives or purposes contained in sections 302 or 303 of the CZMA; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest; (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act; and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with New York's coastal management program. See 15 CFR 930.121.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within thirty days of the publication of this notice and should be sent to Margo E. Jackson, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235. Copies of comments should also be sent to George Stafford, Director, Division of Coastal Resources and Waterfront Revitalization, Department of State, Albany, New York 12231-0001; and Michael Galgano, 7 Horse Hill Road, Brookville, Long Island, New York 11545. All nonconfidential documents submitted or received in this appeal are available for public inspection during business hours at the offices of the Division of Coastal Resources and Waterfront Revitalization, Department of State, and the Office of the Assistant General Counsel for Ocean Services, NOAA.

FOR ADDITIONAL INFORMATION CONTACT: Margo E. Jackson, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Suite 603, Washington, DC 20235, (202) 673-5200.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Management Program Assistance)

Date: June 1, 1989.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

[FR Doc. 89-13637 Filed 6-7-89; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Decision and Findings in the Consistency Appeal of Texaco, Inc.

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of decision and findings.

On May 19, 1989, the Under Secretary for Oceans and Atmosphere of the Department of Commerce issued the Decision and Findings in the Consistency Appeal of Texaco, Inc. from an Objection by the California Coastal Commission (Commission). The Commission had objected to Texaco's consistency certification for its proposed Plan of Exploration to drill up to eight exploratory oil and gas wells in an area located at the western end of the Santa Barbara Channel, approximately three miles west-southwest of Point Conception.

Texaco appealed to the Secretary of Commerce pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA). The Under Secretary found that Texaco's proposed project was consistent with the objectives of the CZMA. As a result of this finding, Texaco's proposed project may be permitted by Federal agencies.

FOR ADDITIONAL INFORMATION CONTACT: Katherine A. Pease, Assistant General Counsel for Ocean Services, Office of General Counsel, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235, (202) 673-5200.

(Federal Domestic Assistant Catalog No. 11.419 Coastal Zone Management Program Assistance)

Date: June 1, 1989.

William E. Evans,

Under Secretary for Oceans and Atmosphere.

[FR Doc. 89-13638 Filed 6-7-89; 8:45 am]

BILLING CODE 3510-08-M

Issuance of Marine Mammal Permit Modifications to Sea Life Park (P10D/E); Modification to Permits No. 629 and 660

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. 629 and 660 issued to Sea Life Park, Inc., (53 FR 10140 as modified March 27, 1989 (54 FR 12470)) and (54 FR 6564) respectively, are modified in the following manner:

Permit No. 629

Correction: The preamble to Modification No. 1 should read: " * * * public display Permit No. 629 * * * "

Section A.1 is deleted and replaced by:

1. Four (4) Pacific false killer whales (*Pseudorca crassidens*) of either sex may be taken or imported for public display. The minimum capture lengths for females and males shall not be less than 300 centimeters (9ft. 10in.) and 327 centimeters (10ft. 9in.) respectively.

Permit No. 660

Section B.5 is added:

- B.5. The authority to capture or otherwise acquire the marine mammals authorized in Section A.1 shall extend from the date of issuance through December 31, 1990. The terms and conditions of this 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.

Documents pertaining to the Permits and Modifications are available for review in the following offices: Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Room 7324, Silver Spring, Maryland 20910; and Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Date: June 1, 1989.

Nancy Foster,

Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 89-13538 Filed 6-7-89; 8:45 am]

BILLING CODE 3510-22-M

Application for Marine Mammals Permit; NMFS, Southwest Fisheries Center (P77#34)

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:** NMFS, Southwest Fisheries Center, P.O. Box 271, La Jolla, California 92038

2. **Type of Permit:** Scientific Research

3. **Name and Number of Animals:** Harbor porpoise (*Phocoena phocoena*) 30

4. **Type of Take:** Each of the animals will be captured, measured, and a skin biopsy will be taken. Fifteen (15) of the animals will also be radio-tagged.

5. **Location of Activity:** California coast, initially Monterey Bay

6. **Period of Activity:** 3 years

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 the 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, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East West Highway, 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 hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above application are 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, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731.

Date: June 1, 1989.

Nancy Foster,

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

[FR Doc. 89-13539 Filed 6-7-89; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Science Board; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of the Meeting: 27-28 June 1989

Time: 0800-1700 hours each day

Place: Fort Hood, Texas

Agenda: The Army Science Board 1989 Summer Study on Maintaining State-of-the-Art in the Army Command and Control System will meet for discussions focused on impacts on readiness and warfighting capabilities associated with introduction and conversion to new systems. A demonstration of operations in a tactical operations center utilizing emerging command and control automation will be provided. These meetings will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202)-695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-13582 Filed 6-7-89; 8:45 am]

BILLING CODE 3710-8-M

Office of the Secretary

Determination

By the authority vested in the Assistant Secretary of Defense (Production and Logistics) by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*), as delegated by Executive Order 12626 of February 25, 1988, and subsequently redelegated by the Secretary of Defense and the Under Secretary of Defense (Acquisition), the Assistant Secretary of Defense (Production and Logistics), Jack Katzen, has determined that, pursuant to Section 3 of the Act (50 U.S.C. 98b), the following are strategic and critical materials to be included in the National Defense Stockpile with the indicated interim requirements:

Material	Requirement
Indium.....	1,350,000 Troy Ounces.
Rayon (Aerospace Grade Fiber).	3,000,000 Pounds.
Platinum Group Metal, Rhodium.	30,000 Troy Ounces.
Platinum Group Metal, Ruthenium.	65,000 Troy Ounces.

This determination is effective June 1, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

June 1, 1989.

[FR Doc. 89-13554 Filed 6-7-89; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1984-021 *et al.*]

Hydroelectric Applications; Wisconsin Power Co. *et al.*; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* Request for Authorization for a Change in Land Rights.

b. *Project No:* 1984-021.

c. *Date Filed:* January 25, 1989.

d. *Applicant:* Wisconsin Power Company.

e. *Name of Project:* Petenwell—Castle Rock.

f. *Location:* Wisconsin River in Adams and Juneau Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* M. O. Andrae, P.O. Box 50, Wisconsin Rapids, WI 54494, (715) 376-9042.

i. *FERC Contact:* Brian J. Romanek, (202) 376-9042.

j. *Comment Date:* July 7, 1989.

k. *Description of Project:* The Wisconsin Power Company (WPC), licensee for the Petenwell—Castel Rock Project, requests authorization to convey easements over or sell certain project land. The proposed conveyance consists of eight easements over 100' buffer strip (abutting the project water) and three fee simple sales of project land. All parcels would be used for recreational use of and or access to the water. Portions of the easement land would be designated for private use by residents of housing developments to be built adjacent to the buffer strip (upland of project land), while other portions of the easement land would be designated for public use. The portions designated for public use would be designated for trail walking, bank fishing, and in some cases swimming at enhanced beach areas.

Regarding the three parcels to be sold (fee simple), the public would not be permitted to use these parcels.

In total, about 6.5 miles of shoreline would be involved in the conveyance proposal, of which 2.2 miles would be sold to a private entity. The conveyances of project land and associated development of non-project land are proposed to occur in stages between the year 1989 and 1994.

1. *This notice also consists of the following standard paragraphs:* B, C, and D2.

2a. *Type of Application:* Transfer of License.

b. *Project No.:* 4885-023.

c. *Date Filed:* May 5, 1989.

d. *Applicant:* South Fork Resources, Inc. (Transferor) and Twin Falls Hydro Associates (Transferee).

e. *Name of Project:* Twin Falls.

f. *Location:* On the South Fork Snoqualmie River in King County, Washington, partially occupying lands of the United States administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* For Transferor: Samuel P. Evans, President, South Fork Resources, Inc., 5808 Lake Washington Boulevard, Suite 400, Kirkland, WA 98033, Telephone: (206) 822-0252.

Joel Bodansky, Esq., Hillis, Clark, Martin & Peterson, 500 Galland Building, 1221 Second Avenue, Seattle, WA 98101-2925, Telephone: (206) 623-1745.

For Transferee: Olof S. Nelson, President, Twin Falls Hydro Associates, c/o Consolidated Hydro, Inc., Two Greenwich Plaza, Greenwich, CT 06830, Telephone: (203) 661-4203.

Charles J. Micoletau, Esq., Curtis, Thaxter, Stevens, Broder & Micoletau, One Canal Plaza, Portland, ME 04112, Telephone: (207) 775-2361.

i. *Commission Contact:* Mr. James Hunter, (202) 376-1943.

j. *Comment Date:* July 6, 1989.

k. *Description of Proposed Action:* On May 6, 1985, a major license was issued to the Transferor for the construction, operation, and maintenance of the Twin Falls project. It is proposed to transfer the license to the Transferee. The purpose of this transfer is to provide a vehicle for the investment of equity and management expertise in the project by the Transferee.

The Transferor certifies that it has fully complied with the terms and conditions of the license. The Transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it were the original licensee.

1. *This notice also consists of the following standard paragraphs:* B and C.

3a. *Type of Application:* License (less than 5 MW).

b. Project No.: 10661-000.

c. Date Filed: September 14, 1988.

d. Applicant: Michigan Power Company.

e. Name of Project: Constantine Hydroelectric Project.

f. Location: On the St. Joseph River near Constantine, St. Joseph County, Michigan.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. R. W. Harmon, Senior Attorney, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, OH 43215, (614) 223-1638.

i. FERC Contact: Michael Dees (202) 376-9414.

j. Comment Date: July 3, 1989.

k. Description of Project: The Constantine Hydro Project would consist of the following features: (1) An uncontrolled concrete gravity overflow spillway with a height of approximately 12 feet, surmounted by 12-inch-high flash-boards, and with a total length of 241.25 feet including a 4-foot-wide fish chute at the left abutment; (2) a headgate structure 68 feet long containing seven gates approximately 8 feet wide by 20 feet high; (3) a 70-foot-long earthen embankment between the headgate structure and overflow spillway; (4) a 1,270-foot-long headrace channel with a bottom width of approximately 60 feet; (5) an earth-fill reservoir impoundment dike about 16 feet high by 650 feet long about 1,700 feet upstream from the left abutment of the dam; (6) a reservoir with a normal pool elevation of 782.94 feet and a surface area of approximately 525 acres; (7) a brick powerhouse with dimensions of 140 feet by 30 feet containing four 300-kW generating units connecting to four vertical-shaft, Francis turbines; (8) a switchyard adjacent to the powerhouse containing three 1.0-MVA, 2.4/12.4-kV stepup transformers; (9) a service drop; and (10) appurtenant facilities.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4a. Type of Application: Exemption (less than 5 MW).

b. Project No.: 10691-000.

c. Date Filed: November 9, 1988.

d. Applicant: Pea River Associates, Inc.

e. Name of Project: Elba.

f. Location: On the Pea River, tributary to the Choctawhatchee River, near the City of Elba, Coffee County, Alabama.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. 2705 and 2709.

h. Applicant Contact: Andrew E. Sims, P.O. Box 576, Pittsfield, ME 04967, (207) 487-3328.

i. FERC Contact: Charles T. Raabe, (202) 376-9778.

j. Comment Date: July 3, 1989.

k. Description of Project: The proposed project would consist of: (1) An existing 29-foot-high, 400-foot-long gravity-type concrete dam having a 110-foot-long ogee-type spillway surmounted by 5-foot-high stoplogs; (2) a 6-foot-high, 200-foot-long concrete auxiliary spillway at the dam's left (east) bank; (3) a reservoir having a 95-acre surface area and a 950 acre-feet storage capacity at normal water surface elevation 168 feet MSL; (4) an inlet structure at the dam's right (west) bank leading to; (5) a 35-foot-wide, 400-foot-long forebay; (6) an existing powerhouse containing three new generating units having a total installed capacity of 2,500-kW; (7) a new 100-foot-long, 46 kV transmission line; and (8) appurtenant facilities. The applicant estimates that the average annual generation would be 11,000,000 kWh. The site is owned by the City of Elba, Alabama.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

5a. Type of Application: Preliminary Permit.

b. Project No.: 10735-000.

c. Date Filed: February 16, 1989.

d. Applicant: Pioneer and Settlers Irrigation Districts.

e. Name of Project: Twin Springs Water Power Project.

f. Location: On the North Fork and Middle Ford of the Boise River partially within the Boise National Forest in T2N, 3N, 4N, and 5N, R3E, 4E, 5E, 6E, 7E, and 8E near Idaho City in Elmore County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Lawrence V. Gray, P. O. Box 426, Caldwell, ID 83606, (208) 459-3617.

i. FERC Contact: Ms. Julie Bernt, (202) 376-1936.

j. Comment Date: July 7, 1989.

k. Competing Application: Project No. 10669-000, Date Filed: October 3, 1988. Due Date: January 16, 1989.

l. Description: The proposed project would consist of: (1) A 470-foot-high rockfill dam at elevation 3,860 MSL; (2) a reservoir which at maximum pool elevation of 3,850 feet would have a gross storage of 600,000 acre-feet and a surface area of 4,300 acres and at minimum pool elevation of 3,650 feet would have a gross storage of 110,000 acre-feet and a surface area of 1,100 acres; (3) a concrete-ogee-shaped 1,200-foot-long spillway; (4) a powerhouse

containing 4 generating units each with a rated capacity of 40,000 kW; and (5) a 24-mile-long transmission line.

Applicant estimates the average annual energy production to be 400,000 MWh and the cost of the proposed studies to be \$3,750,000.

m. Purpose of Project: The power produced would be sold to a local power company.

n. This notice also consists of the following standard paragraphs: A8, A10, B, C and D2.

6a. Type of Application: Preliminary Permit.

b. Project No.: 10747-000.

c. Date Filed: March 13, 1989.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Rathbun Hydro Project.

f. Location: On the Chariton River in Apponose County, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Justin Rundle, IHDC, 708 Iowa Avenue, Iowa City, IA 52240, (319) 337-9875.

i. FERC Contact: Ed Lee (202) 376-5786.

j. Comment Date: July 10, 1989.

k. Description of Project: The proposed project would utilize the existing US Army Corps of Engineers Rathbun Dam and Reservoir and would consist of: (1) A proposed diversion penstock leading to a new powerhouse that will house a single 1.9-MW generating unit; (2) a new tailrace; (3) a short new 13.8-kv or equivalent transmission line; and (4) appurtenant facilities. The applicant estimates the average annual generation to be 5.15 MWh. The cost of the work and studies to be performed under the permit would be \$15,000.

l. Purpose of Project: The applicant intends to sell the project generation to a local utility or power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

7. a. Type of Application: Preliminary Permit.

b. Project No.: 10766-000.

c. Date Filed: March 27, 1989.

d. Applicant: JDJ Energy Company.

e. Name of Project: Nimrod Dam.

f. Location: On the Fourche La Fave River in Perry County, Arkansas.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Doyle W. Jones, P.E., Route 5, Box 483, Malvern, AR 72104, (501) 844-4435.

i. FERC Contact: Charles T. Raabe (202) 376-9778.

j. Comment Date: July 3, 1989.

k. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Nimrod Dam and would consist of: (1) A proposed intake structure; (2) a proposed 15-foot-diameter penstock about 25 feet long, bifurcating into a 9-foot-diameter and a 4.5-foot-diameter penstock each 55 feet long; (3) a proposed powerhouse, located at the right dam abutment about 80 feet downstream of the dam toe, containing two generating units with a total installed capacity of 2,500 kW; (4) a proposed tailrace about 100 feet long; (5) a proposed 4.16/13.8-kV switchyard; (6) a proposed 700-foot-long 13.8-kV transmission line to connect with an existing transmission system; and (7) appurtenant facilities.

Applicant estimates that the project average annual energy production would be 8,300,000 kWh and that the cost of the studies under the terms of the permit would be \$30,000. Project power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8a. Type of Application: Preliminary Permit.

b. Project No.: 10767-000.

c. Date Filed: March 27, 1989.

d. Applicant: Hydro—Idaho.

e. Name of Project: Yellowstone Hydro.

f. Location: In Targhee National Forest, on Falls River in Fremont county, Idaho.

g. Filed Pursuant to: Federal Power Act 16 USC 791(a)-825(r).

h. Applicant Contact: Mr. Robert R. Lee, 1330 Barney Dairy Road; Rexburg, ID 83440.

i. FERC Contact: Michael Spencer at (202) 376-1669.

j. Comment Date: July 7, 1989.

k. Description of Project: The proposed project would consist of: (1) The existing Yellowstone Diversion Dam; (2) a new river inlet constructed as part of the existing dam; (3) the existing 4-mile-long Yellowstone Canal, that would be reconstructed; (4) a new 500-foot-long, 96-inch-diameter penstock; (5) a powerhouse containing two generating units with a combined capacity of 4.5 MW and an estimated average annual generation of 28.0 GWh; and (6) a 6-mile-long transmission line.

No new access road will be needed to conduct the studies. The applicant estimates that the cost of the studies to be conducted under the preliminary permit would be \$40,000.

l. Purpose of Project: Project power would be sold to Utah Power and Light.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

9a. Type of Application: Preliminary Permit.

b. Project No.: 10770-000.

c. Date Filed: April 3, 1989.

d. Applicant: Trenton Falls Hydroelectric Company.

e. Name of Project: Morgan Dam Project.

f. Location: On the West Canada Creek in Oneida and Herkimer Counties, New York.

g. Filed Pursuant to: Federal Power Act 16 USC 791(a)-825(r).

h. Applicant Contact: Mr. Fred T. Samel, Trenton Falls Hydroelectric Company, P.O. Box 169, Prospect, NY, 13435, (315) 896-6351.

i. FERC Contact: Robert W. Bell (202) 376-9237.

j. Comment Date: July 6, 1989.

k. Description of Project: The proposed project would consist of: (1) An existing 175-foot-long, 8-foot-high, concrete gravity dam; (2) an impoundment having a surface area of 1 acre with negligible storage and a normal water surface elevation of 752 feet m.s.l.; (3) a proposed integral powerhouse containing one generating unit having an installed capacity of 250 kW; (4) a proposed 100-foot-long, 24-foot-long, tailrace; (5) a proposed 300-foot-long, 46-KV transmission line; and (6) appurtenant facilities. The applicant estimates the average annual generation would be 1,824,000 kWh. The dam and project facilities are owned by the New York State Department of Transportation. The applicant estimates the cost of studies under permit would be \$49,500.

l. Purpose of Project: All project energy generated would be sold to the Niagara Mohawk Power Corporation.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10a. Type of Filing: Preliminary Permit.

b. Project No.: 10772-000.

c. Date Filed: April 4, 1989.

d. Applicant: Hydro-Power Electric of Nevada, Inc.

e. Name of Project: Boulder Rapids Project.

f. Location: On the Snake River near the town of Buhl, in Twin Falls and Gooding Counties, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Carl L. Myers, Myers Engineering Company, P.A., 750 Warm Springs Avenue, Boise, ID 83712, (208) 336-1425.

i. FERC Contact: Thomas Dean, (202) 376-9562.

j. Comment Date: July 6, 1989.

k. Description of Project: The proposed project would consist of: (1) A

concrete diversion facility with an inlet elevation of 2,965 feet msl; (2) a 1,100-foot-long canal measuring between 100 feet and 140 feet wide leading to; (3) 3,500-kw generating units with a combined capacity of 8,120-kW; (4) a tailrace outlet discharging to the Snake River; and (5) a 2,200-foot-long, 138-kV transmission line.

The applicant states that the average annual energy production is 33.9 GWh. The approximate cost of the studies under the permit would be \$300,000.

l. Purpose of Project: Applicant intends to sell the power generated from the proposed facility to the Idaho Power Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later

than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203-RB, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. Agency Comments—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313 (b) of the Federal Power Act, 16 U.S.C. 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that received this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the

time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are required, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, state and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If any agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: June 2, 1989 Washington, DC.

Lois D. Cashell,
Secretary.

[FR Doc. 89-13566 Filed 6-7-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. C163-1302 et al.]

**Mesa Operating Limited Partnership,
Agent for Mesa Midcontinent Limited
Partnership; Application**

June 5, 1989.

Take notice that on April 24, 1989, Mesa Operating Limited Partnership, as agent for Mesa Midcontinent Limited Partnership (Mesa) of P.O. Box 2009, Amarillo, Texas 79189, filed an

application pursuant to section 7 of the Natural Gas Act and Parts 154 and 157 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder for certificates of public convenience and necessity to continue sales of natural gas previously made by Tenneco Oil Company (Tenneco) under the certificates listed in the Appendix hereto. Mesa also requests that Tenneco's rate schedules listed in the Appendix hereto be redesignated as those of Mesa, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states effective June 30, 1988, Tenneco transferred all of its interests in all of the properties subject to Tenneco's FERC Gas Rate Schedules listed in the Appendix hereto to TOC-Mid-Continent Inc. and TOC-Mid-Continent Inc. transferred all of said interests to Mesa Midcontinent Limited Partnership effective the same date.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Mesa to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

APPENDIX

Tenneco Oil Company FERC Gas Rate Schedule No.	Certificate Docket No.	Purchaser
22.....	CI63-1302.....	Ringwood Gathering Company.
65.....	CI60-116.....	ANR Pipeline Company.
106.....	CI64-1062.....	Williams Natural Gas Company.
118.....	CI61-1615.....	Cimarron Transmission Company.
122.....	CI62-895.....	Lone Star Gas Company.
136.....	CI63-1182.....	Arkla Energy Resources, a division of Arkla, Inc.
139.....	CI64-946.....	ANR Pipeline Company.
169.....	CI65-110.....	Natural Gas Pipeline Company of America.
183.....	G-18176.....	ANR Pipeline Company.
184.....	G-18620.....	Natural Gas Pipeline Company of America.
187.....	CI61-717.....	ANR Pipeline Company.
209.....	CI67-381.....	Northern Natural Gas Company, Division of Enron Corp.
222.....	CI68-993.....	ANR Pipeline Company.
258.....	CI70-168.....	Northern Natural Gas Company, Division of Enron Corp.
290.....	CI74-625.....	ANR Pipeline Company.
325.....	CI77-357.....	ANR Pipeline Company.
340.....	CI78-883.....	Mississippi River Transmission Corporation.
349.....	CI79-186.....	Arkla Energy Resources, a division of Arkla, Inc.
350.....	CI79-205.....	ANR Pipeline Company.
357.....	G-18117.....	ANR Pipeline Company.
359.....	CI62-191.....	Natural Gas Pipeline Company of America.
361.....	CI63-401.....	ANR Pipeline Company.
362.....	CI63-489.....	ANR Pipeline Company.
367.....	CI79-436.....	Phillips 66 Natural Gas Company.
369.....	G-7230.....	Northern Natural Gas Company, Division of Enron Corp.
371.....	G-9947.....	Natural Gas Pipeline Company of America.
375.....	G-12788.....	K N Energy, Inc.
378.....	G-18916.....	ANR Pipeline Company.
383.....	CI64-423.....	Transwestern Pipeline Company.
384.....	CI64-446.....	Arkla Energy Resources, a division of Arkla, Inc.
386.....	CI64-644.....	Natural Gas Pipeline Company of America.
387.....	CI64-681.....	Northern Natural Gas Company, Division of Enron Corp.
388.....	CI64-686.....	Arkla Energy Resources, a division of Arkla, Inc.
389.....	CI64-1381.....	Arkla Energy Resources, a division of Arkla, Inc.
390.....	CI64-1422.....	Ringwood Gathering Company.
392.....	CI65-123.....	K N Energy, Inc.
393.....	CI65-441.....	Natural Gas Pipeline Company of America.
399.....	CI67-1098.....	ANR Pipeline Company.
404.....	CI67-717.....	Northern Natural Gas Company, Division of Enron Corp.
405.....	CI73-276.....	ANR Pipeline Company.
406.....	CI73-324.....	El Paso Natural Gas Company.
407.....	CI74-613.....	ANR Pipeline Company.
412.....	CI78-139.....	ANR Pipeline Company.
414.....	CI78-691.....	ANR Pipeline Company.
419.....	CI80-206.....	El Paso Natural Gas Company.
433.....	CI80-503.....	El Paso Natural Gas Company.
438.....	CI82-316.....	Northern Natural Gas Company, Division of Enron Corp.
463.....	CI84-213.....	ANR Pipeline Company.
505.....	CI84-256.....	Northern Natural Gas Company, Division of Enron Corp.
511.....	CI84-262.....	Northern Natural Gas Company, Division of Enron Corp.
543.....	CI79-364.....	K N Energy, Inc.
544.....	CI79-365.....	Lone Star Gas Company.
545.....	CI79-366.....	ANR Pipeline Company.
548.....	CI79-370.....	ANR Pipeline Company.

APPENDIX—Continued

Tenneco Oil Company FERC Gas Rate Schedule No.	Certificate Docket No.	Purchaser
549.....	CI79-371.....	ANR Pipeline Company.
553.....	CI79-377.....	Northern Natural Gas Company, Division of Enron Corp.
562.....	CI79-390.....	Northern Natural Gas Company, Division of Enron Corp.
563.....	CI79-392.....	Northern Natural Gas Company, Division of Enron Corp.
564.....	CI79-393.....	Northern Natural Gas Company, Division of Enron Corp.
565.....	CI79-394.....	Northern Natural Gas Company, Division of Enron Corp.
566.....	CI79-395.....	Northern Natural Gas Company, Division of Enron Corp.
570.....	CI79-401.....	Zenith Natural Gas Company.
573.....	CI83-5.....	Northern Natural Gas Company, Division of Enron Corp.
574.....	CI83-6.....	Northern Natural Gas Company, Division of Enron Corp.
575.....	CI83-336.....	Phillips 66 Natural Gas Company.
577.....	CI88-549.....	ANR Pipeline Company.

[FR Doc. 89-13567 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI89-417-000 et al.]

Pelto Oil Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Pelto Oil Company

[Docket No. CI89-417-000]

June 1, 1989.

Take notice that on May 12, 1989, Pelto Oil Company (Pelto) of Suite 1800, 500 Dallas Street, Houston, Texas 77002, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment to authorize sales of uncommitted gas subject to the Commission's NGA jurisdiction and gas which has been permanently abandoned or has been released from a gas sales contract and which has not been otherwise abandoned under Order Nos. 490 and 490-A, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: June 20, 1989, in accordance with Standard Paragraph J at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP89-1517-000]

June 1, 1989.

Take notice that on May 26, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham,

Alabama 35202-2563, filed in Docket No. CP89-1517-000 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 the Stone Container Corporation, Resources and Energy Division (Stone), a marketer of natural gas, under Southern's 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 which is on file with the Commission and open to public inspection.

Southern proposes to transport, on an interruptible basis, up to 5,000 MMBtu of natural gas per day for Stone. Southern states that construction of facilities would not be required to provide the proposed service.

Southern further states that the maximum day, average day, and annual transportation volumes would be approximately 5,000 MMBtu, 5,000 MMBtu and 1,825,000 MMBtu respectively.

Southern advises that service under Section 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3040.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Elf Aquitaine Operating, Inc. (Successor-in-interest to Huffco Petroleum Corporation)

[Docket Nos. CS84-65-001, CI85-479-001 and CI85-480-001]

June 1, 1989.

Take notice that on May 17, 1989, Elf Aquitaine Operating, Inc. (Applicant), c/o Newman & Holtzinger, P.C., 1615 L

Street, NW., Washington, DC 20036, filed an application pursuant to section 7 of the Natural Gas Act and the Commission's regulations thereunder requesting that the certificates previously issued to Huffco Petroleum Corporation (Huffco) be amended to reflect Elf Aquitaine Operating, Inc. as the certificate holder, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that Huffco was acquired by Elf Aquitaine, Inc. on August 18, 1988, and renamed Elf Aquitaine Operating, Inc. Applicant requests that the small producer certificate issued to Huffco in Docket No. CS85-65-000 be redesignated in the name of Elf Aquitaine Operating, Inc. and that the certificates issued to Huffco in Docket Nos. CI85-479-000 and CI85-480-000 be amended to reflect the change in name to Elf Aquitaine Operating, Inc. and to redesignate Huffco's FERC Gas Rate Schedule Nos. 1 and 2 as Elf Aquitaine Operating, Inc. rate schedules.

Comment date: June 20, 1989 in accordance with Standard Paragraph J at the end of the notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89-1519-000]

June 1, 1989.

Take notice that on May 26, 1989, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP89-1519-000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of Owens-Corning Fiberglas Corporation (Shipper), under Transco's blanket certificate issued in Docket No. CP88-328-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco proposes to transport, on an interruptible basis, up to 6,000 dt equivalent of natural gas on a peak day, 6,000 dt equivalent on an average day and 2,190,000 dt equivalent on an annual basis for Shipper. It is stated that Transco would receive the gas for Shipper's account at various existing points on Transco's system in Louisiana, Texas, Mississippi, and Georgia and

would deliver equivalent amounts at existing points in Louisiana and South Carolina. It is asserted that the transportation service would be effected using existing facilities and that no construction of facilities would be required. It is explained that the transportation service commenced April 1, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89-3252.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP89-1506-000]

June 1, 1989.

Take notice that on May 24, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-1506-000 a request pursuant to §§ 157.205 and 284.223(2)(b) of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Fina Oil and Chemical Company (Fina), a producer of natural gas, under United's 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 on file with the Commission and open for public inspection.

United states that it would transport, on an interruptible basis, up to a maximum of 11,845 equivalent of natural gas per day for Fina. United states that it would receive and redeliver the gas at existing interconnections between United and High Island Offshore blocks in offshore, Texas. United indicates that the total volume of gas to be transported for Fina on a peak day would be 11,845 MMBtu; on an average day would be 11,845 MMBtu; and on an annual basis would be 4,323,425. United indicates it would perform the proposed transportation service for Fina pursuant to a service agreement dated October 13, 1988, between United and Fina.

United states that it commenced the transportation of natural gas for Fina on May 4, 1989, at Docket No. ST89-3492-000 for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations. United indicates that it proposes no new facilities in order to provide this transportation service.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Natural Gas Pipeline Company of America

[Docket No. CP89-1451-000]

June 1, 1989.

Take notice that on May 19, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89-1451-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport, on a firm basis under its blanket certificate Docket No. CP86-582, a maximum of 102,000 MMBtu (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule FTS) for PSI, Inc. (PSI) a marketer, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural indicates that service commenced May 1, 1989, under § 284.223(a) of the Commission Regulations, as reported in Docket No. ST89-3578 and estimates the volumes transported to be 102,000 MMBtu per day on peak day and average day, and 37,230,000 MMBtu on an annual basis.

Natural also states that no new facilities are to be constructed.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Tennessee Gas Pipeline Company

[Docket No. CP89-1511-000]

June 1, 1989.

Take notice that on May 25, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89-1511-000 a request pursuant to Section 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 Chevron USA, Inc. (Chevron), a producer, under the blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated April 18, 1989, under its Rate Schedule IT, it proposes to transport up to 2,000 dekatherms (dt) per day equivalent of natural gas for Chevron. Tennessee states that it would transport the gas for Chevron for gas lift purposes from receipt points located offshore Louisiana to a platform at Eugene Island Block 215 C.

Tennessee advises that service under Section 284.223(a) commenced April 21,

1989, as reported in Docket No. ST89-3529 (filed May 15, 1989). Tennessee further advises that it would transport 2,000 dt on an average day and 730,000 dt annually.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Natural Gas Pipeline Company of America

[Docket No. CP89-1513-000]

June 1, 1989.

Take notice that on May 25, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89-1513-000 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 Exxon Corporation (Exxon), a producer, under the blanket certificate 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 that is on file with the Commission and open to public inspection.

Natural states that pursuant to a transportation agreement dated February 10, 1989, under its Rate Schedule ITS, it proposes to transport up to 75,000 MMBtu per day equivalent of natural gas for Exxon. Natural states that it would transport the gas (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS) from multiple receipt points in Texas, Oklahoma and New Mexico, as shown in Exhibit "A" of the transportation agreement, and would deliver the gas to multiple delivery points in Louisiana and Texas, as shown in Exhibit "B" of the agreement.

Natural advises that service under Section 284.223(a) commenced April 21, 1989, as reported in Docket No. ST89-3626-000. Natural further advises that it would transport 75,000 MMBtu on an average day and 27,375,000 MMBtu annually.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP89-1504-000]

June 2, 1989.

Take notice that on May 24, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-1504-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR

157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to provide a transportation service for LaSER Marketing Company (LaSER), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000 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.

United proposes to transport, on an interruptible basis, up 618,000 MMBtu of natural gas equivalent per day for LaSER pursuant to a transportation agreement dated December 12, 1988, as amended on March 2, 1989, between United and LaSER. United would receive natural gas at various receipt points in Louisiana and Mississippi and redeliver equivalent volumes of gas, less fuel and company used gas, at various delivery points in Louisiana and Mississippi.

United further states that the estimated average daily and annual quantities would be 618,000 MMBtu and 74,160,000 MMBtu respectively. Service under § 284.223(a) commenced April 21, 1989, as reported in Docket No. ST89-3487-000, it is stated.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Northwest Pipeline Corporation

[Docket No. CP89-1501-000]

June 2, 1989.

Take notice that on May 24, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89-1501-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Shell Oil Company (Shell), an end user of natural gas, under Northwest's blanket certificate issued in Docket No. CP86-578-000 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.

Northwest proposes to transport, on an interruptible basis, up to 18,000 MMBtu of natural gas equivalent per day for Shell pursuant to a gas transportation agreement dated March 14, 1988, as amended on January 31, 1989, and April 4, 1989, between Northwest and Shell. Northwest would receive the gas at any receipt point on its system and redeliver equivalent volumes, less fuel and lost and

unaccounted for volumes, at any delivery point on its system.

Northwest further states that the estimated average daily and annual quantities would be 100 MMBtu and 36,500 MMBtu, respectively. Service under Section 284.223(a) commenced on April 12, 1989, as reported in Docket No. ST89-3469-000, it is stated.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of the notice.

11. United Gas Pipe Line Company

[Docket No. CP89-1527-000]

June 2, 1989.

Take notice that on May 26, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-1527-000 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 Marathon Oil Company (Marathon), 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 October 7, 1988, under its Rate Schedule ITS, it proposes to transport up to 4,120 MMBtu per day equivalent of natural gas for Marathon. United states that it would transport the gas from a receipt point as shown in Exhibit "A" of the transportation agreement and would deliver the gas to a delivery point shown in Exhibit "B" of the agreement.

United advises that service under Section 284.223(a) commenced May 1, 1989, as reported in Docket No. ST89-3491 (filed May 11, 1989). United further advises that it would transport 4,120 MMBtu on an average day and 1,503,800 MMBtu annually.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

12. Trunkline Gas Company

[Docket No. CP89-1416-000]

June 2, 1989.

Take notice that on May 17, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77251-1642, filed in Docket No. CP89-1416-000 a request pursuant to §§ 157.205 and 284.223 of the Commission Regulations under the Natural Gas Act for authorization to transport natural gas for Manville Sales Corporation (Manville), a shipper and end user of natural gas, under Trunkline's blanket

certificate issued in Docket No. CP89-586-00 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 for public inspection.

Specifically, Trunkline requests authority to transport up to 3,000 Dt. per day on a firm basis on behalf of Manville pursuant to a Transportation Agreement dated April 1, 1989, between Trunkline and Manville (Transportation Agreement). The Transportation Agreement provides for Trunkline to receive gas from Houston Pipeline (Katy) in Waller County, Texas. Trunkline will then transport and redeliver subject gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipeline Company in Douglas County, Illinois.

The Applicant further states that the estimated daily and estimated annual quantities would be 3,000 Dt. and 1,095,000 Dt., respectively. Service under § 284.223(a) commenced on April 1, 1989, as reported in Docket No. ST89-3161.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

13. Natural Gas Pipeline Company of America

[Docket No. CP89-1498-000]

June 2, 1989.

Take notice that on May 24, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP89-1498-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Yuma Gas Corporation (Yuma), under Natural's blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural requests authorization to transport, on an interruptible basis, up to a maximum of 100,000 MMBtu of natural gas per day (plus any additional volumes accepted pursuant to the overrun provision's of Natural's Rate Schedule ITS) for Yuma from receipt points located in Colorado, New Mexico, Oklahoma, and Texas to delivery points located in Texas, Oklahoma, New Mexico, and Nebraska. Natural anticipates transporting, on an average day 20,000 MMBtu and an annual volume of 7,300,000 MMBtu.

Natural states that the transportation of natural gas for Yuma commenced April 1, 1989, as reported in Docket No. ST89-3615-000, for a 120-day period

pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Natural in Docket No. CP86-582-000.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. Southern Natural Gas Company

[Docket No. CP89-1516-000]

June 5, 1989.

Take notice that on May 26, 1989, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 3502-2563 filed in Docket No. CP89-1517-000 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 Stone Container Corporation, Resources and Energy Division (Stone), a natural gas marketer, under its blanket authorization issued in Docket No. CP88-316-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern would perform the proposed interruptible transportation service for Stone, pursuant to an interruptible transportation service agreement dated March 17, 1989. The transportation agreement is effective for a primary term of one month and month-to-month thereafter subject to termination by either party giving five days written notice. Southern proposes to transport 20,000 MMBtu of natural gas on a peak and average day; and on an annual basis 7,300,000 MMBtu of natural gas for Stone. Southern proposes to receive the subject gas at various receipt points located in Alabama, Louisiana, offshore Louisiana, Mississippi, Texas and offshore Texas for redelivery to various points in Georgia and South Carolina. Southern 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. Southern commenced such self-implementing service on April 1, 1989, as reported in Docket No. ST89-3037-000.

Comment date: July 17, 1989, in accordance with Standard Paragraph G at the end of this notice.

15. Sea Robin Pipeline Company

[Docket No. CP89-1508-000]

June 5, 1989.

Take notice that on May 24, 1989, Sea Robin Pipeline Company (Sea Robin), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-1508-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide interruptible transportation service on behalf of Ecee, Inc. (Ecee), a producer of natural gas, under its blanket certificate issued in Docket No. CP88-824-000, 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.

Sea Robin states that it proposed to transport natural gas for Ecee from various points of receipt in offshore Louisiana to various point of delivery in Louisiana.

Sea Robin further states that the maximum daily, average daily and annual quantities that it would transport for Ecee would be 3,000 MMBtu equivalent of natural gas, 3,000 MMBtu equivalent of natural gas and 1,095,000 MMBtu equivalent of natural gas, respectively.

Sea Robin indicates that in a filing made with the Commission in Docket No. ST89-3222 filed on April 27, 1989, it reported that transportation service for Ecee had begun under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: July 20, 1989, in accordance with standard Paragraph G at the end of this notice.

16. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89-1518-000]

June 5, 1989.

Take notice that on May 26, 1989, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP89-1518-000 a request for authorization to transport gas for Transco Energy Marketing Company (Shipper) under the prior notice procedure prescribed in §§ 157.205 and 284.223 of the Commission's Regulations and Transco's blanket certificate issued in CP88-328-000, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Transco states that the total volumes of gas to be transported for Shipper on a peak day will be 8,000 dt; on an average day will be 8,000 dt; and on an annual basis will be 2,920,000 dt.

Transco states it will receive the gas at various existing receipt points in onshore and offshore Louisiana, onshore and offshore Texas, Alabama, Georgia, Pennsylvania and New Jersey. Transco will deliver the gas at various existing delivery points in South Carolina and onshore Louisiana.

Transco states that it will construct no new facilities in order to provide this transportation service. Transco will utilize existing facilities as reflected in Exhibit A of the transportation agreement.

Transco states that there is no agency relationship under which a local distribution company or an affiliate of Shipper will receive gas on behalf of Shipper.

Transco states that service for Shipper commenced April 1, 1989, in Docket No. ST89-3609, pursuant to the 120-day automatic authorization provided in the Commission's Regulations.

Transco knows of no other applications that are related to this transaction.

Transco has verified that transportation hereunder will be pursuant to Subpart F, Part 157 and Subpart G, Part 284 of the Commission's Regulations.

Comment date: July 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

17. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP89-1510-000]

June 5, 1989.

Take notice that on May 25, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-1510-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate one delivery point to Midwest Gas, A Division of Iowa Public Service Company (Midwest), in order for Midwest to serve the community of Elk Point, South Dakota, under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to construct and operate one small-volume delivery point to accommodate natural gas deliveries under Northern's Rate Schedules CD-1, ACDS-1 and AOS-1 to Midwest for ultimate delivery to the community of Elk Point, in Union County, South Dakota. Northern states that the volumes to be delivered to Midwest at

the proposed delivery point would be 580 Mcf on a peak day and 13,510 Mcf annually. Northern maintains that the total volume to be delivered to Midwest at the proposed and existing delivery points would be within its currently authorized firm entitlement, as authorized by Commission orders issued November 9, 1987 at Docket Nos. RP85-206-11 through RP85-206-27 and on December 22, 1988, in Docket No. CP88-774-000. Northern states that delivery of such volume will therefore have no impact on Northern's peak day and annual deliveries. Northern further states that the required volume would be served from the existing firm entitlement currently designated by Midwest for delivery to Elk Point, South Dakota.

Comment date: July 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

18. Williams Natural Gas Company

[Docket No. CP89-1502-000]

June 5, 1989.

Take notice that on May 24, 1989, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89-1502-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by reclamation approximately 22 miles of 8-inch lateral pipeline and appurtenant facilities located in Allen and Bourbon Counties, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the 8-inch pipeline was installed in 1929 and certificated in Docket No. G-298, 4 FPC 471 (1943). It is alleged that Williams seeks authority to abandon by reclaim approximately 22 miles of this 8-inch lateral pipeline and appurtenant facilities beginning in Section 27, Township 26 South, Range 20 East, Allen County, Kansas and ending in Section 30, Township 26 South, Range 24 East, Bourbon County, Kansas. It is asserted that road crossings would be abandoned in place.

Williams states that a new pipeline would be constructed under the automatic provisions of Section 157.028 of the Commission's Regulations to replace the pipeline sought to be abandoned thus there would be no abandonment of service. Williams contends that the new pipeline would be in operation prior to the proposed abandonment of the existing 8-inch pipeline, therefore there would be no abandonment of service. It is alleged that the cost of the proposed abandonment is approximately \$258,000

with an estimated salvage value of \$77,000.

Comment date: June 26, 1989, in accordance with Standard Paragraph F at the end of this notice.

19. Transcontinental Gas Pipe Line Corporation

[Docket No. CP89-1503-000]

June 5, 1989.

Take notice that on May 24, 1989, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP89-1503-000 a request for authorization pursuant to §§ 158.205 and 284.223 of the Commission's Regulations under the Natural Gas Act and Transco's blanket certificate issued in Docket No. CP88-328-000 for authorization to provide gas for TBC Cogen Partners, Inc. (Shipper), all as more fully set forth in the request which is on file with the Commission and available for public inspection.

Transco states that the total volume of gas to be transported for Shipper on a peak day would be 22,700 dt; on an average day would be 12,000 dt; and on an annual basis would be 4,380,000 dt.

Transco states it would receive the gas at various existing receipt points in Onshore and Offshore Louisiana and Texas and deliver the gas at various existing delivery points in New York.

Transco also states that it would construct no new facilities in order to provide this transportation service. It is stated that Long Island Lighting Company (LILCO) would be required to construct an 8-inch pipeline and appurtenances in Bethpage, New York at an approximate cost of \$2,200,000.

Transco states that there is no agency relationship under which a local distribution company or an affiliate of Shipper will receive gas on behalf of Shipper.

Transco states that service for Shipper commenced April 1, 1989, pursuant to the 120-day automatic authorization in Docket No. ST89-3118.

Comment date: July 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

20. K N Energy, Inc.

[Docket No. CP89-1475-000]

June 5, 1989.

Take notice that on May 22, 1989, K N Energy, Inc. (K N), Post Office Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP89-1475-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing K N to make a sale for resale of natural gas to the Kansas Power and

Light Co. (KPL) and to construct and operate interconnecting facilities needed to deliver the gas to KPL, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

K N proposes to sell up to 15,000 Mcf of natural gas per day to KPL for resale to KPL's customers, including residential and small commercial customers. It is stated that in order to make the deliveries, K N requests authorization to construct and operate approximately 7.1 miles of 16-inch pipeline in Grant County, Kansas, to connect K N's facilities with those of KPL and to construct and operate measurement and appurtenant facilities at the interconnection. K N estimates the cost of the facilities at \$1.887 million. It is asserted that K N has sufficient gas reserves and deliverability to make the sale without any adverse impact on K N's other customers. It is explained that K N would sell the gas at the applicable rates under K N's Rate Schedules CD-1 and IOR-1 of K N's FERC Gas Tariff, Third Revised Volume No. 1.

Comment date: June 26, 1989 in accordance with Standard Paragraph F at the end of the Notice.

21. Northwest Pipeline Corporation

[Docket No. CP89-1529-000]

June 5, 1989.

Take notice that on May 26, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89-1529-000 a request pursuant to § 157.205 (18 CFR 157.205) of the Commission's Regulations for authorization to transport natural gas on behalf of Georgia-Pacific Corporation (Georgia-Pacific), an end-user of natural gas, under Northwest's blanket certificate issued in Docket No. CP89-578-000, 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.

Northwest proposes to transport on an interruptible basis up to 25,000 MMBtu equivalent of natural gas in a peak day for Georgia-Pacific, approximately 1,000 MMBtu equivalent on an average day and 365,000 MMBtu equivalent on an annual basis. It is stated that Northwest would receive the gas for Georgia-Pacific's account at various existing points on Northwest's system, as designated in the transportation agreement, and that Northwest would deliver equivalent volumes at various existing points on Northwest's system. It is explained that the service commenced

April 17, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89-3568.

Comment date: July 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy and Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a

protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings 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 Rule of Practice and Procedure (18 CFR 385.211, 385.214). 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 89-13568 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-820-002]

Arkla Energy Resources, a Division of Arkla, Inc.; Proposed Change in FERC Gas Tariff

June 2, 1989.

Take notice that on May 24, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc. tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1-A:

Third Revised Sheet No. 11
Third Revised Sheet No. 22
Fourth Revised Sheet No. 82
Fourth Revised Sheet No. 83
Fourth Revised Sheet No. 85

AER states that these sheets are filed in compliance with Ordering Paragraph D of the Commission's order Issuing Certificate issued on December 22, 1988. Such order granted AER a blanket transportation certificate under part 284, Subpart G of the Commission's Regulations. AER proposes an effective date of June 1, 1989.

Any person desiring to be heard or to protest the subject 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 18 CFR §§ 385.214 and 385.211. All such motions or protests must be filed

by June 9, 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. 89-13624 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-646-000 and CP89-654-000]

Champlain Pipeline Co., Proposed Pipeline Route Modifications

June 5, 1989.

On February 16, 1989 the Federal Energy Regulatory Commission (FERC) issued a Notice of Intent to Prepare a Draft Environmental Impact Statement for the Proposed Champlain Pipeline Project and Request for Comments on its Scope (54 FR 7860). On May 15 and 19, 1989, the applicant, Champlain Pipeline Company, filed supplemental information before the FERC in the above-referenced dockets, proposing 20 modifications to the alignment of its originally proposed pipeline route. These modifications were based upon the applicant's more detailed review of its original proposed routing and in response to concerns raised through the FERC's formal scoping process and at various public meetings held by state and local authorities.

The route modifications total approximately 62 miles or 18.5 percent of about 355 miles of proposed pipeline, and vary in length from about 0.1 mile to approximately 12 miles. The modified route still follows the same general trend as the original proposed route, and involves lateral shifts in the alignment varying from less than 100 feet to about 2.5 miles. The FERC considers these modifications to be the applicant's currently proposed route, which will be studied and presented as such in the staff's draft environmental impact statement (EIS).

The proposed modified route will affect the following towns:

Highgate, VT	Salisbury, VT	Milford, MA
Swanton, VT	Brandon, VT	Shirley, MA
St. Albans, VT	Rutland, VT	Ayer, MA
Fairfield, VT	Shrewsbury, VT	Groton, MA
Fairfax, VT	Cavendish, VT	Pepperell, MA
Westford, VT	Springfield, VT	Dunstable, MA
Williston, VT	Charlestown, NH	Shelburn, MA
Monkton, VT		Deerfield, MA
Rockingham, VT	Langdon, NH	
Middlebury, VT	Lancaster, MA	

Detailed maps of the pipeline route have been provided to the Board of Selectmen and Planning Commission of each town listed above.

Further information about the route modification is available from Mr. Lonnie Lister, EIS Project Manager, Environmental Policy and Project Analysis Branch, Office of Pipeline and Producer Regulation, Room 7312, 825 North Capitol Street, NE., Washington, DC 20426, telephone (202) 357-9021 or FTS 357-9021.

Lois D. Cashell,

Secretary.

[FR Doc. 89-13632 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-180-000]

El Paso Natural Gas Co.; Tariff Filing

June 2, 1989.

Take notice that on May 26, 1989, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act ("NGA"), certain tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, Original Volume No. 1-A and Third Revised Volume No. 2.

El Paso states that the tendered tariff sheets, when accepted by the Commission and permitted to become effective, serve to establish the procedures under which El Paso proposes to discount its Order No. 500 Throughput Surcharge. Adjustment, or discounting, of such surcharge shall be applicable to transportation services subject to El Paso's mainline transportation rates and/or rate schedules, including certificated section 7(c) transportation arrangements and transportation performed pursuant to Part 284 of the Commission's Regulations.

El Paso states that effective December 1, 1988, El Paso placed certain tariff sheets into effect which implemented the "equitable sharing" procedures established by the Commission in Order No. 500. The Throughput Surcharge is assessed to all sales customers and shippers utilizing El Paso's interstate pipeline system. El Paso proposes to revise section 21, Take-or-Pay Buyout and Buydown Cost Recovery, of the General Terms and Conditions contained in its First Revised Volume No. 1 Tariff to permit the selective adjustment of the Throughput Surcharge applicable only to transportation service rendered on El Paso's interstate pipeline system.

El Paso states that as an open-access transporter, it makes this request in accordance with § 284.7(d)(5)(ii) of the Commission's Regulations which states that an individual customer may be charged any rate that is neither greater than the maximum rate nor less than the minimum rate on file for that service.¹ El Paso believes that selectively adjusting the Throughput Surcharge for transportation service is consistent with the Commission's Order Nos. 436 and 500.

El Paso states that as set forth in section 21 of El Paso's Volume No. 1 Tariff, the Throughput Surcharge is designed to recover a portion of the fixed costs which El Paso has paid to producers/suppliers in settlement of take-or-pay claims. In the event that El Paso adjusts the surcharge lower than the Maximum Rate, the shortfall becomes nonrecoupable and will not be made up from other customers or shippers utilizing El Paso's interstate pipeline system.

El Paso states that it is filing the Throughput Surcharge for transportation services with a Maximum Rate of \$.1291 per dth and a Minimum Rate of \$.0000 per dth.

El Paso requested pursuant to § 154.51 of the Commission's Regulations, that waiver of the notice requirements of § 154.22 of said Regulations be granted so as to permit the tendered tariff sheets to become effective June 1, 1989.

Copies of this filing were served upon all interstate pipeline system sales customers and shippers of El Paso and all interested state regulatory 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 9, 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 are available for

¹ By order issued April 28, 1989 at Docket No. RP89-130-999, *et al.*, Transwestern Pipeline Company was granted similar approval by the Commission to discount its throughput surcharge in accordance with applicable Commission regulations.

public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-13625 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA88-4-37-008 and RP89-1-011]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

June 2, 1989.

Take notice that on May 26, 1989, Northwest Pipeline Corporation ("Northwest") in compliance with Federal Energy Regulatory Commission ("Commission") order issued April 26, 1989, in the above-captioned dockets, submitted the following tariff sheets to be a part of its FERC Gas Tariff:

First Revised Volume No. 1

Second Substitute Second Amended Thirty-Ninth Revised Sheet No. 10 (Effective April 1, 1988)

Second Substitute Fourth Amended Thirty-Ninth Revised Sheet No. 10 (Effective June 1, 1988)

Second Substitute Seventh Amended Thirty-Ninth Revised Sheet No. 10 (Effective July 1, 1988)

Second Amended Substitute Fortieth Revised Sheet No. 10 (Effective July 3, 1988)

Second Revised Sheet No. 11 (Effective October 1, 1988)

Northwest states that these tariff sheets (Sheet Nos. 10) reflect the recalculation of the PGA surcharge for the period April 1 through September 30, 1988, and Second Revised Sheet No. 11 reflects the restatement of the Account No. 191 net direct-bill amount pursuant to the April 26, 1989, orders in the above referenced dockets.

Northwest states that it is also filing a Request for Rehearing and Reconsideration and a Request for Stay of the refund obligation in these dockets. Northwest respectfully requests that the Commission consider the instant filing concurrently with its consideration of the Request for Rehearing and Reconsideration and the Request for Stay.

A copy of this filing has been served on all parties and all jurisdictional sales customers and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 9, 1989. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Casheil,

Secretary.

[FR Doc. 89-13626 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-185-000]

**Panhandle Eastern Pipe Line Co.;
Proposed Changes in FERC Gas Tariff
an Request for Waiver of Tariff and
Regulations**

June 2, 1989.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on May 31, 1989, tendered for filing the certain revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1. Panhandle requests an effective date of July 1, 1989.

Panhandle states that the filed tariff sheets implement for a limited amount of time, from July 1, 1989 through March 31, 1991, a Seasonal Sales Program ("Program") that will be used to determine the commodity rate applicable to Panhandle's sales services in lieu of the Purchase Gas Adjustment (PGA) currently applicable to these services. Panhandle states that it is proposing the Seasonal Sales Program to:

- Provide its customers with long-term assurance of supplies at rates indexed to mid-continent spot market supplies;
- Enable its customers to simplify their gas purchasing;
- Enhance production of pipeline dedicated supplies in order to retain supply, achieve optimum purchasing levels and reduce inventory-related costs;
- Help define Panhandle's future role as a merchant; and
- Avoid burdening its sales rates with a substantial deferred account balance on March 1, 1990 (as would be required by the Commission's PGA rules), while giving Panhandle a fair opportunity to recover the deferred account.

Panhandle states that the Seasonal Sales Program to determine its commodity rates in lieu of the existing procedures. The Seasonal Sales Program is designed to give sales customers the option of purchasing gas from Panhandle at seasonal, spot market prices to the same extent they now can by purchasing gas on the spot market

with Panhandle providing open-access, interruptible transportation. To this end, Panhandle proposes to suspend its PGA mechanism and to determine its commodity rates in accordance with a formula, which is based on the following factors:

- The average prices for spot market gas delivered into pipelines in the mid-continent area;
- A fuel charge based on Panhandle's stated fuel components;
- Panhandle's stated ACA charge and GRI funding unit; and
- A Seasonal Delivery Allowance for the applicable season and zone of redelivery.

Panhandle states that the seasonal delivery rate utilizes the non-gas cost of service and billing determinants in Panhandle's most recent rate case, Docket No. RP88-262. The resulting delivery rate has been reduced by specific amounts for each season and zone of redelivery in accordance with Panhandle's discussion with its customers immediately preceding this filing.

Panhandle further states that it will create a new deferred purchase gas subaccount. The beginning balance of this account will be the existing deferred account balances of all the subaccounts, including carrying charges, at the start of the Program. The balance will be increased by Panhandle's actual cost of purchased gas during the Program. But no carrying charges will be added. The balance will be reduced by the amounts Panhandle recovers under the Program less the non-gas component that would otherwise be applicable to its sales rates, the ACA charge, and GRI funding unit. If at the end of the Program the balance exceeds the existing deferred account balance and Panhandle's actual purchased gas costs, Panhandle will refund the overrecovery, with interest computed in accordance with the Commission's regulations, from the termination of the Program on March 31, 1991. If the Program is permitted to operate until then and Panhandle has not recovered from its jurisdictional customers sufficient amounts to eliminate the existing deferred account and the actual purchased gas costs incurred during such term, Panhandle will be precluded from recovering any portion of the deficiency in future PGA filings.

Panhandle proposes to initiate the Seasonal Sales Program on July 1, 1989 and to terminate the Program on March 31, 1991. Thirty days before April 1, 1991, Panhandle will make an out-of-cycle PGA filing (with an April 1, 1991 proposed effective date) to re-establish the gas cost component for its rates,

consistent with the Commission's PGA rules, and the non-gas cost commodity component. When this filing becomes effective Panhandle's regular PGA provisions, which are contained in Section 18 of the General Terms and Conditions of Panhandle's tariff, will become effective again.

To implement the Seasonal Sales Program, Panhandle proposes to suspend the normal method of determining its sales commodity rates, including the provisions of its PGA in Section 18 except for the provisions of section 18.4, relating to pipeline supplier rate increases (other than commodity rate increases or decreases), and section 18.1 as it applies to section 18.4. During the Program Panhandle's commodity rates will be determined instead by the formula set forth in the tariff sheets submitted herewith. Panhandle will compute, however, the applicable commodity rates for each Season and Zone and post them by the fifteenth day of the month.

Panhandle requests, to the extent necessary to implement this Program, waiver of:

- (1) Sections 18.2, 18.3, 18.5, 18.6, 18.7 and 18.8 of its tariff during the Program;
- (2) Tariff Sheet Nos. 3-A and 3-B solely for the purpose of removing the stated non-gas commodity component as an element in the determination of commodity rates applicable to Panhandle's sales services during the Program; and
- (3) The Commission's PGA regulations, §§ 154.301 through 154.310, during the Program.

Panhandle also requests waiver of all other Commission Regulations as may be necessary to make the Program effective on July 1, 1989, including but not limited to § 154.22 so that Panhandle may post its commodity rate on the fifteenth day of the billing month to be effective on the first day of the billing month; § 381.204 so that no filing fee will be paid when Panhandle posts the monthly commodity rate; and § 154.38(c) as necessary to permit the filing of tariff sheets containing a formula rate.

Panhandle states that copies of its filing have been served on all affected customers and applicable state regulatory agencies.

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 9, 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. 89-13630 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-87-006]

Questar Pipeline Co.; Filing

June 2, 1989.

Take notice that on May 23, 1989, Questar Pipeline Company (Questar) filed First Revised Sheet No. 109 to its FERC Gas Tariff, Original Volume No. 1-A, to be effective June 1, 1989.

Questar states that this tariff sheet was inadvertently omitted from its earlier compliance filing filed May 22, 1989, in Docket No. RP86-87-005. Questar states that this tariff sheet is needed to reflect the removal of the phrase "case or in kind, as set forth in the applicable transportation service agreement," which appeared at the top of Original Sheet No. 109. Questar states that this language, as revised, is now found on the proposed Original Sheet No. 108-A that was submitted with the earlier compliance filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1989)]. All such protests should be filed on or before June 9, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-13627 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-40-000]

Raton Gas Transmission Co.; Filing

June 2, 1989.

Take notice that on May 23, 1989, Raton Gas Transmission Company (Raton) filed Twelfth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1, to be effective May 1, 1989.

Raton states that this filing is made to track supplier, Colorado Interstate Gas Company (CIG) filings (numerous) to incorporate changed Demand charges and cost allocations required by FERC orders. The filing reflects a Demand Charge decrease of 27 cents per MCF and Commodity Charge increase of 3.32 cents per MCF.

Raton states that a copy of this filing has been mailed to its two customers.

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 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1989)]. All such motions or protests should be filed on or before June 9, 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. 89-13628 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-130-003]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 2, 1989.

Take notice that Transwestern Pipeline Company (Transwestern) on May 26, 1989 tendered for as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective April 1, 1989

First Revised Sheet No. 5D(i)
Substitute 1st Revised Sheet No. 5E
Substitute 2nd Revised Sheet No. 87
Substitute 2nd Revised Sheet No. 88

Effective June 1, 1989

62nd Revised Sheet No. 5
36th Revised Sheet No. 6
5th Revised Sheet No. 37

Transwestern states that these tariff sheets are filed to comply with the

Commission's order issued April 28, 1989 in Docket No. RP89-130-000, 001 (Order). The Order approved, effective April 1, 1989, Transwestern's March 31, 1989 filing (as revised on April 17, 1989), subject to refunds and conditions. Transwestern's March 31, 1989 filing set forth an additional amount of take-or-pay buyout and contract reformation costs that were actually paid and/or would have been obligated to be paid by March 31, 1989, wherein such costs were proposed to be recovered through the Order No. 500 mechanism approved by the Commission in Docket No. RP88-198-004 and -005.

Pursuant to the Order, Transwestern has adjusted the Transition Cost Recovery (TCR) Fee and TCR Surcharge to reflect Transwestern's actual commitments and carrying costs as of March 31, 1989. Transwestern was also directed to eliminate Williams Natural Gas Company from the TCR Fee allocation process as it relates to the March 31, 1989 filing.

Transwestern has revised the definition of the Litigation Exception on Sheet No. 87 contained in the General Terms and Conditions of its FERC Gas tariff, Second Revised Volume No. 1 to eliminate the reference "or administrative proceedings".

Transwestern 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 April 1, 1989, with the remaining tariff sheets to be effective June 1, 1989.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before June 9, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-13629 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EC88-2-000 and EC88-2-003]

Utah Power & Light Co.; PacifiCorp; PC/UP&L Merging Corp.; Filing

June 2, 1989.

Take notice that on May 30, 1989, PacifiCorp, in accordance with the Federal Energy Regulatory Commission's Opinion No. 318, 45 FERC ¶ 61,095 (1988), and Opinion No. 318-A, 47 FERC ¶ 61,209 (1989), filed its Compliance Filing consisting of the following:

1. Announcement of Availability of Remaining Existing Capacity (Announcement) available to Qualifying Entities for firm transmission service as provided for in Opinion Nos. 318 and 318-A;

2. Transmission Services Tariff (Tariff) of PacifiCorp;

3. Transition Period Generic Firm Transmission Services Agreement and Long Term Generic Firm Transmission Services Agreement; and

4. Estimated Pricing on Near-Term Transmission Services under the Tariff.

On or before August 28, 1989, those seeking status as Qualifying Entities must file with PacifiCorp, as provided in the Announcement, all executed contracts which they have negotiated for firm capacity and energy which would utilize the Remaining Existing Capacity.

Any utility wishing a copy of the Announcement should contact:

Thomas A. Lockhart, Vice President,
Powers System, c/o Pacific Power & Light Company, 920 SW Sixth Avenue,
Room 1314, Portland, Oregon 97204

or

J. Lynn Rasband, Assistant Vice President, Planning and Engineering,
Utah Power & Light Company, 1407 West North Temple, Salt Lake City,
Utah 84140.

Copies of the Announcement and the Compliance Filing are on file with the Commission and are available for public inspection at the Commission's Public Information Room, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene 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, 285.214 (1988)). All such protests or motions to intervene should be filed no later than 30 days after PacifiCorp announces the proposed allocation of Remaining Existing Capacity, as specified in Opinion No. 318-A, 47 FERC

¶ 61,209, *mimeo* at pp. 41-42. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 89-13631 Filed 6-7-89; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-829-DR]

Amendment to Notice of a Major Disaster Declaration; Louisiana

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-829-DR), dated May 20, 1989, and related determinations.

DATED: June 1, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

Notice: The notice of a major disaster for the State of Louisiana, dated May 20, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 20, 1989:

The parish of Winn for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

George H. Orrell,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 89-13609 Filed 6-7-89; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-828-DR]

Amendment to Notice of a Major Disaster Declaration; Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-828-DR), dated May 19, 1989, and related determinations.

DATED: May 31, 1989.

FOR FURTHER INFORMATION CONTACT:

Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: The notice of a major disaster for the State of Texas, dated May 19, 1989, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 19, 1989:

The counties of Angelina, Bell, Collin, Ellis, Hardin, Jefferson, Liberty, McCulloch, Montgomery, Navarro, Newton, Orange, Polk, and San Jacinto for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

George H. Orrell,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 89-13610 Filed 6-7-89; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION**Notice of Item Submitted for OMB Review**

The Federal Maritime Commission hereby gives notice that the following item has been submitted to OMB for review Pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, et. seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from John Robert Ewers, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., Room 12211, Washington, DC 20573, telephone number (202) 523-5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the Federal Register in which this notice appears.

Summary of Item Submitted for OMB Review

46 CFR Part 515—Filing of Tariffs by Terminal Operators (Formerly 46 CFR Part 533)

FMC requests an extension of clearance for 46 CFR Part 515 which requires marine terminal operators performing services in connection with common carriers by water in the foreign and domestic offshore commerce of the United States to file with the

Commission a schedule or tariff in duplicate showing all its rates, charges, rules, and regulations relating to or connected with the receiving, handling, storing, and/or delivering of property at its terminal facility. Such persons must also keep the tariffs open for public inspection as well as file two copies of tariff changes. Total annual cost to the Federal Government Total is estimated at approximately \$55,000; total annual estimated manhours and cost to respondents is estimated at approximately 4,210 hours and \$72,000, respectively.

Joseph C. Polking,
Secretary.

[FR Doc. 89-13575 Filed 6-7-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

B.M.J. Financial Corp. 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 June 29, 1989.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *B.M.J. Financial Corp.*, Bordentown, New Jersey; to acquire 100 percent of the voting shares of Bank of Delaware Valley, Fairless Hills, Pennsylvania, a *de novo* bank.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South La Salle Street, Chicago, Illinois 60690:

1. *Citizens National Bancorporation*, Charles City, Iowa; to acquire 100 percent of the voting shares of First Clarion Bancorporation, Clarion, Iowa, and thereby indirectly acquire First National Bank of Clarion, Clarion, Iowa.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Ventura County National Bancorp.*, Oxnard, California; to acquire 100 percent of the voting shares of Frontier Group Incorporated, La Palma, California, and thereby indirectly acquire Frontier Bank, N.A., La Palma, California.

Board of Governors of the Federal Reserve System, June 1, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 89-13551 Filed 6-7-89; 8:45 am]

BILLING CODE 6210-01-M

Illinois Holding Co. 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 June 23, 1989.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South La Salle Street, Chicago, Illinois 60690:

1. *Illinois Holding Co.*, Moline, Illinois; to engage *de novo* in making and servicing loans or other extensions of credit such as would be made by mortgage and commercial finance companies pursuant to §§ 225.25 (b)(1)(iii) and (b)(1)(iv) of the Board's Regulation Y.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Vineyard National Bancorp.*, Rancho Cucamonga, California; to engage *de novo* through its subsidiary, Vineyard Escrow Company, Rancho Cucamonga, California in providing complete escrow services pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 1, 1989.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 89-13552 Filed 6-7-89; 8:45 am]

BILLING CODE 6210-01-M

Provident Bancorp, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Co.

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under section § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of

Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 29, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Provident Bancorp, Inc.*, Cincinnati, Ohio; to merge with Northern Kentucky Trustcorp, Inc., Alexandria, Kentucky, and thereby indirectly acquire The Northern Kentucky Bank & Trust Company, Inc., Alexandria, Kentucky.

In connection with this application, Applicant also proposes to acquire Northern Kentucky Financial Corporation, Florence, Kentucky, and thereby engage in consumer finance activities, such as making, acquiring, and servicing loans for its own account or for the account of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 1, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-13553 Filed 6-7-89; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of March 28, 1989

In accordance with § 271.5 of its Rules Regarding Availability of Information (12 CFR 271, *et seq.*), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on March 28, 1989.¹ The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests that activity in the nonfarm economy has expanded appreciably further in the current quarter. After strong gains in the fourth quarter, total nonfarm payroll employment rose markedly further in January and February. The civilian unemployment rate fell considerably to 5.1 percent in February. Industrial production was unchanged in February after rising substantially over the previous several months. After a weather-related surge in January, housing starts fell in February to a level somewhat below their average in the fourth quarter. Growth in consumer spending moderated in January and February. Recent indicators of business capital spending suggest a rebound after a decline in the fourth quarter. The nominal U.S. merchandise trade deficit was larger in the fourth quarter than in the third quarter; the preliminary estimate of the deficit for January was smaller than the average for the fourth quarter. The latest information on prices suggests some pickup in inflation from recent trends.

Interest rates in both short- and long-term markets have risen considerably since the Committee meeting in early February. On February 24 the Federal Reserve Board approved an increase in the discount rate from 6½ to 7 percent. In foreign exchange markets, the trade-weighted value of the dollar in terms of the other G-10 currencies rose somewhat on balance over the intermeeting period.

Growth of M2 and M3 strengthened in February and apparently picked up further in March; over the first quarter such expansion was about in line with Committee expectations. M1 appears to have declined marginally since December.

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives, the Committee at its meeting in February established ranges for growth of M2 and M3 of 3 to 7 percent and 3½ to 7½ percent, respectively, measured from the fourth quarter of 1988 to the fourth quarter of 1989. The monitoring range for growth of total domestic nonfinancial debt was set at 6½ to 10½ percent for the year. The behavior of the

¹ Copies of the record of policy actions of the Committee for the meeting of March 28, 1989, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

monetary aggregates will continue to be evaluated in the light of movements in their velocities, developments in the economy and financial markets, and progress toward price level stability.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. Taking account of indications of inflationary pressures, the strength of the business expansion, the behavior of the monetary aggregates, and developments in foreign exchange and domestic financial markets, somewhat greater reserve restraint would, or slightly lesser reserve restraint might, be acceptable in the inter-meeting period. The contemplated reserve conditions are expected to be consistent with growth of M2 and M3 over the period from March through June at annual rates of about 3 and 5 percent, respectively. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a federal funds rate persistently outside a range of 8 to 12 percent.

By order of the Federal Open Market Committee, May 31, 1989.

Normand Bernard,

Assistant Secretary, Federal Open Market Committee.

[FR Doc. 89-13550 Filed 6-7-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Native Hawaiian Health Care Act of 1988; Delegation of Authority to Public Health Service

Notice is hereby given that I have delegated to the Assistant Secretary for Health, with authority to redelegate, all of the authorities vested in the Secretary of Health and Human Services under the Native Hawaiian Health Care Act of 1988, as amended hereafter. Excluded was the authority to issue regulations and to submit reports to the Congress.

This delegation became effective upon the date of signature.

Date: May 26, 1989.

Louis W. Sullivan,

Secretary.

[FR Doc. 89-13617 Filed 6-7-89; 8:45 am]

BILLING CODE 4160-15-M

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meetings in June

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Correction of meeting notice.

SUMMARY: Public notice was given in the *Federal Register* on May 15, 1989, Volume 54, No. 92, on page 20923 that the Clinical Program Projects and Clinical Research Centers Subcommittee of the Treatment Development and Assessment Research Review Committee would meet at the Hyatt Regency Bethesda, on June 15-16. The meeting will take place on June 16 only, and will meet at the Parklawn Building, Conference Room B, 5600 Fishers Lane, Rockville, MD 20857.

Date: June 2, 1989.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 89-13574 Filed 6-7-89; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control**National Institute for Occupational Safety and Health; Meeting on Human Neurobehavioral Effects of Combination Chemical Exposures**

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC):

Name: Human Neurobehavioral Effects of Combination Chemical Exposures

Date: July 7, 1989

Place: Robert A. Taft Laboratories, 4676 Columbia Parkway, Room B32, Cincinnati, Ohio 45226

Time: 9:00 a.m.-5:00 p.m.

Status: Open to the public, limited only by space available.

Purpose: To review and discuss a research protocol involving combination chemical exposures, competition for metabolism, and physical workload conditions.

Additional information may be obtained from: Robert B. Dick, Ph.D., Applied Psychology and Ergonomics Branch, NIOSH, CDC, 4676 Columbia Parkway, Mail Stop C-24, Cincinnati, Ohio 45226, Telephone: Commercial: (513) 553-8383, FTS: 684-8383.

Dated: June 2, 1989.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 89-13571 Filed 6-7-89; 8:45 am]

BILLING CODE 4160-19-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Fair Housing and Equal Opportunity**

[Docket No. N-89-1960; FR-2618]

Fair Housing Initiatives Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funding availability; Extension of time to file applications.

SUMMARY: On April 25, 1989, HUD published a notice soliciting applications for funding under the Education and Outreach Initiative and the Private Enforcement Initiative of HUD's Fair Housing Initiatives Program. Applications were due on June 16, 1989. Today's notice extends the application deadline to June 30, 1989.

FOR FURTHER INFORMATION CONTACT: Maxine B. Cunningham, Director, Federal, State and Local Program Division, Office of Fair Housing and Equal Opportunity, Room 5212, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-0455. (V and TDD) (This is not a toll-free number.) Application kits are available upon written or telephone request. To ensure a prompt response, it is suggested that requests for application kits be made by telephone.

DATES: Applications for funding must be submitted by June 30, 1989, unless the application qualifies for a late application exception as specified in the application kit and is received before funds are awarded.

SUPPLEMENTARY INFORMATION: On February 10, 1989 (54 FR 6492), HUD published a final rule implementing the Fair Housing Initiatives Program (FHIP) authorized under section 561 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988). Under FHIP, HUD provides funding to State and local governments or their agencies, public or private nonprofit organizations, or other public or private entities formulating or carrying out programs to prevent or eliminate discriminatory housing practices.

A notice announcing the availability of funds under FHIP's Education and Outreach Initiative and Private Enforcement Initiative was published on April 25, 1989 (54 FR 17872). The notice stated that applications were due by June 16, 1989, unless the application is qualified for a late application exception

as specified in the application kit and is received before funds are awarded. Today's notice extends the application deadline to June 30, 1989.

Authority: Section 561, Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988); title VIII, Civil Rights Act of 1968 (42 U.S.C. 3600-20); sec 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Date: June 2, 1989.

Thomas D. Casey,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 89-13540 Filed 6-7-89; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Fiscal Year 1988 Plan for Services to Indian Infants and Toddlers With Handicaps, and to Their Families**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: The Office of Indian Education Program (OIEP), Branch of Exceptional Education, has completed the required application for Fiscal Year 1988 Funds under Part H (Infants and Toddlers Program) of the Education of the Handicapped Act, Pub. L. 94-142 as Amended by Pub. L. 99-457 (sec. 678). The application describes the major activities which will be implemented by the BIA/OIEP in planning, developing, and implementing a system of early intervention services for Indian infants and toddlers with handicaps and their families located on reservations served by the elementary and secondary schools operated for Indians by the Department of the Interior. Fiscal year 1988 funds are available for obligation by the Bureau of Indian Affairs (BIA) from the date the award is made by the U.S. Department of Education through September 30, 1990.

The application is available to all interested parties and members of the general public. Each BIA Area/Agency Education Office will conduct local public hearings on the application to provide an opportunity for comments by the general public.

FOR FURTHER INFORMATION CONTACT: Goodwin K. Cobb, Acting Chief, Branch of Exceptional Education or Carol L. Zilka, Education Specialist, Early Childhood Program, Office of Indian Education Programs, Bureau of Indian

Affairs, Telephone: (202) 343-6675 or FTS 343-6675.

Wilson T. Babby,

Deputy to the Assistant Secretary, Indian Affairs/Director (Indian Education Programs).

[FR Doc. 89-13594 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-02-M

Consultation Hearings; Chapter I— Memorandum of Understanding Between Bureau of Indian Affairs and United States Department of Education

May 31, 1989.

AGENCY: Bureau of Indian Affairs.

ACTION: Notice of consultation hearings.

SUMMARY: The Office of Indian Education Programs of the Bureau of Indian Affairs (BIA) announces forthcoming consultation hearings with parents, school boards, tribal representatives and other interested parties on the Memorandum of Understandings, for Chapter I programs between the Bureau of Indian Affairs and the United States Department of Education.

DATE AND TIME: Date of the consultation hearings is June 15, 1989. The hearing will begin at 9 a.m. and conclude at 6 p.m. (local time) at each site.

ADDRESSES: The hearings will be held at the following locations:

Albuquerque, New Mexico
Phoenix, Arizona
Arlington, Virginia
Portland, Oregon
Aberdeen, South Dakota
Green Bay, Wisconsin
Oklahoma City, Oklahoma
Chinle, Arizona
Tuba City, Arizona
Crownpoint, New Mexico
Shiprock, New Mexico
Fort Defiance, Arizona

The following persons should be contacted for the exact location and for additional information:

New Mexico.....	Juanita Cata.....	505/706-3180
Arizona.....	Peter Soto.....	602/241-2320
Oklahoma.....	Sam Johnson.....	405/247-6673
or	Jim Baker.....	918/687-2460
Wisconsin.....	Betty Walker.....	612/349-3635
Oregon.....	Van Peters.....	503/230-5682
South Dakota.....	Harry Eagle Bull..	605/226-7431
Virginia.....	Larry Isaacs.....	703/235-3233
Chinle, Arizona.....	Dottie Hobson.....	602/674-4201
Tuba City, Arizona.....	Robert Jenkins.....	602/283-4531
Crownpoint, New Mexico.....	Larry Holman.....	505/780-6150
Shiprock, New Mexico.....	James Tomchee.....	505/368-4427
Fort Defiance, Arizona.....	Charles Johnson..	602/729-5041

Interested persons may present oral testimony or file written statements. All written statements must be received no

later than June 23, in the Bureau of Indian Affairs, Office of Indian Education Programs, 18th and "C" Streets NW., Washington, DC 20240, Attn: Wilson Babby, Code 500.

FOR FURTHER INFORMATION CONTACT: Beverly Mestes, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and "C" Streets NW., Washington, DC 20240, (202) 343-6364.

SUPPLEMENTARY INFORMATION: In accordance with 102 STAT, 376, Pub. L. 100-297, section 5111, notice is hereby given that hearings on the above entitled topic will be held for the purpose of consulting with parents, school boards, tribal representatives, and other interested parties. Consulting under the aforementioned statute means a process involving open discussion and joint deliberation of all options with respect to the documents referenced between the Bureau of Indian Affairs and all interested parties. During such discussions and joint deliberations, interested parties shall be given an opportunity to present issues including proposals regarding changes in current practices or programs. All interested parties shall be given an opportunity to participate and discuss the options presented or to present other alternatives.

On April 28, 1988, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary Board Improvement amendments of 1988, was signed into law as Pub. L. 100-297. Title I of the Act amends the Elementary and Secondary Education Act of 1965 (ESEA) to include a number of new and reauthorized Federal education programs. One of these programs is Chapter I of the Education Consolidation and Improvement Act of 1981 (ECIA). Part A of Chapter I provides financial assistance to the U.S. Secretary of the Interior for Indian children. In reauthorizing the Chapter I LEA Program, basic goals and structures of the program were retained, however, the reauthorization also emphasizes accountability and program effectiveness, encourages program improvement in other ways, including innovative projects, projects that consider achievement not only in basic skills but in more advanced skills, encourages frequent and regular coordination of the curriculum of Chapter I projects with the LEA's regular instructional program. The reauthorization contains a number of provisions to provide greater flexibility in the use of funds received under Part A of Chapter I, the primary new provision that affords greater flexibility is section 1015 concerning schoolwide

projects which permits an LEA to use those funds to upgrade the entire educational program in the school. A strong new parental involvement requirement is contained as a part of the reauthorization. This section (1016) does not mandate particular forms that parental involvement should take but it does incorporate a number of specific requirements that an LEA must implement to ensure significant parent involvement, including strong emphasis on training parents to work with their children at home.

Linda K. Richardson,

Acting Deputy to the Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 89-13596 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-02-M

Health Services Programs for Indian Infants, Children, and Youth

Memorandum of Agreement Between The Department of the Interior Bureau of Indian Affairs And The Department of Health and Human Services Indian Health Services To implement a coordinated, multidisciplinary, interagency program for services to handicapped Indian infants, children and youth from birth through twenty-one years of age in accordance with Pub. L. 94-142 as amended by Pub. L. 99-457, the 1986 Technical Amendments to the Education of the Handicapped Act.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice: Request for Comments.

SUMMARY: This is a republication for additional comments. The first notice was published in volume 54FR9259.

Notice is hereby given that the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) have completed a Memorandum of Agreement (MOA) regarding the implementation of a coordinated, multidisciplinary, interagency program for services to handicapped Indian infants, children and youth from birth through twenty-one years of age. This agreement provides for the development and implementation of joint policies and procedures and a method to establish program priorities for the education and treatment of identified handicapped Indian children within the joint jurisdictions of the BIA and IHS.

DATE: Comments shall be submitted on or before July 10, 1989.

ADDRESSES: All comments concerning this Memorandum of Agreement should be addressed to Goodwin K. Cobb, Acting Chief, Branch of Exceptional

Education, Office of Indian Education Programs, Bureau of Indian Affairs, 1951 Constitution Avenue NW. (MS 3512 MIB, Code 523), Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Carol L. Zilka, Education Specialist, Early Childhood Program, Telephone: (202) 343-3559.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Department Manual 8. The authority for this Memorandum of Agreement is the Snyder Act (25 U.S.C. 13), Pub. L. 94-142, Education of the Handicapped Act (EHA) (20 U.S.C. Secs. 1400-1485), as amended by the Education of the Handicapped Amendments of 1986 (Pub. L. 99-457), and the Economy Act (31 U.S.C. 1535).

Pub. L. 99-457 (The Education of the Handicapped Act Amendments of 1986) amended the Education of the Handicapped Act (Pub. L. 94-142), reauthorized the discretionary programs under the Act, and authorized a new early intervention program for handicapped infants and toddlers and their families.

Under existing regulations (34 CFR 300.600), a State Education Agency (SEA) may utilize interagency agreements as a means of implementing its general supervision requirements. The 1986 Amendments require that State plans include policies and procedures for developing and implementing interagency agreements between the State and "other appropriate State and local agencies." The BIA, while not a State, is required to submit a State plan that meets the requirements of Pub. L. 99-457 sec. 1413 and an application which meets the requirements of section 1414, as well as, section 1484 of Part H (Infants and Toddlers Program).

This Memorandum of Agreement reflects the BIA's understanding of section 613(a)(13) of the statute that "other appropriate" agencies are those Federal, State, and local agencies other than the BIA that provide or pay for special education or related services for Indian children with handicapping conditions. The MOA describes the role that the BIA and IHS have in providing or paying for those services. The MOA also describes the responsibilities of each agency and establishes a mechanism for resolving interagency disputes.

The 1986 Amendments state that Part B shall not be construed to limit the responsibilities of agencies other than educational agencies for providing or paying for services provided to children

under Part B. The 1986 Amendments also state that Part B shall not be construed to permit a State to reduce assistance or alter eligibility under programs supported by Federal Medicaid and Maternal and Child Health Programs. This is intended to ensure that no child is treated differently under those two programs because the child is receiving services under an individual Education Plan (IEP), or for any other reason related to the existence or applicability of Part B.

While States have until 1990-1991 to provide services for handicapped children, ages three through five, the BIA was mandated under Pub. L. 99-457 to begin providing services for these children during the 1987-1988 school year.

The Education of the Handicapped Act Amendments of 1986 (Pub. L. 99-457) added a new State formula grant program to assist States in establishing a statewide system of early intervention services for infants and toddlers with handicaps and their families. This new program (designated as Part H of the EHA) replaces, and substantially expands, the State grant provisions established in 1983 under the Handicapped Children's Early Education Program (HCEEP). Part H focuses on similar activities, but limits the age range to children from birth through two years of age.

Part H is the only program administered by the Department of Education (DOE) that focuses exclusively on meeting the needs of infants and toddlers with handicaps. Children in this age group have been traditionally served through programs administered by the Department of Health and Human Services. The BIA has been designated as the Lead Agency under Part H. The Lead Agency is responsible for: (a) Submitting applications for, and receiving funds under this program, and (b) serving as the lead agency responsible for the general administration of program and activities carried out under Part H. The BIA is mandated under Part H to develop a comprehensive system of early intervention services for handicapped Indian infants and toddlers by 1990-1991 that fits the individual characteristics of the BIA.

Each comprehensive system of early intervention is to be planned and carried out as a coordinated, interagency, multidisciplinary program. Generally, no one agency has the funding resources, services, or authority to provide all appropriate early intervention services for all infants and toddlers with handicaps. The legislative history of Pub. L. 99-457 emphasizes the

concept of interagency coordination, by acknowledging that even in States requiring a free appropriate public education from birth, no single agency provides all services to all children with handicaps. Rather, existing service delivery systems represent interdependence among public and private agencies and organizations at the State and local levels.

While the BIA is the Lead Agency under Part H, it does not have available within its system, the full complement of services needed by handicapped infants and toddlers and their families, e.g., developmental disability programs, health services, education, social services, and mental health. Currently, the BIA has available special education, related services, and social services. The IHS provides, within the scope of its health program, direct medical, social, and mental health services to handicapped Indian infants and toddlers, children, and youth.

This MOA provides the mechanism for the development of a coordinated, multidisciplinary, interagency program between the Bureau of Indian Affairs and the Indian Health Service for the provision of services for handicapped Indian infants, toddlers, children, and youth. The MOA will remain in effect until such time as agreed upon by both parties. The MOA will be reviewed annually and modified as needed for compliance with law and regulation. A BIA and IHS Task Group will develop an Action Plan which will include: goals, objectives, related activities or products, names of responsible agency/person, timelines, and evaluation criteria for each objective. The Action Plan will be reviewed quarterly by the task group of appropriate BIA/IHS representatives and the Plan will be revised annually.

Wilson T. Babby,

Deputy to the Assistant Secretary—Indian Affairs/Director (Indian Education Programs), Memorandum of Agreement (MOA).

This memorandum provides the terms of agreement for services to be shared by the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) in fulfilling each agency's individual responsibilities and identified areas of joint cooperative needs for handicapped Indian children and youth.

I. Purpose

The purpose of this agreement is to provide for the development and implementation of joint policies and procedures and to establish program priorities for the education and treatment of handicapped Indian

children identified in the statute within our joint jurisdictions.

II. Authority

Snyder Act (25 U.S.C. 13) and 20 U.S.C. 1400-1485, Pub. L. 94-142, the Education of the Handicapped Act (EHA), as amended by the Education of the Handicapped Amendments of 1986 (Pub. L. 99-457), and the Economy Act, 31 U.S.C. 1535.

III. Introduction

The Assistant Secretary of the Interior—Indian Affairs (BIA) and the Director of Indian Health Service (IHS) as administrators of agencies responsible to serve Indian children and youth recognize that:

A. The BIA has responsibilities to the extent it receives set-aside funding under the EHA:

(1) to provide special education and related services to handicapped Indian children attending BIA schools;

a. *Related services* include diagnostic, developmental, corrective and supportive services such as (1) speech pathology and audiology, (2) psychological services, (3) physical and occupational therapy, (4) recreation, (5) counseling, and (6) medical diagnosis and evaluation but *not* other medical services (20 U.S.C. 1401(a)(17)).

(2) within a statewide system, to coordinate with State agencies for the provision of special education and related services to preschool aged Indian handicapped children, ages three through five, on reservations serviced by BIA schools;

(3) within a statewide system, to coordinate with State agencies for the provision of early intervention services to handicapped Indian infants and toddlers, ages birth through two, on reservations serviced by BIA schools.

a. *Early intervening services* include related services plus family training, counseling and home visits, case management services, and "health services necessary to enable the infant and toddlers to benefit from the other early intervention services" (20 U.S.C. 1472).

With respect to infants and toddlers, ages birth through two, EHA requires that the State Lead Agency ensure that each handicapped infant and toddler in the State (including Indian children) shall receive a multidisciplinary assessment of a child's unique needs and identification of service to meet those needs, a written individualized Family Service Plan (IFSP), and case management services to implement the IFSP. The House Report (Report 99-860) at page 11 states:

In State's (sic) serving significant numbers of Indian handicapped infants and toddlers, the lead agency must consult with and obtain input from Tribal education offices/committees, BIA schools, tribal schools, head start programs and other providers of service at the local and State level to ensure that the needs of these infants and toddlers are considered and accounted for in the statewide system.

Handicapped Indian infants and toddlers are clearly included within the intended statewide system of services and in carrying out its responsibilities the BIA is acting as part of the statewide system.

B. The IHS provides health services to Indians under the discretionary authority of the Snyder Act, some of which overlap with *related services* and *early intervention services* as defined in the EHA. The IHS has no responsibilities as such under the EHA. It is not an education agency funded under said act.

The BIA and IHS in recognizing that neither agency can provide a comprehensive program that would satisfy all the needs and services for different age groups and handicapped conditions further confirms their respective belief that services within their jurisdictions require a comprehensive, multidisciplinary, interagency approach to meet the needs of handicapped Indian infants and toddlers, children and youth.

In keeping with the intent to provide appropriate services and to extend present collaborative efforts, the purpose of this MOA is to identify areas of national and local cooperation needed to serve the needs of handicapped Indian children and youth within our joint jurisdictions. Local BIA/IHS agreements are to be developed based on the identified areas of this MOA to ensure the purpose of the MOA is fulfilled.

Tribal organizations, other Federal and State agencies providing services are to be included in agreements for handicapped services.

IV. Substance of Agreement

Areas of collaboration

The BIA and IHS recognize that the provision of services to handicapped Indian infants and toddlers, children and youth will require a comprehensive, interagency program which includes components for:

a. Prevention, early recognition and intervention activities to provide medical, mental health, dental, education, social and family support services to handicapped Indian infants and toddlers from birth to two years of age and their families.

b. Education, medical, dental, mental health, social and family support services for handicapped Indian children and youth from three through twenty-one years of age.

c. Transition, tracking and educational placement services for handicapped Indian children and youth.

The BIA will establish, on an as needed basis, task force groups to review programs and services under this agreement which will include appropriate representatives from the Indian Health Service. These groups will meet as needs arise to develop procedures, guidelines and service priorities for coordination with statewide systems. Major areas of focus are:

A. The development of administrative policies, procedures, and guidelines consistent with applicable Federal regulations which reflect program, staff and funding responsibilities needed for interagency cooperation and services for handicapped Indian infants and toddlers (birth to two years of age, inclusive) and children and youth (three through twenty-one years of age) including:

- (1) Eligibility and placement criteria for "at risk" and developmentally delayed infants and toddlers.
- (2) Coordinate agency efforts regarding Child Find and screening.
- (3) Registry, tracking, and referral.
- (4) Multidisciplinary team evaluation and assessment.
- (5) Multidisciplinary team formulated Individual Education Plan (IEP) and Individualized Family Service Plan (IFSP), which give attention to education, medical, mental health and social needs for:

- a. Special Education
- b. Related Services
- c. Medical Services
- d. Social Services
- e. Mental Health Services
- f. Communication and Audiological Services
- g. Physical and Occupational Therapy Services
- h. Nutrition Services
- i. Home Nursing Services
- j. Dental Services
- k. Vocational Services
- l. Parent and Family Training
- (6) Family involvement in formulating and implement the IEP and IFSP.
- (7) Follow-up and non-BIA/IHS referrals.
- (8) Transition Services
- (9) Institutional Care
- (10) Program Evaluation

B. As funds become available under EHA, the BIA and IHS will delineate responsibility within statewide systems for specific professional services and

financial resources for providing comprehensive handicapped care which includes:

(1) Guidance and consultation for determination of staffing and program needs to provide services at local levels.

(2) Determination of program cost and funding responsibilities for services.

(3) Establishing policy, procedures and accountability for interagency transfer of funds under the Economy Act.

(4) Establishing and publishing policies and guidelines for distribution to each Agency's programs and staff regarding program requirements and responsibilities.

(5) Guidance and consultation for establishing local procedures to ensure service delivery through interagency coordination, e.g., model agreements.

C. Develop an interagency, confidential system of data collection and tracking of those Indian individuals (ages birth through twenty-one) within joint jurisdictions in need of and/or receiving handicapped services in each area and for information exchange for program services which includes:

1. Development of a computerized program which will be used locally to track Indian infants and toddlers, children and youth in need of handicapped services.

2. Informing health, education and social service professionals about the handicapped differences and disputes for meaningful cooperation and coordination.

V. Responsibilities

The following areas of responsibilities are agreed to by the BIA and IHS.

A. Responsibility of the BIA: The BIA is responsible for serving handicapped Indian children on reservations serviced by BIA operated elementary and secondary schools. The BIA will assist individual States in the coordination of State services for handicapped children, ages birth through five, who live on reservations that are serviced by BIA elementary and secondary schools. The BIA will develop within the statewide system a comprehensive, multidisciplinary, interagency program of services for exceptional education and related services as specified in Pub. L. 94-142 as amended by Pub. L. 99-457.

The BIA will submit an Annual Application to the Department of Education for funding of the handicapped infants and toddlers program (Part H) and for Part B services under Pub. L. 94-142 as amended by Pub. L. 99-457 and Department of Education Regulations 34 CFR Parts 300, 301 and 303.

Provide task groups and provide for representation of members from IHS on these groups.

Provide staff to develop an interagency program to respond to the major focus of this MOA and to provide management of this MOA.

B. Responsibility of the IHS: The IHS will assist in the development of a systemwide, comprehensive, multidisciplinary, interagency program including identification and intervention services for handicapped infants and toddlers and their families by providing services consistent with the scope of IHS health care and within the limitations of available IHS resources and by coordinating services with other agencies responsible under 20 U.S.C. Subchapter VII.

The IHS will participate in the development of an action plan as specified in Section IV, Terms of Agreement and will include the following elements:

a. The IHS will assist in the development and implementation of a handicapped Indian children's registry and tracking system that will efficiently and effectively facilitate provisions of education and health care needs of handicapped Indian children, ages birth through twenty-one. Components of this system will include: definitions of "at risk" and handicapping conditions, computer hardware and software needs, and registry and tracking formats.

b. The IHS will coordinate, in cooperation with existing State and Federal coordination activities, multidisciplinary activities necessary to meet the comprehensive needs of handicapped Indian infants and toddlers and children through age twenty-one living on reservations where BIA operated or funded schools exist. As funds become available, IHS area coordination will be established in consultation with the BIA to initiate and maintain local registries and tracking systems, to develop and strengthen communication linkages between the IHS and BIA and other Federal agencies, to facilitate information exchange between the IHS and other agencies, as required to serve the needs of handicapped Indian children, and, by regulation and policy, establish services ensuring efficient transition of handicapped Indian children from one jurisdiction of responsibility to another.

c. This MOA focuses on the needs of handicapped Indian children who live on reservations served by BIA funded schools, however, this does not preclude the IHS from meeting its legal service mandates.

Such funds that may become available to the IHS during the first two

years of this MOA will be used in program development. Based on the specifics of the Action Plan, the IHS is responsible to submit a plan detailing program actions including any plan to contract activities before any funds will be transferred and to provide quarterly written progress reports to the BIA indicating program status.

If the specifics of the Action Plan requires the transfer of any portion of the BIA's Pub. L. 99-457, Part H funds to the IHS, the IHS agrees to maintain these funds separately and will account for these funds quarterly and will meet any applicable requirements of the Economy Act.

The IHS is currently providing within its health program, direct medical, social, and mental health services to handicapped Indian children. As program development progresses, and children are served, it is expected that additional special consultation, evaluation and intervention services will be necessary. The IHS has inadequate resources to meet all these health needs. However, the IHS is responsible to assist in arranging for the comprehensive health care needs of handicapped Indian children and is committed to meet the needs of handicapped Indian children and to collaborate with the BIA and other responsible agencies, to identify needs and funding sources to meet the needs of handicapped Indian children.

VI. Terms of Agreement

This MOA will remain in effect until such time as agreed upon by both parties. This MOA will be reviewed annually and modified as needed for compliance with law and regulation.

Within 45 days of the effective date of this agreement and thereafter, within 45 days of the beginning of each fiscal year (FY) beginning with 1990, a BIA and IHS Task Group will develop an Action Plan which will include the following:

- a. Goals,
- b. Specific objectives to be accomplished,
- c. Related activities or products,
- d. Names of responsible agency/person,
- e. Timelines (beginning and ending) and,
- f. Evaluation criteria for each objective.

This Action Plan will be reviewed quarterly by the Task Group of appropriate BIA/IHS representatives. The Action Plan will be revised annually.

[FR Doc. 89-13595 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[UTU-65418]

Invitation to Participate in Coal Exploration Program in Utah; Nevada Electric Investment Co.

Nevada Electric Investment Company is inviting all qualified parties to participate in its proposed exploration of certain Federal Coal deposits in the following described lands in Emery County, Utah:

T. 15 S., R. 6 E., SLM, Utah
Sec. 23, S½S½;

Sec. 25, all;
Sec. 26, all;
Sec. 35, all.

T. 16 S., R. 6 E., SLM, Utah
Sec. 1, all.

T. 15 S., R. 7 E., SLM, Utah
Sec. 19, lots 1-12, SE¼;
Sec. 29, W½;
Sec. 30, all.

Containing 4,376.44 acres

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, 324 South State Street, Suite 301, Salt Lake City, Utah 84111-2303 and to Nevada Electric Investment Company, 6226 West Sahara Avenue, Las Vegas, Nevada 89102. Such written notice must be received within 30 days after the publication of this notice in the *Federal Register*.

Any party wishing to participate in this coal exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rate basis. A copy of the exploration plan, as submitted by Nevada Electric Investment Company, is available for public review during business hours in the same BLM office as mentioned above under Serial Number UTU-65418.

Ted D. Stephenson,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89-13573 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-DQ-M

[ES-970-09-4120-14-2410; WVES 39061]

Competitive Coal Lease Offering by Sealed Bid; Mingo County, WV

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive coal lease offering by sealed bid.

SUMMARY: Notice is hereby given that as a result of an application filed by the Lynn Land Company (WVES 39061), for

coal resources in Mingo County, West Virginia, these coal resources will be offered for competitive leasing by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1947 (61 Stat. 913, 30 U.S.C. 351-359), as amended. The applicant has satisfactorily demonstrated under the emergency leasing regulation, 43 CFR 3425.1-4, that if the coal deposits are not leased, they will be bypassed in the reasonably foreseeable future.

The application is described as follows:

Kermit Poe Tract

Part of Tract 201 (Metes and Bounds)
Containing 20 acres, more or less.

The tracts will be leased to the qualified bidder of the highest cash amount provided that the high bid for the tract equals or exceeds the fair market value (FMV) of the tract as determined by the authorized officer after the sale. The Department has established a minimum bid of \$100 per acre for the tract. The minimum bid is not to be considered as representing the amount for which the tract may actually be leased, since FMV will be determined in a separate postsale analysis. If identical high sealed bids are received, the tying high bidders will be asked to submit follow up sealed bids until a high bid is received. All tie-breaking bids must be submitted within 15 minutes following the authorized officer's announcement at the sale that identical high bids have been received.

DATE: The sale will be held at 10:00 a.m., Thursday, July 20, 1989 in the Eastern States Office Public Room. All bids must be submitted to the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. The bids should be sent by certified mail, return receipt or be hand-delivered on or before 4:00 p.m., July 19, 1989. Any bids received after 4:00 p.m., Wednesday, July 19, 1989, will not be considered.

SUPPLEMENTARY INFORMATION: The coal resources being offered are to be surface mined via mountain top removal from an area located on the R.D. Bailey Watershed. The complete degal description is available at the Eastern States Office at 350 South Pickett Street, Alexandria, Virginia 22304.

The proximate analysis of the tract is as follows:

1. Moisture (percent)	9.0
2. Ash (percent)	9.2
3. Sulfur (percent)	0.67

4. BTU's per pound	12,400
5. Approximate tons in place	200,000

Other detailed chemical analysis are available upon request from the Bureau of Land Management, Eastern States Office, Branch of Fluid and Solid Minerals at 350 South Pickett Street, Alexandria, Virginia 22304.

Rental and Royalty

Any lease issued as a result of this offering will provide for payment of an annual rental of \$3 per acre and a royalty payable to the United States of 12½ percent of the value of the coal produced by surface mining methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

Notice of Availability

Bidding instructions and bidder qualifications are included in the Detailed Statement and Lease Sale. Copies of the Statement and of the proposed coal lease is available at the Bureau of Land Management, Eastern States Office and the Milwaukee District Office and the Rolla, Missouri Office. Case file documents are available for public inspection at the Eastern States Office.

FOR FURTHER INFORMATION CONTACT:
Ms. Pearl F. Tillman, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 461-1468.

G. Curtis Jones, Jr.,
State Director.

[FR Doc. 89-13750 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-GJ-M

[OR-010-09-4410-13: GP9-231]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Lakeview District Grazing Advisory Board has scheduled a tour for June 29, 1989. The tour agenda includes a look at a high intensity/short duration grazing system and riparian/wetlands habitat improvements in the Gerber Reservoir area.

The tour group will meet at the Gerber Guard Station at 10:00 a.m. Thursday, June 29. The public is invited to attend but must contact the Lakeview District by Thursday, June 20 in order for final transportation arrangements to be made.

FOR FURTHER INFORMATION CONTACT:
Renee Snyder, Public Affairs Officer,
telephone (503) 947-2177.

Judy Ellen Nelson,
District Manager.

[FR Doc. 89-13584 Filed 6-7-89; 8:45 am]
BILLING CODE 4310-33-M

Utah; Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-49053 for lands in Summit County, Utah, was timely filed and required rentals and royalties accruing from November 1, 1988, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16 2/3 percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of lease U-49053 as set out in Section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1988, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Ted D. Stephenson,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 89-13589 Filed 6-7-89; 8:45 am]
BILLING CODE 4310-DQ-M

Utah; Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease U-63925 for lands in Uintah County, Utah, was timely filed and required rentals and royalties accruing from November 1, 1988, the date of termination, have been paid.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16 2/3 percent, respectively. The \$500 administrative fee has been paid and the lessee has reimbursed the Bureau of Land

Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of lease U-63925 as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1988, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Ted D. Stephenson,
Chief, Branch of Lands and Minerals
Operations.

[FR Doc. 89-13590 Filed 6-7-89; 8:45 am]
BILLING CODE 4310-DQ-M

Fish and Wildlife 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 (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1018-0010), Washington, DC 20503, telephone 202-395-7340.

Title: Mourning Dove Call—Count
Survey

OMB Approval Number: 1018-0010
Abstract: The Survey an annual, cooperative effort between State wildlife agencies and the U.S. Fish and Wildlife Service to obtain indices of mourning dove population size. The resulting assessment of the population status serves to guide both the Service and State wildlife agencies in the annual promulgation of regulations for hunting mourning doves. Survey data are also used to plan and evaluate dove management programs and provide specific information necessary for dove research.

Service Form Number: 3-159

Frequency: Annually

Description of Respondents: Service and State fish and wildlife agency biologists

Estimated Completion Time: The reporting burden is estimated to average

2.5 hours per response, including time for reviewing instructions (15 minutes), gathering data during survey stops (2 hours), and completion and review of form (15 minutes).

Annual Responses: 1,062

Annual Burden Hours: 2,655

Service Clearance Officer: James E. Pinkerton, 703-358-1943 (Commercial); FTS 921-1943, Room 224 Arlington Square, U.S. Fish and Wildlife Service, Washington, DC 20240.

Date: May 23, 1989.

Rollin D. Sparrows,

Acting Assistant Director—Refuges and
Wildlife.

[FR Doc. 89-13549 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-55-M

Availability of a Draft Recovery Plan for Listed Cats of Arizona and Texas for Review and Comment.

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability and public
comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft recovery plan for Listed Cats of Arizona and Texas. They occur in south Texas and possibly parts of southern Arizona with suitable brushy habitat. The Service solicits review and comment from the public on this draft plan.

DATE: Comments on the draft recovery plan must be received on or before July 10, 1989 to receive consideration by the Service.

ADDRESSES: Written comments and materials regarding the plan should be addressed to Refuge Manager, Laguna Atascosa National Wildlife Refuge, P.O. Box 450, Rio Hondo, Texas 78583 (512/748-3607). The plan is available for public inspection, by appointment, during normal business hours at the Laguna Atascosa National Wildlife Refuge at the above address; Ecological Services Field Office, 3616 W. Thomas Rd., Suite #6, Phoenix, Arizona 85019 (602/261-4720 or FTS 261-4720); and Ecological Services Field Office, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Dr., Corpus Christi, Texas 78412 (512/888-3346 or FTS 529-3346).

FOR FURTHER INFORMATION CONTACT:
Refuge Manager at Laguna Atascosa National Wildlife Refuge; Lesley Fitzpatrick, Biologist, Phoenix Ecological Services Field Office; or Roy Perez, Field Supervisor, Corpus Christi Ecological

Services Field Office (see ADDRESSES above).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of times and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan.

The primary species that are considered in this recovery plan are the ocelot (*Felis pardalis*) and jaguarundi (*F. yagouaroundi*), although the jaguar (*F. onca*) and margay (*F. wiedii*) are also included. The area of emphasis for recovery actions is south Texas, especially the Lower Rio Grande Valley. Habitat protection and land acquisition are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 30, 1989.

James A. Young,

Acting Regional Director.

[FR Doc. 89-13599 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf Development Operations Coordination Document; Mobil Exploration and Producing U.S. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Mobil Exploration & Producing U.S. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4800, Block 271, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on May 31, 1989. Comments must be received on or before June 23, 1989, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT:

Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of

the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: June 1, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89-13591 Filed 6-7-89; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

Certain Concealed Cabinet Hinges and Mounting Plates; All Parties

[Investigation No. 337-TA-289]

In reference to Order No. 7 and 37, notice is hereby given that the prehearing conference in this matter is scheduled to commence 9:00 a.m., on Monday June 19 in Hearing Room B (Room 111) at the International Trade Commission Building at 500 E Street, SW., Washington, DC. The hearing will commence thereafter and continue through June 23. Non-parties wishing to attend should contact Mr. McKie at 202-252-1701 as to whether there have been any changes made in said schedule.

The Secretary shall publish this notice in the *Federal Register*.

Issued: June 1, 1989.

Paul J. Luckern,

Administrative Law Judge.

[FR Doc. 89-13535 Filed 6-7-89; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance

Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1319, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Extension.

Bureau/Office: Office of Compliance and Consumer Assistance.

Title of Form: Owner-operator annual report form.

OMB Form No.: 3120-0061.

Agency Form No.: OCCA-143.

Frequency: Annually.

Respondents: Motor carriers of food products and certain agricultural supplies.

No. of Respondents: 1,560.

Total Burden Hrs.: 78 (estimated 3 minutes per response).

Brief Description of the need & proposed use: Enables owner-operators to file certifications of compliance as required by 49 USC and enables the Commission to monitor the success of these licensing provisions.

Noreta R. McGee,

Secretary.

[FR Doc. 89-13633 Filed 6-7-89; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 63)]

The Cincinnati, New Orleans and Texas Pacific Railway Co.—Abandonment—Between Crab Orchard and Crossville in Cumberland County, TN; Findings

The Commission has found that the public convenience and necessity permit The Cincinnati, New Orleans and Texas Pacific Railway Company to abandon its 12.5-mile line of railroad extending from Crab Orchard (milepost 141.5-H) to Crossville (milepost 129.0-H) in Cumberland County, TN.

A certificate will be issued authorizing abandonment unless within 15 days after the publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously

made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Decided: May 19, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips. Vice Chairman Simmons and Commissioner Lamboley dissented with separate expressions.

Noreta R. McGee,

Secretary.

[FR Doc. 89-13634 Filed 6-7-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Partial Consent Decree; Pollution Control Consent

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on May 23, 1989, a proposed partial consent decree in *United States v. Union Research Co., Inc.*, Civ. No. 87-0355 B (D. Me.) was lodged with the United States District Court for the District of Maine. This partial consent decree settles the first of four claims of a lawsuit filed against eleven parties in 1987, and in which one-third party defendant was named as a third-party defendant in April 1989.

The first claim of the lawsuit seeks recovery, pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a), of costs EPA spent in conducting an emergency removal action (begun in 1984) at the Union Research Site in South Hope, Maine. The total cost of the removal, through May 22, 1987, was approximately \$1,848,256.70; all but \$481,753.11 was recovered in 1987 through two administrative settlements with 288 other potentially responsible parties connected with the Union Site. The other three counts in the lawsuit, not addressed in this partial consent decree, allege that three of the defendants failed to respond to information requests issued pursuant to Section 104 of CERCLA, 42 U.S.C. 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927, and that one of the defendants violated Section 3008 of RCRA, 42 U.S.C. 6928, by failing to pay a \$12,000 administrative penalty imposed under RCRA.

The following eight of the eleven defendants have agreed to participate in this partial consent decree: C.M. Laboratories, Inc., IMC Magnetics Corp.,

Steege Auto Parts Corp., Rule Industries, Inc., Ethan Allen, Inc., Waterlac Industries, Inc., NYCO, Inc. and Spencer Press, Inc. WES, Inc. d/b/a/ Maine Coastal Services, the sole third-party in the case, also will participate in the settlement. The non-settling defendants are Union Research, Inc., its president Raymond Esposito, and R.S. Liquid Waste.

The partial consent decree requires the settling parties to pay 100% of the balance of EPA's pre-May 22, 1987 removal costs, or \$481,753.11, plus \$77,248.70 in interest on such costs, and \$42,852.00 in government enforcement costs, for a total of \$601,853.81. Payment of \$526,853.81 of this amount is due 90 days after the entry of the partial consent decree; the remaining \$75,000 must be paid in three equal installments at the end of each of the following three years. Deferral of the \$75,000 was granted due to an inability of one of the parties to pay its share of the amount otherwise. Finally, interest on any unpaid portion of the settlement must be paid from November 23, 1988, the date that the parties reached an agreement in principle.

The Department of Justice will receive comments relating to the proposed partial consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *United States v. Union Research Co., Inc.*, DOJ Ref. No. 90-11-2-227.

The proposed partial consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

United States Attorney's Office

David Collins, Esq., Assistant United States Attorney, District of Maine, P.O. Box 1588, 156 Federal Street, Portland, Maine 04104.

EPA Region I

Margery Adams, Esq., Office of Regional Counsel, U.S. Environmental Protection Agency, John F. Kennedy Building, Room 2203, Boston, Massachusetts 02203.

Copies of the proposed partial consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. A

copy of the proposed partial consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the decree, please enclose a check for copying costs in the amount of \$1.20 payable to Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-13600 Filed 6-7-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 89-41; Exemption Application No. D-7686 et al.]

Grant of Individual Exemptions; Plastic and Reconstructive Institute of Seattle, Inc., Profit Sharing Trust, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102

of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Plastic & Reconstructive Institute of Seattle, Inc. Profit Sharing Trust (the Plan) Located in Seattle, Washington

[Prohibited Transaction Exemption 89-41; Exemption Application No. D-7686]

Exemption

The restrictions of section 406(a), (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the Plan's proposed: 1) purchase (the Purchase) for cash of certain real property (the Discrete Space) from Dr. Eugene W. Goertzen (Dr. Goertzen) and his wife (the Applicants), parties in interest with respect to the Plan; and 2) lease-back of the Discrete Space to Plastic & Reconstructive Institute of Seattle, Inc. (the Employer), the Plan sponsor and, as such, a party in interest with respect to the Plan; provided that the terms and conditions of the transactions are at least as favorable to the Plan as to those obtainable by the Plan in an arm's-length transaction with an unrelated party.

Duration of Exemption: Ten years from the date of the grant of the proposed exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 4, 1989 at 54 FR 13582.

FOR FURTHER INFORMATION CONTACT: Mrs. B.S. Scott of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Protech, Inc. Defined Benefit Pension Plan (the Plan) Located in San Diego, California

[Prohibited Transaction Exemption 89-42; Exemption Application No. D-7730]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a series of loans (the Loans) by the Plan to Solana Beach Mini-Warehouse, Ltd. (the Partnership), a disqualified person with respect to the Plan and a general partnership in which the sponsor of the Plan, Protech, Inc., is the majority general partner, provided that at any time not more than twenty-five (25%) percent of the total assets of the Plan will be involved in such loans, and further provided that the terms of each of the Loans are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 20, 1989, at 54 FR 16020.

FOR FURTHER INFORMATION CONTACT:

Mr. C. E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Blackhawk, Inc. Employees' Retirement Plan and Trust (the Plan) Located in Phoenix, Arizona

[Prohibited Transaction Exemption 89-43; Exemption Application No. D-7792]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the purchases of certain vacant land (the Land) by the Plan from Mr. Kenneth A. Wallace, a disqualified person with respect to the Plan, provided the purchase price does not exceed the Land's fair market value as of the date of the purchase and provided further that the purchase does not cause the Plan to be disqualified in accordance with the provisions of section 415 of the Code. Because Kenneth A. Wallace is the sole owner and employee of Blackhawk, Inc., the Plan sponsor, and the sole participant in the Plan, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3(b) and (c). However, there is jurisdiction under Title II of the Act under section 4975 of the Code.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 20, 1989, at 54 FR 16023.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Columbia Orthopaedic Group Integrated Profit Sharing Plan and Trust (the Plan) Located in Columbia, Missouri

[Prohibited Transaction Exemption 89-44; Exemption Application No. D-7798]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the acquisition of first mortgage bonds (the Bonds) issued by C.O.G. Leasing Company (COG Leasing) by the individual accounts (the Accounts) in the Plan, provided the terms of the Bonds are the same for the Accounts as for unrelated parties; and (2) the guarantees by the partners of COG Leasing to the Accounts to assure the repayment of the Bonds.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 4, 1989, at 54 FR 13588.

EFFECTIVE DATE: This exemption is effective November 1, 1988.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Dr. Sam W. McCalla, P.A. Profit Sharing Plan and the Dr. Sam W. McCalla, P.A. Pension Plan (collectively, the Plans) Located in Greenville, SC

[Prohibited Transaction Exemption 89-45; Exemption Application No. D-7889]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plans of certain real property (Parcel A and Parcel B), for the total cash consideration of \$170,200, to Sam W. McCalla, M.D. (Dr. McCalla), a disqualified person with respect to the Plans, provided the amount paid for Parcel A and Parcel B is not less than

fair market value on the date the transaction is consummated.¹

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 26, 1989 at 54 FR 18046.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

White River Diagnostic Clinic, P.A. Retirement Plan (the Plan) Located in Batesville, Arkansas

[Prohibited Transaction Exemption 89-46; Exemption Application No. D-7907]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash by the Plans of certain real property (the Real Property) to Paul Baxley, M.D., a disqualified person with respect to the Plan, provided that the price paid be no less than the fair market value of the Real Property as of the date of sale, as determined by an independent and qualified appraiser.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 26, 1989 at 54 FR 18049.

FOR FURTHER INFORMATION CONTACT: Joseph L. Roberts III of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

John R. Ciliberti, M.D., P.S., Pension Plan and Trust (the Plan) Located in Redmond, Washington

[Prohibited Transaction Exemption 89-47; Exemption Application No. D-7924]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale (the Sale) for cash of certain real property (the Property) by the Plan to John R. Ciliberti, M.D., a disqualified person with respect to the Plan, provided that the sales price for the Property is the higher of either the sum

¹ Because Dr. McCalla is the only participant in the Plans and the sole shareholder of Sam W. McCalla, P.A., the Plans' sponsor, there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510.3-3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

of \$76,000 or the fair market value of the Property on the date of the Sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 20, 1989, at 54 FR 16024.

FOR FURTHER INFORMATION CONTACT: Mr. C. E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 2nd day of June, 1989.

Robert J. Doyle,

Director of Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 89-13533 Filed 6-7-89; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION ON CHILDREN

Meeting

Background

The National Commission on Children was created by Pub. L. 100-203, December 22, 1987 as an amendment to the Social Security Act. The purpose of the law is to establish a nonpartisan Commission directed to study the problems of children in the areas of health, education, social services, income security, and tax policy.

The powers of the Commission are vested in Commissioners consisting of 36 voting members as follows:

1. Twelve members appointed by the President
2. Twelve members appointed by the Speaker of the House of Representatives
3. Twelve members appointed by the President pro tempore of the Senate.

This notice announces the second meeting of the National Commission on Children to be held in Washington, DC.

Time: 9:30 am—12:30 pm; Friday, June 23, 1989.

Place: Hart Senate Office Building; Room H-216.

Status: 9:30 am—12:30 pm; Open meeting.

Agenda: Discussion of the Commission's future agenda.

Contact: Jeannine Atalay; Telephone: (202) 254-3800.

John D. Rockefeller IV,

Chairman, National Commission on Children.

Date: June 2, 1989.

[FR Doc. 89-13555 Filed 6-7-89; 8:45 am]

BILLING CODE 6820-37-M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

Date: May 31, 1989.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, Room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: 3133-0011.

Form Number: NCUA 9600 and 9600-

1.

Type of Review: Renewal.

Title: Application for Insurance of Accounts, State Chartered Credit Unions.

Description: Federal credit unions converting to state charter and desiring to maintain federal insurance must reapply for federal insurance. All state chartered credit unions desiring federal insurance must apply as well.

Respondents: Certain federal credit unions and state chartered credit unions.

Estimated Number of Respondents: 65.

Estimated Burden Hours per Response: 2.3 hours.

Frequency of Response: One time.

Estimated Total Reporting Burden: 199.5 hours.

OMB Number: 3133-0076.

Form Number: NCUA 8040.

Type of Review: Renewal.

Title: Voluntary Liquidation Procedures for Insurance Federal Credit Unions.

Description: The booklet, Voluntary Liquidation Procedures for Insured Federal Credit, provides suggested forms and outlines procedures for voluntary liquidation of a federal credit union.

Respondents: Federal credit unions.

Estimated Number of Respondents: 25.

Estimated Burden Hours per Response: 20.

Frequency of Response: One time.

Estimated Total Reporting Burden: 500.

OMB Number: 3133-0098.

Type of Review: Renewal.

Title: Accuracy of Advertising—Section 740.2.

Description: Federally insured credit unions which offer or provide excess insurance coverage for their accounts must indicate the type and amount of such insurance, the name of the carrier and a statement in all advertising that mentions account insurance that the carrier is not affiliated with NCUSIF or the federal government.

Estimated Number of Respondents: 1,500.

Estimated Burden Hours per Response: 50 hours.

Frequency of Response: One time.

Estimated Total Reporting Burden: 1,500.

OMB Number: 3133-0099.

Type of Review: Renewal.

Title: Notice of Voluntary Termination or Conversion of Insured Status.

Description: A credit union proposing voluntary termination or conversion of federal insurance must notify its members that their accounts are no longer federally insured, name of the new carrier, amount of coverage and a statement that the carrier is not affiliated with NCUSIF or the federal government must also be provided.

Respondents: Federally Insured Credit Unions.

Estimated Number of Respondents: 30.

Estimated Burden Hours per Response: 25 hours..

Frequency of Response: 1,000.

Estimated Total Reporting Burden: 7,500.

Clearance Officer: Wilmer A. Theard, (202) 682-9700, National Credit Union Administration, Room 7344, 1776 G Street, Washington, DC 20456.

OMB Reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 89-13601 Filed 6-7-89; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of Inter-Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Dance on Tour Section) to the National Council on the Arts will be held on June 28-29, 1989, from 9:30 a.m.-5:00 p.m. in Room M07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 28, 1989, from 9:30 a.m.-10:00 a.m. and June 29, 1989, from 1:00 p.m.-5:00 p.m. The topics for discussion will be guidelines and policy issues.

The remaining portion of this meeting on June 28, 1989, from 10:00 a.m.-5:00 p.m. and on June 29, 1989, from 9:00 a.m.-1:00 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applications. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be

closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

June 1, 1989.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 89-13602 Filed 6-7-89; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-353]

Philadelphia Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions to Philadelphia Electric Company, for operation of the Limerick Generating Station, Unit 2, located in Montgomery and Chester Counties, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

A. Containment Airlock Testing

Identification of Proposed Action: The proposed exemption would eliminate the full pressure test required by Paragraph III.D.2(b)(ii) of Appendix J each time the air lock is opened during periods when containment integrity is not required and substitute a seal leakage test to be conducted at a pressure specified in the Technical Specifications. The proposed exemption is in accordance with the licensee's request dated September 14, 1984.

The Need for the Proposed Action: The proposed exemption is required to provide the licensee with greater plant availability over the lifetime of the plant.

Environmental Impact of the Proposed Action: The proposed exemption would allow the substitution of an airlock seal test for an airlock pressure test while the reactor is in a shutdown or refueling mode. With respect to this proposed

exemption from Appendix J, the increment of environmental impact is related solely to the potential increased probability and the magnitude of containment leakage during an accident which could lead to potentially greater offset radiological consequences. However, the potential increase due to this proposed exemption is small and would result from the potential leakage path through the door mechanism which will not be measured by this modified test. Other tests every six months or when maintenance is performed on the airlock, will measure the leakage through the door mechanism. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact. Additionally, it does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action:

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts of the plant operations and would result in reduced operational impacts of the plant operations and would result in reduced operational flexibility.

B. Leak Rate Testing of Main Steam Isolation Valves

Identification of Proposed Action: The proposed exemption would (1) allow testing of the main steam isolation valves (MSIV) to be conducted at a differential pressure less than that required by Paragraphs III.H.4 and III.C.2 of Appendix J, and (2) allow exclusion of the measured MSIV leakage rates from the summation for the local leak rate tests as otherwise required by Paragraph III.C.3 of Appendix J. The proposed exemption is in accordance with the licensee's request dated September 14, 1984.

The Need for the Proposed Action: The proposed exemption from Paragraphs III.H.4 and III.C.2 is required because, due to the design of the main steam isolation system, a testing of the MSIVs at the calculated peak internal containment design basis pressure, Pa, would lift the disc of the inboard MSIV and result in a meaningless test. In lieu of testing at pressure Pa the licensee proposes to test at one-half of Pa. The proposed

exemption from Paragraph III.C.3 is requested because leakage that is to be collected by the MSIV leakage control system and processed by the standby gas treatment system need not be included in the determination of direct containment leakage to the environs.

Environmental Impact of the Proposed Action:

The proposed exemption would allow the Appendix J Type C testing of the main steam isolation valves to be conducted at a differential pressure less than that required by Appendix J and would allow exclusion of the measured leakage from the combined local leak rate test results. With respect to this proposed exemption from Appendix J, the increment of environmental impact is related to the potential increased probability and the magnitude of leakage during an accident which could lead to potentially higher offsite radiological consequences. However, the potential increase due to the proposed exemption granted for the reduced differential pressure testing and exclusion of the measured MSIV leakage from combined local leak rate test results will not result in an increase in doses beyond those already accounted for and determined in the Chapter 15 Accident Analysis of the Final Safety Analysis report. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact. Additionally, it does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemptions.

Alternative to the Proposed Action:

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemptions. This would not reduce the environmental impact of plant operations.

C. Leak Rate Testing of Traversing Incore Probe Shear Valves

Identification of the Proposed Action: The proposed exemption would allow substitution of alternate provisions to ensure isolation capability of the traversing incore probe (TIP) guide tubes. These provisions are in lieu of the leak rate testing otherwise required by Paragraphs III.H.1 and III.C.2 of Appendix J for the guide tube explosively actuated shear valves. The proposed exemption is in accordance

with the licensee's request dated September 14, 1984.

The Need for the Proposed Action: The proposed exemption is required because it is impractical to leak rate test the shear valves since their destruction would be required.

Environmental Impacts of the Proposed Action: The proposed exemption would allow substitution of other isolation provisions for the TIP guide tube shear valves in lieu of leakage rate testing otherwise required by Appendix J. With respect to this proposed exemption from Appendix J, the increment of environmental impact is related to the potential increased probability and magnitude of containment leakage during an accident which could lead to potentially higher radiological consequences. However, there is no potential increase due to the exemption since leakage rate testing of a once actuated explosive shear valve would not provide any practical information about the leak-tight integrity of the valve used to replace the actuated valve. Instead alternate provisions are included in the Technical Specifications which periodically (a) verify the continuity of the valves' explosive charge, (b) initiate an explosive charge and (c) replace all explosive charges in accordance with a recommended lifetime.

Alternative to the Proposed Action: Since the Commission concluded that there is no significant environmental effect that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts of plant operations and would provide no greater assurance of TIP shear valve leak-tight integrity.

Alternative Use of Resources: These actions do not involve the use of any resources not previously considered in the Final Environmental Statements for the Limerick Generating Station, Unit 2, dated April 1984.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

Based upon the foregoing environmental assessment, we conclude that the proposed exemptions will not have a significant effect on the quality of the human environment.

For further details with respect to these actions, see the application for amendment dated September 14, 1984, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Dated at Rockville, Maryland, this 31st day of May 1989.

For the Nuclear Regulatory Commission,
Walter Butler,

*Director, Project Directorate I-2 Division of
Reactor Projects I/II, Office of Nuclear
Reactor Regulation.*

[FR Doc. 89-13512 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on June 8-10, 1989 in Room P-110, 7920 Norfolk Avenue, Bethesda, Md. Notice of this meeting was published in the *Federal Register* on May 17, 1989. The meeting on June 9, 1989 has been rescheduled and a session has been added.

Friday, June 9, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.-10:30 a.m.: General Electric Company Advanced Boiling Water Reactor (Open)—A briefing and discussion will be held regarding design features of this advanced reactor to address NRC severe accident policy considerations.

10:45 a.m.-12:15 p.m.: LaSalle County Station, Unit 2 (Open)—The Committee will review and comment on proposed resolution of the BWR core power oscillation event which occurred at this plant.

1:15 a.m.-2:30 p.m.: USI A-17, Systems Interactions (Open)—The Committee will review and report on proposed final resolution of this unresolved safety issue.

2:45 p.m.-4:45 p.m.: Education Requirements and Experience for Nuclear Power Plant Senior Operators and Control Room Supervisors (Open)—Discuss and report on a proposed Commission policy statement regarding education and experience requirements for nuclear power plant Senior Operators and Control Room Supervisors.

4:45 p.m.-5:30 p.m.: Preparation of ACRS Reports to NRC (Open)—The Committee will discuss proposed ACRS reports to NRC regarding the status of

ATWS resolution and the scope of ACRS responsibilities.

5:30 p.m.-6:00 p.m.: Nomination and Activities of ACRS Members (Open/Closed)—The Committee will discuss qualifications of candidates proposed for nomination as members of the ACRS and outside activities of a member(s).

Portions of this session will be closed as required to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492-8049), between 8:15 a.m. and 5:00 p.m.

Date: June 8, 1989.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 89-13731 Filed 6-7-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co. Withdrawal of Application for Amendments to Facility Operating Licenses

The United States Nuclear Regulatory Commission (the Commission) has granted the request of the Baltimore Gas and Electric Company (the licensee) to withdraw a portion of its January 20, 1987, application, as supplemented on January 12, 1988, for proposed amendments to Facility Operating License Nos. DPR-53 and DPR-69 for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.

The proposed amendments would have revised the Units 1 and 2 Technical Specifications by eliminating redundancy and consolidating containment purge valve TS requirements by relocating their surveillance test requirements from TS 3/4.6.4, "Containment Isolation Valves," and TS 3/4.9.9, "Refueling Operations—Containment Purge Valve Isolation System," into an expanded TS 3/4.9.4,

"Refueling Operations—Containment Penetrations."

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the *Federal Register* on May 1, 1989 (54 FR 18615). However, by letter dated June 28, 1988, the licensee had withdrawn this proposed change.

For further details with respect to this action, see the application for amendment dated January 20, 1987, as supplemented January 12, 1988, and the licensee's letter dated June 28, 1988, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Calvert County Library, Prince Frederick, Maryland.

Dated at Rockville, Maryland, this 31st day of May 1989.

For the Nuclear Regulatory Commission,
Scott Alexander McNeil,

*Project Manager, Project Directorate I-1,
Division of Reactor Projects I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 89-13819 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-42 and DPR-60, issued to the Northern States Power Company (the licensee), for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2, located in Goodhue County, Minnesota.

In accordance with the licensee's application for amendments dated January 12, 1989, the amendments would change the pressure temperature limits given in the specification Figures TS 3.1-1 and TS 3.1-2 and the specifications TS 3.1.B and TS 3.1.G to reflect the revised Commission position on the radiation effects on the embrittlement of the reactor vessel materials. The methods described in Revision 2 of Regulatory Guide 1.99 were used by the licensee in preparing the amendment request.

Prior to issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 10, 1989, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lawrence A. Yandell (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this *Federal Register* notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq.; Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated January 12, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Minneapolis Public

Library, Technology and Science
Department, 300 Nicollet Mall,
Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 31st day
of May 1989.

For the Nuclear Regulatory Commission.

John J. Stefano,

*Acting Director, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.*

[FR Doc. 89-13622 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

**Philadelphia Electric Co., et al.; Notice
of Partial Denial of Amendment to
Facility Operating License and
Opportunity for Hearing**

In the matter of Philadelphia Electric
Company Public Service Electric and Gas
Company Delmarva Power and Light
Company Atlantic City Electric Company.

The U.S. Nuclear Regulatory
Commission (the Commission) has
partially denied a request by
Philadelphia Electric Company, (the
licensee) for an amendment to Facility
Operating License Nos. DPR-44 and
DPR-56, issued to the licensee for
operation of the Peach Bottom Atomic
Power Station, Unit Nos. 2 and 3,
located in York County, Pennsylvania.
Notice of Consideration of Issuance of
this amendment was published in the
Federal Register on April 27, 1989 (54 FR
18179).

The purpose of the Licensee's
amendment request dated October 17,
1986 was to revise the Technical
Specifications (TS) to delete certain
thermal effluent monitoring
requirements from the Environmental
Technical Specifications (ETS) in view
of the issuance of the National Pollutant
Discharge Elimination System (NPDES)
permit by the Commonwealth of
Pennsylvania and to make other
conforming changes of an administrative
nature to the ETS.

The NRC staff has concluded that the
licensee's request to delete the thermal
effluent monitoring requirements can be
granted but the other conforming
changes of an administrative nature are
being denied at this time because they
have not been adequately supported in
the licensee's application. The licensee
was notified of the Commission's denial
of the proposed change by letter dated
April 21, 1989.

By July 10, 1989, the licensee may
demand a hearing with respect to the
denial described above. Any person
whose interest may be affected by this

proceeding may file a written petition
for leave to intervene.

A request for hearing or petition for
leave to intervene must be filed with the
Secretary of the Commission, U.S.
Nuclear Regulatory Commission,
Washington, DC 20555, Attention:
Docketing and Service Branch, or may
be delivered to the Commission's Public
Document Room, the Gelman Building,
2120 L Street, NW., Washington, DC, by
the above date. A copy of any petitions
should be also sent to the Office of the
General Counsel, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555, and to Conner and
Wetterhahn, 1747 Pennsylvania Avenue,
NW., Washington, DC 20006, attorney
for the licensee.

For further details with respect to this
action, see (1) the application for
amendment dated October 17, 1986, and
(2) the Commission's letter to the
licensee dated April 21, 1989.

These documents are available for
public inspection at the Commission's
Public Document Room, the Gelman
Building, 2120 L Street, NW,
Washington, DC and at the State Library
of Pennsylvania, Walnut St. and
Commonwealth Ave., Box 1601,
Harrisburg, PA 17105. A copy of Item (2)
may be obtained upon request
addressed to the U.S. Nuclear
Regulatory Commission, Washington,
DC, 20555, Attention Document Control
Desk.

Dated at Rockville, Maryland, this 31st day
of May 1989.

For the Nuclear Regulatory Commission.

Walter R. Butler,

*Director, Project Directorate I-2, Division of
Reactor Projects I/II, Office of Nuclear
Reactor Regulation.*

[FR Doc. 89-13511 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-354]

**Public Service Electric and Gas Co.;
Issuance of Environmental
Assessment and Finding of No
Significant Impact**

The U.S. Nuclear Regulatory
Commission (the Commission) is
considering issuance of an amendment
to Facility Operating License No. NPF-
57, issued to Public Service Electric and
Gas Company, (the licensee), for
operation of the Hope Creek Generating
Station, located in Salem County, New
Jersey.

Identification of Proposed Action

The amendment would consist of an
addition to the Technical Specifications
(TS) that would authorize the storage

capacity of the spent fuel pool at 1290
spent fuel assemblies.

The amendment to the TS is
responsive to the licensee's application
dated October 26, 1988. The NRC staff
has prepared an Environmental
Assessment of the proposed action
"Environmental Assessment by the
Office of Nuclear Reactor Regulation
Relating to the Expansion of the Spent
Fuel Pool, Facility Operating License No.
NPF-57, Public Service Electric and Gas
Company, Hope Creek Generating
Station, Docket No. 50-354," dated June
5, 1989.

Summary of Environmental Assessment

The "Final Generic Environmental
Impact Statement (FGEIS) on Handling
and Storage of Spent Light Water Power
Reactor Fuel" (NUREG-0575), Volumes
1-3 (1979), concluded that the
environmental impact of interim storage
of spent fuel was negligible and the cost
of the various alternatives reflects the
advantage of continued generation of
nuclear power with the accompanying
spent fuel storage. Because of the
differences in design, the FGEIS
recommended evaluating spent fuel pool
expansions on a case-by-case basis.

For Hope Creek Generating Station,
the expansion of the storage capacity of
the spent fuel pool will not create any
significant additional radiological
effects or non-radiological
environmental impacts beyond those
assessed in the Commission's Final
Environmental Statement (FES) issued
in December 1984 related to the
operation of Hope Creek Generating
Station, and in the Safety Evaluation
Report issued October 1984 in support of
a license amendment concerning storage
capacity.

The occupational radiation dose for
the proposed operation of the expanded
spent fuel pool is estimated to be less
than one percent of the total annual
occupational radiation exposure for this
facility.

Finding of No Significant Impact

The staff has reviewed the proposed
spent fuel pool expansion to the facility
relative to the requirements set forth in
10 CFR Part 51. Based on this
assessment, the staff concludes that
there are no significant radiological or
non-radiological impacts associated
with the proposed action and that the
issuance of the proposed amendment to
the license will have no significant
impact on the quality of the human
environment. Therefore, pursuant to 10
CFR 51.31, no environmental impact
statement needs to be prepared for this
action.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1988, (2) the FGEIS on Handling and Storage of Spent Light Water Reactor Fuel (NUREG-0575), (3) the FES for Hope Creek Generating Station dated December 1984, and (4) the Environmental Assessment dated June 5, 1989.

These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555 and at the Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 5th day of June, 1989.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Acting Director, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-13623 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Withdrawal of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by Virginia Electric and Power Company (the licensee) to withdraw its December 13, 1985 application for amendments to Facility Operating License Nos. DPR-32 and DPR-37, issued to the licensee for operation of the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia. Notice of Consideration of Issuance of this amendment was published in the *Federal Register* on April 23, 1986 (51 FR 15415).

The purpose of the licensee's amendment request was to amend the Facility Operating Licenses by adding a requirement for implementation of an integrated implementation schedule.

Subsequently, the licensee informed the staff that the amendment is no longer requested. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1985, and (2) the staff's letters dated May 4, 1989 and May 25, 1989.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Swem

Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 25th day of May 1989.

For the Nuclear Regulatory Commission.

Bart C. Buckley,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-13620 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Withdrawal of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by Virginia Electric and Power Company (the licensee) to withdraw its December 13, 1985 application for amendments to Facility Operating License Nos. DPR-32 and DPR-37, issued to the licensee for operation of the Surry Power Station, Unit Nos. 1 and 2, located in Surry County, Virginia. Notice of Consideration of Issuance of this amendment was published in the *Federal Register* on April 23, 1986 (51 FR 15415).

The purpose of the licensee's amendment request was to amend the Facility Operating Licenses by adding a requirement for implementation of an integrated implementation schedule.

Subsequently, the licensee informed the staff that the amendment is no longer requested. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1985, and (2) the staff's letters dated May 4, 1989 and May 25, 1989.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 25th day of May 1989.

For the Nuclear Regulatory Commission.

Bart C. Buckley,

Senior Project Manager, Project Directorate II-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-13621 Filed 6-7-89; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Meeting

Notice is hereby given that a meeting of the Nuclear Waste Technical Review Board will be held on Monday, June 26, 1989, from 8:30 a.m. to 5:00 p.m., and on Tuesday, June 27, 1989, from 8:30 a.m. to 5:30 p.m. at the Ramada Suite—St. Tropez Hotel Conference Center, 455 East Harmon Avenue, Las Vegas, NV 89109. On Wednesday, June 28, 1989, the Nuclear Waste Technical Review Board will take a field trip to the proposed Yucca Mountain Repository Site.

The purpose of the meeting and the field trip is to obtain information which the Board has requested. The Nevada Agency for Nuclear Projects, Nuclear Waste Project Office, State of Nevada, will brief the Board on Monday, June 26, 1989, and representatives of the Project Office will accompany the Board on the June 28, 1989, field trip to Yucca Mountain. This briefing will cover an Introduction, Overview of Technical Concerns, Tectonics, Faulting, Unsaturated Zone Hydrology, Saturated Zone Hydrology, Hydrologic Modeling, Performance Assessment, Geochemistry, Volcanism, Climate Change, Mineral Resources, and a Summary. On Tuesday, June 27, 1989, the Department of Energy will brief the Board and topics will include an Overview of the Briefing and Field Trip, Geologic Description of the Yucca Mountain Site, Volcanism in the vicinity of Yucca Mountain and the approach for assessing the potential for volcanic hazards, seismicity in the vicinity of Yucca Mountain and the approach for assessing the potential for volcanic hazards, seismicity in the vicinity of Yucca Mountain and the approach for assessing the potential for seismic hazards, current knowledge of the hydrologic conditions at the site and the approach to characterization, overview of plans for site characterization, summary and discussion, and plans for the field trip.

The public is permitted to attend these meetings only as observers. The meetings on June 26 and 27, 1989, will be transcribed and procedures to obtain transcripts will be provided at the meeting. To ensure that adequate facilities are provided for public attendance, persons planning to attend the meetings at the Ramada Suite—St. Tropez Hotel should contact Dennis Condie on (202) 254-4792 by 4:30 p.m. (EST), on June 20, 1989. Persons planning to visit the proposed Yucca Mountain Repository Site should contact

Christopher Hanus on (202) 586-4495 by 4:30 p.m. (EST) on June 12, 1989.

Further information on these meetings can be obtained from William Coons, Executive Director, Nuclear Waste Technical Review Board, 1111 18th Street, NW., Suite 801, Washington, DC 20036, (202) 254-4792.

Date: June 6, 1989.

William W. Coons,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 89-13676 Filed 6-7-89; 8:45 am]

BILLING CODE 6820-AM-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-63]

Request for Comments on Determination Under Section 304 of the Trade Act of 1974, As Amended, Relating to European Community Policies and Practices With Respect to, *Inter Alia*, Processing Subsidies on Oilseeds

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for written comments on determination under section 304 of the Trade Act of 1974 (the "Trade Act"), as amended, 19 U.S.C. 2414.

SUMMARY: Pursuant to section 304(a)(2) of the Trade Act, 19 U.S.C. 2414, as amended by section 1301 of the Omnibus Trade and Competitiveness Act of 1988, the United States Trade Representative ("USTR") is required to determine on or before July 5, 1989, whether United States' rights under a trade agreement are being denied by, *inter alia*, EC processing subsidies on oilseeds and the practices resulting from the EC's oilseed regime and whether the EC practices at issue are unjustifiable or unreasonable, and burden or restrict U.S. commerce, within the meaning of section 301(a)(1)(B) or 301(b)(1), 19 U.S.C. 2411(a)(1)(B) and 19 U.S.C. 2411(b)(1), respectively. The Trade Representative is also considering appropriate action (subject to the specific direction, if any, of the President) in response to the EC's practices. The USTR welcomes written comments regarding such determination or responsive action with respect to the subject EC practices.

DATES: Written comments from interested persons are due June 28, 1989.

ADDRESS: Comments should be addressed to the Chairman, Section 301 Committee, Office of the United States

Trade Representative, Room 223, 600 17th St., NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT:

Timothy Reif, Assistant General Counsel ((202) 395-6800); Marilyn Moore, Advisor to the Assistant U.S. Trade Representative for Agricultural Affairs ((202) 395-5006); or Laura Anderson, Director, European Community Affairs ((202) 395-3074).

SUPPLEMENTARY INFORMATION: On December 16, 1987, the American Soybean Association filed a petition under section 302 of the Trade Act, 19 U.S.C. 2412, alleging that the EC has engaged in practices affecting imports of oilseeds, particularly soybeans, that deny rights of the United States under a trade agreement, are inconsistent with a trade agreement, and are unjustifiable, unreasonable and burden or restrict United States commerce. The practices complained of are, *inter alia*, subsidies provided to the EC processors of oilseeds that encourage purchase of EC oilseeds to the detriment of imports of oilseeds, particularly soybeans, from the United States.

On January 5, 1988, the USTR initiated an investigation of these practices and requested consultations with the EC, as required by section 303(a) of the Trade Act, 19 U.S.C. 2413. Consultations were held between representatives of the United States and the EC on January 26, 1988, February 19, 1988, and April 19, 1988. These consultations failed to result in the parties reaching a mutually satisfactory resolution of the issues. Thus, on May 4, 1988, the United States requested the Contracting Parties of the General Agreement on Tariffs and Trade to establish a dispute settlement panel to consider the matter. The EC did not accede to the United States' request until June 16, 1988 and did not agree to composition of the panel until May 19, 1989. The panel held its organizational meeting on May 31, 1989, and will hold its first meeting with the parties on June 27, 1989.

Pursuant to 19 U.S.C. 2414, as amended by section 1301 of the Omnibus Trade and Competitiveness Act of 1988, the USTR is required to determine whether the EC's practices deny "rights to which the United States is entitled" under the GATT and whether such practices are unjustifiable or unreasonable.

Public Comment: The public is invited to comment on: (1) Whether the EC policies and practices at issue are actionable under section 301, including comments on whether it violates a trade agreement; (2) the burden or restriction on U.S. commerce caused by the EC practices; and (3) appropriate action to

be taken in response to the EC practices. The comments submitted will be considered in determining actionability under section 301 and in recommending any action under section 301 to the USTR. All written submissions must be filed in accordance with 15 CFR part 2006.8. Submissions are to be submitted in twenty (20) copies, in English, by noon on June 28, 1989 to Chairman, Section 301 Committee, Office of the U.S. Trade Representative, Room 222, 600 17th Street, NW., Washington, DC 20506.

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 89-13536 Filed 6-7-89; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Generalized System of Preferences

In the matter of: Trade Policy Staff Committee; solicitation of public comment: request for information regarding practices in Poland and Hungary relating to the criteria for designation under the U.S. Generalized System of Preferences (GSP); and review and solicitation of public comment: United States International Trade Commission public report assessing the domestic economic impact of removing certain unmanufactured cigarette leaf tobacco from eligibility for duty-free treatment under the U.S. Generalized System of Preferences: Cigar Association of America Petition.

The GSP Subcommittee of the Trade Policy Staff Committee hereby notifies interested parties of the opportunity to provide information regarding practices in Poland and Hungary relating to the criteria for designation under the U.S. GSP program. The GSP is provided for in the Trade Act of 1974, as amended (19 U.S.C. 2461-2465). The designation criteria are listed in subsections 502(a), 502(b), and 502(c) of the Act. All comments regarding the eligibility of Poland or Hungary for designation as GSP beneficiaries should be submitted in 20 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., Room 517, Washington, DC 20506. Comments must be received no later than 5:00 p.m. on Friday, June 30, 1989.

Interested parties are also notified of the opportunity to comment on the public version of the United States International Trade Commission (USITC) report assessing the domestic economic impact of the proposed removal of certain unmanufactured cigarette leaf tobacco from eligibility for duty-free treatment under GSP. The report is available from the USITC by calling William Lipovsky in the Agricultural Division at the USITC at

(202) 252-1331 (Room #514G). The USITC is located at 500 E Street, SW., Washington, DC. The report is also available for review by appointment at the GSP Information Center, Office of the USTR in Washington, DC; the GSP Information Center can be contacted at (202) 395-6971. All comments concerning the USITC report should be submitted in 20 copies, in English, to the Chairman of the GSP Subcommittee, 600 17th Street, NW., Washington, DC 20506. Comments on the USITC report must be received no later than 5:00 p.m. on Thursday, June 15, 1989.

Information and comments submitted on Poland, Hungary and the USITC report will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2007.7. If the document contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document.

The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

Questions concerning these comment periods or any other aspect of the GSP program may be directed to the GSP Information Center at (202)395-6971.

Sandra J. Kristoff,

Chairwoman, Trade Policy Staff Committee.

[FR Doc. 89-13577 Filed 6-7-89; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash [202] 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission Public Reference Branch 450 Fifth Street, NW Washington, DC 20529

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 et seq.], the Securities and Exchange Commission has submitted for OMB approval proposed Rule 15a-6 which provides an exemption from broker-dealer registration for foreign broker-dealers that effects trades for major U.S.

institutional investors through a U.S. registered broker-dealers affiliate, or that limit their activities entirely to certain non-U.S. persons. It is estimated that approximately 2,000 broker-dealers will incur an estimated average of three burden hours to comply with this rule. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-6004, and Gary Waxman, Clearance Officer, Office of Management and Budget [Paperwork Reduction Project 3235-040E], Room 3208, New Executive Office Building, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

June 2, 1989.

[FR Doc. 89-13615 Filed 6-7-89; 8:45 am]

BILLING CODE 8010-01-M

[34-26883; DTC-89-1]

Self-Regulatory Organizations; Notice of Filing of Amendment No. 1 to Proposed Rule Change by The Depository Trust Co.

June 1, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 4, 1989, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the amendment to the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission previously published notice of this File No. SR-DTC-89-1 to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Amendment to the Proposed Rule Change

The amendment to the proposed rule change being filed by DTC consists of the draft of detailed procedures for the new Rush Withdrawal Transfer service being offered in connection with DTC's planned elimination of most urgent withdrawals ("CODs") of corporate issues settling in next-day funds that are

not "full" FAST issues. It is DTC's belief that this amendment makes no substantive change to the previously filed terms of the Rush Withdrawal Transfer service and presents details of implementation only. DTC anticipates that it will file with the Commission the final version of the detailed procedures and the fees for the new service during the first week of June 1989, and that the final draft will embody no substantive changes to this draft but may involve some adjustment of details.

II. Self-Regulatory Organization's Statement of the Purpose of the Amendment to the Proposed Rule Change

The purpose of the amendment to the proposed rule change is to make available to the Commission and to the public the current draft of the detailed procedures for the new Rush Withdrawal Transfer service that is part of the proposed rule change.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

At present, certificates can be withdrawn from DTC in either of two ways:

(1) Withdrawals-by-Transfer (WTs), in which certificates are transferred routinely to the name of a Participant's customer or another party. Depending on the issue, its transfer agent, and the agent's location, newly registered certificates are generally available one to two weeks after DTC has received WT instructions.

(2) Urgent Certificate-on-Demand (COD) withdrawals, in which certificates registered in the name of DTC's nominee Cede & Co. or bearer certificates are released directly from the depository.

The reasons for discontinuing the subject COD withdrawals (for corporate issues settling in next-day funds that are not "full" FAST issues*) are to realize cost savings and improve safety by eliminating a service that is no longer needed. Few corporate CODs are now needed because rules of the New York Stock Exchange, the National Association of Securities Dealers and other self-regulatory organizations now require, in general, that all delivery-vs.-

* Under DTC's Fast Automated Securities Transfer (FAST) program, DTC leaves securities with transfer agents in the form of balance certificates registered in the depository's nominee name, Cede & Co. The balance certificates are adjusted daily for DTC deposit and withdrawal activity. A "full" FAST issue is one where the transfer agent provides CODs as well as WTs.

payment settlements in depository-eligible corporate securities be settled by book-entry. For other kinds of settlement, and for purposes other than settlement, where Participants may need to deliver physical certificates, WTs will usually suffice because of recent improvements in transfer agent turnaround performance. In other situations, identified in Item 3 of the filing, DTC will provide rush transfer, exception CODs or other special arrangements.

DTC eliminated most same-day corporate CODs for issues settling in next-day funds in November 1987 and eliminated most same-day municipal CODs for issues settling in next-day funds in May 1988. DTC knows of no resulting adverse impact on any Participant or its customers. Participant comment and DTC's experience with phased COD elimination to date have shaped its current proposal. Summaries of significant Participant comments on the proposed rule change and DTC's responses are presented under Item 3 of the filing.

The proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder because it will reduce unnecessary costs in the safeguarding and other processing of securities certificates in the national clearance and settlement system. It will reduce vault and other physical security costs and concerns by substituting "jumbo" certificates for smaller denominations. It will eliminate a costly urgent withdrawal structure and staffing that is no longer needed on a routine basis and should reduce risks associated with that structure. It will cease to mutualize a cost that is better addressed and priced as exception processing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

All comments received on the present and previous versions of the proposed rule change are summarized in substance under Item 3 of the filing, and DTC's detailed responses to any significant issues raised by those comments are presented under Item 3 of the filing. Copies of written comments constitute Exhibits 2(a) and 2(b) to the filing.

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 the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to file number SR-DTC-89-1 and should be submitted on or before June 26, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-13616 Filed 6-7-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26888; File No. S7-820]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendment to Professional Subscriber Fees Under OPRA's National Market System Plan

Pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on May 19, 1989, the Options Price Reporting

Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information,¹ which was submitted to the Commission pursuant to section 11A(a)(3)(B) of the Act.

OPRA has designated this proposal as one establishing or changing a fee pursuant to Rule 11Aa3-2(c)(3)(i) under the Act, which renders the fee effective upon the Commission's receipt of this filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Description and Purpose of the Amendment

The proposed rule change will increase the access fees paid by vendors, news services and direct-connect subscribers from \$700 to \$1400 per month to reflect increases in OPRA's operating costs. In its filing, OPRA stated that its agreements with these entities provide that aggregate access fees are not intended to exceed OPRA's operating expenses, and that such fees are subject to being increased (or decreased) to reflect changes in the number of persons who pay these fees and changes in OPRA's costs. OPRA stated that it believes that the proposed increases are consistent with these provisions because they reflect increases in OPRA's operating costs that are entirely due to a substantial increase in the charges imposed by OPRA's processor, SIAC, to cover the cost of a significant expansion of the OPRA system to increase its message handling capacity.

II. Manner of Implementation of the Amendment

As noted above, pursuant to paragraph (c)(3)(i) of Rule 11Aa3-2, OPRA has designated this amendment as establishing or changing a fee or other charge collected on behalf of all OPRA participants in connection with access to or use of OPRA facilities. Although this would permit the fee change to be effective on filing, OPRA has determined that it will be implemented on July 1, 1989. OPRA also stated that, if SIAC experiences any unanticipated delay in the expansion of the OPRA system that would cause SIAC to delay beyond July 1, 1989, increasing its charges to OPRA, OPRA will in turn defer the effectiveness of the

¹ See Securities Exchange Act Release No. 17638 (March 18, 1981).

fee increase until the higher SIAC fees go into effect.

III. Request for Comments

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment and the revised fee schedule became effective upon filing with the Commission, except that OPRA has determined that delayed effectiveness shall apply, as described in Item II, above. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and maintenance of fair and orderly markets, to remove impediments to and perfect the mechanisms of a National Market System, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 on or before June 26, 1989. All communications should refer to File No. S7-820.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(27).

Jonathan G. Katz,
Secretary.

Dated: June 2, 1989.

[FR Doc. 89-13612 Filed 6-7-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26889; File No. S7-820]

Options Price Reporting Authority; Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendment to Professional Subscriber Fees Under OPRA's National Market System Plan

Pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on June 1, 1989, the Options Price Reporting Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information,¹ which was

submitted to the Commission pursuant to section 11A(a)(3)(B) of the Act.

OPRA has designated this proposal as one establishing or changing a fee pursuant to Rule 11Aa3-2(c)(3)(i) under the Act, which renders the fee effective upon the Commission's receipt of this filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Description of the Amendment

The proposed rule change will revise the fees paid by professional subscribers under the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information ("Plan"). This will be accomplished by replacing the current fee structure whereby a professional subscriber must pay both a location charge (currently \$45.00 for each location at which options information is received) and a device charge of \$1.00 for each electronic display or interrogation device after the first at each location. The revised fee will consist of a device charge only, with the charge per device being reduced as the number of devices maintained by the subscriber is increased.²

II. Purpose of the Amendment

In its filing, OPRA stated that the amendment is intended to accomplish two objectives. First, the new fee structure is intended to provide added revenues to OPRA, in light of substantial increases in the expense of collecting and disseminating options last sale and quotation information. Second, it also will provide a volume discount on the device charge to more fairly allocate subscriber fees among professional subscribers.

OPRA also stated in its filing that since 1983, when OPRA last increased its professional subscriber fees, the costs involved in collecting and disseminating last sale and quotation information have increased considerably due to continued expansion of options trading, the addition of new products, large increases in the volume of quotation message traffic, increased personnel and administrative costs, and higher systems and communications costs.

Finally, OPRA stated in its filing that the aggregate 24.5% increase in professional subscriber fees that will result after both the first stage and second stage increases have been put into effect will still offset only a portion

of the costs incurred by the exchanges in collecting options market information and transmitting it to OPRA's processor.

III. Manner of Implementation of the Amendment

As noted above, pursuant to paragraph (c)(3)(i) of Rule 11Aa3-2, OPRA has designated this amendment as establishing or changing a fee or other charge collected on behalf of all OPRA participants in connection with access to or use of OPRA facilities. Although this would permit the fee change to be effective on filing, OPRA has determined that it will be implemented in two stages. The first stage will go into effect on July 1, 1989, and the second stage will go into effect on July 1, 1990. OPRA stated that the phase-in is designed to give professional subscribers advance notice of the revised fee structure and to lessen the impact of the revision.

IV. Request for Comments

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment and the revised fee schedule became effective upon filing with the Commission, except that OPRA has determined that delayed effectiveness shall apply, as described in Item III, above. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and maintenance of fair and orderly markets, to remove impediments to and perfect the mechanisms of a National Market System, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 on or before June 26, 1989. All communications should refer to File No. S7-820.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(27).

Jonathan G. Katz,
Secretary.

Dated: June 2, 1989.

[FR Doc. 89-13613 Filed 6-7-89; 8:45 am]

BILLING CODE 8010-01-M

¹ See Securities Exchange Act Release No. 17638 (March 18, 1981).

² The revised fee schedule is reflected in Exhibit A of OPRA's submission (File No. S7-820), filed June 1, 1989. The submission and Exhibit are available for inspection and copying in the Commission's Public Reference Room.

[Rel. No. 34-26878; File No. SR-PSE-89-05]

**Self-Regulatory Organizations;
Proposed Rule Change by Pacific
Stock Exchange, Inc., Relating to
Increases in Capital Requirements for
Specialist Posts and Competing and
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 April 3, 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 PSE.¹ 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 PSE proposes to amend Rule V, sections 2(a) and 2(b) and to add Commentaries .01 and .02 to section 2 concerning capital requirements for specialist posts and competing and alternate specialists. The text of the proposed changes is set forth below (brackets indicate deletions and italics indicate additions).

Specialist Post Capital

Sec. 2

[Sec. 2](a)[.] Members registered as specialists shall at all times maintain for each specialist post ~~[\$100,000]~~ *a minimum of \$150,000* in either cash or marketable securities or an amount equal to 25% of the sum of the market value of its securities position both long and short, whichever is greater; provided, however, that a member organization operating more than one specialist post shall be deemed to meet the requirements for minimum post capital so long as the average capital per post operated by such member organization is equal to or greater than the greater of the two amounts stated above. Such specialist post capital shall be maintained on deposit with the Pacific Clearing Corporation or an entity duly authorized by the Exchange, except that the Board of Governors may grant an exception to such requirements for good and sufficient reasons.

**Competing or Alternate Specialists Post
Capital**

[Sec. 2](b)[.] Unless a competing or an alternate specialist is subject to the provisions of [Section 2(a) above,] *paragraph (a) of this section*, the competing specialist or alternate specialist registered with the Exchange shall at all times maintain a minimum of ~~[\$100,000]~~ *\$150,000* in cash or marketable securities for each security in which such competing specialist or alternate specialist is so registered up to ~~[\$100,000,]~~ *\$150,000* or an amount equal to 25% of the aggregate long and short market value of all positions in securities [with respect to] *in which* such competing specialist or alternate specialist is registered, whichever is greater. Such competing or alternate specialist's capital shall be maintained on deposit with the Pacific Clearing Corporation or an entity duly authorized by the Exchange, except that the Board of Governors may grant an exception to such requirements for good and sufficient reasons.

Commentary

01 The specialist post capital requirement of \$150,000, pursuant to paragraph (a) above, shall become effective July 1, 1989.

02 The competing or alternate specialist post capital requirement of \$15,000, pursuant to paragraph (b) above, shall become effective July 1, 1989.

**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
Changes**

Exchange Rule V, sections 2(a) and 2(b), currently requires each specialist post to maintain the greater of \$100,000 in cash or marketable securities or 25% of the market value of its securities position. Each competing or alternate specialist who is not subject to the

provisions under section 2(a) is required to maintain the greater of \$10,000 in cash or marketable securities or 25% of the market value of its securities position for each registered security. The proposed amendment would increase the minimum capital requirement to \$150,000 for each specialist post and \$15,000 for each competing or alternate specialist. These increases are intended to ensure that capital levels will be sufficient to enable specialists to perform their affirmative obligations during volatile markets.

The Exchange believes that the proposed rule change is consistent with the provisions of section 6(b) of the Act in general and, in particular, furthers the objectives of section 6(b)(5) in that it is designed to promote fair and equitable principles of trade and the protection of investors and the public interest.

**(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

¹ On May 12, 1989, the PSE filed Amendment No. 1 to SR-PSE-89-05.

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, N.W., 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-89-5 and should be submitted by June 29, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 30, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-13520 Filed 6-7-89; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Advisory Committee on International Communications and Information Policy; Meeting

The Department of State announces that the Subcommittee on Industrialized Country Policy Issues of the Advisory Committee on International Communications and Information Policy will meet on Wednesday, June 14, 1989 in room 1105 of the Department of State from 10:00 a.m. until 11:45 a.m.

The Committee serves the Department of State in an advisory capacity concerning major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communications services, providers of such services, technology research and development, foreign industrial and regulatory policy and the activities of international organizations with regard to communications and information, and developing country interests.

The Subcommittee will provide advice to the Department on policy issues of concern to industrialized countries, and will include advice on communications and information policy issues being addressed in the Organization for Economic Cooperation and Development (OECD) and, more particularly, the OECD's Committee on Information, Computers and Communications Policy (ICCP).

The June 14 meeting will consider the following matters:

(1) The current work of the ICCP Committee with regard to trade in telecommunications network-based services; a report on a March 17 meeting between the ICCP Committee and the OECD's Trade Committee on trade in telecommunication network-based services; and the future of ICCP work in this area in light of an early June meeting of the Negotiating Group on Services in Geneva which will consider application of trade principles in the telecommunications sector.

(2) the current work of the ICCP Committee with regard to trade in computer services and computerized information services.

(3) the work between the ICCP Committee and the Committee on Capital Movements and Invisible Transactions (CMIT) on answering a questionnaire to develop an inventory of barriers to trade in computer services, computerized information services and value-added network services; and

(4) other on-going work of the ICCP Committee's Working Party on Telecommunications and Information Services Policies (TISP). The TISP will meet June 20 and 21, 1989, and its agenda is expected to include, in addition to consideration of trade in services issues, discussion of papers on rate rebalancing and investment in telecommunications, as well as a presentation by a representative of the European Community on Open Network Provision. The TISP will also begin preparation for an ICCP Special Session on Telecommunications Policies to be held late 1990 or early 1991.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend should so advise the office of Mrs. Lucy H. Richards, Department of State, Washington, DC, telephone (202) 647-5230. Attendees should use the C Street entrance to the Department of State, and plan to reach C Street with sufficient time to be processed into the building, as access to the Department of State building is controlled.

Date: May 24, 1989.

Lucy H. Richards,

Director, Office of Industrialized Country Policy, Executive Secretary, Advisory Committee on International, Communications and Information Policy.

[FR Doc. 89-13587 Filed 6-7-89; 8:45 am]

BILLING CODE 4710-07-M

Shipping Coordinating Committee; Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 0930 on Tuesday, 13 June 1989 in Room 4436/38/40 of the Department of Transportation Building, 400 Seventh Street, SW., Washington, DC. This special public meeting is being held in preparation for:

1. The upcoming 6th and final session of the International Maritime Organization (IMO)/United Nations Conference on Trade and Development (UNCTAD) Joint Intergovernmental Group of Experts (JIGE) on Maritime Liens and Mortgages (London, 25-29 September 1989); and

2. The ongoing consideration by the IMO Legal Committee of the question of liability and compensation related to maritime carriage of hazardous and noxious substances (HNS).

The agenda for the special public meeting will also include a report on the recent Diplomatic Conference on Marine Salvage held in London from 17-28 April 1989. The Conference adopted the International Convention on Salvage, 1989, which is expected to be open for signature by participating States in July 1989.

By way of background concerning the IMO/UNCTAD Joint Group of Intergovernmental Experts, this body has been considering possible changes in existing international conventions relating to maritime liens and mortgages and to the arrest of seagoing vessels since its 1st Session in December 1986. In view of progress to date, it is expected that a draft of a new International Convention on Maritime Liens and Mortgages will be finalized at the September 1989 session. Consequential revisions to the 1952 Convention on the Arrest of Seagoing Ships may also be developed.

The Joint Group has established a deadline of 20 June 1989 for submission of any proposals to be considered at its final session. In view of this important deadline, an article-by-article reading of both the latest draft of the proposed new Maritime Liens and Mortgages Convention and the 1952 Arrest Convention will be conducted at the 13 June 1989 public meeting.

With respect to HNS liability and compensation, the IMO Legal Committee has resumed work on this subject in an effort to develop an international HNS regime which will prove more acceptable than that which was considered but not adopted at the 1984 Diplomatic Conference on Liability and Compensation for Damage in

Connection with the Carriage of Certain Substances by Sea. It should be noted that development and implementation of an international HNS regime would have significant impacts on a wide range of U.S. interests related to the maritime and chemical industries, government and the environment.

Recent intergovernmental talks on HNS hosted by the United Kingdom indicate a strong international desire to expedite this work. In light of this desire, it is increasingly important that more detailed U.S. positions concerning the preferred approach to development of the proposed new international HNS regime are developed as soon as possible.

The foregoing topics will be discussed extensively at this special SHC meeting. The views of the public, and particularly those of affected maritime and environmental interests, are requested.

Members of the public are invited to attend the 13 June 1989 SHC meeting, up to the seating capacity of the room.

For further information or to submit views concerning any of the topics to be discussed at the SHC meeting, contact either Captain Frederick F. Burgess, Jr. or Lieutenant Commander Frederick M. Rosa, Jr., U.S. Coast Guard (G-LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267-1527, telefax (202) 267-4163.

Date: May 24, 1989.

Thomas J. Wajda,
Chairman, Shipping Coordinating Committee.
[FR Doc. 89-13586 Filed 6-7-89; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Elliott Bridge Replacement, King County, WA.

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 bridge replacement project in King County, Washington.

FOR FURTHER INFORMATION CONTACT:
Barry F. Morehead, Federal Highway
Administration, Division Administrator,
711 South Capitol Way, Suite 501,
Olympia, Washington 98501, Telephone
(206) 753-2120; or Paul Tanaka, Director,
King County Department of Public
Works, 900 King County Administration
Building, 500 Fourth Avenue, Seattle,

Washington 98104, Telephone (206) 296-6590.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation and King County, will prepare an environmental impact statement (EIS) on a proposal to replace the Elliott Bridge in King County, Washington. The proposed action would involve removing and replacing the existing bridge and realigning approximately 3,000 feet of bridge approach roadway. Both the bridge and approach roadways would be widened from two to four lanes.

Replacement of the Elliott Bridge is considered necessary due to increased traffic volumes, inadequate vertical and horizontal clearances, and high accident rates on the bridge and its approaches. Alternatives under consideration include (1) taking no action; (2) realigning the bridge and approaches immediately downstream of the existing alignment; (3) realigning the bridge and approaches immediately upstream of the existing alignment; and (4) realigning the bridge and approaches approximately 1,100 feet upstream of the existing alignment.

Preparation of an environmental assessment (EA) was begun for this proposal in 1986. A scoping process (including notification of affected agencies and property owners by letter, and of the general public by notice in newspapers of general circulation and by posting of the notice at the site of the proposal, and an open house held November 18, 1986) was conducted in conjunction with preparation of the EA. It has since been determined that preparation of an EIS is necessary. The EIS will consider the same alternatives that were under consideration during preparation of the EA. Comments received during the EA scoping process will be considered in preparation of the EIS. All agencies with jurisdiction, special expertise, or that have previously expressed or are known to have an interest in the proposal, affected tribes, adjacent property owners, and members of the public who have expressed an interest in the project will be notified by mail that an EIS is being prepared for the proposal, and will be requested to submit any additional comments that they may have. A public hearing will be held. Public notice will be given of the time and place of the 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 all significant issues

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 persons listed 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 proposal.)

Issued on: May 31, 1989.

Patrick E. O'Neil,

Area Engineer, Olympia, Washington.

[FR Doc. 89-13598 Filed 6-7-89; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Announcement of Third Meeting of the Heavy Truck Subcommittee of the Motor Vehicle Safety Research Advisory Committee

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

ACTION: Meeting announcement.

SUMMARY: This notice announces the third meeting of the Heavy Truck Subcommittee of the Motor Vehicle Safety Research Advisory Committee (MVSAC). The MVSAC established this subcommittee at the February 1988 meeting to examine research questions regarding crashworthiness and crash avoidance for vehicles over 10,000 pounds GVWR.

DATE AND TIME: The meeting is scheduled for June 29, 1989, from 10:00 a.m. to 5:00 p.m.

ADDRESS: The meeting will be held in Room 8236 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street, SW., Washington, DC.

SUPPLEMENTARY INFORMATION: In May 1987, the Motor Vehicle Safety Research Advisory Committee was established. The purpose of the Committee is to provide an independent source of ideas for safety research. The MVSAC will provide information, advice, and recommendations to NHTSA on matters relating to motor vehicle safety research and provide a forum for the development, consideration, and communication of motor vehicle safety research, as set forth in the MVSAC Charter.

At previous meetings of this subcommittee, tires have been identified as the component of a heavy truck that is critical to vehicle safety whose performance characteristics are least

understood. This meeting of the subcommittee will focus on the role of truck tires in highway safety. The subcommittee is interested in learning about available test facilities/procedures/capabilities; the type of data routinely gathered; the type of data capable of being obtained; what tire characteristics are important from a highway safety point of view; what is already known with regard to tire characteristics and their effect on braking, ride, traction and stability; and research projects being pursued and/or planned to expand the current database in the public literature. The question is how trucking industry thinking with regard to vehicle design can be related with the thinking of the tire industry with regard to tire design in order to optimize safety, as well as product performance in other key areas. For the purpose of this meeting, the focus will be limited to radial tubeless, single wide base, and low profile tires. To assist in these discussions, the subcommittee has scheduled presentations by representatives of the tire industry and the two private sector institutions known to have truck tire testing capability—Calspan and the University of Michigan's Transportation Research Institute.

The meeting is open to the public, and participation by the public will be determined by the Subcommittee Chairman.

A public reference file (Number 88-01—Heavy Truck Subcommittee has been established to contain the products of the subcommittee and will be open to the public during the hours of 8:00 a.m. to 4:00 p.m. at the National Highway Traffic Safety Administration's Technical Reference Division in Room 5108 at 400 Seventh Street, SW.,

Washington, DC 20590, telephone: (202) 366-2768.

FOR FURTHER INFORMATION CONTACT: William A. Leasure, Jr., Chairman, Heavy Truck Subcommittee, Office of Research and Development, 400 Seventh Street, SW., Room 6220, Washington, DC 20590, telephone: (202) 366-5663.

Issued on: June 1, 1989.

Howard M. Smolkin,
Chairman, Motor Vehicle Safety Research Advisory Committee.

[FR Doc. 89-13542 Filed 6-7-89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service; Meeting

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date of the next meeting and the agenda for consideration by the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

DATE: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on June 23, 1989 at 9:30 a.m. in Room 4121 of the Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Trade and Tariff Affairs, Office of the Assistant Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Tel.: (202) 566-8435.

SUPPLEMENTARY INFORMATION: Agenda items for the third meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service on June 23, 1989 will include:

I. Old Business

1. User fees.
2. Impact of Customs Commercial operations on ports and carriers.
 - a. Trucks.
 - b. Rail carriers.
3. Adequacy of Customs resources to provide expected services and to implement new programs such as the Harmonized System and the Free Trade Agreement with Canada.

II. New Business

1. Enhancing the role of the import specialist.
2. Promoting consistency in Customs administration and enforcement of export licensing requirements.
3. Potential technological innovations to create a "21st century" customs system.
4. Other new business.

The meeting is open to the public. Owing to the security procedures in place at the Treasury Building, it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the building to attend the meeting, contact Dennis M. O'Connell at (202) 566-8435, no later than June 19, 1989.

Dated: June 2, 1989.

Salvatore R. Martoche,
Assistant Secretary, (Enforcement).

[FR Doc. 89-13569 Filed 6-7-89; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 109

Thursday, June 8, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 23562, June 1, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, June 5, 1989.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Consideration of legislation related to banking structure.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: June 5, 1989.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 89-13679 Filed 6-6-89; 9:56 am]
BILLING CODE 6210-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE (NCLIS)

White House Conference Advisory Committee

DATE AND TIME: June 21, 1989.

PLACE: The National Science Foundation, Conference Room, Room 1242, 1800 G Street NW., Washington, DC 20550.

STATUS: June 21, 1989, 10:00 a.m.-4:40 p.m., Open.

MATTERS TO BE DISCUSSED: White House Conference on Library and Information, Services Conference II, Advisory Committee, Subcommittee Reports:

- Appropriation Bill Support Committee
- WHCLIS II Structure Committee
- Preconference Activities Committee
- Public Relations and Awareness Committee
- Public and Private Sector Liaisons Committee

Status Report on Administrative Items
Review of Formula for Funding States
Special provisions will be made for handicapped individuals by contacting John W.A. Parsons (1 202) 254-3100, no later than one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: John W.A. Parsons, NCLIS Staff, 1111 18th Street NW., Suite 310, Washington, DC 20036, (1 202) 254-3100.

Dated: June 5, 1989.
John W.A. Parsons.
[FR Doc. 89-13690 Filed 6-6-89; 10:53 am]
BILLING CODE 7527-01-M

U.S. COMMISSION ON CIVIL RIGHTS

PLACE: 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

DATE AND TIME: Friday, June 16, 1989, 1:30 p.m.—5:00 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

- I. Approval of Agenda
- II. Approval of Minutes of May Meeting
- III. Announcements

IV. Commission Conflict of Interest Regulations

V. SAC Reports and Recharterers
Bigotry and Violence in Georgia
Administration of Justice for Homosexual Persons in New Orleans
Nativism Rekindled: A Report on the Effort to Make English Colorado's Official Language

Implementation in Texas of the Immigration Reform and Control Act: A Preliminary Review

Alabama and Hawaii SAC Recharterers

VI. Commission Subcommittee Reports

A. Asian Roundtable

B. Set-aside Draft

C. Campus Tension

VII. Review of the Immigration Reform and Control Act of 1986 Draft Report

VIII. Staff Director's Report

A. Consideration of Project Designs—
i. Financial Aid and Minority Student Enrollment in College

ii. Parental Choice and Equal Opportunity in Education

iii. Discriminatory Obstacles to Career Advancement of Minorities and Women in Professions and Management

iv. Discrimination Against the Elderly
v. Access to Transportation for Persons with Disabilities

B. FY '89 Budget and Update

C. Proposed FY '90 Budget

D. Proposed FY '91 Budget

IX. Future Agenda Items

PERSON TO CONTACT FOR FURTHER INFORMATION:

John Eastman, Press and Communications Division, (202) 376-8312.

William H. Gillers,

Solicitor, 376-8514.

June 6, 1989.

[FR Doc. 89-13811 Filed 6-6-89; 3:57 pm]

BILLING CODE 6335-01-M

Get the Federal Register

Thursday
June 8, 1989

Part II

Department of Education

Office of Vocational and Adult Education

**Invitation for Applications for New
Awards Under Certain Vocational
Education Direct Grant Programs To Be
Made in Fiscal Year 1990; Notice**

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

[CFDA Nos.: 84.099, 84.101, 84.193, 84.199A]

Invitation for Applications for New Awards Under Certain Vocational Education Direct Grant Programs To Be Made in Fiscal Year (FY) 1990

Note to Applicants: This notice is a complete application package. Together

with the statute authorizing the programs and applicable regulations governing the programs, including the Education Department General Administrative Regulations (EDGAR), the notice contains information, application forms, and instructions needed to apply for a grant under the following program competitions:

- (a) Bilingual Vocational Instructor Training Program (CFDA No. 84.099).
- (b) Vocational Education Indian Program (CFDA No. 84.101).

(c) Demonstration Centers for the Retraining of Dislocated Workers Program (CFDA No. 84.193).

(d) Cooperative Demonstration Program (High Technology) (CFDA No. 84.199A).

NEW AWARDS UNDER CERTAIN VOCATIONAL EDUCATION DIRECT GRANT PROGRAMS

Title and CFDA Number	Deadline for Transmittal of Applications	Deadline for Intergovernmental Review	Available Funds	Estimated Range of Awards	Estimated Average Size of Awards	Estimated Number of Awards	Project Period in Months
Bilingual Vocational Instructor Training Program (CFDA No. 84.099).	July 13, 1989.....	Aug. 14, 1989.....	\$1,125,750	\$110,000 to \$190,000.	\$160,821	7	18 months.
Vocational Education Indian Program (CFDA No. 84.101).	July 28, 1989.....	Not applicable.....	\$2,808,990	\$50,000 to \$500,000.	\$187,266	15	12 to 36 months.
Demonstration Centers for the Retraining of Dislocated Workers Program (CFDA No. 84.193).	Sept. 15, 1989.....	Nov. 15, 1989.....	\$212,000	\$212,000.....	\$212,000	1	Up to 24 months.
Cooperative Demonstration Program (High Technology) (CFDA No. 84.199A).	July 21, 1989.....	Sept. 21, 1989.....	\$9,152,000	\$125,000 to \$475,000.	\$305,067	30	Up to 18 months.

Note: The Department is not bound by any estimates in this notice.

Additional Programmatic Details

Bilingual Vocational Instructor Training Program (84.099)

Purpose of Program: To provide financial assistance for conducting training for instructors, aides, counselors, or other ancillary personnel in bilingual vocational education and training programs for individuals with limited English proficiency.

Eligible Applicants: State agencies and public and private nonprofit educational institutions.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and (b) The regulations for this program in 34 CFR Part 408.

Priority: The Secretary is particularly interested in applications that meet the following invitational priority:

Under 34 CFR 75.105(c)(1), the Secretary invites applications that address a national or statewide need for inservice training for personnel in bilingual vocational education and training programs for individuals with limited English proficiency.

However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The Secretary assigns the 15 points reserved in 34 CFR 408.30(d) as follows: 10 points to the Selection Criterion (b)—Plan of Operation—in 34 CFR 408.31(b) for a total of 30 points for that criterion; and 5 points to the Selection Criterion (c)—Quality of Key Personnel—in 34 CFR 408.31(c) for a total of 25 points for that criterion. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(a) *Need.* (20 points) (1) The Secretary reviews each application for specific information that shows the need for the proposed training in the local geographic area.

(2) In making this determination the Secretary looks for information that shows—

- (i) The need for the proposed training;
- (ii) Specifically how the need will be met;

(iii) Ongoing and planned activities in the community that pertain to the need, where appropriate.

(b) *Plan of operation.* (30 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

- (i) High quality in the design of the project;
- (ii) An effective plan of management that ensures proper and efficient administration of the project;
- (iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and

(D) The elderly.

(c) *Quality of key personnel.* (25 points) (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(2)(i) and (ii) will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (10 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(Approved by the Office of Management and Budget under OMB Control No. 1830-0013)

For Information Contact: Laura Karl, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4512, Mary E. Switzer Building), Washington, DC 20202-7242. Telephone (202) 732-2365.

Program Authority: 20 U.S.C. 2441(b).

Vocational Education Indian Program (84.101)

Purpose of Program: To provide financial support to Indian tribes to plan, conduct, and administer projects or portions of projects that are authorized by and consistent with the Carl D. Perkins Vocational Education Act.

Eligible Applicants: The tribal organization of any Indian tribe which is eligible to contract with the Secretary of the Interior under the Indian Self-Determination and Education Assistance Act or under the Act of April 16, 1934.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Higher Education, Hospitals and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and Indian Tribal Governments), Part 81 (General Education Provisions Act—Enforcement), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and (b) The regulations for this program in 34 CFR Part 410.

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The Secretary assigns the 15 points reserved in 34 CFR 410.30(d) as follows: 5 points to the Selection Criterion (a)—Need—in 34 CFR 410.31(a) for a total of 20 points for that criterion; 5 points to the Selection Criterion (b)—Plan of Operation—in 34 CFR 410.31(b) for a total of 25 points for that criterion; and 5 points to the Selection Criterion (e)—Evaluation Plan—in 34 CFR 410.31(e) for a total of 10 points for that criterion. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(a) *Need.* (20 points) (1) The Secretary reviews each application for information

that shows the need for the proposed project.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need for the proposed activity;

(ii) Information which shows how the need will be met; and

(iii) Ongoing and planned activities in the community which pertain to the need, where appropriate.

(b) *Plan of operation.* (25 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program; and

(iv) The way the applicant plans to use its resources and personnel to achieve each objective.

(c) *Quality of key personnel.* (10 points) (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (c)(2) (i) and (ii) will commit to the project.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation plan.* (10 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and
(ii) The equipment and supplies that the applicant plans to use are adequate.

(g) *Private sector involvement.* (10 points) (1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) The private sector involvement in the planning of the project; and
(ii) The private sector involvement in the operation of the project.

(h) *Employment opportunities.* (10 points) (1) The Secretary looks for information and documentation of the extent to which, upon the completion of their training under this program, more than 65 percent of the trainees will be employed in jobs related to their training (including military specialties), or will be pursuing additional training related to their training under this program.

(2) Information which shows that this employment is related to the tribal economic development plan.

(Approved by the Office of Management and Budget under OMB Control No. 1830-0013)

For Information Contact: Harvey Thiel, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4512, Mary E. Switzer Building), Washington, DC 20202-7242. Telephone (202) 732-2380.

Program Authority: 20 U.S.C. 2313.

Demonstration Centers for the Retraining of Dislocated Workers Program (84.193)

Purpose of Program: To provide assistance to establish one or more demonstration centers to retrain dislocated workers in order to demonstrate the applicability of general theories of vocational education to the specific problems of retraining displaced workers.

Eligible Applicants: Public or private agencies, institutions, or organizations.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grants Programs), Part 77 (Definitions That Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and (b) The regulations for this program in 34 CFR Part 411.

Priority: The Secretary is particularly interested in applications that meet the following invitational priority:

Under 34 CFR 75.105(c)(1), the Secretary invites applications from community colleges having existing dislocated worker training programs for a project to establish and operate a demonstration center for the retraining of dislocated workers in which there is significant State, local, and/or private sector involvement, commitment, and support, and for which materials describing the establishment and operation of the project will be prepared, as appropriate, for dissemination to other dislocated worker training centers.

However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria: The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The Secretary assigns the 15 points reserved in 34 CFR 411.30(d) as follows: 5 points to the Selection Criterion (b)—Plan of Operation—in 34 CFR 411.31(b) for a total of 20 points for that criterion; 5 points to the Selection Criterion (c)—Quality of Training—in 34 CFR 411.31(c) for a total of 10 points for that criterion; and 5 points to the Selection Criterion (f)—Evaluation Plan—in 34 CFR 411.31(f) for a total of 10 points for that criterion. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(a) *Need.* (15 points) (1) The Secretary reviews each application for information that shows the need for the proposed demonstration center.

(2) The Secretary looks for information that shows—

(i) Specific evidence of the need for the proposed demonstration center, including evidence of a high concentration of dislocated workers in the area to be served;

(ii) How the need will be met; and

(iii) Ongoing and planned activities in the community pertaining to the proposed demonstration center, where appropriate.

(b) *Plan of operation.* (20 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of training.* (10 points) (1) The Secretary reviews each application for information that shows the quality of the training to be provided.

(2) The Secretary looks for information that shows that—

(i) The training is appropriate for the trainees in light of the labor market; and

(ii) Trainees will receive appropriate counseling.

(d) *Quality of key personnel.* (10 points) (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) will commit to the project; and

(iv) The extent to which the applicant as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that

have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

- (i) The budget for the project is adequate to support the project activities; and
- (ii) Costs are reasonable in relating to the objectives of the project.

(f) *Evaluation plan.* (10 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-Reference. See 34 CFR 75.590 (Evaluation by the grantee).

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

- (i) The facilities that the applicant plans to use are adequate; and
- (ii) The equipment and supplies that the applicant plans to use are adequate.

(h) *Private sector involvement.* (5 points) (1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

- (i) The private sector involvement in the planning of the project; and
- (ii) The private sector involvement in the operation of the project.

(i) *Employment opportunities.* (5 points) The Secretary looks for information on and documentation of the extent to which trainees will be employed in jobs related to their training upon completion of their training.

(j) *Dissemination.* (10 points) (1) The Secretary reviews each application for information that shows that the applicant has an effective and efficient

plan for disseminating information about the project, including the results of the project and any specialized materials developed by the project.

(2) The Secretary looks for information that shows—

- (i) The design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting others to adopt and successfully implement the project or methods and techniques developed by the project; and

(v) Provisions for publicizing the findings of the project at the local, State, or national level.

(Approved by the Office of Management and Budget under OMB Control No. 1830-0013)

For Information Contact: Paul R. Geib, Jr., Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW, (Room 4512, Mary E. Switzer Building), Washington, DC 20202-7242. Telephone (202) 732-2364.

Program Authority: 20 U.S.C. 2415

Cooperative Demonstration Program (High Technology) (84.199A)

Purpose of Program: To provide financial assistance through grants to conduct high technology training projects in vocational education that involve cooperation between the private sector and public agencies in vocational education.

Eligible Applicants: State educational agencies (SEAs), local educational agencies (LEAs), postsecondary educational institutions, institutions of higher education, and other public and private agencies, organizations, and institutions.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 85 (Governmentwide

Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and (b) The regulations for this program in 34 CFR Part 412 with certain exceptions as noted in the Notice of Final Priority, Required Activities, and Selection Criteria published in this issue of the *Federal Register*.

Priority: Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the priority in the Notice of Final Priority, Required Activities, and Selection Criteria for this competition, as published in this issue of the *Federal Register*.

Under 34 CFR 75.105(c)(3), the Secretary funds under this competition only applications that meet this absolute priority.

Selection Criteria: For the Fiscal Year 1990 grant competition (for awards to be made in early fiscal year 1990 using fiscal year 1989 funds) under the Cooperative Demonstration Program (High Technology), the Secretary uses the selection criteria in the Notice of Final Priority, Required Activities, and Selection Criteria, as published in this issue of the *Federal Register*.

(Approved by the Office of Management and Budget under OMB Control No. 1830-0508)

For Information Contact: Robert L. Miller or Richard F. DiCola, Program Improvement Branch, Division of National Programs, Office of Vocational and Adult Education (Room 4512, Switzer Building), 400 Maryland Avenue SW., Washington, DC 20202-7242. Telephone (202) 732-2428 or 732-2362.

Program Authority: 20 U.S.C. 2411

Intergovernmental Review of Federal Programs

The Bilingual Vocational Instructor Training Program (CFDA No. 84.099), the Demonstration Centers for the Retraining of Dislocated Workers Program (CFDA No. 84.193), and the Cooperative Demonstration Program (High Technology) (CFDA No. 84.199A) are subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79. The Vocational Education Indian Program (CFDA No. 84.101), however, is not subject to these requirements.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government

coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each State and follow the procedure established in those States under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on November 18, 1987, pages 44338-44340.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372-CFDA # (applicant must insert the appropriate number—including letter, if any), U.S. Department of Education, MS 6403, 400 Maryland Avenue, SW., Washington, DC 20202-0125. Proof of mailing will be determined on the same basis as applications. See 34 CFR 75.102.

Please note that the above address is not the same as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to:

U.S. Department of Education,
Application Control Center, Attention:
CFDA # (Applicant must insert the appropriate number—including letter, if any), Washington, DC 20202-4725.

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Eastern Daylight Time) on the deadline date to:

U.S. Department of Education,
Application Control Center, Attention:
CFDA # (Applicant must insert the appropriate number—including letter, if any), Regional Office Building #3, Room #3633, 7th and D Streets SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped, self-addressed postcard containing the CFDA number—and letter, if any—and title of this program.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

This consolidated application notice has two appendices: Appendix A is divided into four parts, and includes several assurances and certifications. These parts are organized in the same

manner that the submitted application should be organized. The parts are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

Part II: Budget Information and instructions.

Part III: Application Narrative and instructions.

Estimated Public Reporting Burden.

Part IV: Additional Assurances.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification regarding Debarment, Suspension, and Other Responsibility Matters: Primary Covered Transactions (ED Form GCS-008) and instructions.

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form GCS-009) and instructions.

Note: ED Form GCS-009 is intended for the use of primary participants and should not be transmitted to the Department.

One or both of the following, as appropriate:

Certification Regarding Drug-Free Workplace Requirements: Grantees Other Than Individuals (ED 80-0004).

Certification Regarding Drug-Free Workplace Requirements: Grantees who are Individuals (ED 80-0005).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

Appendix B contains questions and answers to assist potential applicants.

Dated: May 24, 1989.

D. Kay Wright,
Acting Assistant Secretary, Office of
Vocational and Adult Education.

BILLING CODE 4000-01-M

Appendix A

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and Instructions

OMB Approval No. 0348-0043

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Construction ☒ Non-Construction ☐ Non-Construction		2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	

5. APPLICANT INFORMATION Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)	

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 	7. TYPE OF APPLICANT: (enter appropriate letter in box) A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____
8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 	9. NAME OF FEDERAL AGENCY: U.S. Department of Education
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: 	

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): 	13. PROPOSED PROJECT: <table style="width: 100%;"> <tr> <td style="width: 50%;">Start Date</td> <td style="width: 50%;">Ending Date</td> </tr> </table>	Start Date	Ending Date
Start Date	Ending Date		
14. CONGRESSIONAL DISTRICTS OF: <table style="width: 100%;"> <tr> <td style="width: 50%;">a. Applicant</td> <td style="width: 50%;">b. Project</td> </tr> </table>		a. Applicant	b. Project
a. Applicant	b. Project		

15. ESTIMATED FUNDING: <table style="width: 100%;"> <tr> <td style="width: 60%;">a. Federal</td> <td style="width: 10%;">\$</td> <td style="width: 30%;">.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td>.00</td> </tr> </table>	a. Federal	\$	.00	b. Applicant	\$	.00	c. State	\$	.00	d. Local	\$	.00	e. Other	\$	.00	f. Program Income	\$	.00	g. TOTAL	\$	.00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$	.00																				
b. Applicant	\$	.00																				
c. State	\$	.00																				
d. Local	\$	.00																				
e. Other	\$	.00																				
f. Program Income	\$	.00																				
g. TOTAL	\$	.00																				
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☐ No																						

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED		
a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative	e. Date Signed	

Previous Editions Not Usable

Standard Form 424 (REV. 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|---|--------|--|--------|
| 1. Self-explanatory. | | 12. List only the largest political entities affected (e.g., State, counties, cities). | |
| 2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | | 13. Self-explanatory. | |
| 3. State use only (if applicable). | | 14. List the applicant's Congressional District and any District(s) affected by the program or project. | |
| 4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | | 15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <i>only</i> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. | |
| 5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | | 16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. | |
| 6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | | 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. | |
| 7. Enter the appropriate letter in the space provided. | | 18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) | |
| 8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | | |
| 9. Name of Federal agency from which assistance is being requested with this application. | | | |
| 10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | | |
| 11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | | |

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Obligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1.	84.	\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B — BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a - 6h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$	\$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
13. Federal				
14. Nonfederal				
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			(e) TOTALS
	(b) First	(c) Second	(d) Third	
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS (sum of lines 16, 17, 18, and 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION (Attach additional sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

Part II—Budget Information**Instructions for the SF-424A**

General Instructions. This form is designed so that application can be made for funds from any one of the grant programs included in this consolidated application package. For the Bilingual Vocational Instructor Training Program (CFDA No. 84.099) and the Cooperative Demonstration Program (High Technology) (CFDA No. 84.199A), Sections A, B, and C should include budget estimates for the entire project period. For the Vocational Education Indian Program (CFDA No. 84.101) and the Demonstration Centers for the Retraining of Dislocated Workers Program (CFDA No. 84.193), Sections A, B and C should provide the budget for the first year of the project and Section E should present the need for Federal assistance in subsequent years.

Note: Section D need not be completed to apply for these programs.

All applications should contain a breakdown by the object class categories shown in Section B, Lines 6a through 6j.

Section A. Budget Summary. Line 1, Columns (a) through (g)—Enter on Line 1 the catalog program title in Column (a) and the catalog program number in Column (b). Leave Columns (c) and (d) blank. Enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for either the entire project period or the first year of the project, as appropriate.

Section B. Budget Categories. Lines 6a through 6i—Fill in the total requirements for Federal funds by object class categories for either the entire project period or the first year of the project, as appropriate.

Line 6a—Personnel: Show salaries and wages to be paid to personnel employed in the project. Fees and expenses for consultants must be included in Line 6f.

Line 6b—Fringe Benefits: Include contributions for Social Security, employee insurance, pension plans, etc. Leave blank if fringe benefits to personnel are treated as part of the indirect cost rate.

Line 6c—Travel: Indicate the amount requested for travel of employees.

Line 6d—Equipment: Indicate the cost of nonexpendable personal property which has a useful life of more than two years and an acquisition cost of \$300 or more per unit.

Line 6e—Supplies: Include the cost of consumable supplies to be used in this project. These should be items which cost less than \$300 per unit with a useful life of less than two years.

Line 6f—Contractual: Show the amount to be used for: (a) Procurement contracts (except those which belong on other lines such as supplies and equipment listed above); and (b) sub-grants or payments for consultants and secondary recipient organizations such as affiliates, cooperating institutions, delegate agencies, etc.

Line 6g—Construction: Construction expenses may be allowable under the Vocational Education Indian Program (CFDA No. 84.101).

Line 6h—Other: Indicate all direct costs not clearly covered by lines 6a through 6g. If there are trainee costs or stipends, enter the total cost of these expenses. The maximum allowance for stipends is \$3.35 per contact hour.

Line 6i—Total Direct Charges: Show total of Lines 6a through 6h.

Line 6j—Show the amount of indirect cost to be charged to the project.

Note: Except for grants to Federally recognized Indian tribes, the indirect cost rate for training projects cannot exceed eight percent of total direct charges.

Line 6k—Enter the total of the amounts on Lines 6i and 6j.

Section C. Non-Federal Resources.

Line 8—Enter any amounts of non-Federal resources that will be used on the grant. If any in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the catalog program title.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency.

Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter the totals of Columns (b), (c), and (d).

Note: Grant recipients under the Cooperative Demonstration Program (High Technology) are required to provide not less than 25 percent of the total cost of the demonstration project conducted under this program. In other words, the amount shown on Line 8, Column (e), must be at least 25 percent of the amount shown in Section A, Line 1, Column (g).

Section E—Budget Estimates of Federal Funds Needed for Balance of the Project

Note: This section applies only to the Vocational Education Indian Program and the Demonstration Centers for the Retraining of Dislocated Workers Program.

Line 16—Enter in Column (a) the catalog program title. In Columns (b) and (c), as appropriate, enter the amounts of Federal funds which will be needed to complete the project over the succeeding funding period(s) (usually in years).

Section F. Other Budget Information. Prepare a detailed Budget Narrative that explains, justifies, and/or clarifies the budget figures shown in Sections A, B, C, and E.

Part III—Application Narrative**Instructions for Part III—Application Narrative**

All applicants are urged to submit Application Narratives which are concise and clearly written. Before preparing the Application Narrative, applicants should read and become familiar with the law and the regulations covering the program to which they are applying.

Applicants should use the selection criteria for a program as an outline for preparing their Application Narratives, addressing the selection criteria in the order the criteria are listed. Applicants are encouraged to provide a table of contents and to number the pages of the Application Narrative. The Application Narrative should not exceed 25 double-spaced typed pages (on one side only). Supporting documentation (e.g., letters of support, footnotes, résumés, etc.) may be submitted as appendices to the Application Narrative.

Estimated Public Reporting Burden. Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in these collections of information. Public reporting burden for these collections of information is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of these collections of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and to the Paperwork Reduction Project, OMB [applicant must insert OMB control number; see list below], Office of Management and Budget, Washington, DC 20503.

CFDA no.	OMB control number	Expiration date
84.099.....	1830-0013	03/91
84.101.....	1830-0013	03/91
84.193.....	1830-0013	03/91
84.199A.....	1830-0508	02/90

Part IV—Additional Assurances

In addition to the Assurance for Non-construction Programs (Standard Form 424B) contained elsewhere in this Appendix, for the Cooperative Demonstration Program (High Technology) (CFDA No. 84.199A) only, each applicant is required to submit, as part of its application, the following assurances:

1. A written assurance that the applicant will cooperate, if selected, with a planned national evaluation study of projects funded under this competition.
2. Written assurances from each public agency in vocational education and each private sector entity that they will participate in the planning and operation of the proposed project as described in the application.

BILLING CODE 4000-01-M

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION	DATE SUBMITTED	

**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the U.S. Department of Education, Grants and Contracts Service, 400 Maryland Avenue, S.W. (Room 3633 GSA Regional Office Building No. 3), Washington, D.C. 20202-4725, telephone (202) 732-2505.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 34 CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Appendix B

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants the Department has assembled the following most commonly asked questions. In general these questions and answers are applicable to all direct grant competitions covered by this combined application package.

Q. Can we get an extension of the deadline?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and apply to all applications. Waivers for individual applications cannot be granted, regardless of the circumstances.

Q. How many copies of the application should I submit and must they be bound?

A. Current Government-wide policy is that only an original and two copies need be submitted. However, an original and four copies will be greatly appreciated. The binding of applications is optional. At least one copy should be left unbound to facilitate any necessary reproduction. Applicants should not use foldouts, photographs, audio-visuals, or other materials that are hard-to-duplicate.

Q. We just missed the deadline for the XXX competition. May we submit under another competition?

A. Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q. I'm not sure which competition is most appropriate for my project. What should I do?

A. We are happy to discuss any questions with you and provide clarification on the unique elements of the various competitions.

Q. Will you help us prepare our application?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous contact is not required, nor will it in any way influence the success of an application.

Q. When will I find out if I'm going to be funded?

A. You can expect to receive notification within 3 to 4 months of the

application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

Q. Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. How long should an application be?

A. The Department of Education is making a concerted effort to reduce the volume of paperwork in discretionary program applications. The scope and complexity of projects is too variable to establish firm limits on length. Your application should provide enough information to allow the review panel to evaluate the significance of the project against the criteria of the competition. We recommend that you address all of the selection criteria in a "Technical Narrative" of no more than twenty-five pages in length. Supporting documentation may be included in appendices to the Technical Narrative. Some examples:

(1) Staff qualifications. These should be brief. They should include the person's title and role in the proposed project and contain only information about his or her qualifications that are relevant to the proposed project. Qualifications of consultants and advisory council members should be provided and be similarly brief.

(2) Assurance of participation of an agency other than the applicant if such participation is critical to the project.

(3) Copies of evaluation instruments proposed to be used in the project in instances where such instruments are not in general use.

Q. How can I be sure that my application is assigned to the correct competition?

A. Applicants should clearly indicate in Block 10 of the face page of their application (Standard form 424) the CFDA number—and letter, if any—and the title of the program representing the competition in which the application should be considered. If this information is not provided, your application may inadvertently be assigned and reviewed under a different competition from the one you intended.

Q. Will my application be returned if I am not funded?

A. We no longer return original copies of unsuccessful applications. Thus, applicants should retain at least one copy of the application.

Q. Can I obtain copies of reviewers' comments?

A. Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q. How should my application be organized?

A. The application narrative should be organized to follow the exact sequence of the components in the selection criteria pertaining to the specific program competition for which the application is prepared. In each instance, a table of contents and a one-page abstract summarizing the objectives, activities, project participants, and expected outcomes of the proposed project generally enhances the review of the application.

Q. Is travel allowed under these projects?

A. Travel associated with carrying out the project is allowed (i.e. travel for data collection, etc.). Because we may request the principal investigator or director of funded projects to attend an annual staff development meeting, you may also wish to include a trip to Washington, DC in the travel budget. Travel to conferences is sometimes allowed when it is for purposes of dissemination.

Q. If my application receives high scores from the reviewers, does that mean that I will receive funding?

A. Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications and other relevant factors, determines the applications that can be funded.

Q. What happens during negotiations?

A. During negotiations technical and budget issues may be raised. These are issues that have been identified during panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you

feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved.

Q. If my application is successful can I assume I will get the estimated/projected budget amounts in subsequent years?

A. No. The estimate for subsequent year project costs is helpful to us for planning purposes but it in no way represents a commitment for a particular level of funding in subsequent years. Grantees having a multi-year project will be asked to submit a continuation application and a detailed budget request prior to each new budget year of the project.

Q. What is a cooperative agreement and how does it differ from a grant?

A. A cooperative agreement is similar to a grant in that its principal purpose is to provide assistance for public support as authorized by a Federal statute. A cooperative agreement differs from a grant because of the substantial involvement anticipated between the Department of Education and the recipient during the performance of the contemplated activity.

Q. Is the procedure for applying for a cooperative agreement different from the procedure for applying for a grant?

A. No. If the Department of Education determines that a given award should be

made by a cooperative agreement rather than a grant, the applicant will be advised at the time of negotiation of any special procedures that must be followed.

Q. How do I provide an assurance?

A. Except for SF-424B, "Assurances—Non-Construction Programs," simply state in writing that you are meeting a prescribed requirement.

Q. Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 783-3238. When requesting copies of regulations or statutes, it is helpful to use the specific name, public law number, or part number. The material referenced in this notice should be referred to as follows:

(1) Carl D. Perkins Vocational Education Act, Public Law 98-524.

(2) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 79, 80, 81, or 85.

(3) Office of Vocational and Adult Education, Department of Education, Part 408 (Bilingual Vocational Instructor Training Program), Part 410 (Indian and Hawaiian Natives Program), Part 411 (Demonstration Centers for the Retraining of Dislocated Workers), or Part 412 (Cooperative Demonstration Program).

Q. What is the significance of the Notice of Final Priority, Required

Activities, and Selection Criteria for the Cooperative Demonstration Program (High Technology)?

A. The regulations at 34 CFR 75.103(c)(3) specify that the establishment of an absolute priority for a program means that only applications that meet the absolute priority will be considered for funding. For the Cooperative Demonstration Program (High Technology) the absolute priority consists of three parts—training for high technology occupations, cooperation between the private sector and public agencies in vocational education, and a prohibition on the use of Federal funds to cover the costs of equipment used for project activities. In order to be considered for funding under this program, an application must meet all three parts of the absolute priority. Additionally, applicants are required to submit at least three written assurances—one regarding a planned national evaluation study of funded projects and others from each public agency in vocational education and each private sector entity participating in the planning and operation of the proposed project—as part of their applications. Any application that does not meet all three parts of the absolute priority and contain the written assurances described above will be designated "ineligible" and will be returned to the applicant.

[FR Doc. 89-13147 Filed 6-7-89; 8:45 am]

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525-100-1000

Thursday
June 8, 1989

Part III

Department of Education

Office of Vocational and Adult Education

**Cooperative Demonstration Program;
Notice of Final Priority, Required
Activities, and Selection Criteria for
Grants To Be Made in Fiscal Year 1990**

DEPARTMENT OF EDUCATION

Cooperative Demonstration Program

AGENCY: Department of Education.

ACTION: Notice of final priority, required activities, and selection criteria for grants to be made in fiscal year 1990.

SUMMARY: The Secretary of Education establishes an absolute priority for a grant competition (for awards to be made in early fiscal year 1990 using fiscal year 1989 funds) under the Cooperative Demonstration Program. Under the priority, funds will be reserved for applications proposing to conduct high technology training projects in vocational education that involve cooperation between the private sector and public agencies in vocational education. The Secretary will also require applicants to submit certain written assurances, as described under the Activities section of this priority, as part of their applications for this program and to prohibit the use of Federal funds to cover the costs of equipment used for project activities. Lastly, the Secretary will use new selection criteria in evaluating applications submitted for this competition only.

EFFECTIVE DATE: The provisions in this notice take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date, call or write the Department of Education contact persons. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller or Richard F. DiCola, Program Improvement Branch, Division of National Programs, Office of Vocational and Adult Education (Room 4512, Switzer Building), 400 Maryland Avenue, SW., Washington, DC 20202-7242. Telephone (202) 732-2428 or 732-2362.

SUPPLEMENTARY INFORMATION:

Program Information

Recent data compiled by the Bureau of Labor Statistics indicate faster than average growth in the demand for skilled technicians in high technology fields through the year 2000. The data also indicate that these emerging technologies will demand the efficiency and flexibility of a well-trained work force.

High technology training can be conducted most effectively with the active involvement and cooperation of the private sector. Effective partnerships between the private sector and public

agencies in vocational education are an important aspect of the Cooperative Demonstration Program which is designed, in part, to demonstrate ways in which public agencies in vocational education and the private sector can work together to assist students to attain the advanced level of skills needed to make the transition from school to work.

On February 14, 1989, the Secretary published a notice of proposed priority, required activities, and selection criteria for the Cooperative Demonstration Program (High Technology) in the *Federal Register* (54 FR 6846).

There are no changes between the proposed notice and this final notice.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, required activities, and selection criteria, eight parties submitted comments on the proposed notice. An analysis of the comments follows:

Cost-Sharing Requirement

Comments: One commenter stated that under some Federal legislation schools are prohibited from using industry contributions in the form of equipment, curriculum material, and staff time as a match for Federal dollars. The commenter urged the Department to allow industry contributions to be used as a match.

Discussion: Although some Federal statutes contain the prohibition described by the commenter, the Carl D. Perkins Vocational Education Act does not impose such a prohibition on the Cooperative Demonstration Program. Further, the regulations for the Cooperative Demonstration Program (34 CFR 412.40) permit the use of cash or in-kind contributions (including third party in-kind contributions), i.e., the fair market value of facilities, overhead, personnel, and equipment. While the notice of proposed priority, required activities, and selection criteria proposed prohibiting the use of Federal funds to cover the cost of equipment used for project activities, the notice specifically proposed allowing any necessary equipment costs (including those contributed by industry) to be counted toward the cost-sharing requirement for this program.

Changes: None.

Prohibition on Using Federal Funds for Equipment

Comments: Four commenters argued against the proposal to prohibit the use of Federal funds to cover the costs of equipment used for project activities. Three of the commenters noted that

such a prohibition seemed inconsistent with the priority for training persons for high technology occupations. Two of the commenters suggested that the proposal might discourage smaller institutions or those that have not already made investments in high technology equipment from submitting applications to the program. Two of the commenters proposed alternatives to the total ban on using Federal funds for equipment within the following limitations:

(1) That Federal funds for equipment be limited to a percentage of total project costs; and

(2) That proposed Federal funds for equipment be matched at least fifty-fifty with in-kind contributions of equipment by the training institution or the private sector.

Discussion: The Secretary does not believe that prohibiting the use of Federal funds to purchase (or lease) equipment is inconsistent with the priority to conduct high technology training projects.

Since the primary purpose of this competition is to focus on training, the most efficient and effective use of these funds is to promote training that will help students enter the job market. If Federal funds were to be used to purchase (or lease) equipment, the intended purpose of the competition would be diminished. This priority notice will help ensure that the funds available are used where they are most needed—to train students.

It is not the intent of the priority notice to exclude smaller institutions or those that have not already made investments in high technology equipment from submitting applications. Nor is it the intent of the priority notice to help institutions develop their own capabilities to work in an area of high technology. The intended purpose, rather, is to demonstrate the training of students to become skilled workers or technicians in high technology occupations.

One of the responsibilities of a partnership under this priority notice is to address the needs of new and changing technologies in the work place by sharing resources and searching for ways to improve training to meet their needs. Purchasing (or leasing), maintaining, and upgrading of high technology equipment is an ongoing commitment and responsibility that is best met by the local partnership rather than the Federal Government.

The Secretary feels the use of Federal funds for equipment purchases (or leases) based on a percent of the total project cost and on in-kind matching contributions as suggested by two

commenters is not a feasible alternative. Cooperative Demonstration projects must be capable of wide replication. If Federal funds are used to purchase (or lease) equipment, the possibilities for replication become somewhat limited. The Secretary believes it is therefore necessary to prohibit the use of Federal funds for equipment purchase (or lease) if project replication is to be more widely possible and if there is to be improved accountability for the use of Federal funds for the direct training of students.

Changes: None.

Scope of "High Technology Occupations"

Comments: Two commenters suggested that the intended areas of high technology be expanded to include: (1) Crafts (specifically those in the construction field that are traditional in nature but changing due to technological advances), and (2) emerging high technology areas such as health care, retailing, and the food service industry.

Discussion: The term "high technology," as defined in 34 CFR 400.4(b) of the regulations, means "state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care."

The Secretary believes that this definition is broad enough to include most of the areas specified by the commenters.

Changes: None.

High Technology Priority will Discourage Small, Rural Educational Institutions from Applying

Comments: One commenter asserted that high technology businesses are concentrated in large population areas of the country and that this would exclude small, rural educational institutions from the opportunity to submit applications under this competition.

Discussion: The Secretary agrees that high technology businesses tend to be concentrated in urban areas, but does not agree that this would exclude rural educational institutions from applying for program funds. Of the thirty-six grants awarded under last year's competition under this program, at least four are conducting high technology projects in rural areas. Two of these grantees are small community colleges.

Changes: None.

Designating the Military and Publicly Funded Institutions as "Private Sector" is Inappropriate

Comments: One commenter was

concerned that designating the military and publicly funded institutions as "private sector" would work to the disadvantage of applicants who are not located near those installations. The commenter wants consideration given to projects that could demonstrate effective use of small to mid-size employment sites.

Discussion: The priority calling for cooperation between the private sector and public agencies in vocational education is intended to be viewed not so much as a partnership between private and public sector entities as it is a partnership between employers and educational agencies, institutions and organizations. Although the military and other publicly funded institutions would not ordinarily be considered "private sector" entities, they are major employers and, in some areas, particularly where high technology training is concerned, are the only employers with whom a public sector entity could form a suitable partnership for the purposes of this competition.

While the designation of the military and publicly funded institutions as "private sector" makes the priority more inclusive than exclusive, it in no way provides an advantage to applicants involved in partnerships with large employers. Rather, the designation only makes provision for treating the military and publicly funded institutions as partners in a proposed project. The Secretary is interested in funding a variety of approaches, and therefore encourages applications involving partnerships with large, mid-size, and small employers.

Changes: None.

Selection Criteria

Comment: One commenter was concerned that no apparent special consideration is given to areas that have a critical economic development need or to populations to be served or retrained.

Discussion: The Secretary feels that the components of the evaluation criterion "Need" adequately address these concerns. Item (a), (2), (iii) addresses the area of critical economic need as it relates to activities regarding local, regional or State economic development. Item (a), (2), (iv) addresses the vocational training, services/re-training to be provided to individuals to meet occupational needs. Since specific populations are not part of the priority, it is not necessary for them to be identified in the evaluation criteria.

Changes: None.

Emphasize Certain Industries

Comments: One commenter suggested that the high technology priority should give special emphasis to industries that are significantly affected by foreign competition.

Discussion: Although the Secretary recognizes that some industries that are significantly affected by foreign competition are experiencing difficulties, he feels that there are other major problem areas of equal concern. Because of the varied problems affecting the workplace, the Secretary believes that this priority should remain broad enough to address as many problems as possible, including the problems of industries affected by foreign competition.

Changes: None.

Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), the Secretary establishes an absolute priority for the fiscal year 1990 grant competition under the Cooperative Demonstration Program for projects that focus on high technology training efforts that are also models of cooperation between the private sector and public agencies in vocational education. In order to maximize the use of Federal funds for the direct training of students and to enhance project replicability, the Secretary prohibits the use of Federal funds to purchase or lease equipment to conduct project activities. Any necessary equipment costs may be counted toward the cost-sharing requirement for this program.

Specifically, the Secretary supports projects that—

(1) Train persons to become skilled workers or technicians in high technology occupations (including providing related instruction to individuals undergoing apprenticeship training) or to become skilled workers or technicians involved in the production, installation, operation, and maintenance of high technology equipment, systems, and processes;

(2) Are examples of successful cooperation between the private sector (including employers, consortia of employers, labor organizations, building trade councils, and other private agencies, organizations, and institutions) and public agencies in vocational education (including State and local educational agencies, public postsecondary educational institutions, public institutions of higher education, and other public agencies, organizations, and institutions). For the purpose of this competition the military and publicly funded laboratories are considered employers that could be used as private sector partners in a proposed project; and

(3) Expend no Federal funds for equipment, as defined in 34 CFR 74.132.

Activities

In support of this priority, an applicant is required to submit, as part

of its application, a written assurance that it will cooperate, if selected, with a planned national evaluation study of projects funded under this competition.

An applicant is also required to submit, as part of its application, written assurances from each public agency in vocational education and each private sector entity that they will participate in the planning and operation of the proposed project as described in the application.

Criteria for Evaluation of Applications

For the Fiscal Year 1990 grant competition under the Cooperative Demonstration Program, the Secretary will use the following selection criteria and assign points to the selection criteria as indicated:

(a) *Need.* (15 points) (1) The Secretary reviews each application for information that shows the need for and the soundness of the rationale for the project.

(2) The Secretary looks for information that shows—

(i) A clear description of the need for the proposed project;

(ii) Specific evidence of the need for the project;

(iii) A description of any ongoing and planned activities in the community relative to the need, including, if appropriate, the relationship of any local, regional or State economic development plan;

(iv) Evidence that demonstrates the vocational training to be provided is designed to meet current and projected occupational needs;

(v) A clear statement of what the project seeks to demonstrate; and

(vi) Evidence that the project is likely to serve as a model in the future.

(b) *Plan of Operation.* (25 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(c) *Quality of Key Personnel.* (10 points) (1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (c)(2)(i) and (ii) will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Budget and Cost Effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(e) *Evaluation Plan.* (10 points) The Secretary reviews each application to determine the quality of the project's evaluation plan for the project, including the extent to which—

(1) The plan includes activities during the formative stages of the project to help to guide and improve the project, as well as a final evaluation that includes summary data and recommendations; and

(2) The plan includes, at a minimum, a description of the participant data to be collected based on the project objectives; tracking and follow-up of progress by all project participants throughout the project period; and outcomes measures to be used for each objective.

(f) *Adequacy of Resources.* (5 points)

(1) The Secretary reviews each application for information that shows

that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies the applicant plans to use are adequate.

(g) *Private Sector Involvement.* (10 points) (1) The Secretary reviews each application for information that shows the involvement of the private sector.

(2) The Secretary looks for information that shows—

(i) Private sector involvement in the planning of the project; and

(ii) Private sector involvement in the operation of the project.

(h) *Employment Opportunities.* (5 points) The Secretary looks for information and documentation of the extent to which trainees, upon completion of their training, will be either employed in jobs related to their training or enrolled in postsecondary vocational education programs related to the training received during the project. Acceptable documentation includes letters of commitment from employers to hire training completers or descriptions of postsecondary vocational education programs that would be appropriate for subsequent training.

(i) *Dissemination.* (10 points) (1) The Secretary reviews each application for information that shows that the applicant has an effective and efficient plan for disseminating information about the demonstration project, including the results of the project and any specialized materials developed by the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the dissemination plan and procedures for evaluating the effectiveness of the dissemination plan;

(ii) A description of the types of materials the applicant plans to make available and the methods for making the materials available;

(iii) Provisions for demonstrating the methods and techniques used by the project;

(iv) Provisions for assisting others to adopt and successfully implement the project or methods and techniques used by the project; and

(v) Provisions for publicizing the findings of the project at the local, State or national level.

(Authority: 20 U.S.C. 2411)

Dated: May 17, 1989.

Lauro F. Cavazos,
Secretary of Education.

[FR Doc. 89-13148 Filed 6-7-89; 8:45 am]

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Part IV

Department of Education

**34 CFR Parts 785, 786, and 787
National Diffusion Network Program; Final
Regulations and Notices Inviting
Applications**

DEPARTMENT OF EDUCATION

34 CFR Parts 785, 786, and 787

RIN 1850-AA19

National Diffusion Network

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the National Diffusion Network. These amendments implement this program as reauthorized in the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Amendments).

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Dr. Lee E. Wickline, U.S. Department of Education, Programs for the Improvement of Practice, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208-5645. Telephone: (202) 357-6134.

SUPPLEMENTARY INFORMATION: The National Diffusion Network (NDN) supports efforts to recognize and further excellence in education, including the nationwide dissemination of exemplary education programs. These are programs that have been developed at the local level by classroom teachers and other practitioners with funds provided by a variety of sources including school districts, private businesses and foundations, colleges and universities, State educational agencies and other Federal programs. After field testing and evaluation, again at the local level, these programs have been validated by several different procedures established by the Department. Once programs have been validated, they are considered part of the NDN. The developers of validated programs may compete for funding by the NDN to operate as Developer Demonstrator projects to disseminate specific exemplary education programs nationwide, or as Dissemination Process projects for nationwide dissemination of information, instructional materials and services about content areas, bodies of research or fields of professional development.

On October 6, 1988 the Secretary published a notice of proposed

rulemaking (NPRM) for the NDN in the *Federal Register* at 53 FR 39406.

A discussion of major issues was included in the NPRM on page 39406. The Secretary has made several changes to certain of the selection criteria for Developer Demonstrator and Dissemination Process projects in the final regulations. The points assigned to the criteria "Innovative approach of exemplary education program" in §§ 786.21 and 787.21 have been reduced. In addition, the wording in these criteria and in the criteria "Accuracy of exemplary education program, in §§ 786.22 and 787.22 has been changed to provide that the Secretary will review, in addition to a representative sample of an exemplary education program's instructional, classroom or curriculum materials, a description of the exemplary education program including a description of the training that would be provided to install the program in new settings. Corresponding changes have been made to §§ 786.10 and 787.10, "What information and materials must an applicant submit to apply for an award?", §§ 786.20 and 787.20, "How does the Secretary evaluate an application?", and the criteria in §§ 786.23 and 787.23, "Plan of operation". A discussion of these changes appears in the Analysis of Comments and Changes section of this preamble.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, forty-three parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Substantive issues are discussed under the section of the regulations to which they pertain.

Selection criterion—innovative approach of exemplary education program (§§ 786.21 and 787.21) and Selection criterion—accuracy of exemplary education program (§§ 786.22 and 787.22).

Definitions of Terms in Selection Criteria

Comments: Some commenters suggested that several terms in the selection criteria be defined. Sections 786.21 and 787.21 provide that the Secretary determines the extent to which an exemplary education program's approach is "innovative." Sections 786.22 and 787.22 provide that the Secretary determines the extent to which an exemplary education program is "accurate" and "up-to-date."

Discussion: The extent to which a program is accurate and up-to-date and represents an innovative approach can be determined only within the context of the subject or content area, or the specific area of staff development addressed by the program. The Secretary believes that definitions of those terms would have to be so broad and vague as to be useless. However, in preparing a grant application, an applicant has an opportunity to establish a context, and provide information to assist reviewers in determining the extent to which a program uses an innovative approach and is accurate and up-to-date.

Changes: None.

Review of Program Materials

Comments: Many commenters suggested that for both Developer Demonstrator and Dissemination Process projects, the Secretary should not review the instructional, classroom and curriculum materials used by an exemplary education program without also reviewing other components of the program such as a description of training provided to program participants.

Discussion: The Secretary recognizes that materials are only one component of an exemplary education program and that it would be appropriate to review other components of a program in determining whether the program is innovative and accurate.

Changes: Sections 786.21 and 786.22, and 787.21 and 787.22 have been changed to provide that in addition to reviewing the instructional, classroom and curriculum materials, the Secretary reviews a description of the program, including a description of the training provided. Corresponding changes have been made to §§ 786.10 and 787.10, "What information and materials must an applicant submit to apply for an award?" and §§ 786.20 and 787.20, "How does the Secretary evaluate an application?" The description of training formerly required under §§ 786.21 and 787.21 "Plan of operation," (now redesignated §§ 786.23 and 787.23) has been deleted from those sections.

Allocation of Points for Selection Criteria

Comments: Several commenters suggested that undue weight was given to the new selection criteria, *Innovative approach of exemplary education program* (§§ 786.21 and 787.21), and *Accuracy of exemplary education program* (§§ 786.22 and 787.22), because the two criteria combined would equal almost one third of the total available points for a grant application. They

suggested that this would place too great an emphasis on these criteria as compared to other aspects of a grant application and that the points allocated to these sections should be reduced.

Discussion: The Secretary believes that the selection criteria mandated in the Amendments should be of prime importance in reviewing grant applications.

Changes: None.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Education Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Parts 785, 786 and 787

Dissemination, Education, Educational research, Grant programs—education, Reporting and recordkeeping requirements.

Dated: April 21, 1989.

Lauro F. Cavazos,

Secretary of Education.

(Catalog of Federal Domestic Assistance number: 84.073—National Diffusion Network)

The Secretary amends Parts 785, 786, and 787 of Title 34 of the Code of Federal Regulations as follows:

PART 785—NATIONAL DIFFUSION NETWORK: GENERAL PROVISIONS

1. The authority citation for Part 785 is revised to read as follows:

Authority: 20 U.S.C. 2962, unless otherwise noted.

2. Section 785.5(b) is amended by removing the definitions of "Dissemination Review Approval" and "Program Significance Panel", adding, in alphabetical order, a definition of "Joint Dissemination Review Panel", and revising the definitions of "Exemplary education program" and "Program Effectiveness Panel" to read as follows:

§ 785.5 What definitions apply?

* * *

(b) * * *

"Exemplary education program" means a program, product, practice, or Dissemination Process that has Program Effectiveness Panel approval.

"Joint Dissemination Review Panel" or "JDRP" means the Panel that was convened by the Secretary to approve exemplary education programs and that was the predecessor to the Program Effectiveness Panel.

* * *

"Program Effectiveness Panel" or "PEP" means a panel of experts in the evaluation of education programs and in other areas of education, at least two-thirds of whom are not Federal employees, who are appointed by the Secretary, and who review and assign scores to programs according to the criteria in §§ 786.12 or 787.12.

* * *

PART 786—NATIONAL DIFFUSION NETWORK: DEVELOPER DEMONSTRATOR PROJECTS

3. The authority citation for Part 786 is revised to read as follows:

Authority: 20 U.S.C. 2962, unless otherwise noted.

4. The table of contents for Part 786 is amended by revising Subparts B, C, and D to read as follows:

* * *

Subpart B—How Does One Apply for an Award?

786.10 What information and materials must an applicant submit to apply for an award?

786.11 What must an applicant submit for review by the PEP?

786.12 How does the PEP review a program, product, or practice?

786.13 How is PEP approval granted?

786.14 How long does PEP approval last?

786.15 How long does JDRP approval last?

786.16 What activities must an applicant propose to carry out if it receives an award?

Subpart C—How Does the Secretary Make an Award?

786.20 How does the Secretary evaluate an application?

786.21 Selection criterion—innovative approach of exemplary education program. (15 points)

786.22 Selection criterion—accuracy of exemplary education program. (15 points)

786.23 Selection criterion—plan of operation. (25 points)

786.24 Selection criterion—quality of key personnel. (20 points)

786.25 Selection criterion—budget and cost-effectiveness. (5 points)

786.26 Selection criterion—evaluation plan. (10 points)

786.27 Selection criterion—adequacy of resources. (5 points)

786.28 Selection criterion—monitoring plan. (5 points)

786.29 What additional criteria exist for new awards?

786.30 What additional criteria exist for continuation awards?

Subpart D—What Conditions Must Be Met by the Recipient of an Award?

786.31 What disclaimers are required on printed materials?

786.32 What are a recipient's responsibilities for serving students enrolled in nonprofit private schools?

* * *

5. Section 786.2 is amended by revising paragraphs (a)(1) and (b) and the authority citation to read as follows:

§ 786.2 Who is eligible for an award?

(a) * * *

(1) Any public or nonprofit private agency, organization, or institution that has developed a program, product, or practice that has Program Effectiveness Panel approval or JDRP approval and that is in use in a site that can be visited may apply for a new Developer Demonstrator award.

* * *

(b) Any Developer Demonstrator grantee, otherwise eligible to apply for a continuation award, may apply for the continuation award even if either the PEP approval period or the JDRP approval period has expired.

(Authority: 20 U.S.C. 2962)

6. Section 786.3 is amended by revising paragraph (b)(3) to read as follows:

§ 786.3 What priorities may the Secretary establish?

* * *

(b) * * *

(3) History, geography, and civics.

* * *

7. Section 786.10 is revised to read as follows:

§ 786.10 What information and materials must an applicant submit to apply for an award?

To apply for an award, an applicant shall submit a description of the exemplary education program, including—

(a) A description of training required to install the exemplary education program in new settings; and

(b) A representative sample of the instructional, classroom, or curriculum materials of the exemplary education program that would be disseminated by the project.

(Authority: 20 U.S.C. 2962)

§ 786.12 [Removed]

§ 786.11 [Redesignated as § 786.12]

8. Section 786.12 is removed and § 786.11 is redesignated as § 786.12, and the section heading is amended by revising "Program Effectiveness Panel" to read "PEP".

9. A new § 786.11 is added to read as follows:

§ 786.11 What must an applicant submit for review by the PEP?

For PEP review of a program, product, or practice, an applicant shall submit to the Secretary qualitative or quantitative evidence of the effectiveness of the program, product, or practice.

(Authority: 20 U.S.C. 2962)

10. Section 786.13 is revised to read as follows:

§ 786.13 How is PEP approval granted?

PEP approval is granted if the PEP has given the program, product, or practice a score of at least 40 points for the criterion in § 786.12(d)(2) (*Results*) and a total score of at least 70 points.

(Authority: 20 U.S.C. 2962)

11. Section 786.14 is revised to read as follows:

§ 786.14 How long does PEP approval last?

PEP approval remains in effect for six years after the date of approval.

(Authority: 20 U.S.C. 2962)

§ 786.16 [Redesignated from § 786.15]

12. Section 786.15 is redesignated as § 786.16 and a new § 786.15 is added to read as follows:

§ 786.15 How long does JDRP approval last?

JDRP approval remains in effect for six years after the date of approval.

(Authority: 20 U.S.C. 2962)

13. Section 786.20 is revised to read as follows:

§ 786.20 How does the Secretary evaluate an application?

The Secretary evaluates an application, including the information and materials submitted under § 786.10 according to the criteria in §§ 786.21 through 786.29.

(Authority: 20 U.S.C.)

§ 786.27 [Removed]

§§ 786.21 through 786.26 and §§ 786.28 through 786.31 [Redesignated as §§ 786.23 through 786.32]

14. Section 786.27 is removed, §§ 786.21, 786.22, 786.23, 786.24, 786.25, 786.26, 786.28, 786.29, 786.30 and 786.31 are redesignated as §§ 786.23, 786.24, 786.25, 786.26, 786.27, 786.28, 786.29, 786.30, 786.31 and 786.32 respectively.

15. New §§ 786.21 and 786.22 are added to read as follows:

§ 786.21 Selection criterion—innovative approach of exemplary education program. (15 points)

The Secretary reviews an application, including the information and materials submitted under § 786.10 to determine the extent to which the program's approach is innovative.

(Authority: 20 U.S.C. 2962)

§ 786.22 Selection criterion—accuracy of exemplary education program. (15 points)

The Secretary reviews an application, including the information and materials submitted under § 786.10 to determine the extent to which the program is accurate and up-to-date.

(Authority: 20 U.S.C. 2962)

16. Redesignated § 786.23 is amended by removing paragraph (b), redesignating paragraphs (c), (d), and (e) as paragraphs (b), (c), and (d) respectively, and by adding a new paragraph (e) to read as follows:

§ 786.23 Selection criterion—plan of operation. (25 points)

* * * * *

(e) The extent to which the applicant proposes dissemination strategies designed to meet specific characteristics of its program; and

* * * * *

§ 786.24 [Amended]

17. Redesignated § 786.24 is amended by removing "25" from the section heading, and replacing it with "20".

§ 786.25 [Amended]

§ 786.26 [Amended]

18. Redesignated § 786.26 is amended by removing "20" from the section heading, and replacing it with "10".

§ 786.27 [Amended]

§ 786.28 [Amended]

19. Redesignated § 786.28 is amended by removing "15" from the section heading, and replacing it with "5".

20. Redesignated § 786.29 is revised to read as follows:

§ 786.29 What additional criteria exist for new awards?

In determining the order of selection under 34 CFR 75.217(d) for new Developer Demonstrator awards, the Secretary seeks diversity of projects funded under a particular competition or under this program.

(Authority: 20 U.S.C. 2962)

PART 787—NATIONAL DIFFUSION NETWORK: DISSEMINATION PROCESS PROJECTS

21. The authority citation for Part 787 is revised to read as follows:

Authority: 20 U.S.C. 2962, unless otherwise noted.

22. The table of contents for Part 787 is amended by revising Subparts B, C and D to read as follows:

* * * * *

Subpart B—How Does One Apply for an Award?

787.10 What information and materials must an applicant submit to apply for an award?

787.11 What must an applicant submit for review by the PEP?

787.12 How does the PEP review a Dissemination Process?

787.13 How is PEP approval granted?

787.14 How long does PEP approval last?

787.15 How long does JDRP approval last?

787.16 What activities must an applicant propose to carry out if it receives an award?

Subpart C—How does the Secretary Make an Award?

787.20 How does the Secretary evaluate an application?

787.21 Selection criterion—innovative approach of exemplary education program. (15 points)

787.22 Selection criterion—accuracy of exemplary education program. (15 points)

787.23 Selection criterion—plan of operation. (25 points)

787.24 Selection criterion—quality of key personnel. (20 points)

787.25 Selection criterion—budget and cost-effectiveness. (5 points)

787.26 Selection criterion—evaluation plan. (10 points)

787.27 Selection criterion—adequacy of resources. (5 points)

787.28 Selection criterion—monitoring plan. (5 points)

787.29 What additional criteria exist for new awards?

787.30 What additional criteria exist for continuation awards?

Subpart D—What Conditions Must be Met by the Recipient of an Award?

787.31 What disclaimers are required on printed materials?

787.32 What are a recipient's responsibilities for serving students enrolled in nonprofit private schools?

§ 787.2 [Amended]

23. Section 787.2 is amended by removing the words "Dissemination Review Approval" and replacing them with "Program Effectiveness Panel Approval".

§ 787.12 [Removed]

§§ 787.10 and 787.11 [Redesignated as §§ 787.11 and 787.12 Respectively]

24. Section 787.12 is removed, § 787.10 is redesignated as § 787.11, and § 787.11 is redesignated as § 787.12, and the section heading for § 787.12 is amended by revising "Program Effectiveness Panel" to read "PEP".

25. A new § 787.10 is added to read as follows:

§ 787.10 What information and materials must an applicant submit to apply for an award?

To apply for an award, an applicant shall submit a description of the Dissemination Process, including—

(a) A representative sample of the information and instructional materials that would be disseminated through the Dissemination Process; and

(b) A description of any training to education service providers the program might offer, if appropriate, in support of the use of the materials or information described above.

(Authority: 20 U.S.C. 2962)

26. Redesignated § 787.11 is amended by removing the paragraph designation for paragraph (a), removing paragraph (b), redesignating paragraphs (a)(1), (a)(2), and (a)(3) as paragraphs (a), (b), and (c), respectively, and revising the section heading and the undesignated text preceding paragraph (a) to read as follows:

§ 787.11 What must an applicant submit for review by the PEP?

For PEP review of a dissemination process, an applicant shall submit to the Secretary—

27. Section 787.13 is revised to read as follows:

§ 787.13 How is PEP approval granted?

PEP approval is granted if the PEP has given the procedures and criteria a score of at least 20 points for the criterion in § 787.12(d)(2) (*Results*) and a total score of at least 70 points.

(Authority: 20 U.S.C. 2962)

28. Section 787.14 is revised to read as follows:

§ 787.14 How long does PEP approval last?

PEP approval remains in effect for six years from the date of approval.

(Authority: 20 U.S.C. 2962)

§ 787.16 [Redesignated from § 787.15]

29. Section 787.15 is redesignated as § 787.16.

30. A new § 787.15 is added to read as follows:

§ 787.15 How long does JDRP approval last?

JDRP approval remains in effect for six years from the date of approval.

(Authority: 20 U.S.C. 2962)

§ 787.20 [Amended]

31. Section 787.20 is revised to read as follows:

§ 787.20 How does the Secretary evaluate an application?

The Secretary evaluates an application, including the information and materials submitted under § 787.10 according to the criteria in §§ 787.21 through 787.28.

(Authority: 20 U.S.C. 2962)

§ 787.27 [Removed]

§§ 787.21 through 787.26 and §§ 787.28 through 787.31 [Redesignated as §§ 787.23 through 787.32 Respectively]

32. Section 787.27 is removed, §§ 787.21, 787.22, 787.23, 787.24, 787.25, 787.26, 787.28, 787.29, 787.30, and 787.31 are redesignated as §§ 787.23, 787.24, 787.25, 787.26, 787.27, 787.28, 787.29, 787.30, 787.31 and 787.32 respectively.

33. New §§ 787.21 and 787.22 are added to read as follows:

§ 787.21 Selection criterion—innovative approach of exemplary education program. (15 points)

The Secretary reviews an application, including the information and materials submitted under § 787.10 to determine the extent to which the program's approach is innovative.

(Authority: 20 U.S.C. 2962)

§ 787.22 Selection criterion—accuracy of exemplary education program. (15 points)

The Secretary reviews an application, including the information and materials submitted under § 787.10 to determine the extent to which the program is accurate and up-to-date.

(Authority: 20 U.S.C. 2962)

34. Redesignated § 787.23 is amended by removing "30" in the section heading and adding in its place, "25", removing the cross-reference "737.16" in paragraph (a) and adding, in its place, "787.16", removing paragraph (c), redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e) respectively, and adding a new paragraph (f) to read as follows:

§ 787.23 Selection criterion—plan of operation. (25 points)

(f) The extent to which the applicant proposes dissemination strategies designed to meet specific characteristics of its program.

§ 787.24 [Amended]

35. Redesignated § 787.24 is amended by removing "10" from the section heading, and adding in its place "20."

§ 787.25 [Amended]

36. Redesignated § 787.25 is amended by removing "10" from the section heading, and adding in its place, "5".

§ 787.26 [Amended]

37. Redesignated § 787.26 is amended by removing "15" from the section heading, and adding in its place "10".

§ 787.27 [Amended]

38. Redesignated § 787.27 is amended by removing "10" from the section heading, and adding in its place "5".

§ 787.28 [Amended]

39. Redesignated § 787.29 is revised to read as follows:

§ 787.29 What additional criteria exist for new awards?

In determining the order of selection under 34 CFR 75.217(d) for new Dissemination Process awards, the Secretary seeks diversity of projects funded under a particular competition or under this program.

(Authority: 20 U.S.C. 2962)

[FR Doc. 89-13461 Filed 6-7-89; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.073E]

Invitation for Applications for New Dissemination Process Awards Under the National Diffusion Network for Fiscal Year 1989

Purpose of program: Provides grants for the nationwide diffusion of Dissemination Processes that have been previously approved by the Department of Education's Program Effectiveness Panel.

Deadline for transmittal of applications: July 24, 1989.

Deadline for intergovernmental review comments: September 22, 1989.

Applications available: June 12, 1989.

Available funds: \$100,000.

Estimated range of award: \$75,000 to \$100,000 per year.

Estimated number of awards: One.

Project period: Up to 48 months.

Applicable regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments); Part 81 (General Education Provisions Act—Enforcement); and (b) The regulations for this program in 34 CFR Parts 785, 786, and 787. (Final regulations for this program are published in this issue of the Federal Register.)

For further information contact: Mrs. Linda Jones, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208-5645. Telephone: (202) 357-6134.

Program authority: 20 U.S.C. 2962.

Dated: June 1, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89-13462 Filed 6-7-89; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.073A]

Invitation for Applications for New Developer Demonstrator Awards Under the National Diffusion Network Program for Fiscal Year 1989

Purpose: Provides grants for the dissemination of exemplary education programs that have been previously approved by the Department of Education's Program Effectiveness Panel to new sites nationwide.

Deadline for transmittal of applications: July 24, 1989.

Deadline for intergovernmental review comments: September 22, 1989.

Applications available: June 12, 1989.

Available funds: \$1,382,000.

Estimated range of awards: \$50,000 to \$60,000 per year.

Estimated average size of awards: \$55,280.

Estimated number of awards: 25

Project period: Up to 48 months.

Applicable regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement); and (b) The regulations for this program in 34 CFR Parts 785 and 786. (Final regulations for this program are published in this issue of the Federal Register.)

Absolute priorities: The Secretary has selected absolute priorities for this

competition from the list of priorities in 34 CFR 786.3. Only applications for projects in these priority areas will be considered. The Secretary seeks applications for projects in any of the following priority areas:

1. Science.
2. Mathematics.
3. Reading and adult literacy programs.
4. Written communications.
5. Health, including drug-abuse prevention programs.
6. History, geography and civics.
7. Programs that assist in improving school discipline and that foster an atmosphere conducive to learning.
8. Programs that improve students' skills in comprehension, analysis, and problem solving, including programs in philosophy.
9. Programs that improve teaching and the quality of instruction.
10. School-wide and district-wide improvement efforts.
11. Drop-out prevention programs and programs for at-risk youth.
12. Early childhood.
13. Gifted and talented students.
14. Programs that advance students' educational and occupational goals, such as courses in the fine and performing arts, vocational education, and industrial arts.
15. Physical education.
16. Programs for handicapped students.

However, this listing of priorities does not bind the Department of Education to a specific number of projects in each priority, or to selecting projects for funding in each priority.

For applications or information contact: Mrs. Trudy R. Turner, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208-5645. Telephone: (202) 357-6162.

Program Authority: 20 U.S.C. 2962.

Dated: June 1, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89-13463 Filed 6-7-89; 8:45 am]

BILLING CODE 4000-01-M

Get the Part

Thursday
June 8, 1989

Part V

Department of Health and Human Services

Public Health Service

42 CFR Part 36

Indian Health Service, Contract Health Services; Proposed Rulemaking

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

[RIN 0905-AD00]

Indian Health Service; Contract Health Services

AGENCY: Indian Health Service, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: We are proposing a clarification to the regulations governing receipt of contract health services from the Indian Health Service (IHS). Under this proposal, IHS would be specifically designated as payor of last resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law to the contrary.

DATE: Written comments must be received on or before July 10, 1989.

ADDRESS: Written comments on these proposed rules may be sent to Richard J. McCloskey, Indian Health Service, Room 8A-23, 5600 Fishers Lane, Rockville, Maryland 20857. Comments will be made available for public inspection at this address from 8:30 a.m. to 5:00 p.m., Monday—Friday beginning approximately 2 weeks after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Richard J. McCloskey, Telephone (301) 443-1116. (This is not a toll free number)

SUPPLEMENTARY INFORMATION: We are proposing this change in the regulations governing authorization of contract health services by the IHS to clarify that the IHS is the payor of last resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law or regulation to the contrary.

The regulations governing authorization of contract health services found in the October 1, 1986, Edition of the Code of Federal Regulations (CFR) were amended on September 16, 1987 (52 FR 35048). Congress has delayed implementation of the September 16, 1987 regulations until October 1, 1989 (Pub. L. 100-446). The earlier regulations published in the October 1, 1986 CFR provided at 42 CFR 36.23(f):

(f) *Alternate resources.* Contract health services will not be authorized by the Indian Health Service when, and to the extent that, alternate resources for the provision of necessary medical services are available and accessible to the individual requesting the services or would be available and accessible upon application of the individual to the alternate resource.

While the courts have upheld 42 CFR 36.23(f) as consistent with Congressional intent and the Federal trust responsibility to Indians, the courts have nevertheless allowed State and local governments to adopt their own residuality requirements defeating the purpose of the Federal regulation. *McNabb v. Bowen*, 829 F.2d 787 (9th Cir. 1987); *State of Arizona and Coconino County v. United States*, No. 87-2525 (9th Cir. Sept. 12, 1988—unpublished memorandum decision). These court decisions hinged on the wording of the Federal regulation published in the October 1, 1986 CFR. Because the regulation did not expressly supersede State laws to the contrary, and made IBS payment residual to other payment sources "available and accessible" to the individual, the court determined that if a State made its program the payor of last resort, then that program was not "available and accessible" under the Federal regulation.

The court noted that it was interpreting the Federal regulation quoted above, leaving us free to adopt new regulatory language. This proposed change in the Federal regulation will supersede State and local laws by establishing a direct conflict between this proposed amendment and State or local residuality requirements. This change in the regulation will clarify that IHS contract health services are the payor of last resort notwithstanding any State or local law or regulation to the contrary.

A number of conforming changes are also made.

Determination Concerning Impact of the Rule

This rule does not have cost implications for the economy of \$100 million or more independent of the IHS appropriation, nor will it result in a major increase in cost for consumers, industries, or Government agencies, nor will it adversely affect competition. Therefore, the Secretary has determined that the rule is not a major rule under Executive Order 12291, and a regulation impact analysis is not required. Further, these regulations will not have a significant economic impact on a substantial number of small entities, and therefore do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

E.O. 12612: Federalism

The Secretary has also determined that the rule has no significant impact on federalism under Executive Order No. 12612 because the rule simply clarifies what has been longstanding Federal policy for more than 30 years.

The alternate resource rule has been contained in Departmental regulations since 1956. The rule has been implemented consistently and openly with notice to the States during that period. This restatement of the alternate resource rule is designed to maintain the status quo regarding what has been and continues to be Federal policy.

Paperwork Reduction Act

There are no new paperwork requirements subject to the Office of Management and Budget approval under the Paperwork Reduction Act of 1980.

List of Subjects in 42 CFR Part 36

Alaska natives, Indians, Health, Health facilities, Health service delivery areas, Contract health services.

Dated: April 28, 1989.

James O. Mason,
Assistant Secretary for Health.

Approved: May 5, 1989.

Louis W. Sullivan,
Secretary.

For the reasons set out in the preamble, the Department proposes to amend Part 36 of Title 42, Code of Federal Regulations as follows:

PART 36—[AMENDED]

1. The authority citation for Part 36 continues to read as follows:

Authority: Sec. 3, 68 Stat. 674; 42 U.S.C. 2003, 42 Stat. 208, sec. 1, 68 Stat. 674; 25 U.S.C. 13, 42 U.S.C. 2001 unless otherwise noted.

§ 36.10 [Amended]

2. The definition of "Alternate resources" at 42 CFR 36.10 is removed.

§ 36.12 [Amended]

3. 42 CFR 36.12(c) is revised to read as follows:

*(c) Contract health services will not be authorized when and to the extent that Indian Health Service or Indian Health Service funded facilities are available to provide the needed care. When funds are insufficient to provide the volume of contract health services needed by the service population, the Indian Health Service shall determine service priorities on the basis of medical need.

* * * * *

4. Subpart G is added as follows:

Subpart G—Residual Status

§ 36.61 Payor of last resort.

(a) The Indian Health Service is the payor of last resort for persons defined as eligible for contract health services under these regulations, notwithstanding

any State or local law or regulation to the contrary.

(b) Accordingly, the Indian Health Service will not be responsible for or authorize payment for contract health services to the extent that:

(1) The Indian is eligible for alternate resources, as defined in paragraph (c), or

(2) the Indian would be eligible for alternate resources if he or she were to apply for them, or

(3) the Indian would be eligible for alternate resources under state or local law or regulation but for the Indian's eligibility for contract health services, or other health services, from the Indian Health Service or Indian Health Service funded programs.

(c) "Alternate resources" means health care resources other than those of the Indian Health Service. Such resources include health care providers and institutions, and health care programs for the payment of health services including but not limited to programs under Title XVIII and XIX of the Social Security Act (i.e., Medicare, Medicaid), State or local health care programs and private insurance.

[FR Doc. 89-13206 Filed 6-7-89; 8:45 am]

BILLING CODE 4160-16-M

Housing and Urban
Development
Department

Office of the Assistant Secretary for
Housing-Federal Housing Commissioner

Section 8 Housing Voucher Program
Notice

Equal Housing Lender

Thursday
June 8, 1989

Part VI

Housing and Urban Development Department

Office of the Assistant Secretary for
Housing—Federal Housing Commissioner

Section 8 Housing Voucher Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-89-1985; FR 2619]

Section 8 Housing Voucher Program

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of funding availability.

SUMMARY: The purpose of this Notice is to request State participation in a HUD special funding initiative. Bonus allocations of housing vouchers will be awarded to States that make available housing for very low income families through State funds appropriated for tenant-based subsidy programs. For purposes of this Notice, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and Guam. HUD will make available funds for use by State public housing agencies (PHAs) or local PHAs identified by State governments.

HUD has set aside funds from the Headquarters discretionary reserve for up to 1,500 housing vouchers for this initiative. Under the Housing Voucher Program, a family receives the benefit of a rental assistance payment equal to the difference between a payment standard for the area and 30 percent of its adjusted income. The family may select a unit renting for more than the payment standard, in which case it pays more than 30 percent of income towards rent. Alternatively, it may select a unit renting for less than the payment standard, in which case it pays less than 30 percent of income towards rent (but not less than 10 percent of gross income).

This Notice informs the public of the requirements for funding under this initiative and describes the pre-application and application process that must be followed when requesting participation in this special State funding initiative.

Because these 1,500 housing vouchers are being funded from the Headquarters discretionary reserve, the use of such funds must comply with section 213(d) of the Housing and Community Development Act of 1974. Accordingly, if the State applicant designates the State housing agency or one or more local public housing agencies as program administrator(s), the funds must be used only in Community Development Block Grant (CDBG) entitlement communities and urban counties. Such communities are required

to have HUD-approved Housing Assistance Plans (HAPs). The total number of HAP goals, including the units to be provided under this initiative, should not exceed the lower income housing needs described in a community's HAP. It is important to note that Freestanding HAPs (i.e., HAPs for non-CDBG entitlement communities) do not meet the statutory definition of HAPs and may not be considered for purposes of allocating funds from the Headquarters reserve.

FOR FURTHER INFORMATION CONTACT:

Gerald Benoit, Director, Housing Voucher Division, Room 6122, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-6477. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: The Department has developed an initiative under the Housing Voucher Program that makes available a bonus allocation of housing vouchers for State or local PHAs identified by State governments that operate tenant-based subsidy programs that are similar to HUD's Housing Voucher Program, using funds made available from State appropriations. For this purpose, "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and Guam. HUD has set aside funding for up to 1,500 housing vouchers for this initiative during Fiscal Year 1989. Contingent upon the availability of funds in future years, HUD plans to continue making bonus allocations to States that make funds available from State appropriations for tenant-based subsidy programs.

This special State funding initiative is an extension of the tenant-based Housing Voucher Program. In a tenant based assistance program (such as the Housing Voucher or Section 8 Certificate Program), assistance is not tied to a particular property. Instead, the assisted unit is selected by the family. The PHA enters into an assistance contract which only covers a single unit rented by a specific assisted family. If the family moves out of the unit, the assistance contract terminates. The family may find a new unit anywhere within the PHA's jurisdiction and move to the new unit with continued assistance under the Program.

State applicants that allocate funding for tenant-based rental assistance programs with the elements described above, using State funds, are invited to submit pre-applications for this special State funding initiative. HUD will only consider programs for which State funds

were made available by State legislation on or after July 1, 1988.

Under this initiative, State applicants must submit pre-applications to the Housing Voucher Division, Room 6124, 451 Seventh Street SW., Washington, DC 20410, by close of business June 30, 1989 (8:45 a.m. to 5:15 p.m. weekdays).

The State applicant shall identify in its pre-application the annual amount to be available for tenant-based subsidy programs under the State legislation as well as the number of years for which the annual amount will be available pursuant to the legislation.

I. Pre-application Requirements

Each pre-application shall contain the following information to assist HUD in determining the appropriateness of funding:

A. Funding. Submit a copy of the pertinent State legislation that authorizes the state funded tenant-based subsidy program.

B. Number of Recipients. State the total number of families with incomes at or below 50 percent of median income who are receiving, or are expected to receive, assistance under the State funded program during Fiscal Year 1989 (i.e., October 1, 1988 to September 30, 1989).

C. Designated PHA. The pre-application should designate the PHA(s) that will act as contract administrator of the HUD matching funds.

D. Certifications. Certify that State funds are available for a tenant-based rental assistance program and that the State funded program will be operated in a manner similar to HUD tenant-based housing programs. (A certification form is provided as an attachment to this Notice of Funding Availability.)

E. Signature. Pre-applications must be signed by an authorized State official.

F. Deadline Date. Pre-applications must be received by June 30, 1989 by the U.S. Department of Housing and Urban Development, Housing Voucher Division, Room 6124, Washington, DC 20410.

II. Funding Determinations

Pre-applications will be awarded funding based on the following:

A. The need for housing assistance in the designated PHA jurisdictions.

B. The designated PHA's performance record in administering the Section 8 Certificate and/or Housing Voucher Program.

C. The extent to which the designated PHA(s) are using housing vouchers and certificates previously allocated by HUD.

D. The number of housing vouchers that should be offered to the designated PHA(s) to facilitate program administration and economies of scale.

III. Application Requirements

Once HUD announces the selectees and the funding levels, a complete application for housing vouchers will be submitted to the appropriate HUD Field Office. HUD will notify the designated PHAs and invite those PHAs to submit applications for the approved levels of funding. All application requirements identified at 24 CFR 887.55 through 887.63(a) must be followed by designated PHAs. Applications must be submitted no later than July 31, 1989. All programs receiving HUD funds under this initiative must comply with the Housing Voucher Program regulations at 24 CFR Part 887.

IV. Findings and Other Matters

An environmental finding under the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary since the Housing Voucher Program is part of the Section 8 Existing Housing Program which is categorically excluded under HUD regulations at 24 CFR 50.20(d).

HUD has determined, in accordance with E.O. 12612, *Federalism*, that preparation of a Federalism Assessment is not warranted. This NOFA, by encouraging States to develop and fund their own programs to meet the needs of very low-income families for affordable housing, is clearly within and consistent with the fundamental Federalism principals set out in section 2 of the Executive Order.

HUD has determined that this Notice is not likely to have a significant impact on family formation, maintenance, and general well-being within the meaning of E.O. 12606, *The Family*, because the Notice concerns only HUD's method of allocating Housing Voucher Program funds. It does not affect the terms and conditions under which a family may qualify for assistance under the Housing Voucher Program. The Housing Voucher Program, itself, is a benefit to families because it assists families to afford decent, safe and sanitary housing of their choice.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520. Currently approved requirements have been assigned the OMB Control Number 2502-0398.

States that wish to participate in the HUD special funding initiative will be required to certify that State funds are available for a tenant-based rental assistance program and that the State funded program will be operated in a manner similar to HUD tenant-based housing programs. Pre-applications will be submitted to Headquarters for approval. HUD expects this Notice will apply only to about 20 states: Number of responses per respondent—1; total annual responses—20; 1 hour per response; total hours—20.

Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing this

burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., Room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The Catalog of Federal Domestic Assistance Program number is 14.177—Housing Voucher Program.

Authority: Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

Dated: May 25, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

Attachment

Certification of Availability of State Funds and Certification of Program Similarity to HUD Tenant-based Housing Programs

We do hereby certify that the Fiscal Year 1989 budget for the State/Commonwealth/District of _____ has earmarked \$ _____ for a State tenant-based rental assistance program. Such funds are readily available for funding such a tenant-based rental assistance program.

We do further certify that the aforementioned tenant-based rental assistance program is/will be operated in a manner similar to currently operated HUD tenant-based housing programs.

Authorized State Official (Designee)

Date

[FR Doc. 89-13578 Filed 6-7-89; 8:45 am]

BILLING CODE 4210-27-M

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Thursday, June 8, 1989

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