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Federal Register

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, and Atlanta, GA, see announcement on the inside cover of this issue.



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THE FEDERAL REGISTER

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- 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.

ATLANTA, GA

- WHEN:** September 20; at 9:00 a.m.
- WHERE:** Room 808, 75 Spring Street, SW.
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- RESERVATIONS:** Call the Federal Information Center
404-331-6895

WASHINGTON, DC

- WHEN:** September 25; at 9:00 a.m.
- WHERE:** Office of the Federal Register
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1100 L Street NW., Washington, DC
- RESERVATIONS:** 202-523-5240

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Proclamation 6018 of September 12, 1989

The President

National Alcohol and Drug Treatment Month, 1989

By the President of the United States of America

A Proclamation

Each day, we Americans are confronted by grim reminders of the devastation wrought by excessive consumption of alcohol and other forms of substance abuse. Millions of Americans have suffered, either directly or indirectly, from the consequences of chemical dependency. Substance abuse contributes to accidents resulting in serious injury and death, and it accounts for much of the violent crime on our city streets. Disrupting or destroying the lives of families across the United States, this grave problem has placed our Nation's future at risk.

It has been estimated that as many as one-third of all families in this Nation are affected in some way by alcoholism. Perhaps as many as 18,000,000 Americans are problem drinkers or alcoholics. These estimates point to substantial costs in health care and lost economic productivity, as well as untold human suffering. Women who abuse alcohol or other drugs while pregnant endanger the lives of their unborn children. Alcohol abuse during pregnancy is one of the leading causes of mental retardation in infants; and, today, many of our Nation's hospitals must often treat chemically addicted newborns.

An entire generation is threatened by the use of illicit drugs. Intravenous use of cocaine, heroin, amphetamines, and other drugs is linked to an ever increasing proportion of new AIDS cases in the United States. An estimated 70 percent of children with AIDS have a mother or father who has used drugs intravenously. The use of cocaine alone now accounts for more hospital emergency room episodes than any other legal or illegal drug.

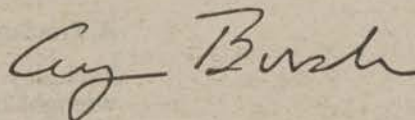
Today, parents, teachers, law enforcement personnel, and government officials are working hard to prevent young people from venturing into the dangerous web of substance abuse. We must continue to teach our children about the perils of experimenting with drugs and alcohol. We must also continue to help them develop the self-esteem, strength of character, and firm moral values that are the surest defense against peer pressure.

Across the country, we are also working hard to provide treatment for those Americans who have drug and alcohol problems. At the State and local level, public and private programs have been established to help these individuals overcome chemical dependency. The dedicated professionals and volunteers who make these programs work deserve our recognition and wholehearted support. The patients and clients struggling to regain control over their lives through these programs deserve our compassion and encouragement. This month, each of us should make a firm commitment to support drug treatment facilities in our communities. Effective rehabilitation and treatment programs are an essential part of our effort to win the war on drugs.

To enhance public awareness of the importance of alcohol and drug treatment services, the Congress, by Senate Joint Resolution 132, has designated the month of September 1989 as "National Alcohol and Drug Treatment Month" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 1989 as National Alcohol and Drug Treatment Month. I call upon all citizens of the United States to observe this month with appropriate ceremonies and activities designed to increase understanding of persons with alcohol and drug problems and to promote recognition of their need for effective treatment and rehabilitation.

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



[FR Doc. 89-22030

Filed 9-13-89; 5:02 pm]

Billing code 3195-01-M

Presidential Documents

Proclamation 6019 of September 13, 1989

National Historically Black Colleges Week, 1989

By the President of the United States of America

A Proclamation

Our Nation's historically Black colleges and universities have long been a symbol of hope and a door to advancement for Black Americans. Committed to equal opportunity and academic excellence, these institutions have offered minority students the chance to receive a quality education. Thousands of young people, many of them from disadvantaged families, have graduated from historically Black colleges and pursued distinguished careers in education, law, medicine, engineering, business, the arts, and the military.

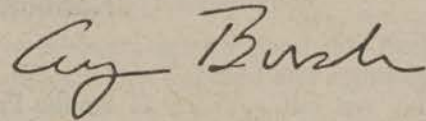
In the past, historically Black colleges and universities offered Black Americans their best, and often their only, opportunity to obtain a higher education. Today, the legal barriers that led to the creation of separate schools for Black students have been struck down by the Courts. Nevertheless, historically Black colleges and universities continue to make vital contributions to American education, adding to the diversity and caliber of academic institutions in the United States.

By an Executive order issued on April 28, 1989, the President's Board of Advisors on Historically Black Colleges and Universities was established to advise the President and the Secretary of Education on strengthening these valued institutions. The Executive order directed Federal agencies to devise ways to increase the ability of historically Black colleges and universities to participate in Federally funded programs. It also underscored the importance of increasing private sector support for these schools through such devices and activities as matching funds programs, management assistance, technical development, and curriculum planning.

Historically Black colleges and universities not only enable talented young people to grow in knowledge, but also remind all Americans of our obligation to uphold the principles of justice and equality enshrined in our Constitution. They deserve our appreciation and support. In recognition of the many contributions that these schools and their graduates have made to our society, the Congress, by Senate Joint Resolution 109, has designated the period beginning September 11 and ending September 15, 1989, as "National Historically Black Colleges Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the period beginning September 11, 1989, and ending September 15, 1989, as National Historically Black Colleges Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities as an expression of their support for these important educational institutions.

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



[FR Doc. 89-22031

Filed 9-13-89; 5:03 pm]

Billing code 3195-01-M

Editorial note: For the President's remarks of Sept. 13 on signing Proclamation 6019, see the *Weekly Compilation of Presidential Documents* (vol. 25, no. 37).

Presidential Documents

Proclamation 6020 of September 13, 1989

National D.A.R.E. Day, 1989

By the President of the United States of America

A Proclamation

Project D.A.R.E. (Drug Abuse Resistance Education) is a collaborative drug and alcohol abuse prevention effort targeted for American students in kindergarten through junior high. Recognizing the tremendous peer pressure placed upon children to try illegal drugs and alcohol, the Los Angeles Police Department and the Los Angeles Unified School District launched this innovative program in 1983. Taught by veteran uniformed police officers who know the dangers of substance abuse and who have witnessed firsthand the devastation it causes, the D.A.R.E. program is designed to teach vulnerable children how to resist the temptation to experiment with drugs and alcohol.

The officers who conduct the D.A.R.E. program follow a curriculum that helps students develop a greater sense of self-esteem and self-control. The D.A.R.E. curriculum also teaches students how to analyze and resist seductive images of drug and alcohol use, whether those images are presented by peers or the popular media; and it helps them recognize the consequences of their decisions.

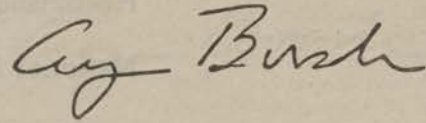
The D.A.R.E. program reaches out to parents as well, helping them to understand the pressures faced by their children and showing them how to recognize symptoms of drug and alcohol abuse. Parents are informed of positive and effective approaches they may use to help their children with these serious problems.

Since its inception just 6 years ago, word of the success of the D.A.R.E. program—not only in preventing substance abuse, but also in improving students' grades, reducing gang activity, and promoting respect for police officers—has spread throughout the United States. Today, the D.A.R.E. program is conducted in nearly every State. The program is also being implemented at Department of Defense dependents schools, at Bureau of Indian Affairs schools, and by United States Park Police and Rangers in communities located near National Park units. New Zealand, Canada, and Australia have also begun to use D.A.R.E. as part of their drug and alcohol abuse prevention strategies.

In recognition of this successful anti-drug program and the cooperation it has fostered among students, parents, law enforcement personnel, and educators, the Congress, by House Joint Resolution 276, has designated September 14, 1989, as "National D.A.R.E. Day" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim September 14, 1989, as National D.A.R.E. Day. I call upon the people of the United States, in particular, parents, students, school administrators, and law enforcement officials, to observe this day with appropriate ceremonies and activities.

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



[FR Doc. 89-22032

Filed 9-13-89; 5:04 pm]

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Editorial note: For the President's remarks of Sept. 13 on signing Proclamation 6020, see the *Weekly Compilation of Presidential Documents* (vol. 25, no. 37).

Rules and Regulations

Federal Register

Vol. 54, No. 178

Friday, September 15, 1989

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations that will govern the establishment of Federal Wage System (FWS) schedules in wage areas that have a dominant Federal specialized industry. The regulations will limit the use of private sector specialized industry data that is obtained outside a wage area and then combined with local survey data to compute a wage schedule. This will result in wage schedules that are closer to local prevailing rates.

EFFECTIVE DATE: October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Allan Summers, (202) 632-7830.

SUPPLEMENTARY INFORMATION: On June 30, 1989, OPM published proposed regulations (54 FR 27650) (first published as proposed regulations on October 8, 1985 (50 FR 40979) which would limit the quantity of job matches brought in from outside the local wage area to the amount required by the adequacy criteria prescribed in § 532.309 of title 5, Code of Federal Regulations.

The two notice and comment periods resulted in comments from three agencies and one employee organization. The three agencies felt the proposed regulations were appropriate and would result in greater local comparability. One agency suggested that a second level tie-breaker be incorporated for those instances where two or more jobs at the same grade level are eligible for selection. We did not incorporate this suggestion because the

possibility of this occurring on any regular basis and having any significant impact on the area payline is very small. Agency Wage Committees may use their best judgment in resolving any questions which arise. That same agency suggested a clarification to the proposed wording of § 532.313(a)(2) to make it clear that the number of matches being imported will be equal to the sufficiency criteria, not some subset of the criteria. We have incorporated this clarification. We have not incorporated that agency's suggestion that the regulations state that the job matches being obtained from the outside area be defined as weighted matches because it is unnecessary; under current procedures imported job matches can only have a weight of one in the payline computation. That same agency also recommended that we state clearly the schedule for implementing these procedures in individual wage areas. We agree with this concern. Therefore, lead agencies should note that this new procedure is to be implemented in each wage area as full-scale surveys are ordered on or after the effective date of these regulations.

The employee organization was opposed to the proposed change because it felt that it would be better to import a broader amount of data rather than the more limited amount of data allowed under the proposed regulations. We do not agree with the employee organization. The current regulations allow for the importation from another wage area of up to half the data used in a local survey, often from a great geographic distance. We believe that large amounts of imported data overwhelm local wage data and distort the local prevailing rate schedule. While the law requires that specialized wage data will be imported to represent the principal types of positions for which the survey is made, we do not believe that that law intends that that data should overwhelm the local data. We believe that the well established sufficiency criteria prescribed in section 532.309 for determining the adequacy of an area for principal types of positions should also be an adequate measure of data imported for that same purpose.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulations.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they are changes which will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance B. Newman,
Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—[AMENDED]

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346.

2. In § 532.313, paragraphs (a)(2) and (a)(3) are revised and paragraph (a)(4) is added to read as follows:

§ 532.313 Use of data from the nearest similar area.

(a) * * *

(2) The total number of job matches obtained from the nearest similar wage area shall be equal to the number required for adequacy in § 532.309(a) (2) and (3) of this subpart for appropriated fund surveys and § 532.309(b)(2) of this subpart for nonappropriated fund surveys.

(3) Data shall be selected for inclusion on the basis of the most populous survey jobs as determined by the weighted job matches found in the dominant industry in the selected reference area. In identifying survey jobs for which reference area samples will be included, the jobs required at limited grade ranges shall be selected before jobs in the unlimited grade range. When there is a tie in the selection procedure, the highest graded job shall be selected first.

(4) If there are two dominant industries for which data are obtained from nearest similar areas, the procedure described in paragraph (a)(2) of this section shall be applied

independently for each of the specialized industries.

[FR Doc. 89-21858 Filed 9-14-89; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket No. FV-89-207]

Inspection and Certifying Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule, reinstatement.

SUMMARY: This action reinstates a rule which established a voluntary user fee service of document review and certification related to the destruction of imported Chilean produce which occurred during the period March 13, 1989 through April 26, 1989. The rule was published in the June 1, 1989 *Federal Register* was to expire on September 1, 1989. This action extends the program to October 6, 1989. This action will facilitate the Chilean compensation program for the benefit of United States importers and others in the domestic marketing and distribution chain.

EFFECTIVE DATE: This action is effective on September 1, 1989. The expiration date of this regulation is October 6, 1989.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, Director, Fruit and Vegetable Division, AMS, P.O. Box 96456, Room 2077-South, Washington, DC 20090-6456 or call (202) 447-4722.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been designated as "nonmajor."

Pursuant to the requirements set forth in the Regulatory Flexibility Act, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This service is performed on a voluntary basis upon the request of applicants. This rule will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses.

On April 18, 1989, the Government of Chile issued Decree Number 58 which provides for compensation for Chilean fruit destroyed in March and April 1989. For compensation claims to be recognized by Chilean authorities,

Decree Number 58 requires the submission of documents which evidence destruction of such fruit. In order to facilitate the Chilean compensation program for the benefit of United States importers and others in the domestic marketing and distribution chain, the Agricultural Marketing Service (AMS) has reviewed and certified relevant documents as a user fee service pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). The AMS certification program is limited to certifying that the documents reviewed by the agency, which are to be submitted to the Chilean government as evidence of destruction or dumping, constitute the kinds of documents that would be accepted in a USDA proceeding. The certification statement does not attest to the authenticity or reliability of the documents, or that destruction by dumping actually occurred.

The American Produce Association, which represents the major U.S. importers of Chilean produce and which has submitted most of the requests for service on their behalf, has advised AMS that it is still receiving and processing documentation for certification by AMS. In addition, AMS has been advised that the Government of Chile has requested additional documentation from some businesses which previously applied for compensation pursuant to Chilean Decree Number 58. This supplemental documentation will also require certification pursuant to this program. Further, Chilean Decree Number 58, which was to have expired on June 20, 1989, has been extended until September 27, 1989.

Therefore, in order to provide for review and certification of documents that may still require certification pursuant to this program, and to allow all interested persons the opportunity to avail themselves of this service, the expiration date for this service is being extended to October 6, 1989. This action merely extends the expiration date of this program from September 1, 1989 to October 6, 1989 and does not change the provisions of the regulations affecting the program. Accordingly, no changes to the regulatory text are needed.

Pursuant to 5 U.S.C. 553, it is found and determined that, upon good cause, it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*. This determination is made because of the very short time frame resulting from the

September 27, 1989 expiration date of Chilean Decree Number 58. Accordingly, all documents must be processed in advance of that date. In addition, this action merely extends the expiration date of this program. For the same reasons, it is impractical for the agency to follow the procedures set forth in Executive Order 12291.

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables, Other products (Inspection, certification, and standards).

PART 51—[AMENDED]

1. The authority citation for 7 CFR part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624, unless otherwise noted.

2. The Subpart—Regulations is amended by reinstating the following undesignated center heading and §§ 51.63–51.77 to read as follows:

Subpart—Regulations

Document Certification Service

- | | |
|-------|---|
| Sec. | |
| 51.63 | Certification of documents. |
| 51.64 | Documents which may be certified. |
| 51.65 | Filing of application. |
| 51.66 | When application may be rejected. |
| 51.67 | When application may be withdrawn. |
| 51.68 | Authority to request certification service. |
| 51.69 | Order of certification service. |
| 51.70 | Financial interest of official. |
| 51.71 | Certification of documents. |
| 51.72 | Issuance of certifications or denial thereof. |
| 51.73 | Issuance of corrected certifications. |
| 51.74 | Disposition of certifications. |
| 51.75 | Resubmission of rejected documents. |
| 51.76 | Fees charged for document certification. |
| 51.77 | Payment of fees charged for document certification. |

Subpart—Regulations

Document Certification Service

§ 51.63 Certification of documents.

Certification of documents regarding destruction by dumping of grapes grown in Chile during the 1988–89 season and imported into the United States during the period March 13, 1989 through April 26, 1989 will be made in accordance with §§ 51.64 through 51.77.

§ 51.64 Documents which may be certified.

The types of documents which may be certified are those referenced in 7 CFR 46.23 and shall include:

- (a) USDA inspection certificates;
- (b) A state, county, or municipal certificate;
- (c) A certificate issued by a commercial inspection agency; or,
- (d) An inspection certificate of a disinterested party which shall include such information as required by 7 CFR 46.23(c), insofar as such information is relevant to the destruction of produce from Chile.

§ 51.65 Filing of application.

An application for document review and certification shall be regarded as filed only when received at the office of the Director, Fruit and Vegetable Division, AMS, P.O. Box 96456, Room 2077-South, Washington, DC 20090-6456. A record showing the date and time of filing shall be made and kept in such office.

§ 51.66 When application may be rejected.

An application may be rejected by the Department for the failure of the applicant:

- (a) To observe the regulations of this part,
- (b) To furnish necessary information,
- (c) To pay for previous certification services rendered, or
- (d) When it appears that to perform the certification service would not be to the best interest of the Government.

Such applicant shall be notified promptly of the reason for such rejection and may resubmit the application after correction of all deficiencies.

§ 51.67 When application may be withdrawn.

An application may be withdrawn by the applicant at any time before the certification is performed: Provided, that the applicant shall pay any expenses which have been incurred by the Department in connection with such application.

§ 51.68 Authority to request certification service.

Proof of the interest of an applicant in the certification involved, or of the authority of any person applying for the certification service on behalf of another may be required, at the discretion of the reviewing and certifying official.

§ 51.69 Order of certification service.

Certification shall be performed, insofar as practicable, in the order in which applications are received.

§ 51.70 Financial interest of official.

No official shall review documents concerning any product in which the official is directly or indirectly financially interested.

§ 51.71 Certification of documents.

Certification of documents shall be issued in a manner approved by the Administrator.

§ 51.72 Issuance of certifications or denial thereof.

(a) A separate certification of documents shall be issued for each document reviewed. The document review shall be conducted in accordance with the applicable provisions of 7 CFR 46.22 and 46.23. The person signing and issuing the certificate shall be one of the following:

- (1) The official who performed the document review; or
- (2) Any other official of the Department who has been authorized by the Administrator to act in a supervisory capacity with respect to the service.

(b) Upon review of documents submitted for certification, certification may be denied if the documents fail to meet the requirements for certification contained in these regulations. The applicant shall be promptly notified of such a denial.

§ 51.73 Issuance of corrected certifications.

A corrected certification may be issued if errors in any pertinent information require the issuance of a corrected certification. Whenever a corrected certification is issued, such certification shall supersede the certification which was issued in error and the superseded certification shall become null and void after the issuance of the corrected certification.

§ 51.74 Disposition of certifications.

The original document certification shall be affixed on each document reviewed and shall be delivered or mailed promptly to the applicant or to a person designated by the applicant. No copies of such documents shall be retained by the agency.

§ 51.75 Resubmission of rejected documents.

Any document submitted for certification which is rejected by the certifying official may be resubmitted after correction of all deficiencies.

§ 51.76 Fees charged for document certification.

Fees for document certification shall be made according to the following schedule:

(a) Document certification per applicant request—\$37 per hour.

(b) Resubmission of rejected document certification per applicant request—\$37 per hour.

(c) Costs including travel incurred by the agency in providing the document certification service may be charged to the applicant. Any charges shall be included with the fee for certification on the bill furnished the applicant.

§ 51.77 Payment of fees charged for document certification.

The fees and charges for document certification services shall be paid by the applicant to the Director, Fruit and Vegetable Division, AMS, P.O. Box 96456, Room 2077-South, Washington, DC 20090-6456 with a check made payable to the Agricultural Marketing Service.

Dated: September 1, 1989.

L.P. Massaro,

Acting Administrator.

[FR Doc. 89-21510 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 927

[Docket No. FV-89-068FR]

Expenses and Assessment Rate for Marketing Order Covering Winter Pears Grown in Oregon, Washington, and California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 927 for the 1989-90 fiscal year established for that order. This action is needed for the Winter Pear Control Committee (committee) to incur operating expenses during the 1989-90 fiscal year and to collect funds during that year to pay those expenses. This will facilitate program operations. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATES: July 1, 1989 through June 30, 1990 (§ 927.229).

FOR FURTHER INFORMATION CONTACT:

Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-475-3862.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 927 (7 CFR part 927) regulating the handling of winter pears grown in Oregon,

Washington, and California. The 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 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 the 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 90 handlers of winter pears under this marketing order, and approximately 1,800 winter pear producers in Washington, Oregon, and California. 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 of winter pears may be classified as small entities.

The winter pear marketing order, administered by the Department of Agriculture (Department), requires that the assessment rate for a particular fiscal year shall apply to all assessable pears handled from the beginning of such year. An annual budget of expenses is prepared by the committee and submitted to the Department for approval. The members of the committee are handlers and producers of winter pears. 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 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 the committee is derived by dividing anticipated expenses by expected shipments of pears (in standard boxes

or equivalents). 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. Recommended budgets and rates of assessment are usually acted upon by the committee 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 committee will have funds to pay its expenses.

The Budget Subcommittee, a subcommittee of the Winter Pear Control Committee, unanimously recommended proposed 1989-90 fiscal year expenditures of \$3,991,464 and an assessment rate of \$0.33 per standard box, or equivalent, of assessable pears shipped under M.O. 927. In comparison, 1988-89 fiscal year budgeted expenditures were \$3,802,864 and the assessment rate was \$0.30. On July 11, 1989, the committee met and recommended increasing its assessment rate to \$0.335 and its level of expenses to \$4,104,779. The increased expenditures reflect updated crop estimates and additional industry concerns regarding food safety and consumer related emergencies.

Major expenditure items this year in comparison to 1988-89 budgeted expenditures (in parentheses) are \$3,339,936 (\$3,112,660) for paid advertising, \$128,552, (\$320,191) for contingencies to cover unanticipated expenses, and \$211,870 (\$145,000) for research designed to improve winter pear yield and quality. The committee has budgeted \$138,000 for industry development of which \$100,000 will be held in reserve so that the industry can react in a positive manner to any consumer related industry crisis. The balance of the \$38,000 will cover services provided by the Northwest Horticultural Council. The remaining expenses are primarily for program administration and are budgeted at about last year's amounts with the exception of a \$24,000 increase in staff salaries.

Assessment income for the 1989-90 fiscal year is expected to total \$3,896,505, based on shipments of 11,631,360 packed boxes of pears at \$0.335 per standard box or equivalent. Other available funds, including \$15,000 in prior year assessments, \$20,000 in miscellaneous income, \$83,750 in voluntary intrastate assessments, and a reserve of \$89,524 carried into this fiscal year, will also be utilized to cover 1989-90 fiscal year expenditures. The committee's reserves are within authorized limits.

This action also formally changes the heading of 7 CFR part 927 from "Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter and Beurre Clairgeau Varieties of Pears Grown in Oregon, Washington and California" to "Winter Pears Grown in Oregon, Washington and California". The heading was inadvertently left unchanged in the Code of Federal Regulations when the marketing order was amended on August 26, 1986 [51 FR 30626].

Notice of this action was published in the July 12, 1989, issue of the *Federal Register* (54 FR 29340). The comment period ended July 21, 1989. A comment was received from the committee requesting the establishment of the increased assessment rate and level of expenses. That comment is adopted by this final rule.

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 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.

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

Approval of the level of expenses and assessment rate for the winter pear program should be expedited because the committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis. 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 927

Marketing agreements and orders, Winter pears, Oregon, Washington, and California.

For the reasons set forth in the preamble, 7 CFR part 927 is amended as follows:

1. The authority citation for 7 CFR part 927 continues to read as follows:

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

1a. The heading for part 927 is revised as follows:

Note: The new heading will appear in the Code of Federal Regulations.

PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

2. New § 927.229, is added to read as follows:

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

§ 927.229 Expenses and assessment rate.

Expenses of \$4,104,779 by the Winter Pear Control Committee are authorized, and an assessment rate of \$0.335 per standard box, or equivalent, of pears is established for the fiscal year ending June 30, 1990. Unexpended funds from the 1989-90 fiscal year may be carried over as a reserve.

Dated: September 11, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-21825 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 931 and 932

[Docket No. FV-89-086 FR]

Expenses and Assessment Rate for Marketing Order Covering Fresh Bartlett Pears Grown in Oregon and Washington; Increase in Expenses for Marketing Order Covering Olives Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 931 for the 1989-90 fiscal period which began July 1. The action is needed for the Northwest Fresh Bartlett Pear Marketing Committee established under M.O. 931 to incur operating expenses during the 1989-90 fiscal period and to collect funds during that period to pay those expenses. This will facilitate program operations. This final rule also authorizes an increase in expenditures for the California Olive Committee established under Marketing Order No. 932 for the 1989 fiscal year. This increase is needed to cover increased production research costs. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATE: July 1, 1989, through June 30, 1990, (§ 931.224); January 1, 1989, through December 31, 1989, (§ 932.223).

FOR FURTHER INFORMATION CONTACT: Patrick Packnett, Marketing Order

Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-475-3862.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington and Marketing Agreement and Marketing Order No. 932 (7 CFR part 932) regulating the handling of olives grown in California. These 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 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 the 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 72 handlers of fresh Bartlett pears and seven handlers of California olives regulated under their respective marketing orders, and approximately 1,900 Bartlett pear producers in Washington and Oregon and 1390 olive producers in California. 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 of Bartlett pears may be classified as small entities. Most, but not all, of the olive producers and none of the olive handlers may be classified as small entities.

Each marketing order administered by the 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 administrative committee and submitted to the Department for approval. The members of the administrative 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 committee is derived by dividing the anticipated expenses by the expected shipments of the commodity (i.e., pounds, tons, boxes, cartons, etc.). 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 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 Northwest Fresh Bartlett Pear Marketing Committee met July 10, 1989, and unanimously recommended 1989-90 fiscal period expenditures of \$81,386 and an assessment rate of \$0.015 per standard box or equivalent of assessable pears shipped under M.O. 931. In comparison, 1988-89 fiscal period budgeted expenditures were \$53,800 and the assessment rate was the same as recommended for the 1989-90 fiscal period. These expenditures are primarily for program administration. The increase in the budget from 1988-89 is due to a \$7,980 increase in salaries and a \$15,451 increase in contingencies for unexpected expenditures. Other budget categories were increased or decreased slightly.

Assessment income for the 1989-90 fiscal period is expected to total \$38,758 based on the shipment of 2,583,855 packed boxes of pears at \$0.015 per standard box or equivalent. Other available funds include a reserve of \$40,628 carried into this fiscal period, and \$2,000 in miscellaneous income, primarily from interest bearing accounts. The reserve is within the limits authorized under the marketing order.

A final rule establishing expenses in the amount of \$1,883,290 for the California Olive Committee for the fiscal year ending December 31, 1989, was published in the Federal Register on February 6, 1989 (54 FR 5585). That

action also fixed an assessment rate of \$25.39 per ton of assessable olives received by handlers under M.O. 932 during the 1989 fiscal year.

At a meeting held on July 11, 1989, the California Olive Committee voted unanimously to increase its budget of expenses from \$1,883,290 to \$1,902,322. The \$19,032 increase is needed to cover increased production research costs and the cost of printing and disseminating the results of a completed research project.

Adequate funds are available to cover the increased olive committee expenses resulting from this action. Hence, no change in the assessment rate was recommended.

A proposed rule inviting comments on these actions was published in the *Federal Register* on August 16, 1989 (54 FR 33706). The comment period ended August 28, 1989. No comments were received.

While the expenses and assessment rate authorized under M.O. 931 and the increase in expenses authorized under M.O. 932 will impose some additional costs on Bartlett pear and olive handlers, the costs for each program are in the form of uniform assessments on all handlers regulated under such program. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that these actions will not have a significant economic impact on a substantial number of small entities.

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

Approval of the level of expenses and assessment rate for the Bartlett pear program and the increase in expenses for the olive program should be expedited because the committees need authority to incur reasonable expenses and sufficient funds to pay those expenses, which are incurred on a continuous basis. Therefore, it is also found that good cause exists for not postponing the effective date of these actions until 30 days after publication in the *Federal Register* (5 U.S.C.).

List of Subjects

7 CFR Part 931

Bartlett pears, Marketing agreements and orders, Oregon, and Washington.

7 CFR Part 932

California, Marketing agreements and orders, Olives.

For the reasons set forth in the preamble, a new § 931.224 is added and § 932.223 is amended as follows:

Note: These sections will not appear in the Code of Federal Regulations.

1. The authority citation for 7 CFR parts 931 and 932 continues to read as follows:

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

2. New § 931.224 is added to read as follows:

PART 931—FRESH BARLETT PEARS GROWN IN OREGON AND WASHINGTON

§ 931.224 Expenses and assessment rate.

Expenses of \$81,386 by the Northwest Fresh Bartlett Pear Marketing Committee are authorized, and an assessment rate of \$0.015 per standard box or equivalent of assessable pears is established, for the fiscal period ending June 30, 1990. Unexpended funds from the 1989-90 fiscal period may be carried over as a reserve.

3. Section 932.223 is amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

§ 932.223 [Amended]

Section 932.223 is amended by changing "\$1,883,290" to "\$1,902,322".

Dated: September 11, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89-21826 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1210

[WRPA Docket No. 1; FV-89-056]

RIN 0581-AA32

Procedures for Nominating Producer and Handler Members to the National Watermelon Promotion Board

AGENCY: Agricultural Marketing Service (USDA).

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule establishes and invites comments on procedures for the nomination of producer and handler members to the National Watermelon Promotion Board (Board). The Watermelon Research and

Promotion Act (Act) (7 U.S.C. 4901-4916) authorized the promulgation of the Watermelon Research and Promotion Plan (Plan) which became effective on June 8, 1989 (54 FR 24543). The Plan calls for the establishment of a Board, composed of 14 producer members, 14 handler members, and one member representing the general public. This Board is responsible for administering the Plan and collecting assessments on watermelons in order to fund the activities conducted under the Plan. This interim final rule will allow the U.S. Department of Agriculture (Department) to conduct initial industry nominations and the Board to conduct subsequent industry nominations for members to serve on the Board. The Plan establishes seven watermelon-producing districts within the contiguous United States for the purpose of nominating members to the Board. The Secretary of Agriculture will select two producer members and two handler members to the Board from each district.

DATES: This interim final rule is effective on September 15, 1989. Comments which are received by November 14, 1989, will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the *Federal Register*. A copy of comments received will be made available for public inspection at the office of the Docket Clerk during regular business hours. Comments concerning the information collection and paperwork requirements of this subpart should be sent to Lisa Grove, Office of Information and Regulatory Affairs, Room 3228, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Richard H. Mathews, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2525-South, P.O. Box 96456, Washington, DC 20090-6456; telephone (202) 475-3916.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under the Watermelon Research and Promotion Plan (7 CFR part 1210). The Plan is effective under the Watermelon Research and Promotion Act (title XVI, subtitle C of Pub. L. 99-198, 7 U.S.C. 4901-4916), hereinafter referred to as the Act.

This interim 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 the requirements set forth in 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 actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The Plan issued pursuant to the Act, and rules issued thereunder, are brought about through group action of essentially small entities acting on their own behalf. Thus, both the RFA and the Act have small entity orientation and compatibility.

The record indicates most handlers regulated under this program would meet the Small Business Administration (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 are subject to regulation under the 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. Many farms produce less than five acres of watermelons and thus are exempted from the provisions of the Plan. The industry also includes a few large farms in excess of 400 acres.

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection and reporting provisions that are included in this interim final rule have been approved by the Office of Management and Budget (OMB) and assigned OMB Control No. 0581-0158. The information collection and reporting provisions of this rule implement the information collection and reporting provisions found in Plan §§ 1210.321 and 1210.323. This rule includes provisions concerning lists of nominees, nominee qualification and acceptance forms, and proxy voting documentation.

Pursuant to § 1210.322 of the Plan, producer and handler members to the Board serve staggered terms of office, some of which expire each year. Accordingly, every year, one-third of the

producers and handlers will nominate fellow producers and handlers for appointment to the Board. Each district chairperson will be required to provide the Department with a list of nominees and a copy of the district nomination convention's minutes. Producers and handlers in each district will nominate two producers and two handlers for each of the district's two producer and two handler positions on the Board.

It is estimated that it will take approximately 30 minutes for each district convention chairperson to provide the required information to the Department and approximately 10 minutes for each of the nominees to complete the qualification statement and acceptance form. The Department has estimated that each year approximately 250 producers and handlers will avail themselves of the opportunity to cast proxy votes. It is estimated that it will take approximately 5 minutes for each proxy voter to complete the proxy form. The Department has further estimated that as many as 50 producers and handlers who operate in more than one State or district will be required to elect, in writing to the Board, the State or district in which they intend to participate in the nomination process. It is estimated that it will take approximately 15 minutes for each to make the written election. Comments concerning these requirements should be directed to Lisa Grove, Office of Information and Regulatory Affairs, Room 3228, Office of Management and Budget, Washington, DC 20503.

The Act authorizes the development of nationally coordinated programs of market research and promotion designed to improve the position of watermelons in the marketplace. To effectuate the provisions of the Act, the Secretary of Agriculture issued the Plan effective June 8, 1989 (54 FR 24543). The Plan provides for a national research and Promotion program for watermelons financed by assessments paid by producers who grow five or more acres of watermelons annually, and by handlers who first handle such watermelons. The Plan, further, establishes a 29-member board composed of watermelon producers, handlers and a representative from the general public to administer the program. Operating under the provisions of the Plan, the Board will conduct nationally coordinated research and promotion programs, including paid advertising, designed to result in an increase in demand, and thus an increase in per capita watermelon consumption with a resulting benefit to the industry.

This rule establishes procedures for the nomination of watermelon producers and handlers for appointment by the Secretary to the Board. All eligible producers and handlers of watermelons will be allowed the opportunity to participate in these nominations. These procedures will also apply to filling vacancies that occur after selection of the initial Board.

The 29-member Board will consist of 14 producer members, 14 handler members, and one public member. Members will be appointed by the Secretary of Agriculture and will serve three-year terms, except that the members of the initial Board will serve terms as follows: The four producer and four handler members from district 1 (south Florida) and district 6 (Texas), and the public member will serve one-year initial terms ending on December 31, 1990; four producer and four handler members from district 2 (north Florida) and district 3 (Georgia and Alabama) will serve two-year initial terms ending on December 31, 1991; and the remaining six producer and six handler members from districts 4, 5, and 7 will serve three-year initial terms ending on December 31, 1992. As provided by § 1210.322 of the Plan, the term of office for the initial Board will begin immediately following appointment by the Secretary. In subsequent years, the term of office will begin on January 1 or such other date which may be approved by the Secretary.

As provided by the Plan, all producers of watermelons and all handlers, as those terms are defined by the Plan, may participate in the nomination process. In conformance with § 1210.321 of the Plan, producers who handle 50 percent or less of their own production will be considered producers, and producers who handle more than 50 percent of their own production will be considered handlers. Also, as provided by § 1210.321 of the Plan, producers and handlers engaged in the production or handling of watermelons in more than one State or district will participate in the nomination process within the State or district in which the producer or handler so elects in writing to the Board. Such election shall remain in effect until revoked in writing to the Board. For the purpose of participation in the initial nomination process, such election shall be made in writing to the Department official identified in the call for district conventions.

Producers and handlers from the 48 contiguous States may attend and participate in their district conventions or authorize fellow producers or handlers from their district or, in the

case of multi-State districts from their State, to cast proxy votes for board member nominees on their behalf at their district convention. Authorization to cast a proxy vote will be demonstrated through documentation containing: (1) The proxy voter's name, address and telephone number; (2) signature and date signed; (3) a certification identifying the proxy voter as a producer or a handler; and (4) a statement identifying the person given authority by the proxy voter to cast the proxy vote. Proxy voting will provide a means by which districts can obtain greater producer and handler participation in the nomination process. Proxy voting will reduce, for both producers and handlers, the cost and time of participation in the nomination process. The Board, or in the case of the initial conventions the Department representative identified in the call or other representative of the Department, may challenge any proxy vote and disqualify any challenged vote for cause. In the case of duplicate proxy authorizations by any person, only the first authorization, determined by its date, will be allowed. In the case of duplicate dates, the proxy which is received first will be allowed.

In conformance with the Plan, producers will nominate producer candidates, and handlers will nominate handler candidates for appointment to the Board by the Secretary of Agriculture. Two individuals will be nominated for each vacant position. In multi-State districts, for the sake of balanced representation within the district and as required by the terms of § 1210.321(d)(2) of the Plan, no one State will be represented by more than three of the four positions on the Board from that district.

Except for the initial district convention in each district, which will be called and opened by a representative of the Secretary, the Board will call and open all district conventions and preside until the election of each chairperson. The Board will conduct all district conventions except the initial ones, in each district. The Department will conduct the initial conventions.

Individuals at each district convention will elect a chairperson to preside over the nomination process. In non-multi-State districts, election to the position of chairperson will be by simple majority of all eligible voters in attendance. In multi-State districts, election will be by majority vote of all States present with each State's vote(s) determined by a majority vote of the eligible voters from that State in attendance. Each such

State is entitled to one vote, plus one additional vote for each 500,000 hundredweight volume of production in the State as determined by the three-year average annual crop production summary reports of the Department or, if such reports are not published, then the three-year average of the Board's assessment reports; except, that for the first two conventions, the Department's Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to any additional production volume votes. Should no candidate receive the required simple majority on the first ballot, the number of candidates may be reduced by dropping one or more of the lowest vote recipients from the list of candidates as is the case for State spokesperson and Board member nominees. The balloting will be repeated until a selection is made. The tenure of the chairperson is for the duration of the convention and submission of required documentation only.

The Board member nomination process will be conducted in accordance with the provisions of § 1210.321 of the Plan. Voting in non-multi-State districts will be on the basis of one vote per eligible producer or handler, except that producers and handlers authorized to cast proxy votes for other producers and handlers, will be allowed to cast all valid proxy votes in their possession. In multi-State districts, the district chairperson will direct the eligible producer voters and handler voters from each State to caucus separately for the purpose of electing a State spokesperson for each group. Election of each State spokesperson will be by simple majority of all individual voters in attendance. In lieu of written ballots, a State spokesperson may be elected by voice vote or a show of hands. The role of the State spokesperson is to coordinate State voting and to cast all State votes. Voting in multi-State districts is a two-stage process. First, within State groups, producers vote for producer nominees, and handlers vote for handler nominees. The producer nominees and handler nominees receiving at least a simple majority of all votes (including proxy votes) cast will receive the State's vote(s) to be cast by the State spokesperson. The second stage will be State-by-State voting with each State represented at the convention authorized one vote for each nominee to a producer position and one vote for each nominee to a handler position from the district. In addition, each such State is authorized an additional vote toward the nominees for each position for each 500,000 hundredweight of watermelon

production in that State, based on the three-year average production indicated by published Department Crop Production Annual Summary Reports. If such reports are not published, the three-year average production reflected in the Board's assessment reports will be used. For the first two calls for nominees, the above Department crop production reports for 1979, 1980, and 1981 will be used to determine voting representation.

Two nominees will be selected for each of the two producer and two handler positions from each district on the Board. There will be a separate selection procedure for each nominee. No individuals selected as a nominee for Board membership may be a candidate on subsequent Board member nominee ballots (i.e., four different producer names and four different handler names must be submitted for the two producer members and the two handler members from each district, as nominees, to the Secretary of Agriculture). The first nominee elected to each position will be the district's first choice nominee for each producer and each handler position on the Board. Further, in multi-State districts, no State will have nominees for more than three of the four district positions on the Board.

Each district convention chairperson will provide the Department the names of the two nominees for each producer and handler position on the Board to be filled and a typed copy of the district convention's minutes. For the conventions for the initial term of office, this information is to be provided to the Department official identified in the call for convention no later than 14 calendar days after the convention's conclusion. For subsequent conventions, this information will be submitted to the Board and the Department official no later than 14 calendar days after the convention's conclusion. The chairperson is responsible for forwarding this material. In addition, the chairperson will arrange for the district's nominees to complete qualification and acceptance statements and other specified information and forward such to the Department within 14 calendar days after the convention.

After consideration of all available information, it is found that these procedures, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Based on available information, the Administrator of the AMS has determined that issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is also found and determined that upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Board must be nominated, selected, and start to function as soon as possible so that the Plan may be implemented as early in the 1990 marketing year as possible—initial watermelon shipments for 1990 are expected in mid-March; (2) in order to meet this timeframe, the district conventions need to be scheduled for September 1989 so the Secretary can appoint the initial Board and it can meet in November 1989 to draft implementing regulations, adopt bylaws, prepare a budget, initiate the hiring of a manager, and select a location for the Board office; (3) the procedures for nominations and elections of watermelon producers and handlers, for appointment to the Board, need to be issued in advance of all district conventions; and (4) prompt issuance of this action is necessary because watermelon producers and handlers need to be informed of the procedures to be used in the district conventions. All written comments received in response to this publication, by the date specified herein, will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 1210

Agricultural promotion, Agricultural research, Market development, Reporting and recordkeeping requirements, Watermelons.

For the reasons set forth in the preamble, chapter XI of title 7 shall be amended by adding a subpart to part 1210 to read 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—Procedures for Nominations and Elections of Watermelon Producers and Handlers for Appointment to the National Watermelon Board (§§ 1210.400-1210.405), to read as follows:

Note: This subpart will appear in the annual Code of Federal Regulations.

Subpart—Procedures for Nominating Producer and Handler Members to the National Watermelon Promotion Board

Sec.

- 1210.400 Terms defined.
- 1210.401 District conventions.
- 1210.402 Voter and board member nominee eligibility.
- 1210.403 Voting procedures.
- 1210.404 Paperwork Reduction Act assigned number.

Subpart—Procedures for Nominating Producer and Handler Members to the National Watermelon Promotion Board

§ 1210.400 Terms defined.

Unless otherwise defined in this subpart, definitions of terms used in this subpart shall have the same meaning as the definitions of such terms which appear in Subpart—Watermelon Research and Promotion Plan.

§ 1210.401 District conventions.

(a) Except for the initial district convention in each district, which will be called and opened by a representative of the Secretary, the Board shall call and open all district conventions.

(b) District conventions are to be held to nominate producers and handlers as candidates for membership on the National Watermelon Promotion Board. The Board consists of 14 producers, 14 handlers, and 1 public member appointed by the Secretary. Each district, as defined in § 1210.320 of the Plan, is entitled to two producer and two handler members on the Board.

(c) There shall be two individuals nominated for each vacant position. In multi-State districts, no one State shall have nominees for more than three of the four district positions on the Board.

(d) All producers and handlers within each district may participate in that district's convention: *Provided*, That they meet the eligibility provisions set forth in § 1210.402 of this subpart.

(e) The convention chairperson shall be elected as provided in § 1210.403(b) of this subpart.

(f) The Board member nomination process shall be conducted by the chairperson in conformance with the provisions of § 1210.321 of the Plan and § 1210.403 of this subpart. At the conclusion of the district convention for the initial term of office, the chairperson will provide the Secretary with:

(1) The identification of that district's two nominees for each producer and handler position on the Board, and

(2) A typed copy of the district convention's minutes.

This information must be provided by the chairperson to the Department

representative identified in the call for district convention in a manner that will ensure receipt, at the address specified in the call, within 14 calendar days of district convention's completion. For subsequent terms of office, the chairperson will provide the above-described information to both the Board and the Department official. Further, the chairperson will arrange for completion of qualification statements and other specified information by each nominee and forward such to the Secretary within 14 calendar days of completion of the district convention.

§ 1210.402 Voter and board member nominee eligibility.

(a) All producers and all handlers within a district may participate in their district convention for the purpose of nominating candidates for appointment to the Board: *Provided*, That producers who handle 50 percent or less of their own production may vote for producer nominees and serve as producer nominees only, and producers who handle more than 50 percent of their own production are considered to be handlers and may vote for handler nominees and serve as handler nominees 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. For the purpose of participation in initial nominating conventions, such election shall be made in writing, at the address provided, to the Department official identified in the call for a district convention.

(b) Any individual, group of individuals, partnership, corporation, association, cooperative or any other entity which is engaged in the production or first handling of watermelons is considered a person and as such is entitled to only one vote, except that such person may cast proxy votes as provided in § 1210.403 of this subpart.

(c) All producers and handlers attending their district conventions may be candidates for one or more of the positions of State spokesperson, district convention chairperson, and producer or handler nominee.

§ 1210.403 Voting procedures.

(a) Proxy voting by producers and handlers for producer and handler nominees shall be permitted at all

district conventions: *Provided*, That producers may cast proxy votes for producers only, and handlers may cast proxy votes for handlers only. In non-multi-State districts, proxy voting shall be permitted for all producer and handler nominee balloting to determine the districts' nominees. In multi-State districts, proxy voting shall be permitted for all producers and handlers participating in a State's balloting to determine the State's nominees. No other proxy voting, such as for district convention chairperson, shall be allowed. Any person wanting to cast proxy votes must demonstrate authorization to do so. Authority to cast a proxy vote on behalf of another person shall be demonstrated through documentation containing:

- (1) The proxy voter's name, address, and telephone number;
- (2) Signature and date signed;
- (3) A certification identifying the proxy voter as a producer or a handler;
- (4) A statement identifying the person being given authority by the proxy voter to cast the proxy vote.

All proxy documentation must be received by the Board at its headquarters address at least two weeks before the district convention is scheduled to convene. For the purpose of the initial district convention, all proxy documentation must be forwarded to the Department representative identified in the call for the district convention in a manner that will ensure receipt, at the address specified in the call, at least 72 hours before the district convention is scheduled to convene. The Board, or in the case of the initial conventions the Department representative identified in the call or other representative of the Department, may challenge any proxy vote and disqualify any challenged vote for cause. In the case of duplicate proxy authorizations by any person, only the first authorization, determined by date will be allowed. In the case of duplicate dates, the proxy which is received first will be allowed.

(b) In non-multi-State districts, convention chairpersons shall be elected by a majority vote of the eligible voters in attendance. In multi-State districts, the election shall be by majority vote of all States present with each State's vote(s) determined by a majority vote of the eligible voters of that State in attendance. Each such State is entitled to one vote, plus one additional vote for each 500,000 hundredweight volume of production in the State as determined by the three-year average annual crop production summary reports of the Department or, if such reports are not

published, then the three-year average of the Board's assessment reports: *Provided*, That for the first two conventions, the Department's Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to any additional production volume votes.

(c) In multi-State districts 3, 4, 5 and 7, the convention chairperson will direct the eligible producer voters and handler voters from each State to caucus separately for the purpose of electing a State spokesperson for each group. Election of each State spokesperson shall be by simple majority of all individual voters in attendance. In lieu of written ballots, a State spokesperson may be elected by voice vote or a show of hands. The role of the State spokesperson is to coordinate State voting and to cast all State votes.

(d) Convention chairpersons will coordinate the entire producer and handler nomination process. In conducting the nomination process, each convention chairperson will ensure that:

(1) Voting for producer nominees is limited to producers, and voting for handler nominees is limited to handlers; and

(2) Producer candidates for nomination are producers, and handler candidates for nomination are handlers.

(e) Voting, for producer and handler nominees, in non-multi-State districts shall be on the basis of one vote per person, except that persons authorized to cast proxy votes shall be allowed to cast all proxy votes not disallowed by the Board or the Department. Election of nominees shall be on the basis of a simple majority of all eligible votes cast.

(f) Voting for producer and handler nominees in multi-State districts shall be on a State by State basis. Producers and handlers from each State shall caucus separately, at the district convention, for the purpose of determining which nominees shall receive their State's vote(s) for membership on the Board. Each State's vote(s) shall be based on a simple majority of all votes (including proxy votes) cast by producers or handlers voting in their State's caucus. Each State represented at a multi-State district convention shall have one vote for each producer position and one vote for each handler position from the district on the Board. Each State shall further have an additional vote toward each position for each 500,000 hundredweight volume of production in the State as determined by the three-year average annual crop production summary reports of the Department or, if such reports are not published, then the three-year average of the Board's assessment reports: *Provided*, That for

the first two calls for nominees, the Department's Crop Production Annual Summary Reports for 1979, 1980, and 1981 will be controlling as to any additional production volume votes. Each State spokesperson will cast the State's vote(s) for each nominee position. Election of nominees shall be on the basis of a simple majority of all State votes cast.

(g) During the voting for convention chairperson, State spokesperson, and Board member nominee, should no candidate receive the required simple majority on the first ballot, the number of candidates may be reduced by dropping one or more of the lowest vote recipients from the list of candidates. The balloting will be repeated until the position is filled.

(h) Two nominees shall be elected for each of the two producer and two handler positions from each district on the Board. There shall be a separate election for each nominee. No individuals elected as a nominee for Board membership may be a candidate on subsequent Board member nominee ballots (i.e., four different producer names and four different handler names must be submitted, as nominees from each district, to the Secretary of Agriculture). The first nominee elected to each position shall be the district's first choice nominee for each producer and each handler position on the Board.

§ 1210.404 Paperwork Reduction Act assigned number.

The OMB has approved the information collection request contained in this subpart under the provisions of 44 U.S.C. chapter 35, and OMB Control Number 0581-0158 has been assigned.

Signed at Washington, DC, on September 11, 1989.

Eric M. Forman,
Acting Director, Fruit and Vegetable Division.
[FR Doc. 89-21677 Filed 9-14-89; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1250

[Docket No. PY-89-003]

Egg Research and Promotion

AGENCY: Agricultural Marketing Service.
ACTION: Final rule.

SUMMARY: This rule amends the American Egg Board's (the Board) rules and regulations governing the collection of egg research and promotion assessments. The rule increases the rate of assessment for the activities of the Board from 2.5 cents per 30-dozen case of eggs marketed to 5 cents. The

increase will enable the Board to strengthen the research and promotion activities authorized by the Egg Research and Consumer Information Act (the Act). An additional change establishes procedures for obtaining a one-time refund or pro rata share of assessments collected and held in an interest-bearing escrow account in accordance with the Egg Research and Consumer Information Act Amendments of 1988. Refunds will be dispersed only if elimination of the refund provision from the Egg Research and Promotion Order is not approved by producers voting in a referendum. This action implements amendments to the Order which became effective January 1.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, 202-447-3506.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

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.

Effect on Small Entities

The Administrator of the Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The purpose of the RFA is to fit regulatory action to the scale of businesses subject to such action in order that small businesses will not be unduly or disproportionately burdened.

The majority of egg handlers and producers under the Act may be characterized as small entities. Many egg producers are also handlers of eggs. Pursuant to regulation, handlers are responsible for collecting assessments from producers. There are an estimated 723 handlers and 1,869 producers under the program. Currently, egg producers must pay a mandatory assessment of 2.5 cents per 30-dozen case of eggs marketed to fund the research and promotion activities authorized by the Act. The present assessment of 2.5 cents per 30-dozen case is equivalent to approximately 0.128 percent of the wholesale price of a 1-dozen carton of Large eggs. A 5-cent assessment rate would be equivalent to approximately 0.25 percent of the wholesale price of a 1-dozen carton of Large eggs. This is based on the Economic Research Service's 3-year average wholesale price for New York City Grade A Large cartoned eggs (1986-88) of 65 cents per

dozen. The Board collects approximately \$3.7 million annually from the 2.5-cent assessment and it is estimated that it would collect \$7.4 million for a 5-cent assessment. Any additional costs as a result of this action would be offset by the benefits to be derived from strengthened research and promotion programs.

Background

1. Increase in the Rate of Assessment

The Egg Research and Promotion Order in § 1250.347 (7 CFR 1250.347) authorizes the Board to collect assessments at the rate of 5 cents per 30-dozen case of eggs, or the equivalent thereof, or such lower amount to cover expenses and expenditures as approved by the Secretary of Agriculture. The Order also authorizes the Board to make rules and regulations to effectuate the terms and provisions of the Order. Following the recommendation of the Board, an amendment to the rules and regulations became effective on September 1, 1987 (52 FR 36907), lowering the assessment rate from 5 cents per 30-dozen case of eggs marketed to 2.5 cents. This action was taken at a time when egg producers were experiencing unfavorable net returns due to low prices which, in part, caused an erosion of financial support for Board activities. The decrease in the assessment was successful in lowering the refund rate, thus, gaining a broader base of producer support for national-level programs, such as egg nutrition and education, foodservice promotion, consumer education, and new product development.

The 2.5-cent assessment was refundable until January 1, 1989. At that time, amendments to the Order eliminating the refund provision became effective with an interim final rule published in the *Federal Register* January 4, 1989 (54 FR 98), and were finalized March 21, 1989 (54 FR 11492), with corrections published March 24, 1989 (54 FR 12310). Such amendments would not be subject to a producer referendum until the end of an 18-month period from the effective date of the amendments, January 1, 1989. This amendatory action to eliminate the refund provision was required by the Egg Research and Consumer Information Act Amendments of 1988 (Pub. Law 100-575), effective October 31, 1988. At the same time, individual producers and producer groups petitioned the Board to consider raising the assessment rate to 5 cents. The Board collects approximately \$3.7 million annually from a 2.5-cent assessment. It is estimated that with the

5-cent assessment, the Board would collect \$7.4 million annually. With the increase, ongoing activities could be funded at current levels and paid advertising, including television, could be resumed at a level as approved by the Board and the Secretary. The Board subsequently polled all eligible producers to determine whether such an increase for this purpose would be supported. The results showed that 57 percent of those voting, representing 72 percent of egg production voting, would support such an increase. Based on this response and a review of current and prospective market conditions, the Board voted unanimously to recommend a proposal to increase the assessment rate from 2.5 cents to 5 cents.

2. Procedure for Obtaining One-Time Refund

The 1988 amendments to the Act require the Board to place into an escrow account 10 percent of the assessments received from egg producers beginning January 1, 1989, until approval by producer referendum of the amendment to the Order eliminating producer refunds. The Order provides that the account be interest bearing. If the amendment to the Order is not approved in the referendum, the escrow account will be used to pay refunds to eligible egg producers who requested a refund pursuant to regulation changes adopted herein. If the escrow account does not contain sufficient amounts to refund all eligible producers demanding a refund, the Board will prorate the amount of refunds demanded by eligible producers. If the amendment to the Order is approved, the amount in the escrow account will be used by the Board in accord with the purposes set forth in the Act.

The 1988 amendments to the Act specify that refunds "shall be made in accordance with regulations, on a form, and within a time period prescribed by the Egg Board." Accordingly, § 1250.523 is amended to provide a procedure for obtaining a one-time refund. The procedure requires egg producers to file an application to obtain a refund of assessments paid or a pro rata share from the escrow account maintained by the Board. It is estimated that this application form will take 10 minutes to complete. Refund application forms for this purpose are required to be filed within 90 days following the effective date of the amended rules and regulations proposed herein. The number of the approximately 1,870 producers who will file refund requests pursuant to the regulation is not known.

Paperwork Reduction

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the new information collection requirement that is added as paragraph (d) to § 1250.523 has been approved by the Office of Management and Budget. The new and previously approved information collection requirements and recordkeeping provisions contained in 7 CFR part 1250 have been assigned No. 0581-0098.

A proposed rule recommending the regulation changes described above was published in the *Federal Register* on June 23, 1989 (54 FR 26383). Comments were solicited from interested parties through August 7, 1989. Nine comments were received, eight of which were in support of the proposed increase in the assessment rate from 2.5 cents per 30-dozen case of commercial eggs marketed to 5 cents. No comments were received with respect to the proposed procedure for obtaining a one-time refund from an escrow account.

Supporting comments in general cited the need for additional funds to better serve the industry through strengthened nutrition research, product development, advertising, and promotion programs. Specific comments pointed to the steady decline in per capita consumption of shell eggs as an example of the need for increased support of advertising and promotion. It was further pointed out that industry economics had improved in the last 2 years and producer support had improved as evidenced by results of the straw poll conducted earlier this year.

One opposing commenter did not address the proposed increase specifically, but opposed generic advertising and the assessment program in general. However, the Act authorizes funding, by assessments on producers, of research and promotion programs, including advertising, on a generic basis. In addition, the increase in the assessment rate would be offset by the benefit to be derived by producers and handlers from strengthened research and promotion programs.

One minor non-substantive change is made in this final rule for clarity. This change specifies the date by which refund applications must be made.

After consideration of all relevant matters, including the proposal set forth in the notice of proposed rulemaking and the comments received thereto, it is found that the amendments hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found that good cause exists for not postponing the effective date of this

action until 30 days after publication in the *Federal Register* because: (1) This action finalizes the proposed amendments as published in the *Federal Register* on June 23, 1989 (54 FR 26383), with one clarifying change; (2) no changes are required in the payment procedures contained in the Egg Research and Promotion Rules and Regulations (7 CFR 1250); (3) in accordance with payment procedures, assessments are not required to be remitted until 15 days following the end of each monthly reporting period and this action will not become effective until October 1, 1989; (4) the increased assessment rate will enable the Board to strengthen the research and promotion activities authorized by the Egg Research and Consumer Information Act thereby benefiting the industry and should therefore be in effect for as much of the 1989 fiscal year as possible; and (5) interested persons were afforded a 45-day comment period to submit written comments—only one opposing comment was received which did not specifically address the proposed increased assessment.

List of Subjects in 7 CFR Part 1250

Egg research and promotion.

For the reasons set forth in the preamble, title 7, CFR part 1250 is hereby amended as follows:

PART 1250—EGG RESEARCH AND PROMOTION

1. The authority citation of part 1250 continues to read as follows:

Authority: Public Law 93-428, 88 Stat. 1171, as amended; 7 U.S.C. 2701-2718.

2. Section 1250.514 is revised to read as follows:

§ 1250.514 Levy of assessments.

An assessment of 5 cents per case of commercial eggs is levied on each case of commercial eggs handled for the account of each producer. Each case of commercial eggs shall be subject to assessment only once. The following shall be exempt from the provisions of this section:

(a) Any egg producer whose aggregate number of laying hens at any time during the 3-consecutive-month period immediately prior to the month in which assessments are due and payable has not exceeded 3,000 laying hens, and

(b) Any flock of breeding hens whose production of eggs is primarily utilized for the hatching of baby chicks.

3. In § 1250.523, the introductory text is revised and paragraph (d) is added to read as follows:

§ 1250.523 Procedure for obtaining refunds.

Except as provided in paragraph (d) of this section, each egg producer against whose eggs an assessment was levied and collected may obtain a refund of the assessment amount for any calendar month in the following manner:

(d) Effective January 1, 1989, producer refunds as provided in paragraphs (a), (b), and (c) of this section are eliminated. If elimination of the refund provision is not approved pursuant to a referendum, as required by the Egg Research and Consumer Information Act Amendments of 1988, any egg producer who is responsible for paying assessments to the Board under this subpart and who is not in favor of supporting the program established under the Order (§ 1250.301 through § 1250.363) shall have the right to demand and receive from the Board a one-time refund of such assessments or a pro rata share thereof collected from such producer and deposited into an interest-bearing escrow account pursuant to § 1250.336(g) of the Order in the following manner:

(1) *Application forms.* Refund application forms shall be provided by the Egg Board.

(2) *Submission of refund application to Egg Board.* Any producer requesting a one-time refund or pro rata share from the interest-bearing escrow account shall mail an application on the prescribed form to the Egg Board. The refund application shall contain the following information:

(i) Producer's name and full mailing address;

(ii) Farm or firm name;

(iii) Assigned identification number;

(iv) Date of application; and

(v) Signature of producer or authorized representative of producer.

(3) *Time limit for submission of refund application to Board.* All refund applications must be mailed to the Board no later than January 2, 1990, which is 90 days following the effective date of this amended subpart. Validation of filing will be the envelope bearing the postmark date in which the application is mailed. No refund applications will be validated after the 90-day deadline, except that any producer entering the business after that date must submit a refund application within 90 days after first collection or sale of assessable eggs, but in no case after the date of the producer referendum.

(4) *Payment of refund.* If producers voting in a referendum do not favor elimination of the refund provision, the

Egg Board shall pay refund requests or a pro rata share thereof within 60 days of the date the referendum results are released by the Secretary.

Done at Washington, DC, on September 11, 1989.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 89-21676 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-52-AD; Amendment 39-6321]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 757 series airplanes, which requires modification of the escape slides and slide/rafts by installing a cable retainer and cover flap. This amendment is prompted by reports of an escape slide and a slide/raft that failed to properly deploy during tests by the airplane manufacturer. This failure was caused by the pack release cable catching on the girt bar lifter mechanism on the door. This condition, if not corrected, could lead to failure of the escape slide/raft to properly deploy, thus delaying, and possibly jeopardizing, successful emergency evacuation of an airplane.

EFFECTIVE DATE: October 14, 1989.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124 or from Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANM-120S; telephone (206) 431-1929. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 30 of the Federal

Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 757 series airplanes, which requires modification of the escape slides and slide/rafts by installing a cable retainer and cover flap, was published in the *Federal Register* on May 11, 1989 (54 FR 20397).

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

The commenter requested the proposed 18-month compliance time be extended to 30 months. The operator has 44 airplanes and the escape slides are normally removed every three years for refurbishment. The 18-month compliance time would require special scheduling, and the extension to 30 months would allow the modification to be accomplished during routine refurbishment. The commenter pointed out that there has never been an in-service incident due to the cable catching on the door mechanism.

The FAA does not agree with the request to extend the compliance time. While the commenter is correct in that there have been no reported in-service slide failures, the problem would only be discovered if the door were opened in the emergency mode. Therefore, if the problem exists on a particular airplane, it is unlikely to be noticed. While it may be more convenient to accomplish the modification during routine maintenance, that is not sufficient justification for extension of the compliance time. The escape slide must be removed from the airplane door in order to accomplish the modification, but it need not be removed from the airplane nor must it be unpacked. Therefore, the FAA has determined the modification can be accomplished within 18 months without disrupting service.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule without change.

There are approximately 196 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 111 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. The parts necessary for the modifications are available at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$71,040.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 757 series airplanes, equipped with Air Cruisers escape slides having the part numbers listed in Air Cruisers Service Bulletin 105-25-28, Revision 2, dated March 28, 1989, and with Air Cruisers slide/rafts having the part numbers listed in Air Cruisers Service Bulletin 105-25-29, dated March 2, 1989, certificated in any category. Compliance required within 18 months after the effective date of this AD, unless previously accomplished.

To ensure that the escape slides or slide/rafts deploy properly, accomplish the following:

A. Install a cable retainer and cover flap, in accordance with Air Cruisers Service Bulletin 105-25-28, Revision 2, dated March 28, 1989, or Air Cruisers Service Bulletin 105-25-29, dated March 2, 1989, as applicable.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124, or Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 89-21805 Filed 9-14-89; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-48-AD; Amdt. 39-6322]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric CF6-45 or CF6-50 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes equipped with General Electric CF6-45 or CF6-50 engines, which requires repetitive visual inspections of the thrust control cables near the idler pulleys for wear and strand separation, and cable replacement until incorporation of a pressure attenuator to the engine driven hydraulic pump. This amendment is prompted by reports of throttle control cable strand separation and wear due to chafing. This condition, if not corrected,

could lead to total rupture, resulting in uncommanded engine thrust.

EFFECTIVE DATE: October 14, 1989.

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

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Propulsion Branch, ANM-140S; telephone (206) 431-1970. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 747 series airplanes with General Electric CF6-45 or CF6-50 engines, which requires repetitive visual inspections of the thrust control cables near the idler pulleys for wear and strand separation, was published in the *Federal Register* on June 14, 1989 (54 FR 25285).

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

The commenter had no objection to the adoption of the amendment as proposed.

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

There are approximately 132 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 6 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Cost of the required parts is estimated to be \$3,870 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$26,580.

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

have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747 series airplanes, equipped with General Electric CF6-45 and CF6-50 engines, listed in Boeing Alert Service Bulletin 747-76A2071, Revision 1, dated January 26, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To eliminate the potential for uncommanded thrust operation due to engine control cable rupture, accomplish the following:

A. Within the next 60 days or 450 flight hours after the effective date of this AD, whichever occurs first, visually inspect the thrust control cables near the idler pulley for wear and strand separation, in accordance with the accomplishment instructions of Boeing Alert Service Bulletin 747-76A2071, Revision 1, dated January 26, 1989. If wear or strand separation is identified, replace the cable prior to further flight, in accordance with the service bulletin. Repeat the inspection at intervals not to exceed 600 flight hours.

B. Within one year after the effective date of this AD, install a pressure attenuator and attaching hardware to the engine-driven hydraulic pump in accordance with the accomplishment instructions of Service

Bulletin 747-76A2071, Revision 1, dated January 26, 1989. This installation constitutes terminating action for the repetitive inspections required by paragraph A., above.

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

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

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

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

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21806 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-29-AD; Amdt. 39-6320]

Airworthiness Directives; CASA Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all CASA Model C-212 series airplanes, which requires modification or removal of right rear passenger seats adjacent to the emergency exit and restriction of mounting location for the forward left passenger seat. This amendment is prompted by reports that passenger seat backs and arm rests intrude into the emergency door exit path, and passenger seats at the front of the airplane are located too close to a bulkhead. This condition, if not corrected, could impede the egress of

passengers during an emergency evacuation or result in injuries to passengers from striking their heads on the bulkhead.

EFFECTIVE DATE: October 14, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert C. McCracken, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations, to include a new airworthiness directive applicable to CASA Model C-212 series airplanes, which requires modification or removal of right rear passenger seats adjacent to the emergency exit and restriction of mounting location for the forward left passenger seat, was published in the Federal Register on May 10, 1989 (54 FR 20144).

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

One commenter supported the proposed rule.

The second commenter stated that it did not consider it necessary to issue a rule applicable to all CASA Model C-212 airplanes; instead, the airworthiness directive (AD) should address only those airplanes with the passenger seat configuration modified after delivery. It contended that, in the delivered configuration, the interior arrangement complies with the certification basis associated with the Type Certificate in that the right rear seat does not intrude into the emergency exit path and the left front seat mounting location is appropriate to ensure proper clearance between the seat and the bulkhead. The FAA accepts this position, but does not concur with the recommendation. On airplanes which, according to records, had not been modified, the FAA found that the right rear passenger rear arm rest extended into the exit path, and the seat back could be rotated into the exit path. Also, the left front seat could be located at any point along the seat rails and, at the forward locations, clearance from the bulkhead was not adequate. Since the interior configuration modification status for each airplane is not readily available, the FAA has determined that all CASA Model C-212 airplanes must be examined.

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

It is estimated that 43 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$8,600.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

CASA: Applies to all Model C-212 series airplanes, certificated in any category. Compliance is required within the next 180 days after the effective date of this AD, unless previously accomplished.

To prevent hindered egress of passengers in the event of an emergency evacuation, accomplish the following:

A. Remove the right rear passenger seats adjacent to the emergency exit or modify the

seat installation so that the projected opening of the exit is not obstructed by any part of the seat, including the seat back or armrests, in any position, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

B. Ensure that the left forward seat is installed in a position that provides clearance from the intersection of the plane of the seat cushion and the front of the seat back to hard structure, such as the bulkhead, of 35 inches or greater.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Standardization Branch, ANM-113.

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

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service,
[FR Doc. 89-21802 Filed 9-14-89; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-95-AD; Amdt. 39-6323]

Airworthiness Directives; Fokker Model F-27 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F-27 series airplanes, which requires a one-time inspection for cracks of the fuselage external skin riveted connections between fuselage Station 1400 and the partial pressure bulkhead, and repair, if necessary. This amendment is prompted by reports of cracks found in several parts of the external skin due to fatigue cracking of the dimpled rivet holes. This condition, if not corrected, could lead to reduced structural capability of the fuselage and subsequent decompression of the airplane.

EFFECTIVE DATE: October 14, 1989.

ADDRESSES: The applicable service information may be obtained from Fokker Aircraft USA, Inc., 1199 N.

Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 431-1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A

proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to Fokker Model F-27 series airplanes, which requires a one-time inspection for cracks of the fuselage external skin riveted connections between fuselage Station 1400 and the partial pressure bulkhead, and repair, if necessary, was published in the *Federal Register* on June 23, 1989 [54 FR 26390].

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

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

It is estimated that 33 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$5,280.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act.

A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Fokker: Applies to Model F-27 series airplanes, Serial Number 10202, 10105 through 10684, 10686, 10687, and 10689 through 10692, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural capability of the fuselage and subsequent decompression of the airplane, accomplish the following:

A. For airplanes on post-Service Bulletin F27/21-30 configuration, within 30 days after the effective date of this AD or upon the accumulation of 30,000 landings, whichever occurs later, inspect the external skin at the riveted connections between fuselage Station 1400 and the partial pressure bulkhead, in accordance with Fokker Service Bulletin F27/53-108, dated February 3, 1989. If cracks are found, repair prior to further flight, in accordance with the service bulletin.

B. For airplanes in pre-Service Bulletin F27/21-30 configuration, within 30 days after the effective date of this AD or upon the accumulation of 50,000 landings, whichever occurs later, inspect the external skin at the riveted connections between fuselage Station 1400 and the partial pressure bulkhead in accordance with Fokker Service Bulletin F27/53-108 dated February 3, 1989. If cracks are found, repair prior to further flight, in accordance with the service bulletin.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fokker Aircraft USA, Inc., 1199 N. Fairfax Street, Alexandria, Virginia. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, C-68966, Seattle, Washington 98168.

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21804 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-44-AD; Amdt. 39-6319]

Airworthiness Directives; Honeywell Inc., Sperry FMZ-800 Flight Management System (FMS) Navigation Computers as Installed in, but Not Limited to, Avions Marcel Dassault Model Mystere-Falcon 900, British Aerospace Model BAe 125-800A, Canadair Model CL-601, and Gulfstream Model G-IV Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to any aircraft equipped with certain Honeywell Inc., Sperry FMZ-800 Flight Management System (FMS) navigation computers, which currently requires operation of the third inertial reference system (IRS) in the attitude mode on entire flights when intending to cross the 180 degree meridian. This amendment (1) requires accomplishment of a terminating action, which permits removal of the requirement to operate the third IRS in the attitude mode, if the deficient FMS navigation computers are replaced with specified computers; and (2) expands the applicability of the AD to all aircraft with the specified deficient computers, regardless of the number of IRS's used. This action will prevent inadvertent aircraft navigation outside the assigned airspace.

EFFECTIVE DATE: October 14, 1989.

FOR FURTHER INFORMATION CONTACT:

Mr. Herb Peters, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5353.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations by revising AD 89-02-10, Amendment 39-6116 (54 FR 1344; January 13, 1989), applicable to airplanes equipped with certain Honeywell Inc., Sperry FMZ-800 Flight Management System (FMS) navigation computers, to require replacement of the deficient FMS computers with specified computers on all aircraft, regardless of the number of IRS's used, was published in the *Federal Register* on May 25, 1989 (54 FR 22605).

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

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

There are approximately 34 Avion Marcel Dassault Mystere-Falcon 900, 1 British Aerospace Model BAe-125-800A, 27 Canadair Model CL-601, and 59 Gulfstream Model G-IV series airplanes in the worldwide fleet that are or have been equipped with the subject FMS navigation computers. It is estimated that 20 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Honeywell has offered to accomplish these changes and test procedures at no cost to operators. Based on these figures, the total potential cost impact of the AD on U.S. operators is estimated to be \$3,200.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will

not have a significant economic impact, positive or negative, on a substantial number of small entities, under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39-6116 (54 FR 1344; January 13, 1989), AD 89-02-10, as follows:

Honeywell Inc.: Applies to Sperry FMZ-800 Flight Management System (FMS) navigation computers, part number 7004402-801, -811, or -832. These FMS computers are known to be or have been installed in, but are not limited to, Avions Marcel Dassault Model Mystere-Falcon 900, British Aerospace Model BAe-125-800A, Canadair Model CL-601, and Gulfstream Model G-IV series airplanes. Compliance is required as indicated, unless previously accomplished.

To prevent FMS position jumps while crossing the 180 degree meridian, accomplish the following:

A. Within 15 days after February 6, 1989 (the effective date of Amendment 39-6116), on aircraft equipped with three inertial reference systems (IRS), add the following to the Limitations Section of the FAA-approved Flight Manual (AFM) or the FAA-approved Airplane Flight Manual Supplement (AFMS). This may be accomplished by inserting a copy of this AD in the AFM or AFMS.

IF FLIGHT ACROSS THE 180 DEGREE MERIDIAN IS INTENDED, THE THIRD INERTIAL REFERENCE SYSTEM MUST BE OPERATED IN THE "ATT" MODE.

B. Within 60 days of the effective date of this amendment, regardless of the number of IRS's installed, replace the FMS navigation computers, as follows:

1. Replace Honeywell P/N 7004402-801 (software configuration DEL-8N) computers with P/N 7004402-803 (software configuration DEL 10J), -804, -806, or -906 (software configuration NZ-8004) computers.

2. Replace Honeywell P/N 7004402-811 (software configuration DEL-9S) computers with P/N 7004402-813 or -903 (software configuration DEL-10P) computers.

3. Replace Honeywell P/N 7004402-832 (software configuration DEL-9T) computers with P/N 7004402-833 or -904 (software configuration NZ-8801) computers.

After these replacements have been accomplished on those aircraft with three IRS's, the AFM or AFMS limitation, required by paragraph A. above, may be removed, and the third IRS may be operated normally.

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

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

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

This amendment amends Amendment 39-6116, AD 89-02-10.

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 89-21803 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-125-AD; Amdt. 39-6318]

Airworthiness Directives; McDonnell Douglas DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas DC-10 series airplanes, which requires inspections of the outboard flap vanes for delamination of the skin from the core of the vanes and, if necessary, repair or replacement of the vanes. This amendment is prompted by in-flight incidents where pieces of the outboard flap vane departed the airplane. This condition, if not corrected, could lead to the separation of portions of the outboard flap vane from the wing of the airplane and injury to persons or property on the ground.

EFFECTIVE DATE: October 14, 1989.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice P. Cook, Aerospace Engineer, Airframe Branch, ANM-121L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5226.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes, which requires inspection of the outboard flap vanes for delamination of the skin from the core of the vanes and, if necessary, repair or replacement of the vanes, was published in the *Federal Register* on March 23, 1989 (54 FR 11959).

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

One commenter, the manufacturer, noted that the permanent repair method, which is referenced in the proposal as a terminating action for repetitive inspections, could be considered to apply either to a portion of the flap vane or to the entire flap vane. The commenter recommended that only repair of the entire flap vane should be considered terminating action and that flap vanes that have been partially repaired using this method should be reinspected at intervals not to exceed 18 months. The FAA concurs with this comment, and the final rule has been revised both to clarify the terminating action and to allow reinspection at intervals not to exceed 18 months (rather than two months) for flap vanes that have been partially repaired using the permanent repair method.

The other commenter had no objections to the proposed amendment.

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

will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 427 McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes in the worldwide fleet. It is estimated that 213 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$170,400.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12812, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) series airplanes; equipped with outboard flap vane part numbers ARC 1455 or 1457-1, -2, -501, -502, -503, -504, -505, or -506; certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the outboard flap vane, accomplish the following:

A. Within 90 days after the effective date of this AD or within five calendar years after the installation of the outboard flap vanes, whichever occurs later, inspect the splice joint of the outboard flap vane for skin delamination, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988.

B. Within 18 months after the effective date of this AD, or within 5 calendar years after the installation of the outboard flap vane, whichever occurs later, and thereafter at intervals not to exceed 18 months, inspect the entire outboard flap vane for skin delamination, in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988.

C. If the outboard flap vane skin delamination and the delamination at the splice joint are within the repairable limits specified in Figure 1, Sheet 5 or 5, of McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988, accomplish the following:

1. Prior to further flight, make temporary repairs to the outboard flap vane in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988; and

2. Within 6 months after accomplishing the temporary repairs and thereafter at intervals not to exceed 2 months, inspect the repairs in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988; and

3. Within 24 months after accomplishing the temporary repairs, accomplish one of the following:

a. Replace the outboard flap vane in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988; or

b. Accomplish a permanent hot bond repair to the entire outboard flap vane in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 2, dated December 20, 1988; or

c. Accomplish a permanent repair using a repair method approved by the Manager, Los Angeles Aircraft Certification Office, Northwest Mountain Region.

D. If the outboard flap vane skin delamination is greater than the limits for temporary repairs specified in Figure 1, Sheet 5 or 5, of McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988, replace

the outboard flap vane before further flight, or accomplish a permanent hot bond repair to the entire outboard flap vane in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 2, dated December 20, 1988.

E. If the outboard flap vane skin delamination is within the unrepaired flyable limits specified in Figure 1, Sheet 3 and 4 of 5, of McDonnell Douglas Service Bulletin A57-110, Revision 1, dated August 10, 1988, or Revision 2, dated December 20, 1988, continue the inspections required by paragraph B., above.

F. If an outboard flap vane is repaired in a manner which results in a combination of old bonding technology and new bonding technology (hot bonding) continue the inspections required by paragraph B., above.

G. Installation of outboard vane assemblies ARC 1455-507, ARC 1455-508, ARC 1455-509, ARC 1455-510, ARC 1457-507, and/or ARC 1457-508 (as applicable), or the accomplishment of permanent hot bond repairs to the entire outboard flap vane in accordance with McDonnell Douglas Service Bulletin A57-110, Revision 2, dated December 20, 1988, constitutes terminating action for the repetitive inspections required by this AD.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may add any comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60).

These documents may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 3229 East Spring Street, Long Beach, California.

This amendment becomes effective October 14, 1989.

Issued in Seattle, Washington, on August 30, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21807 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASO-20]

Establishment of Transition Area; Fayette, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction and delay of effective date.

SUMMARY: This action corrects the latitude/longitude coordinates of the Fayette, AL, nondirectional radio beacon (NDB) and delays the effective date of the Fayette, AL, Transition Area. Therefore, on page 32439 of Federal Register Document 89-ASO-20, in the issue of Tuesday, August 8, 1989, change the effective date to "0901 u.t.c., April 5, 1990" and change the coordinates of the Fayette NDB to read "(latitude 33°42'52" N., longitude 87°48'49" W.)".

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: James C. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7648.

Issued in East Point, Georgia, on August 23, 1989.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 89-21810 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASO-27]

Amendment to Control Zone; Miami, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; withdrawal.

SUMMARY: This action cancels Airspace Docket No. 89-ASO-27 which was published in the Federal Register on August 10, 1989, and was to be effective September 21, 1989. The amendment would have added an arrival area extension on the west side of the control zone. The extension was to provide additional controlled airspace for protection of Instrument Flight Rules (IFR) aircraft executing a new Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP) to Runway 9L at Miami International Airport based on the Cook NDB. The NDB Runway 9L SIAP has been amended to contain arriving aircraft in existing controlled

airspace. Thus, no requirement exists for the arrival area extension.

EFFECTIVE DATE: 0901 u.t.c., September 20, 1989.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

History

On August 10, 1989, the FAA published a final rule which amended part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Miami, Florida, Control Zone (54 FR 32797). This action added an arrival area extension to provide controlled airspace for an NDB SIAP based on the Cook NDB. The approach procedure has been amended to contain aircraft in existing controlled airspace, thus eliminating the need for the arrival area extension.

Withdrawal of the Final Rule

The final rule issued as Airspace Docket No. 89-ASO-27 and published in the *Federal Register* on August 10, 1989, (54 FR 32797), is hereby withdrawn.

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

Issued in East Point, Georgia, on August 30, 1989.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 89-21811 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 89-ACE-14]

Alteration of Transition Areas; LeMars, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at LeMars, Iowa, to provide additional controlled airspace for aircraft executing a new approach procedure to Runway 36 at the LeMars, Iowa, Municipal Airport utilizing the Sioux City VOR as a navigational aid.

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

FOR FURTHER INFORMATION CONTACT:

Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540,

FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On May 30, 1989, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the transition area at LeMars, Iowa (54 FR 22913). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (FAR) alters the transition area at LeMars, Iowa. To enhance airport usage, Runway 36 at the LeMars, Iowa, Municipal Airport is being provided with additional controlled airspace for aircraft executing a new instrument approach procedure utilizing the Sioux City VOR as a navigational aid. The establishment of this instrument approach procedure based on this navigational aid entails alteration of the transition area at LeMars, Iowa, at or above 700 feet above the ground in which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) from other aircraft operating under visual flight rules (VFR).

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

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition areas.

Adoption of the Amendment

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

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

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Le Mars, IA [Revised]

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of the Le Mars, Iowa, Municipal Airport (lat. 42°46'36" N., long. 96°11'37" W.), and within 3 miles each side of the 358° bearing from the airport extending from the 5-mile radius to 8 miles north of the airport, within 2.5 miles each side of the 193° bearing from the airport extending from the 5-mile radius to 6.5 miles south of the airport.

This amendment becomes effective at 0901 u.t.c. January 11, 1990.

Issued in Kansas City, Missouri, on August 15, 1989.

Clarence E. Newbern,
Manager, Air Traffic Division.

[FR Doc. 89-21809 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket Number 89-ACE-15]

Designation of Transition Area; Winterset, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Winterset, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Winterset-Madison County Airport, Winterset, Iowa, utilizing the Des Moines VORTAC as a navigational aid.

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

FOR FURTHER INFORMATION CONTACT:

Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th

Street, Kansas City, Missouri 64106,
Telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On May 30, 1989, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Winterset, Iowa (54 FR 22913). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (FAR) designates a 700-foot transition area at Winterset, Iowa. To enhance airport usage, a new VOR/DME-A instrument approach procedure is being developed for the Winterset-Madison County Airport, Winterset, Iowa, utilizing the Des Moines VORTAC as a navigational aid. This navigational aid will offer new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Winterset, Iowa, at and above 700 feet above ground level within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under instrument flight rules (IFR) from other aircraft operating under visual flight rules (VFR). This action will change the airport status from VFR to IFR.

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

substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition areas.

Adoption of the Amendment

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

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

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Winterset, IA [Revised]

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of the Winterset-Madison County Airport (lat. 41°21'50" N., long. 94°01'15" W.), and within 2.5 miles each side of the 253° bearing from Winterset-Madison County Airport extending from the 5-mile radius to 6.5 miles southwest of the airport; excluding that portion which overlies the Des Moines, Iowa, transition area.

This amendment becomes effective at 0901 u.t.c., January 11, 1990.

Issued in Kansas City, Missouri, on August 15, 1989.

Clarence E. Newbern,

Manager, Air Traffic Division.

[FR Doc. 89-21808 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26002; Amdt. No. 1408]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or

changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) prescribes new, amended, suspended, or revoke Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4,

and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12299; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on August 31, 1989.

Robert L. Goodrich,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective November 16, 1989

Ormond Beach, FL—Ormond Beach Muni, VOR RWY 8, Amdt. 10
Thomson, GA—Thomson-McDuffie County, VOR/DMA-A, Amdt. 1
Litchfield, IL—Litchfield Muni, NDB RWY 9, Amdt. 3
Litchfield, IL—Litchfield Muni, NDB RWY 27, Amdt. 5
Richmond, IN—Richmond Muni, VOR RWY 33, Orig.
Monticello, KY—Wayne County, NDB RWY 21, Amdt. 1
Murray, KY—Murray/Kyle-Oakley Field, NDB RWY 23, Amdt. 5
Rutherfordton, NC—Rutherford County, VOR RWY 36, Amdt. 3
Wauseon, OH—Fulton County, NDB RWY 27, Amdt. 6
Norwalk, OH—Norwalk-Huron County, VOR-A, Amdt. 4
Zanesville, OH—Zanesville Muni, VOR RWY 4, Amdt. 5

Zanesville, OH—Zanesville Muni, VOR/DME RWY 4, Orig.
Zanesville, OH—Zanesville Muni, NDB RWY 4, Amdt. 11, CANCELLED
Zanesville, OH—Zanesville Muni, NDB-A, Orig.
Lawton, OK—Lawton Muni, ILS RWY 35, Amdt. 4
Lawton, OK—Lawton Muni, RADAR-1, Amdt. 1
Lawton, OK—Lawton Muni, RADAR-2, Orig.
Lebanon, TN—Lebanon Muni, VOR/DME-A, Amdt. 6
Lebanon, TN—Lebanon Muni, NDB RWY 18, Amdt. 1
Winchester, TN—Winchester Muni, NDB RWY 18, Amdt. 4
Robstown, TX—Nueces County, VOR/DME-A, Orig.

* * * Effective October 19, 1989

Miami, FL—Miami Intl, NDB RWY 09L, Orig.
Miami, FL—Miami Intl, NDB RWY 27L, Orig.
Rome, GA—Richard B. Russell, LOC/DME BC RWY 19, Orig.
Bloomington/Normal, IL—Bloomington/Normal, VOR RWY 11, Amdt. 12
Mount Vernon, IL—Mount Vernon/Outland, VOR RWY 5, Amdt. 14
Mount Vernon, IL—Mount Vernon/Outland, VOR RWY 23, Amdt. 14
Mount Vernon, IL—Mount Vernon/Outland, ILS RWY 23, Amdt. 9
Indianapolis, IN—Indianapolis Intl, VOR RWY 14, Amdt. 23
Indianapolis, IN—Indianapolis Intl, NDB RWY 5L, Amdt. 19
Indianapolis, IN—Indianapolis Intl, NDB RWY 32, Amdt. 13
Indianapolis, IN—Indianapolis Intl, ILS RWY 5L, Amdt. 22
Indianapolis, IN—Indianapolis Intl, ILS RWY 14, Amdt. 2
Indianapolis, IN—Indianapolis Intl, ILS RWY 23R, Amdt. 6
Indianapolis, IN—Indianapolis Intl, ILS RWY 32, Amdt. 16
Indianapolis, IN—Indianapolis Intl, RADAR-1, Amdt. 27
Alexandria, MN—Chandler Field, NDB RWY 31, Amdt. 3
Holly Springs, MS—Holly Springs-Marshall County, VOR/DME 18, Amdt. 6
Jefferson City, MO—Jefferson City Meml., NDB RWY 12, Orig.
Scottsbluff, NE—William B. Heilig Field, VOR/DME or TACAN RWY 05, Amdt. 2
Scottsbluff, NE—William B. Heilig Field, VOR or TACAN RWY 23, Amdt. 10
Scottsbluff, NE—William B. Heilig Field, LOC BC RWY 12, Amdt. 6
Scottsbluff, NE—William B. Heilig Field, NDB RWY 12, Amdt. 6
Scottsbluff, NE—William B. Heilig Field, ILS RWY 30, Amdt. 8
Scottsbluff, NE—William B. Heilig Field, RNAV RWY 12, Amdt. 2
Scottsbluff, NE—William B. Heilig Field, RNAV RWY 30, Amdt. 3
McMinnville, TN—Warren County Memorial, NDB RWY 5, Amdt. 4, Cancelled
McMinnville, TN—Warren County Memorial, NDB RWY 23, Amdt. 4, Cancelled
Blackstone, VA—Blackstone AAF-Allen C. Perkinson Muni, NDB-A, Amdt. 10

Fredericksburg, VA—Shannon, NDB RWY 23, Orig.
Orange, VA—Orange County, NDB RWY 7, Orig.

* * * *Effective August 31, 1989*

Winchester, VA—Winchester Regional, LOC RWY 32, Amdt. 2

* * * *Effective August 23, 1989*

Martinsburg, WV—Eastern WV Regional/Shepherd Field, LOC/DME BC RWY 8, Amdt. 5

* * * *Effective August 21, 1989*

Kansas City, MO—Kansas City Intl, ILS RWY 1, Amdt. 10

[FR Doc. 89-21812 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 164

[Docket No. 86G-0289]

Substances Affirmed as Generally Recognized as Safe: Hydrogenated and Partially Hydrogenated Menhaden Oils

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that hydrogenated and partially hydrogenated menhaden oils are generally recognized as safe (GRAS) for use as direct human food ingredients. This action is a partial response to a petition filed by the National Fish Meal and Oil Association.

EFFECTIVE DATE: September 15, 1989.

ADDRESSES: Background information on the environmental and economic effects and the references are on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Petition

In accordance with 21 CFR 170.35, the National Fish Meal and Oil Association, 2000 M St. NW., Suite 580, Washington, DC 20036, submitted a petition (GRASP 6C0316) seeking affirmation that the use of menhaden oil and partially

hydrogenated menhaden oil as direct human food ingredients is GRAS. The petition includes information about the identity of, and manufacturing processes for, menhaden oil and partially hydrogenated menhaden oil; information about the history of human food use outside the United States of partially hydrogenated menhaden oil; final reports and published articles of long-term animal feeding studies with partially hydrogenated menhaden oil; and an extensive search of the published scientific literature (over 2,600 articles are included) with respect to the safety of fish oils in general.

FDA published a notice of filing of this petition in the *Federal Register* of July 31, 1986 (51 FR 27461), and gave interested persons an opportunity to submit comments to the Dockets Management Branch (address above). FDA received three comments, two from manufacturers and one from a government agency. All of the comments supported affirmation of GRAS status for use of the oils. In addition, one of the comments stated that menhaden oil that is fully hydrogenated is chemically very closely related to partially hydrogenated menhaden oil, and that it should also be affirmed as GRAS.

This final rule responds only to the portion of the petition requesting GRAS affirmation of the use of partially hydrogenated menhaden oil as an edible fat or oil and not to the portion pertaining to refined menhaden oil. Issues relevant to the GRAS status of refined menhaden oil will be dealt with in a future *Federal Register* document.

While there are similarities between partially hydrogenated and fully hydrogenated menhaden oils, these oils are quite different from refined menhaden oil. Refined menhaden oil contains a high proportion of polyunsaturated fatty acids with four, five, and six double bonds (about 32 percent). Among these fatty acids are the so-called "Ω-3 fatty acids" which are known to have physiological activities (Ref. 5). The activities attributable to the Ω-3 fatty acids may have potential health effects, such as effects on the synthesis of eicosanoids, on membrane fluidity, and on hemostasis (Ref. 5). In contrast, partially hydrogenated menhaden oil and fully hydrogenated menhaden oil have no Ω-3 fatty acids. FDA is currently evaluating the physiological activities attributable to the Ω-3 fatty acids. The agency will announce its determination on the GRAS status of the use of refined menhaden oil in the future document.

B. Basis for GRAS Status

Pursuant to 21 U.S.C. 321(s) and to 21 CFR 170.30, general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of substances directly or indirectly added to food. The basis for such views may be either: (1) Scientific procedures or (2) in the case of a substance used in food prior to January 1, 1958, experience based on common use of the substance in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence that is required to obtain approval of a food additive. It must ordinarily be based upon published studies, which may be corroborated by unpublished studies and other data and information. General recognition of safety through experience based on common use in food prior to January 1, 1958, may be established without the quantity or quality of scientific evidence required for approval of a food additive regulation but must be based upon generally available data and information.

In the *Federal Register* of May 10, 1988 (53 FR 16544), FDA published a final rule that revised its procedural regulations to establish that general recognition among qualified experts of the safety of the use of a substance that was commonly used for that purpose in food before 1958 may be based upon experience derived from use of the substance in food outside the United States. The agency revised the definition of "common use in food" in 21 CFR 170.3(f) so that it would no longer stipulate that the history of consumption must have occurred in the United States.

In the same final rule, FDA added new paragraph (c)(2) to 21 CFR 170.30. This paragraph specifies the information that is required to establish that a substance is GRAS based on a history of common use in food when the use has occurred outside the United States. New 21 CFR 170.30(c)(2) requires documentation and corroboration of the history of common use in food. It states that the information about the use must be generally available and must describe the circumstances in which the substance was used. The information must establish that the use of the substance is safe. FDA elaborated on these requirements in the preamble to the document in which it proposed to make these changes in its regulations, which was published in the *Federal Register* of July 2, 1985 (50 FR 27294).

II. Partially Hydrogenated Menhaden Oil

A. Identity

Partially hydrogenated menhaden oil is prepared by hydrogenating menhaden oil. The partially hydrogenated oil contains no, or only a small amount of, polyunsaturated fatty acids that have five and six double bonds. For example, menhaden oil that has been hydrogenated to an iodine value of 84.5 was found to contain no eicosapentaenoic acid or docosahexaenoic acid, i.e., no Ω -3 fatty acids (Ref. 3). Thus, unlike menhaden oil partially hydrogenated menhaden oil does not possess the physiological properties attributable to Ω -3 fatty acids.

B. Manufacturing Process

Menhaden are plankton-feeding fish harvested commercially from the Gulf of Mexico and northward along the Atlantic coast of the United States. Most menhaden are less than 12 inches long and under 1 pound in weight.

Whole fish are cooked at about 96 °C for 8 to 10 minutes to coagulate the protein and rupture the fat cells. The cooked fish are then pressed, and the liquor is centrifuged to separate the oil and aqueous phases. Crude oil is often shipped abroad to food companies for further processing. Further processing may include storage (winterization), degumming (optional), neutralization, bleaching, deodorization, and hydrogenation.

Partially hydrogenated and fully hydrogenated menhaden oils are prepared by feeding hydrogen gas under pressure to a converter containing crude menhaden oil and a nickel catalyst. The reaction is begun at 150 to 160 °C, and after 1 hour, the temperature is raised to 180 °C until the desired degree of hydrogenation is achieved. The degree of hydrogenation is controlled to obtain the desired firmness of the fat for use in various food products. Thus, the iodine value for partially hydrogenated menhaden oil is in the range of 10 to 149, as compared to that for menhaden oil which may have a range of 150 to 200.

C. Consumer Exposure

FDA estimated probable human consumption of partially hydrogenated menhaden oil (Ref. 3) based on the use of the oil proposed by the petitioner and on food consumption data from the 1977-1978 Market Research Corp. of America (MRCA) survey (Menu Census VI). FDA obtained the following 14-day average estimated daily intake (EDI) values (total sample basis—eaters plus noneaters): 11 grams (g) per person per day (mean) and 22 g per person per day

(90th percentile) for the 2- to 5-year age class, and 13 g per person per day (mean) and 28 g per person per day (90th percentile) for the 2-year and over (all ages) age class.

D. Determination of GRAS Status

As stated earlier, the petitioner requested affirmation that partially hydrogenated menhaden oil is GRAS for general use as an edible fat or oil in food. The factors that have led FDA to conclude that the general food use of the oil is GRAS are:

1. The fatty acid composition of the oil is comparable to partially hydrogenated soybean oil;
2. There is a history of use of this substance in margarine and shortening in Europe prior to 1958; and
3. Animal studies (published and unpublished) are available to corroborate safety. A discussion of each of these factors follows.

1. The Fatty Acid Composition of the Oil

Partially hydrogenated menhaden oil consists mostly of fatty acids with 0, 1, 2, or 3 double bonds (Refs. 8a and 8b). It does not contain the physiologically active Ω -3 fatty acids. The oil is qualitatively comparable to partially hydrogenated common edible vegetable oils, such as partially hydrogenated soybean oil, that have a long history of safe use in this country. In a 100 g sample, partially hydrogenated menhaden oil has 33.1 g of saturated fatty acids, 37.7 g of monounsaturated fatty acids, and 28.3 g of polyunsaturated fatty acids. A similarly sized sample of partially hydrogenated soybean oil contains 19.5 g saturated fatty acids, 58.3 g monounsaturated fatty acids, and 25.3 g polyunsaturated fatty acids (Ref. 9c, page 25). Moreover, animal feeding studies show that partially hydrogenated menhaden oil and partially hydrogenated vegetable oil are biologically comparable (Ref. 9c). Thus, the minor quantitative differences in fatty acid content between the two types of oils are insignificant.

When oils containing unsaturated fatty acids are partially hydrogenated, some of the unsaturated oils are converted into *trans* unsaturated fatty acids. In the past, some concern was expressed over the human consumption of *trans* unsaturated fatty acids. When agency scientists evaluated the data in the petition on partially hydrogenated menhaden oil, they found that this oil contains about 27 percent *trans* unsaturated fatty acids. Because this level of *trans* unsaturated fatty acids is comparable to that found in some partially hydrogenated edible oils (25 percent) (Ref. 3), the agency concludes

that there is no basis for a safety concern. This conclusion is consistent with that rendered by a review panel of the Federation of American Societies for Experimental Biology. This panel was asked by FDA to review the safety of *trans* unsaturated fatty acids. Upon completion of its review, the panel stated that the available scientific information suggests little reason for concern about the safety of *trans* unsaturated fatty acids at their present and expected levels of consumption (Ref. 7).

2. The History of Use in Margarine and Shortening

Partially hydrogenated menhaden oil has not been used in food in the United States, but it has been used in the production of margarine and shortening in Europe, particularly in the United Kingdom, since at least the 1940's (Refs. 1 and 2). In Europe, it is the custom in making margarine to blend together four or more different kinds of oil possessing different degrees of hardness or hydrogenation (Ref. 1). Among them are hardened fish oils derived from pilchard oil, sardine oil, and menhaden oil. In 1945, for example, the British margarine industry produced 406,000 tons of margarine using arachis oil, palm kernel oil, and hardened fish oils (including partially hydrogenated menhaden oil and hydrogenated menhaden oil) as starting materials (Ref. 2).

The petition contains information concerning the amount of hardened menhaden oils used in Belgium, Holland, Sweden, the United Kingdom, and West Germany in 1956, 1958, 1960, 1971, 1981, and 1983. ("Hardened menhaden oils" refers to partially hydrogenated menhaden oil and hydrogenated menhaden oil.) The available information thus demonstrates that hardened menhaden oils have been used in Europe in margarine and shortening continuously from the 1940's to the present.

The use of the hardened fish oils in Europe for decades has produced no evidence of an associated hazard. Therefore, the published information about the use in Europe of hardened menhaden oils in margarine and shortening provides an appropriate basis to find that these uses of partially hydrogenated and hydrogenated menhaden oils are GRAS. Moreover, there is nothing in this history of common use that would lead an expert to question the safety of these substances for general use as a fat or oil.

3. Animal Studies

As stated above, food ingredients may be affirmed as GRAS on the basis of scientific procedures. Such an affirmation requires some of the safety information be published so that it is available to scientists capable of making an independent judgment about the GRAS status of the ingredient. The published information, however, may be corroborated by unpublished information.

Four animal feeding studies are available on the safety of the use of partially hydrogenated menhaden oil in food. In these studies, a common edible vegetable oil (soybean) was used for comparison of biological effects. Three articles have been published in scientific journals based on one of these studies (Refs. 9a, 9b, and 9c). The studies include:

- (1) A two-generation reproduction study with teratology phase in rats (International Research and Development Corp. (IRDC) Study No. 477-022);
- (2) A long-term dietary study in rats exposed in utero (IRDC Study No. 477-001);
- (3) A lifetime feeding study entitled "A Comparison of Partially Hydrogenated Fish Oils, Partially Hydrogenated Soybean Oil and Rapeseed Oil, Included at High Levels in the Feed of Rats (*In Utero* Exposed) for a Lifespan Period (107 weeks), With Particular Reference to Cardiac Histology and Relative Longevity" (Refs. 9a, 9b, and 9c) (Life Science Research (LSR) Report No. 80/1AF002/394); and
- (4) A 12-month dietary safety assessment study in dogs (IRDC Study No. 511-002).

These studies have been reviewed by the agency (Ref. 4) and are summarized as follows:

In the two-generation reproduction study (IRDC Study No. 477-022), before mating, parental male and female Sprague-Dawley rats were treated for 70 and 28 days, respectively, with either a semisynthetic diet containing 8 percent partially hydrogenated menhaden oil or 4 percent partially hydrogenated menhaden oil plus 4 percent partially hydrogenated soybean oil. Two control groups were used in this study. One control group was fed Purina Chow (5.5 percent corn oil), and the other was fed a semisynthetic diet with 8 percent partially hydrogenated soybean oil.

Animals from the first mating (F1a) were selected for a lifetime feeding study (IRDC Study No. 477-001), which is discussed below. Animals from the second mating (F1b) of the parental rats were weaned and at the appropriate age

allowed to mate to produce the F2a litter, which provided representative animals for either histopathological or teratological examinations. A second mating of the F1b animals produced fetuses that were subjected to a complete teratologic evaluation.

The data from this study show that Sprague-Dawley rats that were fed partially hydrogenated soybean oil, partially hydrogenated menhaden oil, or a mixture of the two in the semisynthetic diets had reduced fertility in both generations when compared to the control rats that were fed Purina Chow only. These effects related to the oil content of the diets rather than to any particular oil. No differences were found between rats fed partially hydrogenated menhaden oil and those fed other food oils.

As stated above, Sprague-Dawley rats of the F1a generation of animals in IRDC Study No. 477-022 were used in the long-term dietary study with in utero exposure (IRDC Study 477-001). The diets fed to these animals were: (1) A Purina Chow control; (2) 16 percent partially hydrogenated soybean oil; (3) 8 percent partially hydrogenated menhaden oil plus 8 percent partially hydrogenated soybean oil; and (4) 16 percent partially hydrogenated menhaden oil. The fish oils were admixed in a semisynthetic purified diet that contained 4 percent corn oil, thereby giving a total oil content of 20 percent in the experimental diets.

There were no changes in hematology, biochemistry, urinalysis, or organ weights that indicated an effect caused by the feeding of the oil diet mixtures. Evaluation of cardiac tissues at day 4, after 6 months, and upon termination of the study showed that, when compared to Purina Chow controls, animals from all oil treatment groups had minor but insignificant changes in cardiac tissue status.

Histological evaluation of this study at termination showed a high incidence of myelogenous leukemia among male rats ingesting oil-supplemented diets when compared to those fed the Purina Chow diet. Only a few female rats were observed with this neoplasia. The agency's Cancer Assessment Committee requested clarification regarding both the diagnosis and frequency of this lesion from the sponsor. After reviewing this additional information, the committee concluded that the diagnostic criteria for myelogenous leukemia used by the testing laboratory pathologists were appropriate (Ref. 4).

The Cancer Assessment Committee further concluded that there was no difference in myelogenous leukemia rates between the group that received

partially hydrogenated menhaden oil and the group that received partially hydrogenated soybean oil. Myelogenous leukemia was apparently related to the high fat content in the test diets.

Myelogenous leukemia is relatively uncommon in Sprague-Dawley rats under conditions employing a "typical" dietary regimen. While there has been no previous indication that diet alters the incidence of myelogenous leukemia in rats, there is evidence that high dietary fat or increased caloric intake can alter the spontaneous levels of neoplasia at other sites, such as the endocrine glands, pancreas, and liver, in some strains of rats (Ref. 6).

Since oils from some species of fish are high in C₂₂ monoene fatty acid (cetoleic acid), the life-time feeding study (LSR Report No. 80/1AF002/394) was designed to test for possible cardiotoxic effects of fish oils and rapeseed oil containing different levels and types of C₂₂ monoenes. The C₂₂ monoene content of the oils used in this study was as follows:

1. A refined rapeseed oil—1 percent C₂₂ monoene;
2. Partially hydrogenated soybean oil—0 percent C₂₂ monoene;
3. Partially hydrogenated menhaden oil—4 percent C₂₂ monoene;
4. Partially hydrogenated capelin oil—14 percent C₂₂ monoene (selected because of the high cetoleic acid content of this fish oil); and
5. Partially hydrogenated fish oils—9 percent C₂₂ monoene (a mixture of No. 3 and No. 4).

The Wistar rats used in this study were the offspring of parents who were fed the above-mentioned oils incorporated into a semipurified diet at 8 percent, along with a corn oil and linseed oil mixture (providing some essential fatty acids) at 4 percent. The total oil content of the parental diets was 12 percent.

The presence of 8 percent partially hydrogenated menhaden oil, partially hydrogenated capelin oil, or partially hydrogenated fish oils had no effect on the mating performance and fertility of Wistar rats when compared to rats fed 8 percent partially hydrogenated soybean oil or refined rapeseed oil.

Offspring were weaned and fed the same types of diets as were fed their parents with the exception that the total oil content of the diets was 20 percent (16 percent of the above-mentioned oils plus 4 percent of the corn oil and linseed oil mixture).

There was essentially no difference in food consumption, body weight, mortality, or hematology between the offspring fed partially hydrogenated fish

oils as compared to those fed vegetable oils. There was no evidence of cardiotoxic effects from the ingestion of partially hydrogenated menhaden oil when compared to controls. In addition, there were no long-term effects observed during this study.

In the 12-month dietary study (IRDC Study No. 511-002), male and female dogs were fed a special certified canine diet as one control and 16 percent partially hydrogenated soybean oil as another control. Treated animals were fed either 8 percent partially hydrogenated menhaden oil plus 8 percent partially hydrogenated soybean oil or 16 percent partially hydrogenated menhaden oil.

There was a slight increase in the frequency of mild lipid infiltration in the right ventricle of the heart of females in all groups that were fed partially hydrogenated menhaden oil or partially hydrogenated soybean oil. However, such increases of neutral fat are usually seen in well-nourished animals, and there was no basis to associate them with the source of oil fed in this study.

In summary, review of two chronic studies of rats exposed in utero, the two-generation reproduction study in rats, and the 12-month dog study revealed no toxic effects attributable to the ingestion of partially hydrogenated menhaden oil.

E. Specifications

The petitioner requested a specification for partially hydrogenated menhaden oil of an iodine number between 10 and 149. However, the agency has included in the regulation a specification that the iodine number be no more than 85. FDA has done so based on the fact that menhaden oil that has an iodine number greater than 85 would not be considered hardened. There is no basis to find that menhaden oil that is not hardened was in common use in Europe before 1958 (Refs. 1 and 2). Furthermore, the menhaden oil that was used in the toxicological studies submitted in the petition did not have an iodine number above 85 (Ref. 4).

The specifications for arsenic and lead suggested by the petitioner are significantly higher than those that FDA has included in the regulation. FDA has selected specifications that set lower limits for two reasons. First, these specifications are more comparable with similar specifications adopted for common edible oils such as soybean oil that are included in the "Food Chemicals Codex," 3d Ed., 2d Supp., 1986. Second, the petitioner does not provide a basis for concluding that higher limits for arsenic and lead are necessary.

III. Hydrogenated Menhaden Oil

As stated above, one comment suggested that fully hydrogenated menhaden oil should be affirmed as GRAS. When hydrogenation of menhaden oil is allowed to go to completion, fully hydrogenated menhaden oil (or hydrogenated menhaden oil) is obtained. As stated above, fully hydrogenated menhaden oil is a component of the hardened menhaden oil that has a history of safe use in margarine and shortening in Europe since before 1958 (Refs. 1 and 2).

Hydrogenated menhaden oil is chemically very closely related to partially hydrogenated menhaden oil. Hydrogenated menhaden oil has the same kind of fatty acids as those in partially hydrogenated menhaden oil, except that hydrogenated menhaden oil has a smaller amount of double bonds. The iodine value for hydrogenated menhaden oil is therefore below 10. Hydrogenated menhaden oil is similar to saturated fatty acids from beef tallow or coconut oil, except that it contains some longer chain fatty acids (C_{20} and C_{22}) that are of no significance with regard to human metabolism.

IV. Conclusions

Having evaluated the information in the petition along with other available information, the agency concludes that the use of partially hydrogenated menhaden oil as an edible fat or oil can be affirmed as GRAS. The agency is basing this conclusion on the chemical similarity between partially hydrogenated menhaden oil and partially hydrogenated common edible vegetable oils such as partially hydrogenated soybean and corn oil, which have a long history of broad, safe food use in this country and on the established history of use in Europe of partially hydrogenated menhaden oil in margarine and shortening, foods which have a broad pattern of use in the human diet, as well as on the published articles and other data on the use of partially hydrogenated menhaden oil as an edible fat or oil. Taken together, this widely available information provides the basis for a consensus among qualified experts that, based on its history of safe use in food, this ingredient is safe for use as an edible fat or oil.

The agency is also affirming that the use of hydrogenated menhaden oil is GRAS. This oil is chemically similar to partially hydrogenated menhaden oil. In addition, it has always been present in hardened menhaden oils that have a history of safe use in food (Refs. 1 and 2). The published and unpublished

animal studies also support its safety. These factors lead FDA to conclude that GRAS affirmation for the use of this substance as an edible fat oil is justified.

The agency further concludes that although hydrogenated menhaden oil is very closely related to partially hydrogenated menhaden oil, it should be identified separately in the regulations set forth below. If the oil is completely hydrogenated, the label of a product that contains the oil shall use the term "hydrogenated" rather than "partially hydrogenated" (21 CFR 101.4(b)(14)).

Therefore, the agency is affirming that the use of partially hydrogenated and hydrogenated menhaden oils as food oils is GRAS under conditions of current good manufacturing practice (21 CFR 184.1(b)(1)).

V. Environmental Effects

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.

VI. Economic Effects

FDA, in accordance with the Regulatory Flexibility Act, has considered the effects that this regulation would have on small entities, including small businesses, and has determined that the effect of this regulation is to provide for the use of partially hydrogenated menhaden oil for both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, the agency has analyzed the economic effects of this final rule and has determined that this rule will not be a major rule as defined by that Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

VII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Crump, G. B., "The Technology of Margarine Manufacture," R. T. Holman, W. O. Lundberg, and T. Malkin (eds), *Progress in the Chemistry of Fats and Other Lipids*, Pergamon Press, New York, NY, pp. 285-321 (1958).
2. Waterman, H. I., *The Hydrogenation of Fatty Oils*, Elsevier Publishing Co., New York, NY, pp. 25-27 (1951).
3. Memorandum dated June 6, 1988, from Michael A. Adams, FDA, to L. Lin, FDA, Re: Chemistry Review of the Petition.
4. Memorandum dated September 6, 1988, from Stuart L. Graham, FDA, to Lawrence Lin, FDA, Re: Toxicological Review of the Petition.
5. Klasing, S. A., and S. M. Pilch, "Review of Epidemiological and Clinical Evidence on the Role of *omega*-3 Fatty Acids in Health and Disease," in Quick Response Report No. 3, Federation of American Societies for Experimental Biology, Bethesda, MD, June 1986.
6. Committee on Diet, Nutrition, and Cancer, "Diet, Nutrition, and Cancer," National Academy Press, Washington, DC, 1982.
7. Senti, F. R., "Health Aspects of Dietary Trans Fatty Acids," Federation of American Societies for Experimental Biology, Bethesda, MD, August 1985.
- 8a. Sebedio, J. L., and R. G. Ackman, "Hydrogenation of Menhaden Oil: 1. Fatty Acid and C₂₀ Monoethylenic Isomer Compositions as a Function of the Degree of Hydrogenation," *Journal of American Oil Chemists Society*, 60: 1986-1991, 1983.
- 8b. Sebedio, J. L., and R. G. Ackman, "Hydrogenation of Menhaden Oil: 2. Formation and Evaluation of Dienoic and Trienoic Fatty Acids as a Function of the Degree of Hydrogenation," *Journal of American Oil Chemists Society*, 60: 1992-1996, 1983.
- 9a. Barlow, S. M., and I. F. Duthie, "A Brief Evaluation of the Safety of Partially Hydrogenated Marine Oils in the Human Diet. 1. Cardiac Lipidosis Phenomenon in Experimental Animals," *Nutrition Abstracts and Review in Clinical Nutrition*, 54: 17-30, 1984.
- 9b. Duthie, I. F., and S. M. Barlow, "An Evaluation of the Safety of Partially Hydrogenated Marine Oils in the Human Diet. 2. Longer Term Cardiac Lesion Phenomenon in Experimental Animals," *Nutrition Abstracts and Review in Clinical Nutrition*, 54: 89-97, 1984.
- 9c. Duthie, I. F., S. M. Barlow, R. Ashby, J. M. Tesh, J. C. Whitney, A. Saunders, E. Chapman, K. R. Norum, H. Svaar, and J. Opstvedt, "Feeding of Partially Hydrogenated Fish Oils to Rats in Comparison with Partially Hydrogenated Soybean Oil and Refined Rapeseed Oil," *Acta Medica Scandinavica, Supplementum* 726: 1-89, 1988.

List of Subjects in 21 CFR Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Sections 201(s), 402, 409, 701, 52 Stat. 1046-1047 as amended, 1055-1056 as amended, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371); 21 CFR 5.10, 5.61.

2. New § 184.1472 is added to subpart B to read as follows:

§ 184.1472 Hydrogenated and partially hydrogenated menhaden oils.

(a) Partially hydrogenated and hydrogenated menhaden oils are prepared by feeding hydrogen gas under pressure to a converter containing crude menhaden oil and a nickel catalyst. The reaction is begun at 150 to 160 °C and after 1 hour the temperature is raised to 180 °C until the desired degree of hydrogenation is reached. Hydrogenated menhaden oil is fully hydrogenated.

(b) Partially hydrogenated and hydrogenated menhaden oils meet the following specifications:

- (1) *Color*. Opaque white solid.
- (2) *Odor*. Odorless.
- (3) *Saponification value*. Between 180 and 200.
- (4) *Iodine number*. Not more than 85 for partially hydrogenated menhaden oil and not more than 10 for fully hydrogenated menhaden oil.
- (5) *Unsaponifiable matter*. Not more than 1.5 percent.
- (6) *Free fatty acids*. Not more than 0.1 percent.
- (7) *Peroxide value*. Not more than 5 milliequivalents per kilogram of oil.
- (8) *Nickel*. Not more than 0.5 part per million.
- (9) *Mercury*. Not more than 0.5 part per million.
- (10) *Arsenic (as As)*. Not more than 0.1 part per million.
- (11) *Lead*. Not more than 0.1 part per million.

(c) Partially hydrogenated and hydrogenated menhaden oils are used as edible fats or oils, as defined in § 170.3(n)(12) of this chapter, in food at levels not to exceed current good manufacturing practice.

(d) If the fat or oil is fully hydrogenated, the name to be used on the label of a product containing it shall include the term "hydrogenated," or if it

is partially hydrogenated, the name shall include the term "partially hydrogenated," in accordance with § 101.4(b)(14) of this chapter.

Dated: August 18, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-21783 Filed 9-14-89; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 430 and 453

[Docket No. 89N-0202]

Antibiotic Drugs; Clindamycin Phosphate Gel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of clindamycin phosphate, clindamycin phosphate gel. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 16, 1989; comments, notice of participation, and request for hearing by October 16, 1989; data, information, and analyses to justify a hearing by November 14, 1989.

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

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

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) as amended, with respect to a request for approval of a new dosage form of clindamycin phosphate, clindamycin phosphate gel. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended by adding new paragraphs (a)(95) and (b)(97) to 21 CFR 430.5, by adding new paragraph (b)(97) to 21 CFR 430.6, by redesignating 21 CFR 453.522 as 21 CFR 453.522a, and by adding new 21 CFR 453.522 and 453.522b

to provide for the inclusion of accepted standards for this product.

Environmental Impact

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

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, is effective October 16, 1989. However, interested persons may, on or before October 16, 1989, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before October 16, 1989, a written notice of participation and request for hearing, and (2) on or before November 14, 1989, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this

order and filed with the Dockets Management Branch.

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

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

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 453

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetics Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 430 and 453 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. The authority citation for 21 CFR part 430 continues to read as follows:

Authority: Sections. 507, 701(a), 59 Stat. 463 as amended, 52 Stat. 1055 (21 U.S.C. 357, 371(a)); 21 CFR 5.10.

2. Section 430.5 is amended by adding new paragraphs (a)(95) and (b)(97) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(95) *Clindamycin phosphate*. The term "clindamycin phosphate master standard" means a specific lot of clindamycin phosphate that is designed by the Commissioner as the standard for comparison in determining the potency of the clindamycin phosphate standard.

(b) * * *

(97) *Clindamycin phosphate*. The term "clindamycin phosphate working standard" means a specific lot of a homogenous preparation of clindamycin phosphate.

3. Section 430.6 is amended by adding new paragraph (b)(97) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * *

(b) * * *

(97) *Clindamycin phosphate*. The term "microgram" applied to clindamycin

phosphate means the clindamycin phosphate (potency) contained in 1.252 micrograms of the clindamycin phosphate master standard.

PART 453—LINCOMYCIN ANTIBIOTIC DRUGS

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

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10.

§ 453.522a [Redesignated from § 453.522]

5. Section 453.522 is redesignated as § 453.522a and new §§ 453.522 and 453.522b are added to subpart F to read as follows:

§ 453.522 Clindamycin phosphate dermatologic dosage forms.

§ 453.522b Clindamycin phosphate gel.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Clindamycin phosphate gel contains clindamycin phosphate in a suitable and harmless vehicle. Each gram contains clindamycin phosphate equivalent to 10 milligrams of clindamycin activity. Its clindamycin content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of clindamycin that it is represented to contain. Its pH is not less than 4.5 and not more than 6.5. It passes the identity test. The clindamycin phosphate used conforms to the standards prescribed by § 453.22(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification: samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

- (i) Results of tests and assays on:
 - (A) The clindamycin phosphate used in making the batch for clindamycin content, microbiological activity, moisture, pH, crystallinity, and identity.
 - (B) The batch for clindamycin content, pH, and identity.

(ii) Samples, if required by the Director, Center for Drug Evaluation and Research:

(A) The clindamycin phosphate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(B) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay—(1) Clindamycin content (High performance liquid chromatographic assay).* Proceed as directed in § 436.216 of this chapter, using ambient temperature, an ultraviolet detection system operating at

a wavelength of 210 nanometers, a 25-centimeter long x 4.6-millimeter ID column packed with microparticulate (5 to 10 micrometers in diameter) reversed phase octylsilane hydrocarbon bonded silica packing material, a flow rate of about 1.0 milliliter per minute, and a known injection volume of between 10 and 20 microliters. The retention time of clindamycin phosphate, and clindamycin are approximately 6 and 9 minutes, respectively. Reagents, working standards and sample solutions, resolution test solution, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(A) *0.1M Potassium phosphate monobasic buffer*. Dissolve 13.61 grams of potassium phosphate monobasic in 775 milliliters of water. Adjust the pH to 2.5 with phosphoric acid. Further dilute with water to a volume of 1,000 milliliters.

(B) *Mobile phase*. Mix 225 milliliters of acetonitrile and 775 milliliters of 0.1M potassium phosphate, pH 2.5 buffer (225:775). Filter through a suitable filter capable of removing particulate matter greater than 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Preparation of working standard, sample, and resolution test solutions*—(A) *Working standard solution*. Dissolve an accurately weighed portion of the clindamycin phosphate working standard with sufficient mobile phase (prepared as directed in paragraph (b)(1)(i)(B) of this section) to obtain a solution containing 200 micrograms of clindamycin activity per milliliter.

(B) *Sample solution*. Accurately weigh and transfer approximately 2.0 grams of the sample into a 100-milliliter volumetric flask. Dilute to volume with sufficient mobile phase (prepared as directed in paragraph (b)(1)(i)(B) of this section) and shake vigorously for 30 minutes. Centrifuge a portion of the solution and if necessary filter a few milliliters of the centrifuged solution through a 2-micron millipore filter, type BS.

(C) *Resolution test solution*. Place 15 milligrams each of clindamycin phosphate and clindamycin hydrochloride in a 25-milliliter

volumetric flask and dissolve and dilute to volume with mobile phase and mix well. Use this solution to determine the resolution factor.

(iii) *System suitability requirements*—(A) *Asymmetry factor*. Calculate the asymmetry factor (A_s), measured at a point 5 percent of the peak height from the baseline as follows:

$$A_s = \frac{a+b}{2a}$$

where:

a = Horizontal distance from point of ascent to point of maximum peak height; and
 b = Horizontal distance from the point of maximum peak height to point of descent.

The asymmetry factor (A_s) is satisfactory if it is not more than 1.3.

(B) *Efficiency of the column*. From the number of theoretical plates (n) calculated as described in § 436.216(c)(2) of this chapter calculate the reduced plate height (h_r) as follows:

$$h_r = \frac{[L] (10,000)}{[n] (d_p)}$$

where:

L = Length of the column in centimeters;
 n = Number of theoretical plates; and
 d_p = Average diameter of the particles in the analytical column packing in micrometers.

The absolute efficiency (h_r) is satisfactory if it is not more than 15.

(C) *Resolution factor*. The resolution factor (R) between the peak for clindamycin phosphate and the peak for clindamycin (hydrochloride) in the chromatogram of the resolution test solution is satisfactory if it is not less than 6.0.

(D) *Coefficient of variation (relative standard deviation)*. The coefficient of variation (S_R in percent) of 5 replicate injections of the working standard solution (prepared as directed in paragraph (b)(1)(ii)(A) of this section) is satisfactory if it is not more than 2.5 percent. If the system suitability parameters have been met, then proceed

as described in § 436.216(b) of this chapter.

(iv) *Calculations*. Calculate the clindamycin content as follows:

$$\text{Milligrams of clindamycin per gram} = \frac{A_u \times P_s \times d}{A_s \times 1,000}$$

where:

A_u = Area of the clindamycin phosphate peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the clindamycin phosphate peak in the chromatogram of the clindamycin phosphate working standard;

P_s = Clindamycin activity in the clindamycin phosphate working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(A) *pH*. Proceed as directed in § 436.202 of this chapter, using the undiluted gel.

(B) *Identity*. The high-performance liquid chromatogram of the sample determined in paragraph (b)(1) of this section compares qualitatively to that of the clindamycin phosphate working standard.

Dated: September 7, 1989.

Sammie R. Young,

Deputy Director, Office of Compliance,
Center for Drug Evaluation and Research.
[FR Doc. 89-21782 Filed 9-14-89; 8:45 am]

BILLING CODE 4160-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning October 1, 1989. The use of these interest rates and factors to value

benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after October 1, 1989, and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT:

John Foster, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202-778-8824 (202-778-8859 for TTY and TDD only). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The recent amendments to title IV made by the Pension Protection Act ("PPA"), a part of the Omnibus Budget Reconciliation Act of 1987, increase the amount of plan benefits for which an employer is responsible upon plan termination. These new termination rules apply to plan terminations with respect to which the 60-day advance notice to affected parties (the notice of intent to terminate) is issued after December 17, 1987. (For more detail, see the PBGC's Notice of Revised Termination Rules, 53 FR 1905 (January 22, 1988).) However, the PPA does not change the title IV valuation rules.

Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set

forth in part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit liabilities, although this is not required. (Such plans may value benefit liabilities that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Plans that terminate on or after January 1, 1986 (the effective date of the Single-Employer Pension Plan Amendments Act of 1986) and issued notices of intent to terminate prior to December 18, 1987, or against which the PBGC instituted involuntary termination proceedings before that date, shall continue to be responsible for benefit commitments under the plan and to value guaranteed benefits and/or benefit commitments.

Appendix B in part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since September 1, 1989 (54 FR 33504 (August 15, 1989)). This amendment adds to appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after October 1, 1989, which set reflects an increase of 1/4 percent in the immediate interest rate to 7 1/2 percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the *Federal Register* by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so

that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after October 1, 1989, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of \$100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

In consideration of the foregoing, part 2619 of chapter XXVI, title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 9312-13, Pub. L. 100-203, 101 Stat. 1330.

2. Rate Set 80 of appendix B is revised and Rate Set 81 of appendix B is added to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "Cy" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1 , k_2 , k_3 , n_1 , and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
80	9-1-89	10-1-89	7.25	1.0650	1.0525	1.0400	7	8
81	10-1-89		7.50	1.0675	1.0550	1.0400	7	8

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty
Corporation.
[FR Doc. 89-21844 Filed 9-14-89; 8:45 am]
BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not

the rates are changing. This amendment adds to the table the rate series for the month of October 1989.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order

12291 because it will not have an annual effect on the economy of \$100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) Interest rates.

For valuation dates occurring in the month—	The values of i_k are—													
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}
October 1989.....	.08875	.08625	.08375	.08	.07625	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.05875

Issued at Washington, DC, on this 12th day of September, 1989.

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty
Corporation.

[FR Doc. 89-21845 Filed 9-14-89; 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for International Affairs

31 CFR Part 129

Portfolio Investment Survey Regulations

AGENCY: Department of the Treasury, Departmental Offices.

ACTION: Final rule.

SUMMARY: This final rule modifies the definition of "securities" in the

Department's Foreign Portfolio Investment Survey Regulations, codified at 31 CFR part 129. The purpose of this modification is to provide a general definition of "securities" for purposes of the survey. A specific definition will now be provided in the instructions to the forms that are used to collect data on foreign portfolio investment in the United States. The rule also makes several nonsubstantive amendments in the current regulations.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: William Grier, Foreign Portfolio Investment Survey, Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, DC, 20220. Telephone (202) 566-5297.

SUPPLEMENTARY INFORMATION: Pursuant to the International Investment and Trade in Services Survey Act (formerly the International Investment Survey Act

of 1976, as amended), 22 U.S.C. 3101 *et seq.*, the Department of the Treasury collects information and data concerning foreign portfolio investment in the United States. The overall purpose of the Act is to provide comprehensive and reliable information concerning international investment, including portfolio investment, while minimizing reporting and recordkeeping burdens on respondents. A central component of the Act and the implementing regulations is the reporting of securities. A comprehensive definition of "securities" is currently provided in 31 CFR 129.2(g). The Department has determined, however, that such a definition is inadequate because of the continuing emergence of new types and forms of security instruments. By substituting a general definition of "securities" in the regulations and providing a specific definition in the instructions to the

survey forms, this rule will avoid the necessity of repeatedly amending § 129.2(g) for each survey to incorporate these new security instruments. This approach is consistent with that adopted in other parts of the regulations, where specific requirements (e.g., exemption levels, formats, and time of reporting) are not specified in the regulations but are instead provided in the instructions to the survey forms. Generally, the definition of "securities" that will be provided in the forms will differ from that in past surveys only to the extent that it will incorporate new types of securities.

Although the Department has not yet finalized the definition to be used in the forthcoming 1989 Foreign Portfolio Investment Survey, it is anticipated that the definition will be similar to the following:

"Securities", for purposes of this Survey, means common or preferred stocks, including rights, warrants and scrip; shares or units of ownership in investment companies, limited partnerships, or other unincorporated business enterprises; and long-term debt instruments (original maturity of more than one year) issued by corporations or other business enterprises, the United States Treasury, Federal financing institutions, United States government corporations and federally sponsored agencies, and state and local governments, including any agencies, corporations, financing institutions or instrumentalities thereof. Examples of such securities are bonds, debentures, Floating Rate Notes (FRNs), Continually-Offered Medium Term Notes, collateralized securities, zero coupon bonds and notes, and equipment trust certificates. Also included are exchange traded options on stocks, stock indices and debt instruments; index participations; and certificates or receipts representing an interest in particular coupon or principal payments of marketable securities. Components of U.S. Treasury obligations maintained under Treasury's STRIPS program are included in the definition of "securities" for the purposes of this Survey.

Securities include both registered and bearer issues that are publicly traded or privately placed in the United States and/or in foreign markets, that can be denominated in U.S. dollars or a foreign currency. Debt instruments that themselves may have an original maturity of one year or less, but which pertain to a long-term security (i.e., coupons stripped from a long-term security), are considered long-term securities for the purposes of this Survey.

This regulation also makes two technical amendments. 31 CFR 129.1 is modified to reflect the 1984 redesignation of the name of the 1976 law under which the survey is conducted, and 31 CFR 129.3 is modified to clarify recordkeeping requirements.

This regulation does not substantively affect the statutory and regulatory

obligations of persons required to report information and data under the survey. For this reason, the Department of the Treasury has determined that this regulation is not a major rule as defined in Executive Order 12291, "Federal Regulation," and that a regulatory impact analysis is therefore not required. Similarly, notice and public procedure, and a delayed effective date, are unnecessary pursuant to 5 U.S.C. 553 (b)(B) and (d)(3). Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this regulation.

Drafting Information

The principal author of these regulations is William Grier, Office of the Assistant Secretary for International Affairs, Department of the Treasury. However, personnel from other offices of the Department of the Treasury participated in developing the regulations on matters of both substance and style.

List of Subjects in 31 CFR Part 129

Banks, Banking, Foreign investment in the United States, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, part 129 of title 31, Code of Federal Regulations, is amended as set forth below:

PART 129—PORTFOLIO INVESTMENT SURVEY REGULATIONS

1. The authority citation for part 129 continues to read as follows:

Authority: Pub. L. 94-472, 90 Stat. 2059 (22 U.S.C. 3101 *et seq.*), as amended; E.O. 11961, 42 FR 4321, as amended.

2. Section 129.1 is revised to read as follows:

§ 129.1 Purpose.

The purpose of this part is to set forth the rules and regulations necessary to implement the data collection programs and analyses with respect to portfolio investment provided for by the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*, as amended (formerly the International Investment Survey Act of 1976) (the "Act")). The overall purpose of the Act is to provide comprehensive and reliable information concerning international investment, including portfolio investment, while minimizing the reporting burden on respondents.

3. Section 129.2(g) is revised to read as follows:

§ 129.2 General definitions.

* * * * *

(g) *Securities*, for the purposes of this Survey, means equity and debt instruments, including derivative instruments, as defined in the Form and/or accompanying instructions. Securities include both registered and bearer issues that are publicly traded or privately placed in the United States and/or in foreign markets, that can be denominated in U.S. dollars or a foreign currency.

4. Section 129.3 is revised to read as follows:

§ 129.3 Recordkeeping requirements.

Persons subject to the jurisdiction of the United States shall maintain all information required by the Act (22 U.S.C. 3104(b)(1)) for three years from the date of submission of any reports or other information required pursuant to the Act, or for such shorter period as may be specified in the reporting form and/or accompanying instructions.

Dated: August 13, 1989.

Charles H. Dallara,

Assistant Secretary of the Treasury.

[FR Doc. 89-21606 Filed 9-14-89; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 6 and 8

RIN 2900-AD65

Optional Settlements on Insurance—Calculations: United States Government Life Insurance; National Service Life Insurance

AGENCY: Department of Veterans Affairs.

ACTION: Final Regulations.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations to reflect that all future annuity payments authorized under the Veterans Special Life Insurance (VSLI), Veterans Reopened Insurance (VRI), Service Disabled Veterans Insurance (SDVI) and option 5 payments under both the National Service Life Insurance (NSLI) and United States Government Life Insurance (USGLI) programs will be calculated using the appropriate male mortality tables. This regulation change will implement the recommendation of the VA advisory Committee on Women Veterans to end gender differentiation in the calculation of annuities in the affected program.

EFFECTIVE DATE: October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Hosmer, Insurance

Specialist, Department of Veterans Affairs Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, (215) 951-5710.

SUPPLEMENTARY INFORMATION: On pages 11390 through 11394 of the Federal Register of March 20, 1989, VA published a proposed regulatory amendment providing that all future annuity payments authorized under the VSLI, VRI, SDVI and option 5 payments under both the NSLI and USGLI programs will be calculated using the appropriate male mortality tables. Interested parties were given 30 days within which to submit written comments, suggestions, or objections regarding the proposed regulatory amendment. No written objections were received and the proposed regulation is hereby adopted without change as set forth below.

The Secretary of Veterans Affairs hereby certifies that this final regulation will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b) this final regulatory amendment is, therefore, exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this final regulatory amendment affects only certain annuitants. This final amendment will, therefore, have no significant direct impact on small entities in terms of compliance costs, paperwork requirements or effects on competition.

VA has also determined that this final regulatory amendment is nonmajor in accordance with Executive Order 12291, Federal Regulation. This final regulatory amendment will not have a large effect on the economy, will not cause an increase in costs or prices, and will not otherwise have any significant adverse economic effects.

(The Catalog of Federal Domestic Assistance Program number for this final regulation is 64.103.)

List of Subjects

38 CFR Part 6

United States Government life insurance.

38 CFR Part 8

National Service life insurance.

Approved: August 25, 1989.

Edward J. Derwinski,
Secretary of Veterans Affairs.

38 CFR part 6, United States Government Life Insurance, and part 8,

National Service Life Insurance, are amended as follows:

PART 6—[AMENDED]

1. In § 6.69a, the Optional Settlement table which appears at the end of the section is revised and an authority citation is added to read as follows:

§ 6.69a Optional settlement of insurance under the refund life income option authorized by 38 U.S.C. 752(b).

Age of insured at date of entitlement	Number of guaranteed installments	Amount of each monthly installment per \$1,000
45.....	227	\$4.42
46.....	224	4.48
47.....	220	4.55
48.....	217	4.62
49.....	214	4.69
50.....	210	4.77
51.....	207	4.85
52.....	203	4.93
53.....	200	5.02
54.....	196	5.11
55.....	192	5.21
56.....	189	5.31
57.....	185	5.41
58.....	182	5.52
59.....	178	5.64
60.....	174	5.76
61.....	170	5.89
62.....	166	6.03
63.....	163	6.17
64.....	159	6.32
65.....	155	6.48
66.....	151	6.65
67.....	147	6.83
68.....	143	7.02
69.....	139	7.22
70.....	135	7.44
71.....	131	7.66
72.....	127	7.90
73.....	123	8.16
74.....	120	8.39
75.....	120	8.56
76.....	120	8.72
77.....	120	8.87
78.....	120	9.01
79.....	120	9.14
80.....	120	9.26
81.....	120	9.36
82.....	120	9.46
83.....	120	9.54
84.....	120	9.60
85.....	120	9.66
86.....	120	9.71
87.....	120	9.74
88.....	120	9.77
89.....	120	9.79
90.....	120	9.81
91.....	120	9.82
92.....	120	9.82
93 and over.....	120	9.83

(Authority: 38 U.S.C. 706)

PART 8—[AMENDED]

2. In § 8.80, the Optional Settlement table for option 3 and the introductory text and the Optional Settlement table

for option 4 are revised and an authority citation is added to read as follows:

§ 8.80 Optional settlements on insurance issued under the provisions of section 620 or 621 of the National Service Life Insurance Act, as amended, and section 722(a) of Title 38, United States Code.

*Option 3. Insurance payable in installments throughout life. * * **

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance payable to original beneficiary
10 and under.....	\$2.49
11.....	2.50
12.....	2.52
13.....	2.54
14.....	2.56
15.....	2.58
16.....	2.60
17.....	2.63
18.....	2.65
19.....	2.67
20.....	2.70
21.....	2.73
22.....	2.75
23.....	2.78
24.....	2.81
25.....	2.84
26.....	2.87
27.....	2.91
28.....	2.94
29.....	2.98
30.....	3.02
31.....	3.06
32.....	3.10
33.....	3.14
34.....	3.19
35.....	3.24
36.....	3.29
37.....	3.34
38.....	3.39
39.....	3.45
40.....	3.51
41.....	3.57
42.....	3.64
43.....	3.71
44.....	3.78
45.....	3.85
46.....	3.93
47.....	4.01
48.....	4.09
49.....	4.18
50.....	4.27
51.....	4.37
52.....	4.46
53.....	4.57
54.....	4.67
55.....	4.78
56.....	4.90
57.....	5.02
58.....	5.15
59.....	5.28
60.....	5.41
61.....	5.56
62.....	5.71
63.....	5.86
64.....	6.02
65.....	6.18
66.....	6.35
67.....	6.52
68.....	6.70
69.....	6.88
70.....	7.06

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance payable to original beneficiary
71.....	7.24
72.....	7.43
73.....	7.60
74.....	7.78
75.....	7.95
76.....	8.12
77.....	8.27
78.....	8.42
79.....	8.55
80.....	8.68
81.....	8.79
82.....	8.89
83.....	8.97
84.....	9.04
85.....	9.10
86.....	9.16
87.....	9.19
88.....	9.22
89.....	9.24
90.....	9.26
91.....	9.27
92.....	9.28
93.....	9.28
94.....	9.28
95.....	9.28
96 and over.....	9.29

Option 4. Refund life income. The amount of the installments noted below will be payable monthly throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before payment of the number of installments certain noted below, the remaining unpaid monthly installments payable for such period certain as may be required in order that the sum of the installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness will be payable as provided in § 8.89, 8.90, or 8.91, whichever may be applicable. The law does not authorize settlement under this option in any case in which less than 120 installments may be paid; if a beneficiary is 78 or more years of age at the time of the death of the insured, payment will be made as provided in option 3 (Beneficiaries of any age up to and including 77: Payable for life of first beneficiary with number of installments stated below guaranteed).

Age of beneficiary at date of death of insured	No. of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under.....	405	\$2.47
11.....	402	2.49
12.....	400	2.50
13.....	397	2.52
14.....	394	2.54
15.....	391	2.56
16.....	388	2.58
17.....	385	2.60
18.....	382	2.62

Age of beneficiary at date of death of insured	No. of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
19.....	378	2.65
20.....	375	2.67
21.....	372	2.69
22.....	368	2.72
23.....	364	2.75
24.....	362	2.77
25.....	358	2.80
26.....	354	2.83
27.....	350	2.86
28.....	347	2.89
29.....	343	2.92
30.....	338	2.96
31.....	335	2.99
32.....	331	3.03
33.....	327	3.06
34.....	323	3.10
35.....	319	3.14
36.....	315	3.18
37.....	310	3.23
38.....	306	3.27
39.....	302	3.32
40.....	297	3.37
41.....	293	3.42
42.....	289	3.47
43.....	285	3.52
44.....	280	3.58
45.....	275	3.64
46.....	271	3.70
47.....	266	3.77
48.....	262	3.83
49.....	257	3.90
50.....	252	3.98
51.....	247	4.05
52.....	243	4.13
53.....	238	4.21
54.....	233	4.30
55.....	228	4.39
56.....	224	4.48
57.....	219	4.58
58.....	214	4.69
59.....	209	4.79
60.....	204	4.91
61.....	199	5.03
62.....	194	5.16
63.....	190	5.29
64.....	185	5.43
65.....	180	5.58
66.....	175	5.73
67.....	170	5.90
68.....	165	6.07
69.....	160	6.26
70.....	155	6.46
71.....	151	6.66
72.....	146	6.88
73.....	141	7.11
74.....	136	7.36
75.....	132	7.63
76.....	127	7.90
77.....	122	8.20
78.....		(¹)

¹ For higher ages use installment given under option 3.

(Authority: 38 U.S.C. 706)

3. In § 8.80c, the Optional Settlement table for option 3, the introductory text for option 4 and the Optional Settlement table are revised and an authority citation is added to read as follows:

§ 8.80c Optional settlements on insurance issued under the provisions of section 723(b) of Title 38, United States Code.

*Option 3. Insurance payable in installments throughout life. * * **

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under.....	\$2.64
11.....	2.66
12.....	2.67
13.....	2.69
14.....	2.71
15.....	2.73
16.....	2.75
17.....	2.78
18.....	2.80
19.....	2.82
20.....	2.85
21.....	2.87
22.....	2.90
23.....	2.93
24.....	2.96
25.....	2.99
26.....	3.02
27.....	3.05
28.....	3.09
29.....	3.12
30.....	3.16
31.....	3.20
32.....	3.24
33.....	3.28
34.....	3.33
35.....	3.38
36.....	3.43
37.....	3.48
38.....	3.53
39.....	3.59
40.....	3.65
41.....	3.71
42.....	3.78
43.....	3.85
44.....	3.92
45.....	3.99
46.....	4.07
47.....	4.15
48.....	4.23
49.....	4.32
50.....	4.41
51.....	4.51
52.....	4.61
53.....	4.71
54.....	4.81
55.....	4.93
56.....	5.04
57.....	5.16
58.....	5.29
59.....	5.42
60.....	5.56
61.....	5.70
62.....	5.85
63.....	6.00
64.....	6.16
65.....	6.32
66.....	6.49
67.....	6.66
68.....	6.84
69.....	7.02
70.....	7.20
71.....	7.38
72.....	7.56
73.....	7.74
74.....	7.91
75.....	8.08
76.....	8.25

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
77.....	8.40
78.....	8.55
79.....	8.68
80.....	8.80
81.....	8.91
82.....	9.01
83.....	9.09
84.....	9.16
85.....	9.22
86.....	9.26
87.....	9.30
88.....	9.33
89.....	9.35
90.....	9.37
91.....	9.38
92.....	9.38
93 and over.....	9.39

Option 4. Refund life income. The amount of the installments noted below will be payable monthly throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before payment of the number of installments certain noted below, the remaining unpaid monthly installments payable for such period certain as may be required in order that the sum of the installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness, will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable. The law does not authorize settlement under this option in any case in which less than 120 installments may be paid; if a beneficiary is 77 or more years of age at the time of the death of the insured, payment will be made as provided in option 3.

Option 4

Beneficiaries of any age up to and including 76: Payable for life of first beneficiary with number of installments stated below guaranteed.

Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under.....	382	\$2.62
11.....	379	2.64
12.....	376	2.66
13.....	374	2.68
14.....	372	2.69
15.....	370	2.71
16.....	367	2.73
17.....	364	2.75
18.....	360	2.78
19.....	358	2.80
20.....	355	2.82
21.....	351	2.85
22.....	349	2.87
23.....	345	2.90
24.....	343	2.92

Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
25.....	339	2.95
26.....	336	2.98
27.....	333	3.01
28.....	329	3.04
29.....	326	3.07
30.....	322	3.11
31.....	319	3.14
32.....	315	3.18
33.....	312	3.21
34.....	308	3.25
35.....	304	3.29
36.....	300	3.34
37.....	296	3.38
38.....	293	3.42
39.....	289	3.47
40.....	285	3.52
41.....	281	3.57
42.....	276	3.63
43.....	272	3.68
44.....	268	3.74
45.....	264	3.80
46.....	260	3.86
47.....	256	3.92
48.....	251	3.99
49.....	247	4.06
50.....	242	4.14
51.....	238	4.21
52.....	234	4.29
53.....	229	4.38
54.....	225	4.46
55.....	220	4.56
56.....	216	4.65
57.....	211	4.75
58.....	206	4.86
59.....	202	4.97
60.....	197	5.09
61.....	192	5.21
62.....	188	5.34
63.....	183	5.47
64.....	178	5.62
65.....	174	5.77
66.....	169	5.93
67.....	164	6.10
68.....	160	6.28
69.....	155	6.47
70.....	150	6.67
71.....	146	6.88
72.....	141	7.11
73.....	137	7.35
74.....	132	7.60
75.....	128	7.87
76.....	123	8.16
77.....	(1)	(1)

¹ For higher ages use installment given under Option 3.

(Authority: 38 U.S.C. 706)

4. In § 8.81, the Optional Settlement table for option 3, option 4, the introductory text and the Optional Settlement table for option 5 are revised and an authority citation is added to read as follows:

§ 8.81 Optional settlements on insurance under the provisions of section 725 of Title 38, United States Code.

* * * * *

*Option 3. Insurance payable in installments throughout life. * * **

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under.....	\$3.28
11.....	3.30
12.....	3.31
13.....	3.33
14.....	3.35
15.....	3.36
16.....	3.38
17.....	3.40
18.....	3.42
19.....	3.44
20.....	3.47
21.....	3.49
22.....	3.52
23.....	3.54
24.....	3.57
25.....	3.60
26.....	3.63
27.....	3.66
28.....	3.69
29.....	3.72
30.....	3.76
31.....	3.80
32.....	3.84
33.....	3.88
34.....	3.92
35.....	3.97
36.....	4.02
37.....	4.07
38.....	4.12
39.....	4.17
40.....	4.23
41.....	4.29
42.....	4.36
43.....	4.42
44.....	4.49
45.....	4.57
46.....	4.64
47.....	4.72
48.....	4.80
49.....	4.89
50.....	4.98
51.....	5.07
52.....	5.17
53.....	5.27
54.....	5.37
55.....	5.48
56.....	5.59
57.....	5.71
58.....	5.83
59.....	5.96
60.....	6.09
61.....	6.23
62.....	6.38
63.....	6.53
64.....	6.68
65.....	6.84
66.....	7.01
67.....	7.18
68.....	7.35
69.....	7.52
70.....	7.70
71.....	7.88
72.....	8.05
73.....	8.22
74.....	8.39
75.....	8.56
76.....	8.72
77.....	8.87
78.....	9.01
79.....	9.14
80.....	9.26
81.....	9.36
82.....	9.46
83.....	9.54
84.....	9.60

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
85.....	9.66
86.....	9.71
87.....	9.74
88.....	9.77
89.....	9.79
90.....	9.81
91.....	9.82
92.....	9.82
93 and over.....	9.83

Option 4. Refund life income. The amount of the installments noted below will be payable monthly throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before payment of the number of installments certain noted below, the remaining unpaid monthly installments payable for such period certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness, will be payable as provided by §§ 8.89, 8.90, or 8.91, whichever may be applicable. The law does not authorize settlement under this option in any case in which less than 120 installments may be paid; if a beneficiary is 74 or more years of age at the time of the death of the insured, payment will be made as provided in option 3.

Option 5. (Beneficiaries of any age up to and including 73: Payable for life of first beneficiary with number of installments stated below guaranteed.)

Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under.....	306	\$3.27
11.....	305	3.28
12.....	304	3.30
13.....	302	3.32
14.....	301	3.33
15.....	299	3.35
16.....	297	3.37
17.....	295	3.39
18.....	294	3.41
19.....	292	3.43
20.....	290	3.45
21.....	289	3.47
22.....	287	3.49
23.....	285	3.52
24.....	283	3.54
25.....	281	3.57
26.....	278	3.60
27.....	276	3.63
28.....	274	3.66
29.....	272	3.69
30.....	269	3.72
31.....	266	3.76
32.....	264	3.79
33.....	262	3.83

Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
34.....	259	3.87
35.....	256	3.91
36.....	254	3.95
37.....	251	3.99
38.....	248	4.04
39.....	245	4.09
40.....	242	4.14
41.....	239	4.19
42.....	236	4.24
43.....	233	4.30
44.....	230	4.36
45.....	227	4.42
46.....	224	4.48
47.....	220	4.55
48.....	217	4.62
49.....	214	4.69
50.....	210	4.77
51.....	207	4.85
52.....	203	4.93
53.....	200	5.02
54.....	196	5.11
55.....	192	5.21
56.....	189	5.31
57.....	185	5.41
58.....	182	5.52
59.....	178	5.64
60.....	174	5.76
61.....	170	5.89
62.....	166	6.03
63.....	163	6.17
64.....	159	6.32
65.....	155	6.48
66.....	151	6.65
67.....	147	6.83
68.....	143	7.02
69.....	139	7.22
70.....	135	7.44
71.....	131	7.66
72.....	127	7.90
73.....	123	8.16
74.....	(¹)	

¹ For beneficiaries over age 73 use Option 3.

(Authority: 38 U.S.C. 706)

5. In § 8.92a, the Optional Settlement table is revised and an authority citation is added to read as follows:

§ 8.92a Optional settlement under the refund life income option authorized by 38 U.S.C. 717(e) on participating National Service Life Insurance and nonparticipating Insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

Age of insured at date of entitlement	Number of guaranteed installments	Amount of each monthly installment per \$1,000
40.....	262	\$3.83
41.....	258	3.88
42.....	255	3.93
43.....	251	3.99

Age of insured at date of entitlement	Number of guaranteed installments	Amount of each monthly installment per \$1,000
44.....	247	4.05
45.....	244	4.11
46.....	240	4.17
47.....	236	4.24
48.....	233	4.31
49.....	229	4.38
50.....	225	4.45
51.....	221	4.53
52.....	217	4.61
53.....	213	4.70
54.....	209	4.79
55.....	205	4.88
56.....	201	4.98
57.....	197	5.08
58.....	193	5.19
59.....	189	5.31
60.....	185	5.43
61.....	181	5.55
62.....	177	5.68
63.....	172	5.83
64.....	168	5.98
65.....	164	6.13
66.....	159	6.30
67.....	155	6.47
68.....	151	6.65
69.....	146	6.85
70.....	142	7.06
71.....	138	7.28
72.....	133	7.52
73.....	129	7.76
74.....	125	8.02
75.....	121	8.31
76.....	120	8.48
77.....	120	8.63
78.....	120	8.78
79.....	120	8.91
80.....	120	9.03
81.....	120	9.14
82.....	120	9.23
83.....	120	9.31
84.....	120	9.38
85.....	120	9.44
86.....	120	9.48
87.....	120	9.52
88.....	120	9.55
89.....	120	9.57
90.....	120	9.59
91.....	120	9.60
92.....	120	9.60
93 and over.....	120	9.61

(Authority: 38 U.S.C. 706)

[FR Doc. 89-21762 Filed 9-14-89; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6848]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule; correction.

SUMMARY: This rule corrects the final rule published in the *Federal Register* on Tuesday, September 5, 1989 (54 FR 36769). The cities of Cartersville and Millen and Jenkins County are erroneously listed under the State of Alabama. The communities should be listed under the State of Georgia. Corrections should be made accordingly.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 417, Washington, DC 20472.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127, Issued: September 12, 1989.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

[FR Doc. 89-21827 Filed 9-14-89; 8:45 am]
BILLING CODE 6718-21-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-231]

Organization and Delegation of Powers and Duties; Budget Reconciliation Act of 1986

AGENCY: Office of the Secretary, DOT.
ACTION: Final rule.

SUMMARY: This amendment rescinds delegation § 1.57(q), 49 CFR, and delegates to the Administrator of the Federal Railroad Administration (FRA) all functions vested in the Secretary of Transportation (Secretary) by section 1163 of the Bankruptcy Code, 11 U.S.C. 1163, since all of these functions relate to duties normally carried out by FRA.
EFFECTIVE DATE: The effective date of this amendment is August 18, 1989.

FOR FURTHER INFORMATION CONTACT: Samuel E. Whitehorn, Esq., Office of the General Counsel, C-50, Department of Transportation, 400 7th Street, SW., Washington, DC 20590 (202) 366-9306, or G. Joseph King, Federal Railroad Administration, Office of the Chief Counsel, 400 7th Street SW., Washington, DC 20590, (202) 366-0616.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures and practice, notice and comment on it are

unnecessary and it may be made effective in fewer than thirty days after publication in the *Federal Register*.

Section 1163 of the Bankruptcy Code, 11 U.S.C. Section 1163, directs the Secretary to submit to either the bankruptcy court or U.S. Trustee (in trustee districts), a list of five disinterested, qualified persons in each rail reorganization who are willing to serve as trustee, and by so doing reposes in the Secretary certain duties best performed by FRA. Consequently, responsibility for these functions is being delegated to FRA.

List of Subjects of 49 CFR Part 1

Authority delegations (government agencies); Organization and functions (government agencies).

For the reasons set forth in the preamble, title 49 part 1 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322.

2. Section 1.49 of part 1 of title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (dd), and the introductory text of § 1.49 is reprinted for the convenience of the reader, as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

* * * * *

(dd) Carry out the function vested in the Secretary by Section 1163 of the Bankruptcy Code (11 U.S.C. Section 1163), which relates to the nomination of trustee for rail carriers in reorganization, with the concurrence of the Office of the General Counsel.

3. Section 1.57 of part 1 of title 49, Code of Federal Regulations, is amended by removing paragraph (q) and reserving it as follows:

§ 1.57 Delegations to the General Counsel.

* * * * *

(q) [Reserved]

Issued in Washington, DC on August 18, 1989.

Samuel K. Skinner,
Secretary of Transportation.

[FR Doc. 89-21848 Filed 9-14-89; 8:45 am]
BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 176, 177, 178, and 180

[Docket Nos. HM-183, 183A; Amdt. Nos. 107-20, 171-100, 172-115, 173-212, 176-27, 177-71, 178-89, 180-2]

RIN 2137-AA42

Requirements for Cargo Tanks; Announcement of Public Meeting and Extension of Applicable Dates of Final Rule

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

ACTION: Announcement of public meeting, extension of closing date for receiving petitions for reconsideration and extension of effective date of final rule.

SUMMARY: RSPA wishes to advise the interested public that a meeting will be held to address substantive questions relating to new requirements or changes to existing requirements for cargo tank motor vehicles, as promulgated in a final rule published in the *Federal Register* on June 12, 1989, under Docket Nos. HM-183, 183A (54 FR 24982). Also, in response to a request from the National Tank Truck Carriers, Inc. (NTTC), RSPA is granting an extension of 60 days for submitting petitions for reconsideration. In view of this extension, the effective date of the final rule is also extended for 60 days.

DATES: The dates are as follows:

A. The public meeting will be held on October 10, 1989, from 9:30 a.m. to 4:30 p.m., room 2230, Nassif Building, 400 Seventh Street SW., Washington, DC.

B. The closing date for receiving petitions for reconsideration (49 CFR 106.35) is extended from September 12, 1989 to November 14, 1989.

C. The effective date of the final rule is extended from December 12, 1989 to February 12, 1990.

FOR FURTHER INFORMATION CONTACT:

Charles Hochman, (202) 366-4545, or Hattie Mitchell, (202) 366-4488, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590; or, Richard Singer, (202) 366-2994, Office of Motor Carrier Safety, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: NTTC and the Truck Trailer Manufacturers

Association have raised questions on various requirements appearing in a final rule that was published in the **Federal Register** (54 FR 24982) on June 12, 1989, under Docket Nos. HM-183, 183A. NTTC requested that RSPA clarify certain provisions appearing in the final rule so that NTTC can determine if there is a need for requesting reconsideration of those provisions. RSPA and the Federal Highway Administration believe a public meeting will provide opportunities to address questions raised by commenters. This meeting will be held on Tuesday, October 10, 1989, at the above address. The meeting will be limited to questions pertaining to new requirements and changes to existing regulations as promulgated under HM-183/183A. Provisions that have been in effect for many years and that were retained in the final rule will not be addressed. A recording of the meeting will be made available in the Dockets Unit, located in room 8421 of the Nassif Building (office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except public holidays).

NTTC has requested an extension of time for submitting petitions on the final rule. RSPA agrees that additional time is warranted and is extending the closing date for receiving petitions for reconsideration to November 14, 1989. In view of this extension, the effective date of the final rule is extended from December 12, 1989 to February 12, 1990. RSPA will revise other compliance dates appearing in the final rule in a subsequent document that will be published in the **Federal Register**.

Issued in Washington, DC on September 11, 1989, under authority delegated in 49 CFR part 106.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

[FR Doc. 89-21680 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 654 and 658

[Docket No. 90801-9201]

Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico

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

ACTION: Final rule, technical amendment.

SUMMARY: NOAA issues this final rule to correct the coordinates and loran

readings applicable to the shrimp/stone crab separation zones off the west coast of Florida. These corrections are necessary because of changes to the loran lines of position on the navigational chart of the area. The intended effect of this rule is to correct the regulations and conform them to current usage.

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen, Southeast Region, NMFS, 813-893-3722.

SUPPLEMENTARY INFORMATION: The stone crab and shrimp fisheries in the Gulf of Mexico are managed under the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico and the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMPs) and their implementing regulations at 50 CFR parts 654 and 658, respectively. Those regulations, among other things, establish zones off Citrus and Hernando Counties, Florida, for the separation of shrimp fishing and stone crab trapping during specified periods.

The present zones were established on October 5, 1984 (49 FR 39162, October 4, 1984), under a procedure specified in 50 CFR 654.24(a). In accordance with that procedure, the zones and dates of closure for shrimp fishing and stone crab trapping are based on the recommendations of the Pasco, Hernando, and Citrus Counties Shrimping and Crabbing Advisory Committee (Committee). Five zones are currently in place. Four of them are partially in the exclusive economic zone (EEZ) and partially in Florida's waters, and one is entirely in Florida's waters.

The Committee established the north/south and northeast/southwest boundaries of the zones based on loran lines of position commonly used by fishermen in that area, specifically, loran lines on rates 7980-Z and -Y, respectively. Nine of the sixteen lines that comprise the five zones were established on that basis. The other lines were based on geographical latitudes corresponding to the boundaries between the counties, points of land, and fixed aids to navigation. (Figure 3, below, shows the configuration of the zones. The revised zones are not significantly different from the present zones.) When implemented, the official points used to define the zones were expressed in latitude and longitude even though the basis for some of them was loran readings.

The NOAA chart for this area, chart number 11409, was revised June 13, 1987. Changes from the previous edition included elimination of the Z-rate loran lines of position and adjustment of the

other loran lines based on survey data. (The loran lines on previous editions had been based solely on theoretical propagation delays, i.e., they were not verified by observed data.) As a result, slight changes in some of the geographic coordinates that define the zones are necessary in order to retain their basis on specified loran readings.

Accordingly, NOAA is changing the geographic coordinates used to define the zones to retain the basis for the zones as established by the Committee.

For the convenience of fishermen, the regulations specifying the zones provide loran readings equivalent to the official points stated in latitude and longitude. For those loran lines that were the basis for the zones, the readings in this rule are unchanged. For the other lines, the loran readings are changed to correspond to the corrected latitude/longitude coordinates. Although loran lines of position for the Z rate are not included on the current edition of chart 11409, appropriate Z-rate readings are included in these regulations since Z-rate readings continue to be used by fishermen in the area. The Z-rate readings are calculated from data provided by NOAA's NOS and, like the charted lines of position for the W, X, and Y rates, are based on survey data. NOS has agreed to restore Z-rate lines of position on its next edition of chart 11409. This rule also adds the W-rate readings for each geographic point.

The net effect of the new chart and these changes is exemplified as follows. A fisherman may continue to use his customary Z-rate loran readings to determine his east/west relationship to the north/south boundary lines and his customary Y-rate loran readings to determine his southeast/northwest relationship to the northeast/southwest boundary lines. Further, a fisherman desiring to set a trap at a favorite spot may find that spot using the same loran readings as previously, but his position as charted on the current edition of chart 11409 may appear up to 200 yards (183 m) from his position as charted on the old edition of chart 11409. Two hundred yards (183 m) is the maximum change to any position in the proposed rule—most changes are significantly less. No significant change in area or configuration of any zone results from this rule, there are no changes in the closed periods, and the traditional practices of fishermen in the area are not affected.

NOAA views these changes as minor and technical in nature and accordingly finds they do not constitute a modification requiring consideration by the Committee. This finding does not

preclude initiation by the Committee of other or substantive modifications under 50 CFR 654.24 or 658.24.

These changes to the separation zones have been coordinated with the Florida Marine Fisheries Commission (FMFC). NOAA and FMFC agree that the changes are necessary. NOAA is implementing these changes concurrent with the effective date of complementing changes to Florida's regulations to minimize confusion and inconvenience to fishermen. The FMFC, under Florida's Administrative Procedure Act and rule implementing procedures, provided opportunity for persons to participate in their rulemaking, which includes all five zones.

This rule specifies and shows in both parts 654 and 658 all the shrimp/stone crab separation zones off Citrus and Hernando Counties, rather than only those parts of the zones that are in the EEZ. Thus, fishermen will be provided with a clearer picture of the regulations, both Florida and federal, that affect their operations and can more readily plot the zones on their charts.

Classification

This final rule, technical amendment, is issued under 50 CFR parts 654 and 658 to conform the regulations to current usage. Because this rule makes only minor, non-substantive corrections, the Assistant Administrator for Fisheries, NOAA, finds that it is unnecessary under 5 U.S.C. 553(b)(3) to provide for prior public comment. The Assistant Administrator finds good cause for not delaying the effective date of this rule under 5 U.S.C. 553(d) in order to implement these changes concurrent with the effective date of complementing changes to Florida's regulations.

This rule does not result in a significant change in the original environmental impact statements for the FMPs and, thus, is categorically excluded (by NOAA Directive 02-10) from the requirement to prepare an environmental assessment.

The Under Secretary for Oceans and Atmosphere, NOAA (Under Secretary), determined that this rule is not a major rule requiring a regulatory impact analysis under E.O. 12291. There is no change in the regulatory impacts previously reviewed and analyzed.

As no notice of proposed rulemaking is required under 5 U.S.C. 553, this technical amendment is exempt from the provisions of the Regulatory Flexibility Act.

In each of the final rules that implemented the FMPs and their amendments, NOAA concluded that, to the maximum extent practicable, each FMP and amendment is consistent with the coastal zone management programs of those adjoining States that have coastal zone management programs. Because this rule does not directly affect the coastal zone in a manner not already fully evaluated in the FMPs and the earlier consistency determinations, a new consistency determination is not required.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Parts 654 and 658

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: September 5, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR parts 654 and 658 are amended as follows:

PART 654—STONE CRAB FISHERY

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citations for parts 654 and 658 continue to read as follows:

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

2. In §§ 654.23 and 658.23, a heading is added to paragraphs (b) of each section and paragraphs (b)(1) of each section are revised to read as follows:

§§ 654.23 and 658.23 [Amended]

(b) *Citrus and Hernando Counties shrimp/stone crab separation zones—*
(1) *Specification of zones.* Five zones are established in the EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. The zones are as shown in Figure 3. Although Zone II is entirely within Florida's waters, it is included in this paragraph and Figure 3 for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Chapter 16N-2, Shrimp, Rules of the Department of Natural Resources, Division of Law Enforcement, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph and shown in Figure 3 are as follows (loran readings are unofficial and are included only for the convenience of fishermen):

Point	North latitude	West longitude	Loran chain 7980			
			W	X	Y	Z
A.....	28° 59' 30"	82° 45' 36"	14416.5	31409.4	45259.1	62895.3
B.....	28° 59' 30"	83° 00' 10"	14396.0	31386.3	45376.8	63000.0
C.....	28° 26' 01"	82° 59' 47"	14301.5	31205.9	45103.2	63000.0
D.....	28° 26' 01"	82° 56' 54"	14307.0	31212.2	45080.0	62981.3
E.....	28° 41' 39"	82° 55' 25"	14353.7	31300.2	45193.9	62970.0
F.....	28° 41' 39"	82° 56' 09"	14352.4	31298.6	45199.4	62975.0
G.....	28° 48' 56"	82° 56' 19"	14372.6	31337.2	45260.0	62975.0
H.....	28° 53' 51"	82° 51' 19"	14393.9	31371.8	45260.0	62938.7
I.....	28° 54' 43"	82° 44' 52"	(¹)	(¹)	(¹)	(¹)
J.....	28° 51' 09"	82° 44' 00"	(²)	(²)	(²)	(²)
K.....	28° 50' 59"	82° 54' 16"	14381.6	31351.8	45260.0	62960.0
L.....	28° 41' 39"	82° 53' 56"	14356.2	31303.0	45181.7	62960.0
M.....	28° 41' 39"	82° 38' 46"	(³)	(³)	(³)	(³)
N.....	28° 41' 39"	82° 53' 12"	14357.4	31304.4	45176.0	62955.0
O.....	28° 30' 51"	82° 55' 11"	14323.7	31242.4	45104.9	62970.0
P.....	28° 40' 00"	82° 53' 08"	14352.9	31295.7	45161.8	62955.0
Q.....	28° 40' 00"	82° 47' 58"	14361.3	31305.4	45120.0	62920.0
R.....	28° 35' 14"	82° 47' 47"	14348.6	31280.6	45080.0	62920.0
S.....	28° 30' 51"	82° 52' 55"	14327.7	31247.0	45086.6	62955.0
T.....	28° 27' 46"	82° 55' 09"	14315.2	31225.8	45080.0	62970.0
U.....	28° 30' 51"	82° 52' 09"	14329.1	31248.6	45080.0	62949.9

¹ Crystal River Entrance Light 1A.

² Long Pt. (southwest tip).

³ Shoreline.

(i) *Zone I* is enclosed by rhumb lines connecting in order points A, B, C, D, T, E, F, G, H, I, and J plus the shoreline between points A and J. It is unlawful to fish for shrimp in that part of Zone I that is in the EEZ during the period of October 5 through May 20, each year.

(ii) *Zone II* is enclosed by rhumb lines connecting in order points J, I, H, K, L, and M plus the shoreline between points J and M.

(iii) *Zone III* is enclosed by rhumb lines connecting in order points P, Q, R, U, S, and P. It is unlawful to fish for shrimp in that part of Zone III that is in the EEZ during the period of October 5 through May 20, each year.

(iv) *Zone IV* is enclosed by rhumb lines connecting in order points E, N, S, O, and E.

(A) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ during the periods of October 5 through December 1 and April 2 through May 20, each year.

(B) It is unlawful to fish for shrimp in that part of Zone IV that is in the EEZ during the period of December 2 through April 1, each year.

(v) *Zone V* is enclosed by rhumb lines connecting in order points F, G, K, L, and F.

(A) It is unlawful to place a stone crab trap in that part of Zone V that is in the

EEZ during the periods of October 5 through November 30 and March 16 through May 20, each year.

(B) It is unlawful to fish for shrimp in that part of Zone V that is in the EEZ during the period of December 1 through March 15, each year.

* * * * *

§ 654.23 [Amended]

3. In § 654.23, Figure 3 is removed and a new Figure 3 is added in its place; and in § 658.23, Figure 4 is removed and a new Figure 3 is added to read as follows:

BILLING CODE 3510-22-M

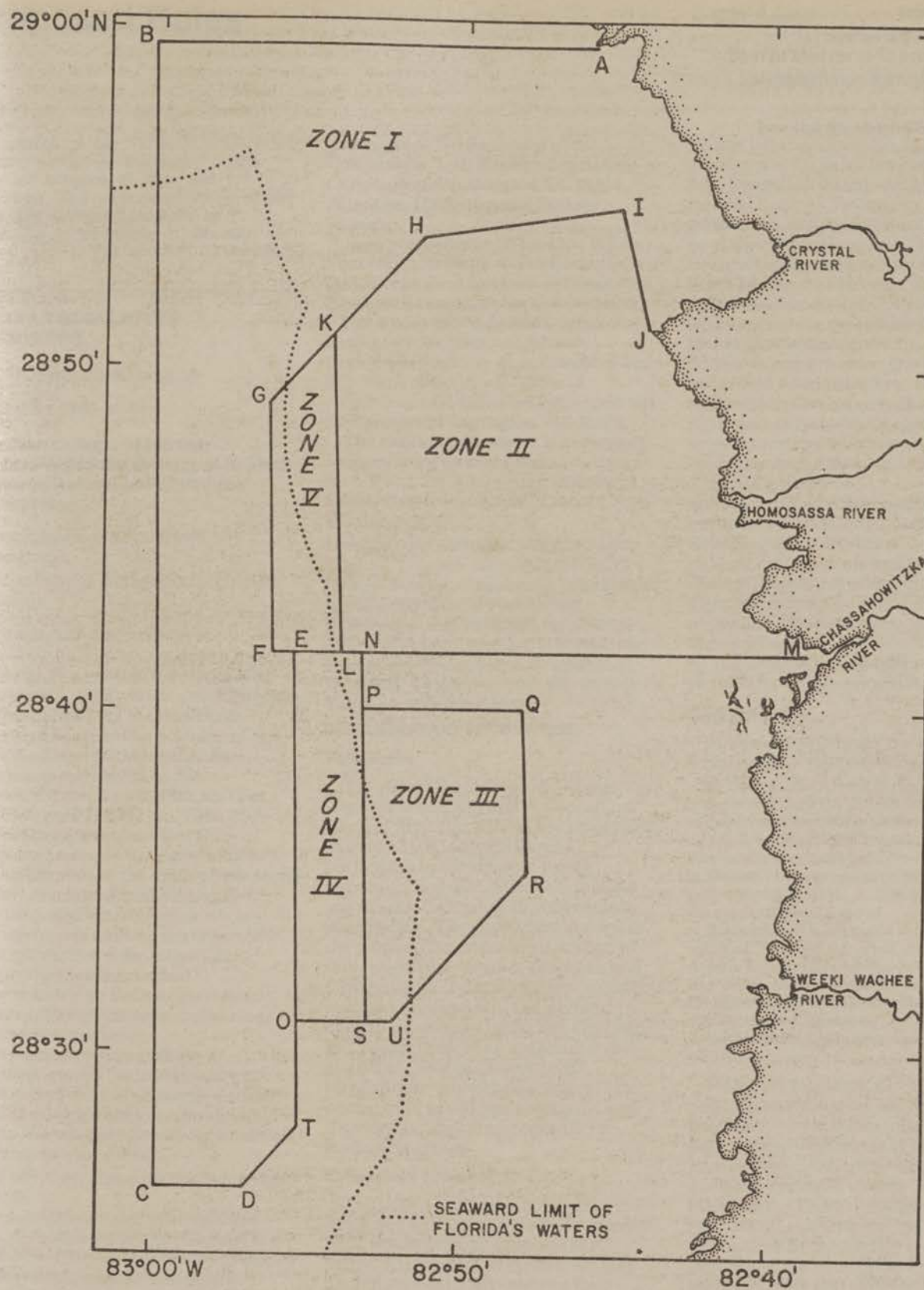


Figure 3. Shrimp/stone crab separation zones.

§ 658.25 [Amended]

4. In § 658.25, in paragraph (a), the reference to "Figure 3" is revised to read "Figure 4"; and Figure 3 is redesignated as Figure 4.

[FR Doc. 89-21352 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 54, No. 178

Friday, September 15, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 33, and 35

[Docket No. PRM-35-9]

American College of Nuclear Physicians and the Society of Nuclear Medicine; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Commission is publishing for public comment a notice of receipt of a petition for rulemaking dated June 5, 1989, which was filed with the Commission by the American College of Nuclear Physicians and the Society of Nuclear Medicine. The petition was docketed by the Commission on June 8, 1989, and has been assigned Docket No. PRM-35-9. The petitioners request that the Commission revise its regulations to give cognizance to the appropriate scope of their practice of medicine and pharmacy and thereby allow nuclear physicians and nuclear pharmacists to reconstitute non-radioactive kits differently from the method recommended by the manufacturer; allow nuclear physicians and nuclear pharmacists to prepare radiopharmaceuticals whose manufacture and distribution are not regulated by FDA; and permit nuclear physicians to determine appropriate diagnostic and therapeutic applications of radiopharmaceuticals.

DATES: Submit comments by December 14, 1989.

Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: All persons who desire to submit written comments concerning the petition for rulemaking should send their

comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Deliver comments to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland between 7:30 a.m. and 4:15 p.m., Federal workdays.

For a copy of the petition, write the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Acting Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Petitioners

The American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM) are comprised of over 12,000 individuals who participate in the medical use of byproduct material. Members include physicians, technologists and nuclear pharmacists. The physicians supervise the preparation and administration of radiopharmaceuticals to diagnose and treat patients. Technologists administer radiopharmaceuticals and perform clinical procedures under the direction and supervision of an authorized user physician. Nuclear pharmacists reconstitute radiopharmaceutical kits, compound radiopharmaceuticals, and dispense radiopharmaceuticals for medical purposes.

Petitioner's Interest

The petitioners are interested in the requested action because under current NRC regulations, members of the petitioning organizations believe they cannot appropriately practice their professions. The petitioners state that authorized user physicians cannot prescribe certain radiopharmaceuticals or routes of administration for optimal

patient care, even though they are permitted to do so by the Food and Drug Administration (FDA) and by their state medical licenses. According to the petitioners, nuclear pharmacists have been disenfranchised as a professional entity because activities that are permitted by the FDA and the states are not allowed under NRC regulations. The petitioners state that although a nuclear pharmacist is authorized by state license to prepare radiopharmaceuticals for patient administration upon receipt of a prescription by an authorized user physician, current NRC regulations severely restrict their activity to rigid reconstitution of standard kits and to dispensing doses of radiopharmaceuticals distributed by manufacturers. Nuclear medicine technologists reconstitute radiopharmaceuticals and perform clinical procedures under the supervision of an authorized user physician. The petitioners believe that their professional activities are curtailed by the limitations imposed on nuclear physicians and pharmacists.

Background

The petitioners begin the petition with a recitation of the following:

At the time the Atomic Energy Act of 1954 was passed, the FDA did not regulate radioactive drugs (although they had the mandate to do so). FDA began regulating accelerator-produced radiopharmaceuticals in 1968 and began regulating byproduct radiopharmaceuticals in 1974. Until that time, the preparation and use of radiopharmaceuticals made from byproduct material had been regulated solely by the Atomic Energy Commission (now the Nuclear Regulatory Commission). As years passed, FDA continued to refine its role in reviewing, approving, and regulating radiopharmaceuticals for research and clinical purposes.

FDA now regulates all radiopharmaceuticals, whether made by manufacturers, nuclear pharmacists or their designees in medical institutions or in centralized radiopharmacies, or nuclear physicians or their designees. FDA has the Federal authority to regulate all research and clinical use of radioactive drugs directly or indirectly. Because of the exemption from manufacturing and distribution requirements of the FDA for pharmaceuticals (including radiopharmaceuticals) prepared under State laws regulating the practice of

medicine and pharmacy, commercial New Drug Applications are not granted for these drug preparations. These drugs are still recognized and regulated by FDA.

The practices of medicine and pharmacy are exempt from FDA's manufacturing and distribution regulations by congressional mandate, but they are not exempt from FDA's regulations forbidding misbranding and adulteration. The FDA is the enforcement arm of the drug quality standards published in the United States Pharmacopoeia.

Petitioner's Proposal

The petitioners propose the following amendments.

1. Define "medical research use" in 10 CFR 30.4 as follows:

Medical Research Use means the intentional internal or external administration of byproduct material, or the radiation therefrom, to human subjects for research purposes.

2. Define "radiopharmaceutical" in 10 CFR 35.2 as follows:

Radiopharmaceutical means any drug or biologic that contains byproduct material.

3. Define "medical research use" in 10 CFR 35.2 as follows:

Medical Research Use means the intentional internal or external administration of byproduct material, or the radiation therefrom, to human subjects for research purposes.

4. Redefine "medical institution" in 10 CFR 35.2 as follows:

Medical Institution means a single health care facility or a health care organization which may physically exist in multiple separate locations but is integrated through economic and/or management agreements. Several medical disciplines may be practiced in a medical institution.

5. With regard to Practice of Pharmacy, Practice of Medicine, and Medical Research, the petitioners recommend the following amendments to §§ 35.100, 35.200, and 35.300:

Section 35.100

(a) A licensee may use for medical use any byproduct material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution, or excretion in which:

(1) The radiopharmaceutical is manufactured and distributed in accordance with the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, or:

(2) The radiopharmaceutical is manufactured, prepared, propagated,

compounded, or processed under an exempt category of section 510(g) of the Federal Food, Drug and Cosmetic Act.

(b) A medical institution licensee may use for medical research use any byproduct material in a radiopharmaceutical and for a use involving measurements of uptake, dilution, or excretion if its use has been approved by the Radiation Safety Committee (RSC) and the Institutional Review Board (IRB) chartered in accordance with 45 CFR part 46.

Section 35.200

(a) A licensee may use for medical use any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging in which:

(1) The radiopharmaceutical is manufactured and distributed in accordance with the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, or:

(2) The radiopharmaceutical is manufactured, prepared, propagated, compounded or processed under an exempt category of section 510(g) of the Federal Food, Drug, and Cosmetic Act.

(b) A medical institution licensee may use for medical research use any byproduct material in a radiopharmaceutical and for a use involving imaging if its use has been approved by the RSC and the IRB chartered in accordance with 45 CFR part 46.

Section 35.300

(a) A licensee may use for medical use any byproduct material in a radiopharmaceutical and for a therapeutic use in which:

(1) The radiopharmaceutical is manufactured and distributed in accordance with the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, or:

(2) The radiopharmaceutical is manufactured, prepared, propagated, compounded, or processed under an exempt category of Section 510(g) of the Federal Food, Drug, and Cosmetic Act.

(b) A medical institution licensee may use for medical research use any byproduct material in a radiopharmaceutical for a therapeutic use if its use has been approved by the RSC and the IRB chartered in accordance with 45 CFR part 46.

6. With regard to NRC licenses, the petitioners recommend the addition of a new paragraph to 10 CFR 35.11.

(c) Any medical institution licensed to use byproduct material for medical use as described in § 35.100, § 35.200 or § 35.300 may also use byproduct material for medical research use

described in the sections for which it is licensed. This authorization supersedes any license condition issued before (insert effective date).

7. With regard to suppliers, the petitioners recommend inserting a new paragraph to 10 CFR 35.49 and rename paragraph (c) as paragraph (d).

(c) Byproduct material in radiopharmaceuticals compounded by or under the supervision of a state-licensed nuclear pharmacist or nuclear medicine physician if such radiopharmaceuticals are manufactured, prepared, propagated, compounded, or processed under an exempt category of section 510(q) of the Federal Food, Drug, and Cosmetic Act.

8. With regard to free-standing radiopharmacies the petitioners request that NRC revise the regulations to allow free-standing radiopharmacies licensed under 10 CFR 32.72 and 10 CFR 32.73 to also compound radiopharmaceuticals. The petitioners believe that this must be accomplished by licensing action because those licenses have a clause that states that if the license document is more restrictive than the regulation, the license document takes precedence. According to petitioners, those licenses should be amended by NRC, without charge to the licensee, to remove the requirement to reconstitute radiopharmaceuticals in accordance with the manufacturer's instruction. Petitioners believe that in the event of any disciplinary action by NRC, the applicable State Board of Pharmacy should be alerted.

9. With regard to specific licenses of broad scope for medical research use, the petitioners request 10 CFR 33.11(a) be amended as follows:

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of the byproduct material specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the Act. The quantities specified are usually in the multicurie range. Applicants that are medical institutions may conduct medical research use in addition to conducting research and development as defined in 10 CFR 30.4.

10. The petitioners recommend that 10 CFR 33.13(c)(3) be amended by adding a new paragraph (iv) as follows:

(iv) Review, approval, and recording by the Radiation Safety Committee and the Institutional Review Board of the Safety and ethics of proposed uses involving medical research use prepared

in accordance with paragraph (c)(3)(ii) of this section prior to use of the byproduct material.

11. Finally, the petitioners recommend that 10 CFR 33.17(a)(4) be amended to read as follows:

(4) Add or cause the addition of byproduct material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being unless permitted by the license document to conduct medical research use.

Grounds for Petition

The petitioners request that the NRC revise its regulations to give cognizance to the appropriate scope of the practice of medicine and pharmacy. The petitioners believe that 10 CFR part 35 should be revised to recognize all the mechanisms that FDA uses to authorize the use of radiopharmaceuticals. According to the petitioners, granting of this petition would allow nuclear physicians and nuclear pharmacists to reconstitute non-radioactive kits differently from the method recommended by the manufacturer; allow nuclear physicians and nuclear pharmacists to prepare radiopharmaceuticals whose manufacture and distribution are purposefully not regulated by FDA; and permit nuclear physicians to determine appropriate diagnostic and therapeutic applications of radiopharmaceuticals, as is their professional obligation.

Statement in Support

The petitioners state that NRC mentions only two FDA compliance mechanisms. The two mechanisms cited are the approved Investigational New Drug Application (IND) and the approved New Drug Application (NDA). Petitioners state that there are other mechanisms to achieve FDA compliance which the petitioners believe should be added to NRC's regulations. According to petitioners, mechanisms are approval via Product License Application (PLA), Radioactive Drug Research Committee approval (RDRC), Institutional Review Board approval (IRB).

The petitioners believe that 10 CFR part 35 directly conflicts with FDA's regulatory framework. The petitioners state that except for physician sponsored "Notice of Claimed Investigational Exemptions" (IND), 10 CFR part 35 only allows the use of radiopharmaceuticals prepared under the portion of FDA regulations devoted to manufacturers with nationwide distribution. The petitioners believe that regulatory incompatibility between NRC regulations, FDA regulations, and state

pharmacy and medicine laws is causing serious problems in the optimal delivery of quality nuclear medicine care and the implementation of nuclear medicine research.

Dated at Rockville, Maryland, this 8th day of September, 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89-21667 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-131-AD]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to Airbus Industrie Model A300 series airplanes, which would require repetitive inspections for cracks and damage of various structural components associated with the wing center box, and repair, if necessary. This proposal is prompted by full-scale fatigue testing by the manufacturer, which identified certain significant structural components which are prone to cracking. This condition, if not corrected, could result in reduced structural integrity of the fuselage and subsequent decompression of the airplane.

DATES: Comments must be received no later than November 7, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-131-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-131-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de L'Aviation Civile (DGAC), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on Airbus Industrie Model A300 series airplanes. Full-scale fatigue testing by the manufacturer has identified certain significant structural components associated with the wing center box which are prone to cracking. These structures are fatigue sensitive, and extensive repairs may be required if corrective action is not taken in a timely manner. This condition, if not corrected, could result in reduced structural integrity of the fuselage and subsequent decompression of the airplane.

Airbus Industrie has issued Service Bulletin A300-53-245, dated March 13, 1989, which describes procedures for ultrasonic or rotating probe inspections

for cracks of the wing center box reinforcement straps and stiffeners, between Frame 43-1 and Frame 45-2, and repair, if necessary; Service Bulletin A300-53-252, dated March 13, 1989, which describes procedures for eddy current and rotating probe inspections for cracks of the wing center box lower panel above the fuselage junction fitting, and repair, if necessary; and Service Bulletin A300-53-265, dated March 13, 1989, which describes procedures for rotating probe inspection for cracks of the wing center box at the rear spar and bottom panel at the fuselage junction, and repair, if necessary. The French DGAC has classified these service bulletins as mandatory.

This airplane model is manufactured in France and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require ultrasonic, eddy current, and rotating probe inspections of various components associated with the wing center box, in accordance with the service bulletins previously described.

It is estimated that 66 airplanes of U.S. registry would be affected by this AD, that it would take approximately 54 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$142,560.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Applies to Model A300 series airplanes, as listed in Airbus Industrie Service Bulletins A300-53-245, A300-53-252, and A300-53-265, each dated March 13, 1989, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural capability of the fuselage, accomplish the following:

A. Prior to the accumulation of 20,700 landings or within 750 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals indicated below, perform either an ultrasonic or rotating probe inspection of the wing center box lower panel stringer reinforcement strap and stiffeners, in accordance with Airbus Industrie Service Bulletin A300-53-245, dated March 13, 1989.

1. If the immediately preceding inspection was performed using ultrasound, the next inspection must be performed within 5,200 landings.

2. If the immediately preceding inspection was performed using a rotating probe, the next inspection must be performed within 11,600 landings.

B. If cracks are found using ultrasound, perform a rotating probe inspection in accordance with Airbus Industrie Service Bulletin A300-53-245, dated March 13, 1989, and proceed as specified in paragraph C., below.

C. If cracks are found using the rotating probe, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-245, dated March 13, 1989. Repeat inspections at intervals indicated in paragraph A., above.

D. Prior to the accumulation of the number of landings indicated below, or within 750 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals indicated below, perform a rotating probe inspection of the rear spar and bottom panel at the junction with the fuselage, in accordance with Airbus Industrie Service Bulletin A300-53-265, dated March 13, 1989.

1. For airplanes identified as Configuration 2 in the service bulletin, the initial inspection must be performed prior to the accumulation of 19,700 landings, and repeated thereafter at intervals not to exceed 1,500 landings.

2. For airplanes identified as Configuration 3 in the service bulletin, the initial inspection must be performed prior to the accumulation of 22,400 landings, and repeated thereafter at intervals not to exceed 11,700 landings.

3. For airplanes identified as Configuration 5 in the service bulletin, the initial inspection must be performed prior to the accumulation of 24,500 landings, and repeated thereafter at intervals not to exceed 12,600 landings.

4. For airplanes identified as Configuration 7 in the service bulletin, the initial inspection must be performed prior to the accumulation of 18,500 landings, and repeated thereafter at intervals not to exceed 9,500 landings.

E. If cracks are found as a result of the inspections required by paragraph D., above, which are less than or equal to .2 mm (.007 inches) for bore with R1 oversize, or less than or equal to .4 mm (.015 inches) for bore with nominal diameter, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-265, dated March 13, 1989. Repeat these inspections at frequency intervals approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

F. If cracks are found as a result of the inspections required by paragraph D., above, which are greater than .2 mm (.007 inches) for bore with R1 oversize, or greater than .4 mm (.015 inches) for bore with nominal diameter, or if a crack is detected in bore with R2 oversize, repair prior to further flight in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

G. Prior to the accumulation of the number of landings indicated below, or within 750 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals indicated below, perform an eddy current inspection between Frame 42 and Frame 45-1 of the wing center box lower panel at joint with pick-up angle (Area 1), and perform a rotating probe inspection between Frame 45-2 and Frame 47 of the lower surface bores left and right side (Area 2), in accordance with Airbus Industrie Service Bulletin A300-53-252, dated March 13, 1989.

1. For airplanes identified as Configuration 1 in Airbus Industrie Service Bulletin A300-53-252, the initial inspection must be performed prior to the accumulation of 33,000 landings.

a. Repeat the eddy current inspection between Frame 42 and Frame 45-1 of wing center box lower panel at joint with pick-up angle (Area 1) at intervals not to exceed 5,800 landings.

b. Repeat the rotating probe inspection between Frame 45-2 and Frame 47 of the lower surface bores (Area 2) at intervals not to exceed 15,800 landings.

2. For airplanes identified as Configuration 2 in Airbus Industrie Service Bulletin A300-53-252, the initial inspection must be performed prior to the accumulation of 29,500 landings.

a. Repeat the eddy current inspection between Frame 42 and Frame 45-1 of the wing center box lower panel at joint with pick-up angle (Area 1) at intervals not to exceed 5,600 landings.

b. Repeat the rotating probe inspection between Frame 45-2 and Frame 47 of the lower surface bores (Area 2) at intervals not to exceed 15,500 landings.

3. For airplanes identified as Configuration 3 in Airbus Industrie Service Bulletin A300-53-252, the initial inspection must be performed prior to the accumulation of 20,700 landings.

a. Repeat the eddy current inspection between Frame 42 and Frame 45-1 of wing center box lower panel at joint with pick-up angle (Area 1) at intervals not to exceed 4,200 landings.

b. Repeat the rotating probe inspection between Frame 45-2 and Frame 47 of the lower surface bores (Area 2) at intervals not to exceed 11,600 landings.

H. If cracks are found in Area 1 as result of the eddy current inspection required by paragraph G., above, prior to further flight, perform a rotating probe inspection, in accordance with Airbus Industrie Service Bulletin A300-53-252.

1. If cracks are equal to or less than .4 mm (.0157 inches) for all holes, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals specified in paragraph G., above.

2. If cracks are between .4 mm (.0157 inches) and 1.2 mm (.047 inches) for all holes except 8, 9, 10, 11, 12, 20, 27, 38, 39, 40, 41, 42, 43, 44, 45, or 54, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals specified in paragraph G., above.

3. If cracks are between .4 mm (.0157 inches) and 1.2 mm (.047 inches) for holes 8, 9, 10, 11, 12, 20, 27, 38, 39, 40, 41, 42, 43, 44, 45, or 54, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

4. If cracks are between 1.2 mm (.047 inches) and 2 mm (.0787 inches) for holes 1, 2, 3, 4, 28, 30, 31, or 32, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals specified in paragraph G., above.

5. If cracks are between 1.2 mm (.047 inches) and 2 mm (.0787 inches) for holes other than 1, 2, 3, 4, 28, 30, 31, or 32, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

6. If cracks are between 2 mm (.0787 inches) and 2.8 mm (.11 inches) for holes 1, 2, 3, 4, 28, 30, 31, or 32, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals specified in paragraph G., above.

7. If cracks are between 2 mm (.0787 inches) and 2.8 mm (.11 inches) for holes other than 1, 2, 3, 4, 28, 30, 31, or 32, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

8. If cracks are greater than 2.8 mm (.11 inches) for any hole, repair prior to further

flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

I. If cracks are found in Area 2 as a result of the rotating probe inspection required by paragraph G., above, accomplish the following:

1. If cracks are less than or equal to .4 mm (.0157 inches), repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals as specified in paragraph G., above.

2. If cracks are between .4 mm (.0157 inches) and 1.2 mm (.047 inches) at holes 13, 14, 17, 19, 22, 46, 47, 51, 52, 53, 55, 57, or 58, repair prior to further flight, in accordance with Airbus Industrie Service Bulletin A300-53-252. Repeat inspections at intervals as shown in paragraph G., above.

3. If cracks are between .4 mm (.0157 inches) and 1.2 mm (.047 inches) at holes other than 13, 14, 17, 19, 22, 46, 47, 51, 52, 53, 55, 57, or 58, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

4. If cracks are greater than 1.2 mm (.047 inches), repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, ANM-113, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 15, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21817 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-M-166-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes equipped with Kidde engine fire and overheat detection systems, which would require modifications that improve system reliability. This proposal is prompted by numerous instances of false fire and overheat warnings that have resulted in engine in-flight shutdowns and airplane diversions. This condition, if not corrected, could result in unnecessary engine in-flight shutdowns and airplane diversions that unduly jeopardize continued safe operation of the airplane.

DATES: Comments must be received no later than November 7, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Steven P. Clark, Propulsion Branch, ANM-140S; telephone (206) 431-1963. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the

Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-166-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The FAA has received numerous reports of false fire and overheat detector warnings on Boeing Model 767 series airplanes equipped with Kidde engine fire and overheat detection systems. Many of these occurrences resulted in engine in-flight shutdowns. The FAA has determined that the causes of these false fire and overheat warnings are corroded connectors, broken connector wires, or heat damaged wire bundles. The connector corrosion has been attributed to the improper installation, or the presence of contaminants at the time of installation, of the hermetically sealed connectors. Breakage of connector wires has been attributed to vibration. Heat damaged wire bundles, which have occurred on airplanes equipped with General Electric CF6-80A engines, are attributed to wire bundle routing that exposes the wire bundle to excessive temperatures. False engine fire and overheat warnings, if not corrected, could result in unnecessary engine in-flight shutdowns and airplane diversions that unduly jeopardize continued safe operation of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 767-26-0037, Revision 1, dated June 1, 1989, which describes procedures for modifying the Kidde engine fire and overheat detection system to improve system reliability. These modifications include new wiring brackets and clamps for new wire routing on airplanes equipped with General Electric CF6-80A engines, three new wiring brackets and clamps for extra wire support on airplanes equipped with General Electric CF6-

80C2 engines, and replacement of all detector wiring and mating electrical connectors with detector assemblies utilizing terminal lug connectors on all airplanes.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require modification of the engine fire and overheat detection system in accordance with the service bulletin previously described.

There are approximately 75 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 12 airplanes of U.S. registry would be affected by this AD, that it would take 70 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Modification parts are available at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$33,600.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 767 series airplanes equipped with Kidde engine fire and overheat detection systems, as listed in Boeing Service Bulletin 767-26-0037, Revision 1, dated June 1, 1989, certificated in any category. Compliance is required within 6 months after the effective date of the AD, unless previously accomplished.

To prevent false engine fire and overheat warnings, which could result in unnecessary engine in-flight shutdowns and airplane diversions that unduly jeopardize continued safe operation of the airplane, accomplish the following:

A. Modify the engine fire and overheat detection system on each engine in accordance with Boeing Service bulletin 767-26-0037, Revision 1, dated June 1, 1989.

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

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

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

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

Issued in Seattle, Washington, on September 6, 1989.

Leroy A. Keith,
Manager, Transport Airplane Directorate
Aircraft Certification Service.

[FR Doc. 89-21818 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-CE-21-AD]

Airworthiness Directives; Beech 99 Series Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to supersede Airworthiness Directive (AD) 77-05-01R3 with a new AD applicable to certain Beech 99 Series airplanes. The new AD would utilize improved inspection criteria in lieu of the criteria currently required by AD 77-05-01R3. The new AD also would establish a service life limit on wing lower, forward (main) spar caps which have reinforcing straps installed per Supplemental Type Certificate (STC) No. SA1178CE. The actions of the proposed AD will preclude fatigue failure of the wing spar cap. In addition, some editorial changes are proposed, which have no substantial effect on the AD. Also, references to AD 75-27-10 are no longer necessary, and are eliminated for clarity.

DATES: Comments must be received on or before November 14, 1989.

ADDRESSES: Beech Structural Inspection and Repair Manual, P/N 98-39006, Revision A4, dated May 1, 1987, applicable to this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085, Telephone (316) 681-7111. This information references the Beech Kits and repair procedures discussed in this NPRM. Aerocon California, Inc. Engineering Order No. E.O. 8-9975-2, dated November 14, 1975, and Service Letter dated May 25, 1976, applicable to this AD, may be obtained from Western Aircraft Maintenance, 4444 Aeronca Street, Boise, Idaho 83705. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-21-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Don Campbell, Aerospace Engineer, Airframe Branch, ACE-120W, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-21-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 77-05-01R3, Amendment 39-5794 (52 FR 48064, December 4, 1987), applicable to certain Beech 99 Series airplanes, requires inspection of the wing main spar lower cap and associated structure for fatigue cracking, and limits the safe life of this structure. Revision 1 to the AD removed the safe life limit in cases in which a spar strap is installed per Supplemental Type Certificate (STC) SA1178CE. The revision also required the strap to be removed periodically and required an inspection of the structure and strap. Revision 2 to the AD exempted airplanes which have Beech Kit 99-4023-1S (Super-spar) installed. Revision 3 to the AD added the requirement to check the strap periodically for correct tensile preload.

During promulgation of Revision 1, the FAA determined that the calculated safe life of a new, well maintained main spar cap increased from 10,000 hours to 90,000 hours when the strap was installed. Since such a long time-in-service (TIS) was very unusual for this type of airplane, no safe life was

published for strapped spar caps. Several years later, the FAA determined that strap tension was not being properly maintained on some airplanes, and the effects of such looseness were evident in the main spar cap. Fatigue calculations showed that the life of a spar cap with a loose strap would be reduced substantially. Therefore, Revision 3 to the AD was promulgated, requiring periodic checks of strap tensile preload, and adjustment of tension as necessary. An undetermined number of airplanes are known to have operated with a loose strap for some time, and all spar caps had already accumulated several thousand hours TIS prior to strap installation. Therefore, the FAA has determined that the safe life for a strapped spar cap is 48,000 hours TIS minus the hours TIS at strap installation. For a main spar cap operated beyond the safe life thus determined, the probability of fatigue failure increases as TIS increases.

Since the condition described is likely to exist or develop in other Beech 99 Series airplanes of the same design, the proposed AD would supersede AD 77-05-01R3 and require the establishment of a service life for wing main spar lower caps which have a spar reinforcing strap installed per STC SA1178CE. In addition, it is proposed to remove several references to the spar "life limit extension" program mentioned several places in the existing AD 77-05-01R3; specifically in Tables 1 and 3 and paragraphs IV.A and XII. This program, which was based on analysis of operator's route structures and measured gust data, was stopped in 1976 and will not be restarted.

Also, AD 77-05-01R3 currently refers to "600 hours TIS after the last comparable inspection in accordance with AD 75-27-10." Twelve years have passed since AD 75-27-10 was superseded, so it is highly unlikely that any airplane remains within the 600 hours TIS time period. Therefore, all references to AD 75-27-10 are removed for clarity, except in the supersedure statement.

AD 77-05-01R3 currently calls for inspections to be conducted in accordance with certain Revisions to Beech Service Instructions (BSI) 0388-018. In December 1982, Beech published its Structural Inspection and Repair Manual (SIRM), Part No. 98-39006, which offered improved inspection procedures. Many Beech 99 airplanes affected by this AD have already converted to the SIRM and no longer use the BSI which is called out in the AD. This conversion was permitted by the FAA as an equivalent means of

compliance with the AD. The FAA has further determined that no more than 20 airplanes continue to be inspected per the BSI. Since the majority of affected airplanes are already being inspected per the SIRM, and since it is the preferred procedure, the proposed AD will rely solely on the SIRM procedures and schedules. This change will basically remove X-Ray as an inspection method and replace dye penetrant with fluorescent penetrant for the spar cap inspections, and leave the inspection interval at 500 hours TIS for unstrapped spars.

Regulatory Evaluation Summary

I. Evaluation of Costs and Benefits

A. Costs—The FAA estimates the total cost of compliance with the proposed AD to be \$9.366M (discounted to the end of 1989, in 1988 dollars). Costs result entirely from replacement of wing spar caps on those Beech 99 series airplanes which had spar reinforcing straps installed previously. Eighty-five Beech 99 series airplanes would be affected by the proposed AD (64 other Beech 99 series airplanes had replaced spar caps instead of installing the straps; consequently, these airplanes are not affected by the new AD). Replacement of spar caps will be required after the airplanes have been in service between 38,000 and 48,000 hours TIS (depending on when spar straps were installed), which is the safe life above which the likelihood of spar cap failure increases above an acceptable level. Replacement of spar caps for an airplane will depend, therefore, on two factors—the estimated safe life of each spar cap and the hours it has already flown.

Determination of total costs for the affected 85 Beech 99 series airplanes was based on 1985 data from a sample of 22 airplanes analyzed by the FAA. The safe life varied from 38,000 to 46,000 hours TIS since the straps were installed on the sampled airplanes at different times. The TIS of the sample varied from 16,000 to 36,000 hours TIS, so for this analysis 12,000 hours TIS was added to the TIS of each sampled airplane to update the hours flown to year-end 1989 (4 years $\times$ 3,000 average hours per year). The TIS was then converted to years to replacement. All 85 airplanes must replace the wing spar caps by year-end 1993. Total replacement costs incurred between 1990–93 are estimated to be \$9.366M, based on a cost of \$120,000 for each airplane. In estimating total costs, it is assumed that the AD goes into effect at year-end 1989. Consequently, those airplanes requiring spar cap replacement in the first year

(including 9 with no safe life remaining) will incur those costs immediately on the effective date. Each year's costs were discounted to year-end 1989 using a 10 percent discount rate.

B. Benefits—Direct benefits attributable to the proposed AD result from savings of lives and replacement costs for accidents estimated to occur as wing spar caps age. Tests and analysis conducted by the FAA on a Beech 99 series airplane determined that a strapped spar cap has a mean life of 152,000 hours flying time. Dividing the mean life by a scatter factor of 4 results in a safe life of 38,000 hours TIS (see FAA report AFS-120-73-2, "Fatigue Evaluation of Wing and Associated Structure on Small Airplanes" May 1973). The chance of spar cap failure is negligible at 38,000 hours TIS (approximately .001—see below) and increases up to the mean life of 152,000 hours TIS, where it is expected that, without compliance with the proposed AD, one-half of the spar caps would have failed.

A normal distribution curve may be applied to the results of a fatigue test; the probability density of failure at a given life is plotted as the ordinate. The mean life value is denoted in the center—i.e., 50 percent of tested specimens will fail to the left, or below, the mean life and 50 percent to the right, or above the mean life. For the present analysis, it is assumed that there are three standard deviations (s.d.) between the safe life and the mean life. Thus, each s.d. equals 38,000 hours in service (152,000 – 38,000 = 114,000; 114,000 / 3 = 38,000 hours). The probability of wing spar cap failure at the safe life of 38,000 hours would be 50% minus the probability at 3 s.d., or .50 – .4987 = .0013. Since there are two spar caps per airplane, the probability of at least one failing is .0026. The probability of any one spar cap not failing is 1.0000 – .0013 or .9987. The probability that neither of the two spar caps on an airplane will fail is .9987 $\times$.9987 = .9974. Therefore, the probability that at least one will fail is 1.0000 – .9974 = .0026.

By applying the normal distribution to hours flown between 38,000 TIS (safe life) and any higher amount, it is possible to estimate the number of accidents between the effective date of the AD and any future period. It was decided to calculate benefits (based on avoidance of accidents, and therefore, savings in lives and replacement costs of failed airplanes) over the next 20 years. In this period, each airplane will fly an additional 60,000 hours (20 years $\times$ 3,000 hours per year); the projected total hours is plotted on the ordinate

and the probability of wing spar cap failure is derived for the period 1990–2009. Using the aforementioned methodology, it was estimated that 13.28 Beech 99 series airplanes would be destroyed during the period. A more detailed explanation of the analysis is contained in the full regulatory evaluation included in the docket.

For this benefit analysis, it is assumed that no passengers would survive the accidents and that the airplanes would be destroyed. Beech 99 series airplanes seat 17 occupants and the estimated load factor is .46 (projected to remain constant over the next several years). Thus, each accident would result in 8 deaths. The statistical value of a life for analysis purposes is estimated to be \$1M; replacement cost for a Beech 99 series airplane is \$1.1M in 1988 dollars. These values are assumed to stay constant over the period under discussion. Consequently, each accident would result in a total cost of \$9.1M (8 lives $\times$ \$1M/life + 1.1M). Therefore, total benefits accruing from the AD are equal to \$120,848M between year-end 1989 and year-end 2009. The total benefits for the period must be discounted to year-end 1989, the presumed effective date for the AD. Using the same normal distribution of accident probabilities against hours flown, it was determined that one-half of the accidents projected between 1989 and 2009 will occur by the 16th year (2005). Therefore, total benefits are multiplied by .2176 (annual effective discount rate at 10%, 16 years): \$120,848M $\times$.2176 = \$26.297M at year-end 1989.

C. Comparison of Costs and Benefits—The present value of expected costs in 1988 dollars at year-end 1989 equals \$9.366M; the present value of estimated benefits at the same time equals \$26.297M. The benefit/cost ratio is 2.81; therefore, the FAA believes the subject AD to be cost beneficial. Since the costs are well below \$100M in any one year, the AD is not a major rule as that term is used in Executive Order 12291.

II. International Trade Impact

The proposed AD would have little or no impact on trade for U.S. firms doing business overseas or for foreign firms doing business in the U.S. Essentially, all of the Beech 99 series airplanes are owned by U.S. regional air carriers and operated in the U.S.

III. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not

unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

The FAA's size threshold for determination of small entities for aircraft operators is 9 or less aircraft owned. The FAA's thresholds for significant regulatory impacts on small entities are annualized costs of \$98,274 for scheduled operators with an entire seating capacity of over 60, \$54,935 for other scheduled operators, and \$3,865 for unscheduled operators, in 1988 dollars. Available information did not indicate that unscheduled operators fly any of the Beech 99 series airplanes. It was determined that none of the scheduled operators would experience costs that exceed the above cost thresholds. The proposed AD, therefore, is not expected to have a significant economic impact on a substantial number of small entities.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of 14 CFR part 39 of the FAR as follows:

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) [Revised, Pub. L. 97-448, January 12, 1983]; and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Beech: Applies to 99 Series (Serial Numbers U-1 through U-49, and U-51 through U-164) airplanes with 3,000 hours or more time-in-service (TIS) except those airplanes which have Beech Wing Modification Kit No. 99-4023-1S installed:

Compliance: Required as indicated in the body of the AD. To detect any cracking of the wing front spar lower cap, other wing panel front spar carry-through structural components, wing remaining structure or STC SA1178CE wing straps, accomplish the following in accordance with the criteria in Beech Structural Inspection and Repair Manual, P/N 98-39006, Revision A4, dated May 1, 1987, hereinafter referred to as "the SIRM." (Standard practices to be followed for these inspections are defined in Section 20 of the SIRM and/or other maintenance information as referenced in the body of the AD.) The inspections are described in Section 57-15-00 of the SIRM and referenced in the following paragraphs of this AD.

(a) For airplanes which do not have a spar reinforcing strap installed per STC SA1178CE, inspect and modify the following using the SIRM. If a crack or loose fastener is found during these inspections, prior to further flight repair or replace as specified in the SIRM.

(1) Upon the accumulation of 3,100 hours TIS on the lower, forward spar cap, or the next inspection interval required per superseded AD 77-05-01R3, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the areas of structure defined by Index Numbers 1 through 7 on page 202, section 57-15-00 of the SIRM, using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(2) Upon the accumulation of 10,000 hours TIS on the wing structure, within 100 hours TIS and thereafter at intervals not to exceed 1,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on page 202, section 57-15-00 of the SIRM, using visual methods as specified in the SIRM.

(3) Upon the accumulation of 10,100 hours TIS on the wing structure, or the next inspection interval required by superseded AD 77-05-01R3, or upon replacement of the forward spar lower cap, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined below in paragraph (c) using visual and dye penetrant methods as indicated.

(4) Upon accumulation of 10,000 hours TIS on the front spar lower cap, and at 10,000 hours TIS intervals thereafter, replace the structural components set forth on page 203, section 57-15-00 of the SIRM, and summarized below:

(i) Lower cap of the front spar with attachment fitting in each outer wing panel, and

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(b) For airplanes which have a spar reinforcing strap installed per STC SA1178CE, inspect and accomplish the following using the Beech SIRM and Aerocon California, Inc., Engineering Order No. E.O. B-9975-2, dated November 14, 1975. Strap tension is to be adjusted per Aerocon California Service Letter, dated May 25, 1978. If a crack or loose fastener is found during these inspections, prior to further flight repair or replace as specified in the applicable maintenance information.

(1) If the strap was installed before 1,000 hours TIS on the lower, forward spar cap, within the next 2,000 hours TIS, or the next inspection interval required by superseded AD 77-05-01R3, whichever occurs first, and thereafter at intervals not to exceed 2,000 hours TIS:

(i) Remove and inspect the STC SA1178CE strap per the applicable maintenance information.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(a) Areas defined by Index Nos. 1 through 7 on page 202, section 57-15-00 of the SIRM.

(b) Areas defined by paragraphs (c)(5) and (c)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension per the applicable maintenance information.

(2) If the strap was installed at or after 1,000 hours TIS on the lower, forward spar cap, within the next 1,000 hours TIS, or the next inspection interval required by superseded AD 77-05-01R3, whichever occurs first, and thereafter at intervals not to exceed 1,000 hours TIS:

(i) Remove and inspect the STC SA1178CE strap per the applicable maintenance information.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the SIRM.

(a) Areas defined by Index Nos. 1 through 7 on page 202, section 57-15-00 of the SIRM.

(b) Areas defined by paragraphs (c)(5) and (c)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension per the applicable maintenance information.

(3) Upon accumulation of 10,000 hours TIS on the wing structure, within 100 hours TIS and thereafter at intervals not to exceed 2,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on page 202, section 57-15-00 of the SIRM, using visual methods as specified in the SIRM.

(4) Upon the accumulation at 10,100 hours TIS on the wing structure, or the next inspection interval required by superseded AD 77-05-01R3, or upon replacement of the forward spar lower cap, whichever occurs first, and thereafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined below in paragraph (c), using visual

and dye penetrant methods as indicated, except compliance is not required with respect to paragraphs (c)(5), (c)(8), and that portion of paragraph (c)(12) which refers to the lower spar cap and hinge.

(5) Replace the structural components set forth on page 203, section 57-15-00 of the SIRM, and summarized below, upon accumulation of front spar lower cap total TIS determined as follows: subtract from 48,000 hours the front spar lower cap TIS (hours) at which the strap was installed.

Note 1: For example, if the spar cap had been in service 5,000 hours when the strap was installed, then the spar cap's allowable service life becomes 43,000 hours.

(i) Lower cap of the front spar, with attachment fitting, in each outer wing panel, and

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(c) The following defines the additional structural items to be inspected as directed by either paragraph (a)(3) or (b)(4), above.

(1) Inspect the lower fuselage skin at the attachment to the main spar for possible cracks and/or loose rivets.

(2) Inspect the lower LH and RH nacelle skins for cracks and/or loose rivets.

(3) Remove the aft fabric covers in the wheel wells and inspect for possible cracks in the center section skin under the top nacelle fairing. Check around the nacelle attach flange on the top side for possible loose rivets and/or cracks in the top skin.

(4) Inspect the structure and attaching fasteners of both keel beam assemblies at BL 68 inboard, BL 88 outboard, at the center section rear spar, nacelle station 160.50.

(5) Inspect for possible cracks and/or loose rivets in the LH and RH dimpled skin attach holes on the forward side of the main spar at four countersunk screws and at all rivets between the fuselage and the nacelles.

(6) Inspect for possible cracks and/or loose rivets along the top skin attachment to the aft spar.

(7) Inspect for possible loose fasteners in the lower aft spar cap and skin.

(8) Inspect for possible cracks and/or loose fasteners in the lower strap on the main spar at wing station 68.5.

(9) Inspect the lower stringers running forward and aft between the main spar and the aft spar for possible cracks and/or loose fasteners to the lower fuselage skin. This area is to be checked from the center aisle and through access panels inside of the airplane.

(10) Inspect for possible cracks and/or loose fasteners in frames and angle clips of the center wing/fuselage at fuselage stations 188, 197, and 207.

(11) Using dye penetrant procedures outlined in AC 43.13-1A, inspect the four upper forward wing to center section fittings and the eight aft wing to center section fittings for possible cracks. Do not remove the wing attach bolts unless cracks are indicated.

(12) Inspect the outer wing and lower spar cap and hinge for possible cracks, loose rivets, and/or wear of hinge.

(13) Lower the flaps and remove the lower aft access covers of the outer and center wing to inspect the aft spar and ribs for possible cracks near the inboard flaps.

(d) Airplane maintenance record entries must be made and notification in writing sent to the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209, stating the location and length of any cracks found during inspections required by this AD and also the total time-in-service of the component at the time the crack was discovered. Reports may be submitted by letter or through M or D or MRR procedures. (Reporting approved by the Office of Management and Budget under OMB No. 2120-0056).

Note 2: The eddy current inspections required by this AD should be performed by personnel who have received training and are qualified in the operation of eddy current equipment which has been calibrated using a specimen obtained from the airplane manufacturer which simulates cracking of the spar cap.

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

(f) An alternate method of compliance or adjustment of the initial or repetitive compliance times, which provides an equivalent level of safety, may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4400.

Note 3: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office, at the above address. All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Beech Aircraft Corporation, Commercial Service, Department 52, Wichita, Kansas 67201-0085, or Western Aircraft Maintenance, 4444 Aeronca Street, Boise, Idaho 83705, or may examine the documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment supersedes AD 77-05-01R3, Amendment 39-5794, which superseded AD 75-27-10, Amendment 39-2484.

Issued in Kansas City, Missouri, on August 21, 1989.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21813 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-159-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which currently requires that the FAA-approved maintenance inspection program include inspections which will give no less than the required damage tolerance rating (DTR) for each Structural Significant Item (SSI) listed in Boeing Supplemental Structural Inspection Document (SSID). As a result of a reassessment of the inspections required for certain SSIs, the Model 747 SSID has been revised by the aircraft's manufacturer to incorporate additional inspections. This proposal would require that operators of the candidate fleet of airplanes adjust their FAA-approved maintenance inspection programs to provide no less than the DTR's listed in the later revision of the SSID. Failure to detect cracks in an SSI would result in a loss of structural integrity.

DATES: Comments must be received no later than November 2, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-159-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Richard H. Yarges, Airframe Branch, ANM-120S; telephone (206) 431-1925. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

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

contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-159-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On October 9, 1984, the FAA issued AD 84-21-02, Amendment 39-4936 (49 FR 38890; November 13, 1984), to require incorporation of a revision to the FAA-approved maintenance program for certain Boeing Model 747 series airplanes. That AD requires that the Structural Significant Items (SSIs) listed in Boeing Supplemental Structure Inspection Document (SSID) D6-35022, Revision A, dated April 1984, be inspected on candidate airplanes so that at least a specified Damage Tolerance Rating (DTR) is maintained. The Boeing Document includes instructions on how DTR's are determined.

Since issuance of that AD, Boeing has reassessed the inspections required for certain SSIs and has revised the Model 747 SSID to include:

1. Additional inspections for the aft pressure bulkhead, to account for hidden structure;
2. Revised and more frequent inspections of the fuselage upper lobe lap splices to account for the possible existence of multiple site damage in the lap splices and the possible disbonded condition of bonded tearstraps;
3. An inspection at wing stringer 14, to account for hidden structure in that area; and
4. A revised list of candidate airplanes which removes two airplanes determined not to be affected by the AD. (One airplane was involved in an accident and was declared unrepairable. The other was determined not to have achieved 10,000 flights by June 30, 1983.)

The FAA has reviewed and approved Revision C to the Model 747 SSID, Boeing Document D6-35022, dated April 1989.

Since the failure of an SSI can lead to an unsafe condition, and since such conditions are likely to exist or develop on other Model 747 airplanes, the FAA has determined it is necessary that the maintenance programs of the airplanes in the candidate fleet be revised to include these more restrictive or more expanded inspections. Therefore, an AD is proposed which would revise AD 84-21-02 to require that the FAA-approved maintenance inspection programs for candidate airplanes be adjusted to provide no less than the DTR's listed in Revision C of the document previously described.

There are approximately 115 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 6 operators have 73 airplanes of U.S. registry that would be affected by this AD, that it would take approximately 50 manhours per airplane to accomplish the required actions, and 100 manhours per operator to update its maintenance program. Estimating the average labor cost to be \$40 per manhour, the cost to amend the maintenance program would be \$24,000 and the cost to accomplish the inspections would be \$146,000. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$170,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by amending AD 84-21-02, Amendment 39-4936 (49 FR 48890; November 13, 1984), to read as follows:

Boeing: Applies to Model 747 series airplanes, certificated in all categories, listed in section 3.0 of Boeing Document No. D6-35022, "Supplemental Structural Inspection Document" (SSID), Revision C, dated April 1989. Compliance is required as indicated in the body of the AD, unless previously accomplished.

To ensure the continuing structural integrity of the total Boeing Model 747 fleet, accomplish the following on the candidate fleet:

A. Within 3 months after the effective date of this amendment, incorporate a revision into the FAA-approved maintenance inspection program which provides no less than the required Damage Tolerance Rating (DTR) for each Structural Significant Item (SSI) listed in Boeing Document D6-35022, Revision C, dated April 1989. (The required DTR value for each SSI is listed in the document.) The revision to the maintenance program shall include and be implemented in accordance with the procedures in Sections 5.0 and 6.0 of the SSID.

B. Cracked structure must be repaired before further flight, in accordance with an FAA-approved method.

C. Aircraft may be ferried to a maintenance base for required repair, in accordance with FAR 21.197 and 21.199.

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

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

E. Operators who have acceptably incorporated Boeing Document D6-35022, Revision C, dated April 1989, into their approved maintenance program are exempt from the provisions of this AD.

Note: Acceptable incorporation is considered to include the reporting requirements of section 6.0 of the SSID.

The FAA will request Federal Register approval to incorporate by reference Boeing Supplemental Structure Inspection Document (SSID) Document D6-35022, Revision C, dated April 1989, identified and described in this proposed directive.

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

Issued in Seattle, Washington, on September 1, 1989.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-21815 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-157-AD]

Airworthiness Directives; British Aerospace Model BAe/DH/BH/HS 125-1A, -3A, -400A, and -600A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe/DH/BH/HS 125 series airplanes, which would require repetitive inspections for cracks in various components associated with the fuselage keel skin panels and local keel structures, and repair, if necessary. This proposal is prompted by reports of cracking in the forward keel skin panels due to undetected corrosion. This condition, if not corrected, could lead to reduced structural capability of the fuselage and subsequent decompression of the airplane.

DATES: Comments must be received no later than November 1, 1989.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 89-NM-157-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, PLC, Service Bulletin Librarian, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA,

Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 89-NM-157-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model BAe/DH/BH/HS 125 series airplanes. There have been two reports of cracking in the forward keel skin panels due to undetected severe corrosion. This condition, if not corrected, could lead to reduced structural capability of the fuselage and subsequent decompression of the airplane.

British Aerospace has issued Service Bulletin 51-4, dated May 31, 1989, which describes procedures for visual and X-ray inspections for cracks and corrosion of the internal and external surfaces of the fuselage keel skin panels and local keel structures between frame 7 and frame 13 and stringers 15 left and 15 right, and the center line keel skin lap joint and hydraulic duct attachment angles (left and right) between the nose wheel bay and frame 7. Repair instructions are also provided. The United Kingdom CAA has classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual and X-ray inspections of various components associated with the fuselage keel skin panels and local keel structures between frame 7 and frame 13 and stringers 15 left and 15 right, and center line keel skin lap joint and hydraulic duct attachment angles (left and right) between the nose wheel bay and frame 7, and repair, if necessary, in accordance with the service bulletin previously described.

It is estimated that 420 airplanes of U.S. registry would be affected by this AD, that it would take approximately 20 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$168,000.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation Safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1432; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

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

British Aerospace (BAe) PLC: Applies to Model BAe/BH/DH/HS 125-1A, -3A, -400A, and -600A series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure continued structural integrity, accomplish the following:

A. Perform a visual and X-ray inspection for corrosion and/or cracking of the keel skin and local structures between frame 7 and frame 13 and stringers 15 left and 15 right, and center line keel skin lap joint and hydraulic duct attachment angles (left and right) between the nose wheel bay and frame 7, in accordance with British Aerospace Service Bulletin 51-4, dated May 31, 1989, at the following intervals:

1. For airplanes on which visual inspections and X-ray inspections, detailed in the Airplane Maintenance schedules and N.D.T. Techniques, have been accomplished within the last two years prior to the effective date of this AD, and where no significant defects were found, perform this inspection within one year after the effective date of this AD, and thereafter at intervals not to exceed 4 years.
2. For all other airplanes, perform this inspection within 90 days after the effective date of this AD, and thereafter at intervals not to exceed 4 years.
- B. In areas where corrosion or cracking is found or suspected, prior to further flight, strip off paint and perform a dye penetrant inspection.
- C. Any cracks and/or corrosion found which are within the limits specified in the Structural Repair Manual, must be repaired prior to further flight, in accordance with Service Bulletin 51-4, dated May 31, 1989. Repetitive inspections must be performed

thereafter at intervals specified in paragraph A., above.

D. Any cracks and/or corrosion found which exceed the limits of the Structural Repair Manual, must be repaired prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region. Repetitive inspections must be performed thereafter at intervals specified in paragraph A., above.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment, and then send it to the Manager, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 31, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 89-21816 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-CE-19-AD]

Airworthiness Directives; British Aerospace (BAe) PLC, Jetstream Models HP 137 Mk 1, 200, 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain British Aerospace (BAe) PLC, Jetstream Models HP 137 Mk 1, 200, 3101 and 3201 airplanes, which would modify the flap and landing gear emergency selector

valve by replacing the nylon detent ball with a stainless steel ball. During a production test flight, a nylon detent ball valve would not operate satisfactorily which caused a failure of the emergency hydraulic system. The modification specified in this proposed AD will prevent such a failure of the emergency hydraulic system.

DATES: Comments must be received on or before November 14, 1989.

ADDRESSES: BAe Alert Service Bulletin (ASB) Jetstream 29-A-JA-881143, dated February 24, 1989, applicable to this AD may be obtained from British Aerospace (BAe) PLC, Manager, Product Support, Civil Aircraft Division, Prestwick Airport, Ayrshire, KA9 3RW, Scotland; Telephone (44-292) 79888; or British Aerospace Inc., Technical Librarian, P.O. Box 17414, Dulles International Airport, Washington DC 20041; Telephone (703) 435-9100. This information may also be examined at the Rules Docket, FAA Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Send comments on the proposal in triplicate to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-19-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT:

Mr. Wayne Gaulzetti, Aircraft Certification Office, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30; or Mr. John P. Dow Sr., Project Support Section—Foreign ACE-109, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-19-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

During a production test flight, the flaps and main landing gear emergency selector valve could not be operated satisfactorily on a BAe Jetstream series airplane. Subsequent investigation by the value manufacturer revealed that an internal nylon detent ball in the selector valve can become distorted after a few operations and stick in the detent housing bore. In the event of an electrical or mechanical malfunction in the normal flaps or main landing gear systems, failure of the emergency selector valve would result in the flight crew being unable to use the emergency hydraulic system. As a result, BAe has issued BAe ASB Jetstream 29-A-JA881143, dated February 24, 1989, which describes modification of the flaps and landing gear emergency selector valve. The Civil Aviation Authority (CAA), which has responsibility and authority to maintain the continuing airworthiness of these airplanes in United Kingdom (UK), has classified this ASB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under UK registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of CAA-UK combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this type design certificated for operation in the United States. The FAA has examined the available information related to the issuance of BAe ASB Jetstream 29-A-JA881143, dated February 24, 1989, and the mandatory classification of this ASB

by the CAA-UK. Based on the foregoing, the FAA believes that the condition addressed by BAe ASB Jetstream 29-A-JA881143, dated February 24, 1989, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require modification of selector valve part No. 8679B or AIR87360-0 by replacing the nylon detent ball with a stainless steel ball on BAe Jetstream Models HP137 Mk 1, 200, 3101 and 3201 airplanes in accordance with the information presented in BAe ASB Jetstream 29-A-JA881143, dated February 24, 1989.

The FAA has determined there are approximately 150 airplanes affected by the proposed AD. The cost of modifying the airplanes as described by ASB Jetstream 29-A-JA881143, dated February 24, 1989, is estimated to be \$180 per airplane for the modification. The total cost to modify the fleet is estimated to be \$27,000. The cost of compliance with the proposed AD is so small that the expense of compliance will not have a significant impact on any small entities operating these airplanes. The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration

proposes to amend § 39.13 of 14 CFR part 39 of the FAR as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

British Aerospace (BAe) PLC: Applies to Jetstream Model HP 137 Mk 1, 200, 3101 (all serial numbers), and 3201 (serial numbers 796, 795, 800, 805, 810, 814, 818, 819, 821, 823, 824, 828, 831, and 832) airplanes certificated in any category.

Compliance: Required within the next 600 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To insure proper operation of the emergency gear and flap extension system, accomplish the following:

(a) Modify the emergency gear and flap extension hydraulic system selector valve as described in BAe Alert Service Bulletin Jetstream 29-A-JA881143, dated February 24, 1989.

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

(c) An alternate method of compliance or adjustment of the compliance time, which provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Brussels Aircraft Certification Office, at the above address.

All persons affected by this directive may obtain copies of the document referred to herein upon request to British Aerospace Inc., Technical Librarian, P.O. Box 17414, Dulles International Airport, Washington DC 20041; Telephone (703) 435-9100; or British Aerospace PLC, Aircraft Group, Scottish Division, Prestwick Airport, Ayrshire KA9 2RW U.K. (44-292) 79888; or may examine this document at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 25, 1989.

Barry D. Clements,

Manager, Small Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 89-21814 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 89-ASW-08]****Proposed Establishment of Control Zone; Norman, OK****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Correction to notice of proposed rulemaking; extension of comment period.

SUMMARY: The original notice, which was published in the *Federal Register* on June 13, 1989, proposed to establish a part-time control zone at Norman, OK. The proposed action was necessary because the University of Oklahoma (OU) Westheimer Airpark met the criteria for the establishment of a control zone by the fact that there is a part-time, nonfederal airport traffic control tower (AICT) at the OU Westheimer Airpark, and a new automated weather observation system (AWOS) III was commissioned on June 30, 1989. The intended effect of the proposal was to provide adequate controlled airspace for aircraft executing the standard instrument approach procedures (SIAP) now serving the OU Westheimer Airpark. However, in the original airspace docket, the Thomas International Airport (private) was excluded from this proposed control zone. Further investigation has revealed that the Thomas International Airport is seldom, if ever, used; therefore, it should be included in the proposed control zone. The comment period for this airspace docket is also being extended.

DATES: Comments must be received on or before October 25, 1989.**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 89-ASW-08, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-ASW-08." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for the Southwest Region, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this correction to a notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

Federal Register Document 89-13925 was published on June 13, 1989. In that airspace docket, the FAA was considering an amendment to § 71.171 of the Federal Aviation Regulations (14 CFR part 71) to establish a part-time control zone at Norman, OK. This action was necessary because the OU Westheimer Airpark meets the criteria for the establishment of a control zone, since the airpark is served by a part-time nonfederal ATCT and an AWOS III, which was commissioned on June 30,

1989. Designation of a control zone would allow the OU Westheimer Airpark to be used as an alternate airport under instrument flight rules (IFR). The original airspace docket excluded the Thomas International Airport (private) from this proposed part-time control zone. However, further investigation has revealed that the Thomas International Airport is seldom, if ever, used. Therefore, the Thomas International Airport should be included in the proposed control zone. The intended effect of the proposal is to provide adequate controlled airspace for aircraft executing any of the SIAP's now serving the OU Westheimer Airpark. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

Advisory Circular (AC) 150/5220-16, AWOS for Non-Federal Applications, states that AWOS meets the criteria for non-federal application set forth in the circular and is approved by the National Weather Service as an official source of aviation weather reports. FAA Order 8000.69, paragraph 6d, dated March 23, 1989, states in part that non-Federal AWOS-III's installed, maintained, and operated in accordance with the standards and specifications contained in AC 150/5220-16 are approved for FAR parts 121 and 135 flight operations, without restrictions. Additionally, FAA Order 8000.69, paragraph 7d, states in part that AWOS-III's established under the guideline set forth in AC 150/5220-16 are considered the sole official source of weather observations for those airports.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control Zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to

amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Norman, OK [New]

Within a 5-mile radius of the University of Oklahoma Westheimer Airport (latitude 35°14'30" N., longitude 97°28'00" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Fort Worth, TX, on August 21, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-21819 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AD79

On-Job Training and Work Experience in State and Local Agencies

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulatory amendment.

SUMMARY: Participation in the program of on-job training and work experience at no or nominal pay has been extended to State and local government agencies which receive Federal financial assistance. Previously, only Federal agencies could be used to provide on-job training or work experience at no or nominal pay. The law also directs the Department of Veterans Affairs (VA) to develop regulations governing the conduct of this program by State and local government agencies. The intended effect of this change is to broaden opportunities for disabled veterans to acquire the training and work experience which will help them secure and maintain suitable employment.

DATES: Comments must be received on or before October 16, 1989. All comments received will be available for public inspection until October 25, 1989. It is proposed that this change be made effective 30 days after final publication in the Federal Register.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding these regulations to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Service Unit, room 132, at the above address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 25, 1989.

FOR FURTHER INFORMATION CONTACT: Morris Triestman, Rehabilitation Consultant, Vocational Rehabilitation and Education Service, Veterans Benefits Administration, (202) 233-6496.

SUPPLEMENTARY INFORMATION: The Veterans' Benefits and Programs Improvement Act of 1988 (Pub. L. 100-689) extends the program of on-job training and work experience at no or nominal pay to State and local agencies. Previously only Federal agencies could be used to provide on-job training and work experience for disabled veterans on a no or nominal pay basis. Under the vocational rehabilitation program VA may, in cooperation with the veteran and the employer, establish an individual on-job training program or a program in which the veteran's school training is supplemented by work experience at a Federal agency. The veteran is not considered an employee of the Federal agency, but qualifies for a non-competitive appointment if he or she performs satisfactorily during the on-job training program. The proposed rules implementing the extension of this program to State and local government agencies are intended to assure that veterans are provided the training needed for employment in their chosen field and have the same opportunity for suitable employment as other participants in the vocational rehabilitation program. The proposed regulations also contain rules for developing and monitoring programs conducted at State and local government agencies to assure that the training or work experience authorized is in the best interest of the veteran and the Government.

The Secretary of Veterans Affairs hereby certifies that this proposed regulatory amendment will not have a significant economic impact on a substantial number of small entities as

they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Therefore, pursuant to 5 U.S.C. 605(b), this proposed regulation is exempt from the initial and final regulatory flexibility analysis required by sections 603 and 604. The reason for this certification is that this regulation imposes no regulatory burdens on small entities, and only claimants for VA benefits or recipients of such benefits will be directly affected.

VA has determined that this regulatory amendment does not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulation. The proposal will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or process, and will not have any other significant adverse effects on the economy.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: August 16, 1989.

Edward J. Derwinski,
Secretary.

PART 21—[AMENDED]

38 CFR part 21, Vocational Rehabilitation and Education, is proposed to be amended by revising § 21.299 to read as follows:

§ 21.299 Use of Government facilities for on-job training or work experience at no or nominal pay.

(a) *Types of facilities which may be used to provide training.* Notwithstanding any other provision of regulations governing chapter 31, the facilities of any agency of the United States or of any State or local government receiving Federal financial assistance may be used to provide training or work experience at no or nominal pay as all or part of the veteran's program of vocational training under §§ 21.123, 21.294, and 21.296 of this part. The counseling psychologist and case manager must determine that the training or work experience is necessary to accomplish vocational rehabilitation and providing such training or work experience is in the best interest of the veteran and the Federal government.

(Authority: 38 U.S.C. 1515, Pub. L. 100-689)

(b) *Employment status of veterans.* (1) While pursuing on-job training or work experience in a facility of the United States, a veteran:

(i) Shall be deemed to be an employee of the United States for the purposes of benefits under Chapter 81, Title 5, United States Code; but

(ii) Shall not be deemed an employee of the United States for the purpose of laws administered by the Office of Personnel Management.

(2) While pursuing on-job training or work experience in a State or local government agency the veteran shall have the employment status and rights comparable to those provided in paragraph (b)(1) of this section for a veteran pursuing on-job training or work experience at a Federal agency.

(Authority: 38 U.S.C. 1515, Pub. L. 100-689)

(c) *Terms applicable to training in State and local government.* (1) The term "State" means each of the several States, Territories, any possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Authority: 38 U.S.C. 101(20))

(2) The term "local government agency" means an administrative subdivision of a government including a county, municipality, city, town, township, public authority, district, school district, or other such agency or instrumentality of a local government.

(3) The term "Federal financial assistance" means the direct or indirect provision of funds by grant, loan, contract, or any other arrangement by the Federal government to a State or local government agency.

(d) *Additional considerations in providing on-job training and work experience in State and local government agencies.* (1) The veteran's progress and adjustment in a rehabilitation program conducted wholly or in part at a State or local government agency shall be closely monitored by VR&C staff members to assure that:

(i) Training and rehabilitation services are provided in accordance with the veteran's rehabilitation plan. The plan shall provide for:

(A) Close supervision of the veteran's progress and adjustment by the case manager during the period he or she is at the State or local government agency; and

(B) The employer's periodic certification (not less than once every three months) that the veteran's progress and adjustment are in accordance with the program which has

been jointly developed by VA, the veteran and the employer; and

(ii) The veteran achieves his or her employment goal.

(2) Training may not be provided for a position which involves religious or political activities;

(3) The veteran's training:

(i) Will not result in the displacement of currently employed workers; and

(ii) Will not be in a job while another person is laid off from a substantially equivalent job, or will not be in a job the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its workforce with the intention of using the opening for a Chapter 31 trainee.

(Authority: Pub. L. 100-689)

[FR Doc. 89-21763 Filed 9-14-89; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Nonmailability of Certain Plants, Plant Products, and Related Articles

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to amend its regulations to implement provisions of a recent addition to the law, 39 U.S.C. 3014. That law declares that plants, plant products, and related articles whose movement by common carrier is prohibited by U.S. Department of Agriculture quarantines are nonmailable from the respective quarantined areas, unless their movement is allowed under conditions in the notice of quarantine or other Department of Agriculture regulations. The law also provides that notices of such quarantines must be displayed prominently at post offices in the respective quarantined areas. Another new law, 18 U.S.C. 1716B, provides criminal penalties for knowingly mailing anything which is nonmailable under the regulations implementing 39 U.S.C. 3014.

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

ADDRESSES: Send written comments on the proposal to the Director, Office of Classification and Rates Administration, Rates and Classification Department, Room 8430, 475 L'Enfant Plaza West SW., Washington, DC 20260-5360. Copies of all written comments received will be available for inspection and photocopying between 9:00 a.m. and 4:00

p.m. each business day, in room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. F.E. Gardner, (202) 268-5178.

SUPPLEMENTARY INFORMATION: Section 8 of the Plant Quarantine Act, 7 U.S.C. 161, authorizes the U.S. Department of Agriculture (USDA) to quarantine all or part of any State, Territory, or District of the United States, when necessary to prevent the spread of a dangerous plant disease or insect infestation. It also makes it unlawful to move, or allow to be moved, by common carrier or otherwise, any plant, plant product, or other article capable of carrying such disease or infestation, from any such quarantined area into or through any other State, Territory, or District, except as may be prescribed by the USDA in regulations governing the inspection, disinfection, certification, and method and manner of shipment of such plants, plant products, and other articles.

Public Law 100-574, approved October 31, 1988, amends chapter 30 of title 39 by adding new section 3014. Under new section 3014, whenever the USDA establishes a quarantine pursuant to 7 U.S.C. 161, the USDA must give written notice of it to the Postal Service. The Postal Service must assure that copies of each such notice received from the USDA are distributed to post offices within the quarantined area, and displayed there prominently for the information of postal customers. Any plant, plant product, or other article capable of carrying a dangerous plant disease or insect infestation, movement of which by common carrier is prohibited by a quarantine, is nonmailable from the quarantined area, pursuant to 39 U.S.C. 3014(b). However, 39 U.S.C. 3014(c) directs the Postal Service, after consultation with the Department of Agriculture, to prescribe regulations making this nonmailability provision inapplicable to any such plant, plant product, or other article, if its movement by common carrier is allowed under conditions prescribed in the notice of quarantine or in other USDA regulations, issued pursuant to 7 U.S.C. 161, governing its inspection, disinfection, and certification, and other conditions for its movement, and if its movement by mail complies with all such conditions.

Public Law 100-574 also amends title 18 of the United States Code by adding new section 1716B. Under this section, anyone who knowingly mails, or causes to be delivered by mail, anything nonmailable pursuant to 39 U.S.C. 3014(b) and the regulations

implementing 39 U.S.C. 3014(c), is subject to penalties of fine and imprisonment.

Public Law 100-574 provides that the amendments it makes become effective on the earlier of the 366th day after enactment, or the date on which notice of the Postal Service's adopting implementing regulations is published in the *Federal Register*.

Accordingly, the Postal Service proposes to amend Part 124 of its Domestic Mail Manual to provide the requisite implementing regulations. More detailed regulations in the Postal Service's Publication 14, currently titled "Plant Quarantines," will be retitled "Plant Mailings," and the text will be revised to reflect these implementing regulations, include related information, and make editorial changes. Those who wish to obtain a copy of the new Publication 14 may do so by calling or writing to Mr. F.E. Gardner at the phone number and address given above.

As required by the statute, the Postal Service has consulted with representatives of the Department of Agriculture in preparing these regulations, and welcomes further comments from that Department and from interested State authorities on the proposed rules, as well as comments from the general public.

Although exempt by 39 U.S.C. 410(a) from the provisions of the Administrative Procedure Act regarding proposed rulemaking, 5 U.S.C. 553 (b), (c), the Postal Service invites public comment on the following proposed revision of part 124 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Revise 124.66 to read as follows:

PART 124—NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES.

* * * * *

124.66 Plant Mailings (39 U.S.C. 3014; 18 U.S.C. 1716B).

.661 General. In general, plants and plant products are mailable within the United States and its Territories and Possessions. However, to prevent the

spread of plant pests, diseases, and insect infestations, the movement of plants, plant pests, plant products, and other related matter, through the mail and otherwise, is subject to certain restrictions and prohibitions of the U.S. Department of Agriculture (USDA).

.662 Mailing Restrictions. As provided by 39 U.S.C. 3014(b), any plant, plant product, or other article capable of carrying a dangerous plant disease or insect infestation is nonmailable from a quarantined area, if the movement of any such item by common carrier is prohibited by a USDA quarantine that has been established pursuant to 7 U.S.C. 161.

.663 Exceptions. Any such plant, plant product or other article is mailable from a quarantined area if (1) its movement by common carrier is allowed under conditions prescribed in the notice of quarantine or in other USDA regulations, issued under 7 U.S.C. 161, governing its inspection, disinfection, certification and other conditions for its movement and (2) if its movement by mail complies with all such conditions.

.664 Penalties. 18 U.S.C. 1716B provides criminal penalties for mailing anything nonmailable under 39 U.S.C. 3014(b), unless the item is excepted under postal regulations.

.665 USPS Regulations. Publication 14, "Plant Mailings," describes pertinent portions of these restrictions and prohibitions, and prescribes procedures for their application consistent with the mail security regulations in DMM 115. It also prescribes packaging requirements for plants allowed in the mail.

.666 USDA Notices and Regulations. USDA quarantine notices, issued under 7 U.S.C. 161, are prominently displayed at post offices within the respective quarantined areas. They are also published in the *Federal Register* and codified in 7 CFR (see, e.g., 7 CFR parts 301 and 318). Detailed information concerning them, as well as other USDA regulations, may be obtained by writing to:

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Programs, Hyattsville, MD 20782-2011.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 89-21854 Filed 9-14-89; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Extension of Comment Period on Proposed Threatened Status for the Northern Spotted Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the proposal to list the northern spotted owl (*Strix occidentalis caurina*) as a threatened species is extended. The extension of the comment period will allow comments on this proposal to be submitted from all interested parties.

DATES: The comment period on this proposal is extended to December 20, 1989. Comments received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Written comments and materials concerning this proposal should be sent to the Spotted Owl Listing Coordinator, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Kathleen E. Franzreb, Spotted Owl Listing Coordinator, U.S. Fish and Wildlife Service, at the above address (916/978-4866 or FTS 460-4866).

SUPPLEMENTARY INFORMATION:

Background

The northern spotted owl (*Strix occidentalis caurina*) is found from southwestern British Columbia through western Washington, western Oregon, and the coast range areas of northwestern California south to San Francisco Bay. A proposal of threatened status for the northern spotted owl was published in the *Federal Register* (54 FR 26666) on June 23, 1989.

The comment period on the proposal originally closed on September 21, 1989. Numerous requests to extend the comment period have been received by the Service to provide sufficient time to permit analysis and submission of data on spotted owl investigations that were undertaken the spring and summer of 1989. To accommodate submission of these additional data as well as other

information on the status of the northern spotted owl, the Service is extending the comment period on the proposal for 90 days. The comment period now closes on December 20, 1989. Written comments may be submitted until that time at the Service office in the ADDRESSES section.

Author

This notice was prepared by Dr. Kathleen E. Franzreb, Spotted Owl Listing Proposal Coordinator, U.S. Fish

and Wildlife Service, 2800 Cottage Way, Room E-1823, Sacramento, California 95825.

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411; Pub. L. 99-625, 100 Stat. 3500; Pub. L. 100-478, 102

Stat. 2306; Pub. L. 100-653, 102 Stat. 3825.); unless otherwise noted.

List of Subjects in 50 CFR Part 17

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

Dated: September 7, 1989.

Marvin L. Plenert,

Regional Director, Region 1.

[FR Doc. 89-21850 Filed 9-14-89; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 54, No. 178

Friday, September 15, 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

Office of the Secretary

[Docket No. 89-156]

Boll Weevil; Declaration of Emergency

The boll weevil is currently one of the most important agricultural pests in the United States, responsible for millions of dollars in annual losses and control costs for cotton.

Since 1983 the total investment in the Southeastern Boll Weevil Eradication Program by the Federal government, States, and growers has exceeded \$81 million. As a result of the program, the boll weevil has been eradicated from Virginia, North Carolina, and 95 percent of South Carolina, and significant strides toward eradication have been made in Alabama, Georgia, and Florida.

Cotton is essential to the economies of the cotton-growing States and to the people employed in cotton-related industries in those States. An adequately funded program leading to eradication will result in a decline in insecticide applications on cotton, thereby decreasing grower insect control costs and improving environmental quality. Eradication of the boll weevil should also result in increased cotton yields on current acreage, as well as expanded cotton acreage and a rise in the value of land not previously planted in cotton. Successful completion of the program will provide benefits to all cotton-related industries in the region, including ginning, and the production of cottonseed oil, animal feed from cottonseed byproducts, and textiles.

The current program operates through a cooperative agreement between the Department and the Southeastern Boll Weevil Eradication Foundation, which finances its share of the costs of the program from assessments on cotton producers based on cotton acreage.

Since its expansion in 1987, the program has experienced lower revenues and higher costs than anticipated. Revenues from producers have fallen short of expectations. There has been a decrease in cotton acreage. Further, climatic conditions, including unusually mild winters and heavy rainfall, aggravated the pest situation; the program was unable to treat all the acreage that needed treatment and a great many boll weevils were able to survive the mild winter. Continuing efforts to eliminate the boll weevil population within the eradication area and prevent economic damage to the cotton crop have resulted in substantially increased program control costs.

Although funding adjustments have been made, the current funding structure is not adequate to successfully carry out the current program. Without additional funding, the program will not be effective in eradicating boll weevils and there will be significant increases in weevil numbers in the eradication area, with subsequent crop damage, and increased private pesticide use, resulting in an adverse impact on the environment. Within 2 to 3 years, areas in which the boll weevil has been eradicated would be reinfested.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the cotton industry of this country and I authorize the transfer and use of such sums as I may deem necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to detect and identify boll weevil infested areas, to control and prevent the dissemination of the boll weevil to noninfested areas in the United States, and to eradicate the boll weevil in program areas in Alabama, Florida, Georgia, and South Carolina.

EFFECTIVE DATE: This declaration of emergency shall become effective September 8, 1989.

Jack C. Parnell,

Acting Secretary of Agriculture.

[FR Doc. 89-21843 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-34-M

Modification of 1989 Sugar Import Quota Period and Quota Amount

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice changes the current import period, for imports of sugars, syrups, and molasses described in Additional U.S. Note 3 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), from the period January 1, 1989 through December 31, 1989 to the period January 1, 1989 through September 30, 1990, and increases the total amount of such sugars, syrups, and molasses permitted to be imported during the current quota period from 1,061,279 metric tons, raw value to 1,955,932 metric tons, raw value. These actions are appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade (GATT).

EFFECTIVE DATE: September 13, 1989.

FOR FURTHER INFORMATION CONTACT: John Nuttall, Foreign Agricultural Service, Department of Agriculture, Washington, DC. 20250, Telephone: (202) 447-2916.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation No. 4941, issued May 5, 1982, amended Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) in part to authorize the Secretary of Agriculture to establish the total amount of sugar that may be imported during any quota period and to amend the quota period for sugar imported into the United States. On December 15, 1988, the Secretary of Agriculture established the current quota period of January 1, 1989 through December 31, 1989 and a quota level of 1,061,279 metric tons, raw value. (53 FR 51127) Effective January 1, 1989, Headnote 3 was repealed, and Additional U.S. Note 3 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS) was enacted in its place. Paragraph (d) of Additional U.S. Note 3 authorizes the Secretary of Agriculture to "amend quantitative limitations (including the time period for which such limitations are applicable)

which have previously been established * * *."

On June 22, 1989, the GATT Council adopted the report of the panel which examined U.S. restrictions on imports of sugar and which concluded that the quotas maintained under Additional U.S. Note 3 to Chapter 17 are inconsistent with the General Agreement. The Council requested the United States to either terminate the restrictions or bring them into conformity with the General Agreement.

Following the Council's action, the U.S. Department of Agriculture established a Taskforce to develop options for implementing U.S. law with respect to imports of sugar in a manner consistent with our GATT obligations. The Taskforce and other appropriate Government agencies are now formulating and evaluating these options.

In the interim and since no clear alternative has yet been decided upon, modification of the quota amount and the quota period give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the GATT.

Notice

Notice is hereby given that I have determined, in accordance with Additional U.S. Note 3 to Chapter 17 of the HTS (Note 3), that the total amount of sugars, syrups, and molasses described in subheadings 1701.11, 1701.12, 1701.91.20, 1701.99, 1702.90.30, 1702.90.40, 1806.10.40, and 2106.90.10 of the HTS which may be entered or withdrawn from warehouse for consumption during the current sugar import quota period is increased to 1,955,932 metric tons, raw value, and the current sugar import quota period is changed from the period January 1, 1989 through December 31, 1989 to the period January 1, 1989 through September 30, 1990. Of the 1,955,932 metric tons, raw value, 1,815 metric tons, raw value, are reserved for specialty sugars from countries listed in paragraph (c)(ii) of Note 3; 1,860,000 metric tons, raw value are reserved as the total base quota amount for purposes of paragraph (c)(i) of Note 3; and 94,117 metric tons, raw value are reserved as a quota adjustment amount to be allocated by the United States Trade Representative.

I have also determined that this modification of the quota amount and the quota period give due consideration to the interests in the United States sugar market of domestic producers and

materially affected contracting parties to the General Agreement on Tariffs and Trade.

Signed at Washington, DC on September 12, 1989.

Clayton Yeutter,

Secretary of Agriculture.

[FR Doc. 89-21760 Filed 9-12-89; 10:07 am]

BILLING CODE 3410-10-M

Federal Grain Inspection Service

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: October 12, 1989.

Place: Capitol Holiday Inn, 550 C Street, SW., Washington, DC 20024.

Time: 8:30 a.m.

Purpose: A subcommittee to review and prepare recommendations to the Federal Grain Inspection Service Advisory Committee on how dockage, foreign material, and broken grain should be included in the Official United States Standards for Grain.

The agenda includes a review of how dockage, foreign material, and broken grain are included in the existing standards; the applicable studies which have recently been concluded and those ongoing; and comments from the public.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Subcommittee Chairman. Persons, other than members, who wish to address the Subcommittee at the meeting or submit written statements before, at, or after the meeting should contact Erwin R. Duerksen, Subcommittee Chairman, 401 East Main Street, Corn, Oklahoma 73024, telephone (405) 343-2588.

Dated: September 11, 1989.

D. R. Gallart,

Acting Administrator.

[FR Doc. 89-21824 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-EN-M

Food and Nutrition Service

National Advisory Council on Commodity Distribution; Meeting

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Council on Commodity Distribution is scheduled for October 18 and 19, 1989. The council, established by the Commodity Distribution Reform Act and WIC Amendments of 1987, meets biannually to assist the Secretary of Agriculture in the development of commodity specifications.

DATES: The meeting will take place on Wednesday and Thursday, October 18 and 19 from 8:30 a.m. to 5:00 p.m.

ADDRESS: The meeting will be held at the Radisson Mark Plaza Hotel in Mark Center, 1-395 and Seminary Road West, Alexandria, Virginia 22311.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly King, Deputy Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 756-3682.

SUPPLEMENTARY INFORMATION: This is the third meeting of the National Advisory Council on Commodity Distribution, as established by section 3(a)(3) of Public Law 100-237. The purpose of the council is to provide guidance to the Secretary of Agriculture on regulations and policy development with respect to specifications for commodities. If time permits, the general public will be allowed to participate in the discussions. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Ms. Alberta C. Frost, Executive Secretary, National Advisory Council on Commodity Distribution, USDA, Food and Nutrition Service, 3101 Park Center Drive, Room 502, Alexandria, Virginia 22302. Comments may be filed with Alberta C. Frost before or after the meeting.

Dated: September 1, 1989.

G. Scott Dunn,

Acting Administrator.

[FR Doc. 89-21664 Filed 9-14-89; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF COMMERCE

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

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

Agency: National Oceanic and Atmospheric Administration

Title: Processed Fishery Products Family of Forms

Form Number: NOAA Forms 88-13, 88-13C

Type of Request: Request for extension of OMB approval of a currently approved collection

Burden: 4,100 respondents; 549 reporting hours; average hours per response—.129 hours

Needs and Uses: Fish and shellfish dealers and firms that wholesale seafood products are asked to provide information on their products. The information is used for fishery management purposes, and is also distributed for industry use.

Affected Public: Businesses or other for-profit, small businesses or organizations

Frequency: Annually, monthly

Respondent's Obligation: Voluntary

OMB Desk Officer: Russell Scarato, 395-7340

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

Dated: September 11, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-21768 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-CN-M

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

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

Agency: National Oceanic and Atmospheric Administration

Title: Marine Mammal Takings by State/Local Governments (Stranding Reports)

Form Number: None

Type of Request: Request for extension of OMB approval of a currently approved collection

Burden: 800 respondents; 1,333 reporting hours; average hours per response—.33 hours

Needs and Uses: Volunteer state and local agencies, individuals, and organizations can join a cooperative network to report on marine mammal

strandings. Authorized members record the events and submit the information to a regional coordinator. The information is used for scientific research. State and local governments that take marine mammals in order to protect the public health or welfare must submit reports on the taking and its circumstances.

Affected Public: Individuals or households, State or local governments, Non-profit institutions

Frequency: On occasion.

Respondent's Obligation: Mandatory
OMB Desk Officer: Russell Scarato, 395-7340

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

Dated: September 11, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-21769 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Fiber Optics Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Fiber Optics Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held October 10, 1989, 1:00 p.m., at the Herbert C. Hoover Building, Room 3708, 14th Street & Constitution Avenue, NW., Washington, DC. The Fiber Optics Subcommittee was formed to study fiber optic communications equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

General Session

1. Opening remarks by the Chairman
2. Presentation of papers or comments by the public
3. Election of Chairman
4. Future meeting dates

Executive Session

5. Discussion of matters properly classified under Executive Order

12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Dated: September 11, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89-21770 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DT-M

Radio Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Radio Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held October 10, 1989, 1:00 p.m., Herbert C. Hoover Building, Room 1092, 14th Street & Constitution Ave., NW., Washington, DC. The Radio

Subcommittee was formed to study radio equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Dated: September 11, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit,
Office of Technology & Policy Analysis.

[FR Doc. 89-21771 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DT-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held October 10, 1989, 1:00 p.m., Herbert C. Hoover Building, Room 1617F, 14th Street & Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Election of Chairman.
4. Future meeting dates.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, 4069A, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified material listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Dated: September 11, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit,
Office of Technology & Policy Analysis.

[FR Doc. 89-21772 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held October 10, 1989, 9:30 a.m., Room 1617-F, at the Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda

Open Session

1. Opening Remarks by the Chairman
2. Presentation of Papers or Comments by the Public
3. Old business: China Core List
4. Review of Regulations: Annual review of the list pursuant to Sections 5(c)(3) and 5(c)(4) of the Act:
 - i. ECCN 1353A (Equipment specially designed for the manufacture of cable & optical fibers controlled by ECCN 1526A)
 - ii. ECCN 1359A (Specially designed tooling & fixtures for the manufacture of fiber-optic connectors & couplers controlled by ECCN 1526(f))
 - iii. ECCN 1518A (Telemetry & telecontrol equipment suitable for use with aircraft or space vehicles and test equipment specially designed for such equipment)
 - iv. ECCN 1526A (Cable & optical fibers, and components & accessories)
 - v. ECCN 1567A (Stored program controlled communication switching equipment or systems)
 - vi. ECCN 1767A (Preforms of glass or of any other material specially designed for the fabrication of optical fibers covered by ECCN 1526A (c) & (d))
5. Election of Chairman.
6. Future meeting dates.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate

distribution of public presentation materials to Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Ave. NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 8628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377-2583.

Dated: September 11, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit,
Office of Technology & Policy Analysis.

[FR Doc. 89-21773 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[C-351-029]

Certain Castor Oil Products From Brazil; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On July 3, 1989, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain castor oil products from Brazil. We have now completed that review and determine the net subsidy for the period January 1, 1987 through December 31, 1987 to be 0.27 percent *ad*

valorem. We consider any rate less than 0.50 percent to be *de minimis*.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Jean Carroll Kemp or Ilene Hersher, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 1989, the Department of Commerce ("the Department") published in the Federal Register (54 FR 27921) the preliminary results of its administrative review of the countervailing duty order on certain castor oil products from Brazil (41 FR 8634; March 16, 1976). The Department has now completed that administrative review in accordance with section 751(a) of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Brazilian hydrogenated castor oil and 12-hydroxystearic acid. During the review period, such merchandise was classifiable under items 178.2000, 490.2650, and 490.2670 of the Tariff Schedules of the United States Annotated. Such merchandise is currently classifiable under item numbers 1516.10.00, 1516.20.90, 1517.90.40, 1519.11.00, 1519.12.00, 1519.19.40, 2915.70.00, and 2916.19.30 of the Harmonized Tariff Schedule. The written description remains dispositive of the scope.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

As a result of our review, we determine the net subsidy to be 0.27 percent *ad valorem* for the period January 1, 1987 through December 31, 1987. The Department considers any rate less than 0.50 percent to be *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all entries of this merchandise exported on or after January 1, 1987 and on or before December 31, 1987.

Further, the Department will instruct the Customs to waive deposits of estimated countervailing duties on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until

publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the Federal Register on December 27, 1988 (53 FR 52354) (to be codified at 19 CFR 355.22).

Dated: September 6, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-21861 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DS-M

[C-333-401]

Cotton Shop Towels from Peru; Intent To Terminate Suspended Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of intent to terminate suspended investigation.

SUMMARY: The Department of Commerce is notifying the public of its intent to terminate the suspended countervailing duty investigation on cotton shop towels from Peru. Interested parties who object to this termination must submit their comments in writing not later than September 30, 1989.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Megan Pilaroscia or Linda Ludwig, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1984, the Department of Commerce ("the Department") published an agreement suspending the countervailing duty investigation on cotton shop towels from Peru (49 FR 35835). The Department has not received a request to conduct an administrative review of the agreement suspending the countervailing duty investigation on cotton shop towels from Peru for four consecutive annual anniversary months. This is the fifth anniversary.

The Department may terminate a suspended investigation if the Secretary of Commerce concludes that a suspension agreement is no longer of interest to interested parties. Accordingly, as required by § 355.25(d)(4) of the Commerce Department's regulations published in the Federal Register of December 27,

1988 (53 FR 52358) (to be codified at 19 CFR 355.25), the Department is notifying the public of its intent to terminate this suspended investigation.

Opportunity to Object

Not later than September 30, 1989, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to terminate this suspended investigation.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-009, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to terminate by September 30, 1989, we shall conclude that the suspended investigation is no longer of interest to interested parties and shall proceed with the termination.

This notice is in accordance with § 355.25(d) of the Department's regulations.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-21862 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DS-M

[C-357-004]

Wire Rod from Argentina; Intent to Terminate Suspended Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of intent to terminate suspended investigation.

SUMMARY: The Department of Commerce is notifying the public of its intent to terminate the suspended countervailing duty investigation on wire rod from Argentina. Interested parties who object to this termination must submit their comments in writing not later than September 30, 1989.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Linda Pasden, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1982, the Department of Commerce ("the Department") published an agreement suspending the countervailing duty investigation on wire rod from

Argentina (47 FR 42393). The Department has not received a request to conduct an administrative review of the agreement suspending the countervailing duty investigation on wire rod from Argentina for four consecutive annual anniversary months. This is the fifth anniversary.

The Department may terminate a suspended investigation if the Secretary of Commerce concludes that a suspension agreement is no longer of interest to interested parties. Accordingly, as required by § 355.25(d)(4) of the Commerce Department's regulations published in the Federal Register of December 27, 1988 (53 FR 52358) (to be codified at 19 CFR 355.25), the Department is notifying the public of its intent to terminate this suspended investigation.

Opportunity to Object

Not later than September 30, 1989, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to terminate this suspended investigation.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-009, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to terminate by September 30, 1989, we shall conclude that the suspended investigation is no longer of interest to interested parties and shall proceed with the termination.

This notice is in accordance with § 355.25(d) of the Department's regulations.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-21863 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-804]

Antidumping Duty Order; New Steel Rail, Except Light Rail, From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: In its investigation, the U.S. Department of Commerce determined that new steel rail, except light rail, from Canada was being sold at less than fair value. In a separate investigation, the U.S. International Trade Commission (ITC) determined that a U.S. industry is threatened with material injury by

reason of imports of new steel rail, except light rail, from Canada. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(b)(4)(B)), that but for the suspension of liquidation of entries of new steel rail, except light rail, from Canada the domestic industry would have been materially injured.

When the ITC finds threat of material injury, and makes a negative "but for" finding, the "Special Rule" provision of section 736(b)(2) of the Act (19 U.S.C. 1673e(b)(2)) applies. Therefore, all unliquidated entries of new steel rail, except light rail, from Canada, as described in this notice, which were entered, or withdrawn from warehouse, for consumption on or after the date on which the ITC publishes its final affirmative determination of threat of material injury in the Federal Register, will be liable for the assessment of antidumping duties. We will direct the U.S. Customs Service to terminate the suspension of liquidation for entries entered, or withdrawn from warehouse, for consumption before the date on which the ITC publishes its final affirmative determination of threat of material injury in the Federal Register, and to release any bond or other security, and refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

A cash deposit of estimated antidumping duties must be made on all entries of new steel rail, except light rail, from Canada entered, or withdrawn from warehouse, for consumption on or after the date of publication in the Federal Register of the ITC's final determination.

EFFECTIVE DATE: September 15, 1989.

FOR FURTHER INFORMATION CONTACT: Bradford Ward or Kate Johnson, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-5288, or 377-5050.

SUPPLEMENTARY INFORMATION: The product covered by this antidumping duty order is new steel rail, whether of carbon, high carbon, alloy or other quality steel, and includes, but is not limited to, standard rails, all main line sections (at least 30 kg. per meter or 60 pounds per yard), heat-treated or head-hardened (premium) rails, transit rail, contact rail (or "third rail") and crane rails. Rails are used by the railroad industry, by rapid transit lines, by

subways, in mines and in industrial applications.

Specifically excluded from this antidumping duty order are light rails (rails less than 30 kg. per meter or 60 pounds per yard). Also excluded are relay rails which are used rails taken up from a primary railroad track and relaid in a railroad yard or on a secondary track.

The product covered by this antidumping duty order is currently provided for under the following HTS subheadings: 7302.10.1020, 7302.10.1040, 7302.10.5000 and 8548.00.0000. Prior to January 1, 1989, such merchandise was classifiable under items 610.2010, 610.2025, 610.2100 and 688.4280 of the *Tariff Schedules of the United States Annotated* (TSUSA).

In accordance with section 735(a) of the Act (19 U.S.C. 1673d(a)), on July 26, 1989, the Department made its final determination that new steel rail, except light rail, from Canada is being sold at less than fair value (54 FR 31984, August 3, 1989). On September 8, 1989, in accordance with section 735(d) of the Act, the ITC notified the Department that imports of new steel rail, except light rail, from Canada are threatening material injury to a U.S. industry. The ITC also determined, pursuant to section 735(b)(4)(B) of the Act (19 U.S.C. 1673(b)(4)(B)) that material injury would not have been found but for the suspension of liquidation of entries of new steel rail from Canada.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of new steel rail, except light rail, from Canada. In accordance with section 736(b)(2), these antidumping duties will be assessed on all unliquidated entries of new steel rail, except light rail, from Canada entered, or withdrawn from warehouse, for consumption on or after the date on which the ITC publishes notice of its final affirmative determination of threat of material injury in the *Federal Register*. We will direct the U.S. Customs Service to terminate the suspension of liquidation for all entries of new steel rail, from Canada entered, or withdrawn from warehouse, for consumption before the date on which the ITC publishes its final affirmative determination of threat of material injury in the *Federal Register*, and to release any bond or other

security, and refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

On or after the date of publication in the *Federal Register* of the ITC's final determination, U.S. Customs officers must require a cash deposit equal to the margin percentage noted below for entries of new steel rail, except light rail, from Canada:

Manufacturers/Producers/Exporters	Margin percentage
Algoma Steel Corporation, Ltd.....	38.79
All Others.....	38.79

This determination constitutes an antidumping duty order with respect to new steel rail, except light rail, from Canada, pursuant to sections 735(d) and 736(a) of the Act (19 U.S.C. 1673(d) and 1673e(a)). Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This notice is published in accordance with sections 735(d) and 736(a) of the Act (19 U.S.C. 1673d(d) and 1673e(a)).

Dated: September 12, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-21864 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 8-08-70-9210]

Approval of Voluntary Product Standard PS73-89 "Glass Bottles for Carbonated Soft Drinks" To Replace PS73-77 "Carbonated Soft Drink Bottles"

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice: Approval of Voluntary Product Standard PS73-89 "Glass Bottles for Carbonated Soft Drinks" to replace PS73-77 "Carbonated Soft Drink Bottles."

SUMMARY: On September 23, 1988, the Department of Commerce (Department) announced in the *Federal Register* (53 FR 38317) public review of a proposed standard to replace Voluntary Product Standard PS73-77 "Carbonated Soft Drink Bottles" in accordance with the provisions of 10.6 of Department "Procedures for the Development of

Voluntary Product Standards" (15 CFR part 10, as amended; 51 FR 22496 dated June 20, 1986).

Response to the proposed standard, designated TS233, indicated consensus among producers, distributors, and consumers in accordance with the Department's procedures, and the standard was approved for publication as PS73-89 "Glass Bottles for Carbonated Soft Drinks" to the effective July 31, 1989.

Copies of PS73-89 are available from the Office of Associate Director for Industry and Standards, National Institute of Standards and Technology, A625, Building 101, Gaithersburg, MD 20899.

For further information, contact Barbara M. Meigs, Office of Standards Management, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone, 301-975-4025.

Dated: September 11, 1989.

Raymond G. Kammer,

Acting Director.

[FR Doc. 89-21851 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 512]

Marine Mammals; Issuance of Modification; Mr. Michael Hunt (P358)

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), Scientific Research Permit No. 512 issued to Mr. Michael Hunt, University of Houston, Clear Lake School of Human Sciences and Humanities, Houston, Texas 77058-1058, on July 31, 1985, (50 FR 32612) is modified as follows:

Section B.9 is replaced with: "9. This Permit is valid with respect to the taking authorized herein until December 31, 1989."

This modification becomes effective September 15, 1989.

The Permit and modification are available for review in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, Maryland 20910; and Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702.

Dated: September 11, 1989.

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

[FR Doc. 89-21775 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Taiwan

September 11, 1989.

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

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

EFFECTIVE DATE: September 12, 1989.

FOR FURTHER INFORMATION CONTACT:
Jennifer Tallarico, International Trade
Specialist, Office of Textiles and
Apparel, U.S. Department of Commerce,
(202) 377-4212. For information on the
quota status of these limits, refer to the
Quota Status Reports posted on the
bulletin boards of each Customs port or
call (202) 566-8791. For information on
embargoes and quota re-openings, call
(202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The current limit for Category 444 in
Group II is being increased for swing
and special shift, reducing the limits for
Categories 435 and 442.

A description of the textile and
apparel categories in terms of HTS
numbers is available in the
CORRELATION: Textile and Apparel
Categories with the Harmonized Tariff
Schedule of the United States (see
Federal Register notice 53 FR 44937,
published on November 7, 1988). Also
see 53 FR 49345, published on December
7, 1988.

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

Ronald I. Levin,

Acting Chairman, Committee for the
Implementation of Textile Agreements.

September 11, 1989.

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

Dear Mr. Commissioner: This directive
amends, but does not cancel, the directive
issued to you on December 2, 1988 by the
Chairman, Committee for the Implementation
of Textile Agreements. That directive
concerns imports of certain cotton, wool,
man-made fiber, silk blend and other
vegetable fiber textiles and textile products,
produced or manufactured in Taiwan and
exported during the period which began on
January 1, 1989 and extends through
December 31, 1989.

Effective on September 12, 1989, the
directive of December 2, 1988 is amended
further to adjust the limits for the following
categories, as provided under the terms of the
current bilateral agreement of November 18,
1982, as amended and extended:

Category sublevels in group II	Adjusted 12 mon. limit ¹
435.....	28,498 dozen.
442.....	46,488 dozen.
444.....	91,554 numbers.

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

The Committee for the Implementation of
Textile Agreements has determined that
these actions fall within the foreign affairs
exception to the rulemaking provisions of 5
U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the
Implementation of Textile Agreements.

[FR Doc. 89-21774 Filed 9-14-89; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1989; Additions

AGENCY: Committee for Purchase from
the Blind and Other Severely
Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to
Procurement List 1989 commodities to be
produced by workshops for the blind or
other severely handicapped.

EFFECTIVE DATE: October 16, 1989.

ADDRESS: Committee for Purchase from
the Blind and Other Severely
Handicapped, Crystal Square 5, Suite
1107, 1755 Jefferson Davis Highway,
Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT:
Beverly Milkman, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July
21 and 28, 1989, the Committee for
Purchase from the Blind and Other
Severely Handicapped published
notices (54 FR 30586 and 31357) of
proposed additions to Procurement List
1989, which was published on November

15, 1988 (53 FR 46018). After
consideration of the material presented
to it concerning capability of qualified
workshops to produce the commodities
at a fair market price and impact of the
additions on the current or most recent
contractors, the Committee has
determined that the commodities listed
below are suitable for procurement by
the Federal Government under 41 U.S.C.
46-48c and 41 CFR 51-2.6.

I certify that the following actions will
not have a significant impact on a
substantial number of small entities. The
major factors considered for this
certification were:

a. The actions will not result in any
additional reporting, recordkeeping or
other compliance requirements.

b. The actions will not have a serious
economic impact on any contractors for
the commodities listed.

c. The actions will result in
authorizing small entities to produce the
commodities procured by the
Government.

Accordingly, the following
commodities are hereby added to
Procurement List 1989:

Starter Rope, Engine

2990-00-972-7950

Lacquer

8010-00-085-0559

(Requirements of U.S. Army

Armament, Munitions and Chemical
Command, Rock Island, Illinois)

Kit, Maintenance

8465-00-753-6335

Beverly L. Milkman,

Executive Director.

[FR Doc. 89-21855 Filed 9-14-89; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1989; Proposed Additions

AGENCY: Committee for Purchase from
the Blind and Other Severely
Handicapped.

ACTION: Proposed Additions to
Procurement List.

SUMMARY: The Committee has received
proposals to add to Procurement List of
1989 commodities to be produced and a
service to be provided by workshops for
the blind or other severely handicapped.

Comments Must Be Received on or
Before: October 16, 1989.

ADDRESS: Committee for Purchase from
the Blind and Other Severely
Handicapped, Crystal Square 5, Suite
1107, 1755 Jefferson Davis Highway,
Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT:
Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1989, which was published on November 15, 1988 (53 FR 46018):

Commodities

Pad, Mattress

7210-01-306-3243
7210-01-306-3244
7210-01-306-3245
7210-01-306-3246
7210-01-306-3247
7210-01-306-3248
7210-01-306-3249
7210-01-306-3250
7210-01-306-3251

Detergent, General Purpose

7930-00-515-2477
7930-00-526-2919
7930-00-526-2920

Service

Commissary Shelf Stocking and Custodial, Fort Lee, Virginia.

Beverly L. Milkman,

Executive Director.

[FR Doc. 89-21856 Filed 9-14-89; 8:45 am]

BILLING CODE 6820-33-M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 89-5-CRA]

Adjustment of Cable Royalty Rates

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

SUMMARY: The Tribunal denies the motions of CATA and NCTA for immediate hearings to adjust the cable royalty rates and asks the parties to refile after January 1, 1990.

SUPPLEMENTARY INFORMATION: The Tribunal has read and considered the motions filed by the Community Antenna Television Association (CATA) and the National Cable television Association (NCTA), the comments filed August 1, 1989, and the comments filed September 6, 1989.

The Tribunal has determined that for the best use of the Tribunal's resources and the best consideration of the issues raised by the motions, an immediate scheduling of hearings would not be

appropriate. The Tribunal, therefore, denies the motions of CATA and NCTA for an immediate hearing.

Should CATA and NCTA wish to refile their motions after January 1, 1990, the Tribunal expects that it would consider them promptly at that time. The Tribunal foresees that no party would be adversely affected if the matters raised by CATA and NCTA were taken up in early 1990, and it is anticipated that such scheduling would result in better informed decision-making.

Dated: September 11, 1989.

Edward W. Ray,

Chairman.

[FR Doc. 89-21781 Filed 9-14-89; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Project Nos. 516-076, et al.

Hydroelectric Applications; South Carolina Elec., & Gas 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 to issue permits to construct marina facilities on Lake Murray.

b. Project No.: 516-076 & 077.

c. Date Filed: June 26, 1989 and July 27, 1989, respectively.

d. Applicant: South Carolina Electric and Gas Co.

e. Name of Project: Saluda River.

f. Location: Lake Murray, Lexington County, South Carolina.

g. Filed Pursuant To: Federal Power Act, 16 U.S.C. 791(a) -825 (r).

h. Applicant Contacts:

Randolph R. Mahan, Assistant General Counsel, Legal Department (106), South Carolina Electric and Gas Co., Columbia, SC 29218, (803) 748-3538.

Peyton G. Bowman III, Brian J.

McManus, Michael C. Tierney, Reid & Priest, 1111 19th Street, NW, Washington, DC 20036, (202) 828-1000.

i. FERC Contact: Mr. Brian Romanek, (202) 376-9042.

j. Comment Date: October 13, 1989.

k. Description of Request: South Carolina Electric and Gas has requested authorization to issue permits for the construction and operation of boat docking facilities at 2 locations on Lake Murray (Lake). In total, the proposed facilities would consist of 243 boat slips,

covering approximately 3.12 acres of Lake Murray.

P-516-076

Tan Development, Inc. proposes to construct and operate a new boat docking facility to be used by the residents of the Windward Pointe community. The proposed facility would consist of: (1) 32-boat slips; and (2) rip rap to be used to stabilize the shoreline. The facility would be located on Lake Murray near the Town of Lexington, Lexington County, South Carolina.

P-516-077

Land Development Consultants, Inc. proposes to construct and operate a new boat docking facility. The proposed facility, which would be used by residents of the Timberlake Plantation, would consist of: (1) 211-boat slips for permanent docking and fuel supplies for watercraft; (2) pumpout facilities for boat sanitation; (3) excavation of 32,000 cubic yards of material that will be placed at an upland location; and (4) rip rap to be used to stabilize the shoreline. The facility would be located on Lake Murray near Chapin, Lexington County, South Carolina.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

2a. Type of Application: Request for Authorization to Issue Permits to Construct Marina Facilities.

b. Project No.: 2232-219, 2232-220, 2232-221, & 2232-222.

c. Dates filed: March 16, 1989, and April 4, 1989 (P-2232-222).

d. Applicant: Duke Power Company.

e. Name of Project: Catawba-Wateree Hydroelectric Project.

f. Location: Lake Norman, Lake Hickory, and Lake Wylie, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact:

Mr. John E. Lansche, Associate General Counsel, Duke Power Legal Department, P.O. Box 33189, Charlotte, NC 28242, (704) 373-4871.

i. FERC Contact: Mr. Brian Romanek, (202) 376-9042.

j. Comment Date: October 2, 1989.

k. Description of Request: Duke Power has requested authorization to issue permits for the construction and operation of four commercial marina facilities within the boundaries of the Catawba-Wateree Project. Duke Power states that it would be in the best interest of all parties to approve the marina facilities. In total, the proposed facilities would consist of 158 boat slips.

P-2232-219

Mr. Frank DeFelice, Jr., d/b/a Lake Norman Hotel, propose to expand their existing marina, located off Lake Norman near Sherrill's Ford in Catawba County, North Carolina, by constructing and operating an additional boat dock facility with 6 boat slips to accommodate visitors to the motel, restaurant, and small marina.

P-2232-220

Mr. W.E. McKinney proposes to expand his existing marina located on Lake Hickory, east of the Duke Power Company Wittenburg Access Area, known as Lakeside Manor, by constructing 5 additional floating docks with a total of 80 boat slips. The floating docks will be constructed so that they will be 102' long with a 4' x 28' walkway for a total of 130' in length.

P-2232-221

PHM Real Estate, Inc. proposes to construct and operate a marina to accommodate residents of the Neptunes Landing development located in Lake Wylie, at the upper end of Marina Cove near the terminus of Timberlake Rd., in Tega, York Co., South Carolina. The proposed construction would consist of a large floating dock system with two short walkways leading to a 350-foot-long, 8-foot-wide walkway with a series of 14, 5-foot-long walkways that form slips to accommodate 26 boats. In addition, two ramps for boat access are proposed at the marina.

P-2232-222

Steve M. Hale proposes to construct and operate a marina to be located on Lake Norman east of the Duke Power Company, Pinnacle Access Area. The marina will consist of: (1) An approximately 120-foot-long treated lumber bulkhead to facilitate the forklift loading and unloading of boats in deep water; (2) two floating docks extending 80', each consisting of 8 boat slips, to be used for the temporary docking of boats; (3) two 90' x 46' floating boat docks for fueling and temporary docking; (4) a 323' x 85' floating covered boat dock with 30 boat slips; and (5) stationary walkways with adjustable walkways allowing access to docks and marina facilities.

Riprap would be used to stabilize the shoreline. Overall, the entire project would include floating docks with 45 boat slips and a dry dock storage area for about 480 boats. The applicant also proposes to: (1) dredge an area extending 20-feet waterward of the proposed bulkhead; and (2) install a sewage pumpout, treatment, and discharge system.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

3a. Type of Application: New Minor License.

b. Project No.: 2368-001.

c. Date filed: December 28, 1988.

d. Applicant: Maine Public Service Company.

e. Name of Project: Squa Pan Hydro Project.

f. Location: Squa Pan Stream in Aroostook County, Maine.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Frederick C. Bustard, Maine Public Service Company, 209 State Street, P.O. Box 1209, Presque Isle, Maine 04769, (207) 768-5811 Ext. 122.

i. FERC Contact: Ed Lee, (202) 376-5786.

j. Comment Date: October 12, 1989.

k. Description of Project: The existing operating project was issued an initial license in 1965 which will expire in December 31, 1990. The licensee has filed for a new license for the continued operation of the project. The existing project consists of: (1) A 35-foot-high and 60-foot-long reinforced concrete dam; (2) a 5,043 acre reservoir with a storage capacity of 59,300 acre-feet; (3) a concrete powerhouse containing a single 1.5-MW generating unit; and (4) appurtenant facilities. The project generates an average of 1,029 MWh. The dam is owned by the applicant. The existing project would be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

l. Purpose of Project: Project power would continue to be utilized in the applicant's power system.

m. This notice also consists of the following standard paragraphs: B, C and D1.

4a. Type of Application: Amendment of License.

b. Project No.: 2426-030.

c. Date Filed: January 23, 1989.

d. Applicant: The Department of Water Resources of the State of California.

e. Name of Project: Devil Canyon Powerplant Second Afterbay.

f. Location: The County of San Bernardino, CA.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Viju Patel, Chief Energy Division, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236-0061, (916) 445-6687.

i. FERC Contact: Robert A. Crowley, (202) 376-9053.

j. Comment Date: October 16, 1989.

k. Description of Project: The licensee proposes to construct a second afterbay

which will allow flexibility and greater efficiency of water operations. The proposed afterbay will be connected to the existing afterbay by a 1200-foot-long channel and will provide 800 acre-feet of storage.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

5a. Type of Application: Amendment of License.

b. Project No.: 2475-002.

c. Date Filed: March 20, 1989.

d. Applicant: Northern States Power Company.

e. Name of Project: Thornapple Hydroelectric Project.

f. Location: On the Flambeau River in the Towns of Grant and Thornapple, Rusk County, Wisconsin, about 6 miles southwest of the City of Ladysmith.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)825(r).

h. Applicant Contact: Anthony G. Schuster, Vice President—Power Supply, Northern States Power Company, 100 North Barstow Street, P.O. Box 8, Eau Claire, WI 54702-0008, (715) 839-2621.

i. FERC Contact: Mr. Lynn R. Miles, (202) 376-1873.

j. Comment Date: October 7, 1989.

k. Description of Amendment: Northern States Power Company has proposed to raise the operating level of the project's reservoir by one foot, i.e., from the present 1,080 feet mean sea level (msl) to 1,081 msl. The proposed amendment would not change project operations which would continue to be run-of-river with no peaking periods.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

6a. Type of Application: Transfer of License.

b. Project No.: 7045-005.

c. Date filed: June 16, 1989.

d. Applicant: Mainstream Hydro Corporation and R. L. Garry Corporation.

e. Name of Project: Sullivan Dam Project.

f. Location: On the Sugar River, in Sullivan County, New Hampshire.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. George K. Lagassa, R. L. Garry Corporation, 110 Lafayette Road, P.O. Box, 947, North Hampton, NH 03862, (501) 431-3746.

i. FERC Contact: Robert Bell (202) 376-9237.

j. Comment Date: October 2, 1989.

k. Description of Project: On February 2, 1987, a license was issued to Mainstream Hydro Corporation (licensee) to construct, operate, and

maintain the Sullivan Dam Project No. 7045. The licensee intends to transfer the license to R. L. Garry Corporation (transferee). The transferee agrees to accept the license terms and conditions as though it were original licensee. The transfer is requested to facilitate the financing and construction of the project.

l. This notice also consists of the following standard paragraphs: B and C.

7a. Type of Filing: Major License.

b. Project No.: 9215-002.

c. Date Filed: January 13, 1989.

d. Applicant: Birch Power Company, Inc.

e. Name of Project: Bear River Narrows Project.

f. Location: Occupies lands administered by the Bureau of Land Management on the Bear River, near the town of Preston, in Franklin County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. section 791(a)-825(r).

h. Applicant Contacts: Mr. Ted Sorenson, Sorenson Engineering, 550 Linden Drive, Idaho Falls, ID 83401, (208) 522-8069.

i. FERC Contact: Thomas Dean, (202) 376-9562.

j. Comment Date: October 27, 1989.

k. Description of project: The proposed project would consist of: (1) A 108-foot-high earth dam with a crest elevation of 4,743 feet msl; (2) an overflow spillway with a crest elevation of 4,718 feet msl, with two 20-foot-wide by 8-foot-high radial gates; (3) a 14-foot-diameter, 650-foot-long penstock leading to; (4) a 50-foot-wide by 70-foot-long powerhouse containing two generating units with an installed capacity of 9.8 megawatts; (5) a tailrace channel discharging water to the Bear River; (6) a 0.9-mile-long, 12.47-kV three phase transmission line; and (7) appurtenant facilities. The applicant estimates the average annual energy generation at 48.4 MWh.

l. Purpose of Project: Applicant intends to sell project power to Utah Power and Light.

m. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

8a. Type of Application: Transfer of License.

b. Project No.: 9260-016.

c. Date filed: July 17, 1989.

d. Applicant: Adirondack Hydro Development Corporation and Sissonville Limited Partnership.

e. Name of Project: Sissonville Project.

f. Location: On the Raquette River in St. Lawrence County New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Lee M. Goodwin, Wickwire, Gavin & Gibbs, Two Lafayette Centre, Suite 500, 1133-21 Street, NW., Washington, DC 20036, (518) 761-3085.

i. FERC Contact: Robert Bell, (202) 376-9237.

j. Comment Date: October 2, 1989.

k. Description of Project: On May 20, 1987, a license was issued to Adirondack Hydro Development Corporation (licensee) to construct, operate, and maintain the Sissonville Project No. 9260. The licensee intends to transfer the license to Sissonville Limited Partnership (transferee). The transferee agrees to accept the term and conditions of the license as though it were the original licensee. The transfer is requested to facilitate the financing and construction of the project.

l. This notice also consists of the following standard paragraphs: B and C.

9a. Type of Application: Minor License.

b. Project No.: 9607-002.

c. Date Filed: August 17, 1988.

d. Applicant: JDJ Energy Company.

e. Name of Project: DeGray Reregulatory Reservoir Hydropower Project.

f. Location: On the Caddo River near Caddo Valley, Clark County, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Doyle W. Jones, Rt. 5, Box 483, Malvern, AR 72104, (501) 844-4435.

i. FERC Contact: Ed Lee, (202) 376-5786.

j. Comment Date: October 19, 1989.

k. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' DeGray Reregulatory reservoir and dam and would consist of: (1) An intake structure with trash racks; (2) a steel, 160-foot-long and 11-foot-diameter, penstock; (3) a new powerhouse containing a single 1,040-kW generating unit; (4) a new 13.8kV, 2000-foot-long transmission line; and (5) appurtenant facilities. The Applicant estimates the total annual power generation to be 4,436 MWh.

l. Purpose of Project: All project energy will be sold to a local utility company.

m. This notice also consist of the following standard paragraphs: A3, A9, B, C, and D1.

10a. Type of Application: Transfer of License.

b. Project No.: 10253-007.

c. Date Filed: June 15, 1989.

d. Applicant: Soft Care Apparel, Inc.

e. Name of Project: Pelzer Mills Lower Hydroelectric.

f. Location: On the Saluda River in Anderson and Greenville Counties, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Glenn J. Berger, 300 South Grand Avenue, Los Angeles, CA 90071, (213) 687-5000.

i. FERC Contact: Charles T. Raabe, (202) 376-9778.

j. Comment Date: October 2, 1989.

k. Description of Transfer: Soft Care Apparel, Inc., proposes to sell the project properties and therefore proposes to transfer the project license to Consolidated Hydro Southeast, Inc. and Pelzer Hydro Company, Inc.

The license was issued December 24, 1987, and would expire November 30, 2017.

l. This notice also consists of the following standard paragraphs: B, C, and D2.

11a. Type of Application: Transfer of License.

b. Project No.: 10254-006.

c. Date Filed: June 15, 1989.

d. Applicant: Soft Care Apparel, Inc.

e. Name of Project: Pelzer Mills Upper Hydroelectric.

f. Location: On the Saluda River in Anderson and Greenville Counties, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Glenn J. Berger, 300 South Grand Avenue, Los Angeles, CA 90071, (213) 687-5000.

i. FERC Contact: Charles T. Raabe (202) 376-9778.

j. Comment Date: October 12, 1989.

k. Description of Application: Soft Care Apparel, Inc. proposes to sell the project properties and therefore proposes to transfer the project license to Consolidated Hydro Southeast, Inc. and Pelzer Hydro Company, Inc.

The license was issued December 29, 1987, and would expire November 30, 2017.

l. This notice also consists of the following standard paragraphs: B, C, D2.

12a. Type of Application: Major License.

b. Project No.: 10551-000.

c. Date Filed: February 16, 1982.

d. Applicant: City of Oswego, New York.

e. Name of Project: High Dam Project.

f. Location: On the Oswego River in Oswego County, New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mayor John L. Sullivan, Jr., City of Oswego, New York, City Hall, First and Oneida Streets, Oswego, NY 13126, (315) 342-5600.

i. FERC Contact: Robert Bell (202) 376-9237.

j. Comment Date: October 19, 1989.

k. Competing Application: Project No. 10464-000. Date Filed: August 31, 1987.

l. Description of Project: The proposed project would consist of: (1) An existing 500-foot-long, 35-foot-high concrete gravity dam; (2) the existing 10-inch-high flashboards; (3) an impoundment having a surface area of 240 acres, with a storage capacity of 3928 acre-feet and a normal water surface elevation of 289.83 feet USGS; (4) an existing forebay structure; (5) an existing intake structure; (6) an existing powerhouse containing 5 generating units (4 existing, 1 new) having a total installed capacity of 10,138 kW; (7) an existing 46-kV transmission line, 50 feet long; (8) an existing tailrace; and (9) appurtenant facilities. The dam and existing hydro facilities are owned by the applicant. The lock structure is owned by the New York State Department of Transportation. The applicant estimates the average annual generation would be 6,170 MWh.

m. Purpose of Project: All project energy produced would be sold to the Niagara Mohawk Power Corporation.

n. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

13a. Type of Application: Preliminary Permit.

b. Project No.: 10782-000.

c. Date filed: May 22, 1989.

d. Applicant: Hitchcock and Associates.

e. Name of Project: Chetek Dam Project.

f. Location: On the Chetek River, in Barron County, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Carl E. Hitchcock, Principal, C. Scott Hitchcock, Associate, 423 Green Tree Road, Kohler, Wisconsin 53044, (414) 452-2624.

i. FERC Contact: Mary Nowak, (202) 376-9634.

j. Comment Date: October 19, 1989.

k. Description of Project: The proposed project would consist of the following facilities: (1) An existing 19.3-foot-high, 80-foot-long concrete dam; (2) an existing reservoir with a storage capacity of 42,000 acre-feet, and a surface area of 3,800 acres at 1,039.3 feet mean sea level; (3) an existing powerhouse containing one single, existing generating unit at a total installed capacity of 250 kilowatts; (4) an existing 10-foot-long transmission line to connect with an existing transmission system; and (5) appurtenant facilities. The dam is

owned by Barron County, Wisconsin. The applicant estimates that the project average annual generation would be 900,000 kilowatthours, and that the cost of the studies under the terms of the permit would be about \$15,000. 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.

14a. Type of Application: Preliminary Permit.

b. Project No.: 10789-000.

c. Date filed: June 2, 1989.

d. Applicant: South Fork Irrigation District.

e. Name of Project: West Valley Pumped Storage Hydroelectric Project.

f. Location: On Tule Lake Reservoir (Moon Lake) and Cedar Creek in Lassen County, California, near the town of Likely. The project would occupy land administered by the Bureau of Land Management in T39N, R14E, and T38N, R13E and R14E, Mount Diablo Base and Meridian.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. Applicant Contact:

Donald R. Pope, Esquire, 8282 South Ogden Circle, Littleton, CO 80122, (303) 798-6280.

Paul V. Nolan, Esquire, 6219 N. 19th Street, Arlington, VA 22205, (703) 534-5509.

i. FERC Contact: Ms. Deborah Frazier-Stutely at (202) 376-1669.

j. Comment Date: October 16, 1989.

k. Competing Application: Project No. 10786-000. Date filed: June 1, 1989. Public Comment Deadline: September 9, 1989.

l. Description of Project: The proposed pumped storage project would consist of: (1) The existing 3,000-acre Tule Lake Reservoir (Moon Lake) with a storage capacity of 35,000 acre-feet at elevation 5,500 feet msl to be utilized as the upper reservoir; formed by (2) the existing 16-foot-high, 1,100-foot-long earthen dam; (3) an intake-control structure; (4) an 18,000-foot-long buried tunnel; (5) a powerhouse-pump station containing four vertical pump turbines with combined installed capacity of 264,000 kW, producing an average annual energy output of 542,880,000 kWh discharging into; (6) a 184-acre reservoir on Cedar Creek with a storage capacity of 8,280 acre-feet at elevation 4,948 feet msl to be utilized as the lower reservoir formed by; (7) a 90-foot-high roller compacted concrete dam; and (8) a 100-mile-long, 230-kV transmission line tying into an existing Bonneville Power Administration line.

No new access road will be needed to conduct the studies. The applicant

estimates the cost of the studies to be conducted under the preliminary permit at \$427,000.

m. Purpose of Project: Power would be sold to a utility in the project area.

n. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

15a. Type of Application: Preliminary Permit.

b. Project No.: 10799-000.

c. Date Filed: June 13, 1989.

d. Applicant: Upper Mississippi Hydro Associates.

e. Name of Project: Lock & Dam No. 8.

f. Location: On the Mississippi River in Houston County, Minnesota and Vernon County, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: David K. Iverson, 410 Severn Ave., Suite 313, Annapolis, MD 21403, (301) 268-8820.

i. FERC Contact: Charles T. Raabe, (202) 376-9778.

j. Comment Date: October 20, 1989.

k. Description of Project: The applicant proposes to utilize an existing dam under the jurisdiction of the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A 25-foot-long penstock; (2) a powerhouse containing generating units having a total installed capacity of 10,500-kW (3) a 400-foot-long, 69-kV transmission line; and (4) appurtenant facilities. Applicant estimates that the cost of the work to be performed under the terms of the permit would be \$100,000 and that the project average annual energy output would be 55,500,000 kWh. Energy produced at the project would be sold to Northern States Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

16a. Type of Application: Preliminary Permit.

b. Project No.: 10805-000.

c. Date Filed: July 11, 1989.

d. Applicant: Midwest Hydraulic Company.

e. Name of Project: Hatfield Hydro Project.

f. Location: On the Black River in Jackson and Clarke Counties, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contacts:

Peter H. Burno, R.R. #2, Box 345,

Edgerton, WI 53534, (608) 884-9416

Andrew R. Blystra, 1481 Ring Road, Calumet City, IL 60409, (312) 730-1100

i. FERC Contact: Ed Lee, (202) 376-5786.

j. Comment Date: October 10, 1989.

k. Description of Project: The proposed project would consist of: (1) An existing 3,100-foot-long and 40-foot-high diversion dam; (2) an existing 945-acre reservoir with a maximum storage of 10,800 acre-feet at pool elevation 885 NGVD; (3) a powerhouse containing two 2,400-kW generating units for a total installed capacity of 4,800 kW; and (4) appurtenant facilities. The applicant estimates that the average annual generation would be 1.7 GWh. The cost of the work to be performed under the permit by the applicant would be \$105,000. The existing dam is owned by Northern States Power Company, 100 North Borston Street, Eau Claire, WI 54702.

l. Purpose of Project: The applicant anticipates that the power generated will be sold to a nearby utility 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, NE., 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 receive 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.

Dated: September 11, 1989.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21703 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

North American Electric Reliability Council; Briefing

September 11, 1989.

On Friday, September 15, 1989, representatives of the North American Electric Reliability Council (NERC) will make a presentation to the Commission on the NERC 1989 Reliability Assessment. The briefing will take place at 10:00 a.m. in the Commission Meeting Room (Room 9306) at 825 North Capitol St., NE., Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21704 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TO90-1-1-000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

September 8, 1989.

Take notice that on August 31, 1989, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Seventeenth Revised Sheet No. 4

The tariff sheet is proposed to become effective October 1, 1989. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers and to revise its FERC Annual Charge Adjustment.

Alabama-Tennessee has requested any necessary waivers of the

Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected 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 Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21690 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM89-13-20-002 and TM90-1-20-000]

Algonquin Gas Transmission Co.; Proposed Change in FERC Gas Tariff

September 8, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on September 1, 1989, tendered for filing, to its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Proposed To Be Effective July 1, 1989

Second Substitute Thirtieth Revised Sheet No. 204

Proposed To Be Effective, October 1, 1989

Second Revised Volume No. 1

Thirty-fifth Revised Sheet No. 201

Thirty-sixth Revised Sheet No. 203

Thirty-first Revised Sheet No. 204

Twenty-ninth Revised Sheet No. 205

Eighth Revised Sheet No. 221

Fifth Revised Sheet No. 223

Fifth Revised Sheet No. 224

Tenth Revised Sheet No. 324

Original Volume No. 2

Second Revised Sheet No. 266

Algonquin states that it is making the instant filing to revise its Winter Requirement Quantity (WRQ) rate in compliance with the Commission's Letter Order dated July 27, 1989 in Docket No. TM89-13-20-000 as set forth

in Second Substitute Thirtieth Revised Sheet No. 204 and to recalculate the WRQs of its customers. Such change in the WRQs and the WRQ rate translates to an increase of 0.27 cents per MMBtu.

Additionally, Algonquin states that it is filing the remaining tariff sheets to incorporate into its rates the revision of the Commission's Annual Charge Adjustment for the Fiscal Year 1989 of \$0.0016 per MMBtu. This change represents a decrease of 0.02 cents per MMBtu.

Algonquin notes that a copy of this filing was served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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. 89-21697 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-48-000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that ANR Pipeline Company ("ANR") on September 1, 1989 tendered for filing as part of its FERC Gas Tariff Original Volume No. 1, six copies of the tariff sheet, Third Revised Twenty-First Revised Sheet No. 18, to be effective October 1, 1989.

ANR states that the above referenced tariff sheet is being filed to adjust its Annual Charge Adjustment (ACA) rate from .18¢/dth to .17¢/dth as permitted by section 17 of its Volume No. 1 Tariff.

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, NW., Washington, DC 20425, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 285.211, 385.214). All such motions or protests should be filed on or before September 15, 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 proceedings. Any party wishing to become a party to the proceeding 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. 89-21689 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM89-2-48-000, RP89-45-007, RP89-129-003, RP89-193-003]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 11, 1989

Take notice that ANR Pipeline Company ("ANR") on August 31, 1989 tendered for filing as a part of its Original Volume No. 1 FERC Gas Tariff, certain tariff sheets.

ANR states that the above-referenced tariff sheets are being filed to comply with the Commission's Order dated July 31, 1989 in the above referenced dockets, and requests any necessary waiver of the Commission's regulations as necessary to permit such tariff sheets to become effective as proposed. ANR submits that the above referenced tariff sheets reflect the elimination of costs associated with transportation discounts in compliance with Ordering paragraph (B); reflect the elimination of 1978 from the base period as directed by Ordering paragraph (C); and reflect the elimination of the annual reconciliation procedure for transportation discounts as directed by Ordering paragraph (D) of the July 31, 1989 order.

ANR states that copies of the filing were served upon all of its Volume No. 1, 1-A and 2 customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426 by September 18, 1989, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). 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 application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21705 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-83-000]

Blue Dolphin Pipe Line Co.; Proposed Change in FERC Gas Tariff

September 8, 1989.

Take notice that on August 31, 1989, Blue Dolphin Pipe Line Company ("Blue Dolphin") tendered for filing Second Revised Sheet No. 40 to its FERC Gas Tariff Original Volume No. 1.

Blue Dolphin stated that the purpose of the filing is to revise the Annual Charge Adjustment ("ACA") unit charge used by Blue Dolphin to recover from its customers annual charges assessed it by the Commission pursuant to part 382 of the Commission's Regulations. Blue Dolphin's filing contains a new ACA unit charge of \$.00163 per MMBtu of gas transported by Blue Dolphin, and an effective date of October 1, 1989.

To the extent necessary, Blue Dolphin requested special permission under 18 CFR 154.66 and any other waivers that may be required to permit the tariff sheet to become effective October 1, 1989.

A copy of the filing was mailed to Blue Dolphin's customers and interested 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 must be filed on or before September 15, 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. 89-21683 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-70-001]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on August 31, 1989, tendered for filing the following substitute revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, with the proposed effective date of October 1, 1989:

Substitute Seventh Revised Sheet No. 5A

On August 30, 1989, Columbia Gulf tendered for filing Seventh Revised Sheet No. 5A to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet was filed to reflect the Annual Charge Adjustment (ACA) unit rate as authorized by Order Nos. 472 and 472-A issued by the Federal Energy Regulatory Commission (Commission) on May 29, 1987 and June 17, 1987 in Docket Nos. RM87-3-000 and RM87-3-001. This Substitute Revised tariff sheet is being filed to correct typographical errors discovered since the filing of August 30, 1989.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before the September 15, 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 Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21693 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-77-000]

High Island Offshore System; Proposed Changes in FERC Gas Tariffs

September 8, 1989.

Take notice that on September 1, 1989 High Island Offshore System (HIOS) tendered for filing pursuant to section V

of the Rates and Charges provisions of its Tariff and as permitted by § 154.38(d)(6) of the Commission's Regulations, First Revised Sheet No. 8 to its FERC Gas Tariff, First Revised Volume No. 1.

HIO states that the filing reflects a reduction to its Annual Charge Adjustment rate from \$.0018 to \$.0017 per Mcf. HIO proposes an October 1, 1989 effective date.

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, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before September 15, 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 proceedings. Any person wishing to become a party to the proceeding 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. 89-21684 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-65-000]

Jupiter Energy Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that Jupiter Energy Corporation ("Jupiter Energy" or the "Company") on August 31, 1989 tendered for filing the following sheets of its FERC Gas Tariff, Original Volume No. 1.

Second Revised Sheet No. 4A

Second Revised Sheet No. 5A

Second Revised Sheet No. 6A

Jupiter Energy states that the filed tariff sheets reflect revision, pursuant to § 154.38(d)(6) of the Commission's regulations, of Jupiter Energy's Annual Charge Adjustment surcharge to recover during the Commission's upcoming fiscal year the \$16,129 Jupiter Energy payment of the Commission's annual charges billing. The new ACA surcharge rate is 0.173¢ per Mcf.

Jupiter Energy proposes an effective date of October 1, 1989.

Jupiter Energy states that copies of the filing have been served on the Company's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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 Jupiter Energy's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21685 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-25-000]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that on August 31, 1989 Mississippi River Transmission Corporation (MRT) tendered for filing Thirty-Fourth Revised Sheet No. 4 and Fifth Revised Sheet No. 4D to be a part of its FERC Gas Tariff, Second Revised Volume No. 1.

MRT states that the above referenced tariff sheets were submitted in accordance with Commission Order No. 472, issued May 29, 1987. The proposed changes provide MRT with the mechanism to recover from its jurisdictional sales and transportation customers the charges assessed by the Commission by means of a surcharge of \$.0017 per Mcf. MRT further states that at this time it elects to continue to use the Annual Charge Adjustment (ACA) method of recovering those charges assessed.

MRT requests that these proposed tariff sheets become effective on October 1, 1989. MRT also states that copies of its filing have been served upon its customers and applicable state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 15, 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. 89-21686 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-234-000]

Moraine Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 11, 1989.

Take notice that on September 1, 1989, Moraine Pipeline Company (Moraine) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, tariff sheets to be effective October 1, 1989.

Moraine states that a major portion of the tariff changes are simply a shifting of information from the FTS and ITS Form of Service Agreements to the General Terms and Conditions applicable to Rate Schedules FTS and ITS. The FTS and ITS Form of Service Agreements have been deliberately shortened for the sake of administrative ease. Minor modifications or rewording was done in several sections to clarify certain provisions currently reflected in Moraine's tariff. Moraine also states that all of the proposed changes are non-substantive and routine in nature, but reflect and/or clarify the way the pipeline operates or the way the pipeline would like to operate.

Moraine requested waiver of the Commission's Regulation to the extent necessary to permit the tariff sheets to become effective October 1, 1989.

A copy of the filing is being mailed to Moraine's jurisdictional customers and interested 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 must be filed on or before September 18, 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. 89-21706 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-136-009]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 11, 1989.

Take notice that Northern Natural Gas Company, Division of Enron Corp., (Northern) on September 1, 1989, tendered for filing proposed changes to its FERC Gas Tariff.

Northern states that this filing is being submitted pursuant to the terms and conditions set forth in the Commission's orders issued on April 28, 1989 and July 14, 1989 in the above proceeding. An effective date of October 1, 1989 has been requested for this filing.

Northern further states that copies of this filing were served upon Northern's customers, parties to this proceeding and all interested 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 this chapter. All such protests should be filed on or before September 18, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the 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 and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-21707 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TO90-1-37-000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant to Purchased Gas Cost Adjustment

September 8, 1989.

Take notice that on September 1, 1989, Northwest Pipeline Corporation ("Northwest") submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment

Provision ("PGA"), of its FERC Gas Tariff First Revised Volume No. 1. Such change in rates is for the purpose of reflecting changes in Northwest's estimated cost of purchased gas for the three months ending December 31, 1989.

The current PGA adjustment, for which notice is given herein, aggregates to an increase of 8.84¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. The proposed change in Northwest's commodity rates for the fourth quarter of 1989 would increase sales revenues by approximately \$1,479,374. The instant filing also provides for an increase in the demand components of Northwest's gas sales rates and revised D-1 and D-2 billing determinants to reflect the proposed realignment in Northwest's service obligation effective October 1, 1989.

Northwest hereby tenders the following tariff sheets to be effective October 1, 1989:

First Revised Volume No. 1

Fifty-Fifth Revised Sheet No. 10

Fourth Revised Sheet No. 300

Sixth Revised Sheet No. 301

Fifth Revised Sheet No. 302

Seventh Revised Sheet No. 303

Original Volume No. 1-A

Fourth Revised Sheet No. 601

Fifth Revised Sheet No. 602

A copy of this filing is being served on Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 15, 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. 89-21691 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-196-001]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

September 8, 1989.

Take notice that on August 30, 1989 Northwest Pipeline Corporation ("Northwest") submitted for filing and acceptance the following sheets, to be a part of its FERC Gas Tariff, Original Volume No. 1-A:

Nineteenth Revised Sheet No. 201

First Revised Sheet No. 420-A

Third Revised Sheet No. 421

Pursuant to an order dated July 31, 1989 in the above docket number, Northwest is filing the above sheets to comply with the Commission's directives in that order. The sheets were revised to be consistent with Northwest's August 30, 1989 "Request for Rehearing" in the above docket number.

In the alternative, in the event the Commission rejects Northwest's rehearing request, Northwest has submitted the following tariff sheets, in compliance with ordering paragraph (C)(3), to eliminate the provision that penalties will be assessed on the Receiving Party.

Sixth Revised Sheet No. 419

Second Revised Sheet No. 420

Alternate First Revised Sheet No. 420-A

Alternate Third Revised Sheet No. 421

Northwest has requested an effective date of August 1, to be consistent with the other sheets already accepted by the Commission in this docket. A copy of this filing is being served on Northwest's jurisdictional sales and transportation 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 of Practice and Procedure. All such protests should be filed on or before September 15, 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. 89-21698 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-28-000]

**Panhandle Eastern Pipe Line Co.;
Change in Tariff**

September 8, 1989.

Take notice that on August 31, 1989 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing revised sheets to its FERC Gas Tariff, Original Volume No. 1, as reflected in the Filing and to its FERC Gas Tariff, Original Volume No. 2, as reflected in the filing.

The proposed effective date of these revised tariff sheets is October 1, 1989.

Panhandle states that on July 14, 1989 the Commission issued a revision to the unit rate of the Annual Charge Adjustment Clause (ACA) to be applied to rates for recovery of 1989 Annual Charges pursuant to Order No. 472 in Docket No. RM87-3-000. This revision will permit Panhandle to collect 1.7 mills per Mcf (0.17¢ per Dt) of natural gas sold or transported for the 1989 Annual Charges assessed Panhandle by the Commission under part 382 of the Commission's Regulations.

To the extent required, if any, Panhandle requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1989, as previously described.

Copies of this letter and enclosures are being served on all customers subject to the tariff sheets 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 §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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. 89-21687 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-227-000; TM90-2-28-000]

**Panhandle Eastern Pipe Line Co.;
Proposed Changes in FERC Gas Tariff**

September 8, 1989.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 31, 1989, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 3-C.7
First Revised Sheet No. 3-C.8
First Revised Sheet No. 3-C.9
Third Revised Sheet No. 43-14

The proposed effective date of these revised tariff sheets is October 1, 1989.

Panhandle states that the Revised Tariff Sheet Nos. 3-C.7, 3-C.8 and 3-C.9 filed herewith reflect revisions to the Order No. 500 take-or-pay direct billing amounts approved by Commission Orders dated September 28, 1988, December 8, 1988, March 1, 1989 and May 17, 1989 in Docket No. RP88-240-000. These revised tariff sheets reflect the first annual adjustment to carrying charges and monthly TOP Fixed Surcharges in accordance with section 24 of Panhandle's FERC Gas Tariff, Original Volume No. 1.

Panhandle further states that the Revised Sheet No. 43-14 reflects a proposed revision to permit prompt changes in the amounts to be collected from customers who have elected to extend the term of their payments to Panhandle to reflect changes in Commission-approved carrying charges.

Panhandle further states that copies of this filing have been served on all jurisdictional 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 September 15, 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. 89-21699 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-232-000; TM90-4-28-000]

**Panhandle Eastern Pipe Line Co.;
Proposed Changes in FERC Gas Tariff**

September 11, 1989.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 31, 1989, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 3-C.4
First Revised Sheet No. 3-C.5
First Revised Sheet No. 3-C.6
Third Revised Sheet No. 43-13

The proposed effective date of these revised tariff sheets is October 1, 1989.

Panhandle states that the Revised Tariff Sheet Nos. 3-C.4, 3-C.5 and 3-C.6 filed herewith reflect revisions to the Order No. 500 take-or-pay direct billing amounts approved by Commission Orders dated September 28, 1988 and December 5, 1988 in Docket No. RP88-241-000. These revised tariff sheets reflect the first annual adjustment to carrying charges and monthly TOP Fixed Surcharges in accordance with § 23.4(c) of Panhandle's FERC Gas Tariff, Original Volume No. 1.

Panhandle further states that the Revised Sheet No. 43-13 reflects a proposed revision to permit prompt changes in the amounts to be collected from customers who have elected to extend the term of their payments to Panhandle to reflect changes in Commission-approved carrying charges.

Panhandle further states that copies of this filing have been served on all jurisdictional 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 Sept. 18, 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. 89-21708 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-228-026]

Tennessee Gas Pipeline Co.

September 11, 1989.

Take notice that on September 5, 1989, Tennessee Gas Pipeline Company (Tennessee) filed the following tariff sheets to its FERC Gas Tariff Volume No. 1 to be effective February 1, 1989:

Substitute Second Revised Sheet No. 67
 Substitute Second Revised Sheet No. 68
 Substitute Second Revised Sheet No. 70
 Substitute Second Revised Sheet No. 73
 Substitute Second Revised Sheet No. 74
 Substitute First Revised Sheet No. 76A

The only difference between these sheets and those which they supersede are references to tariff sheets that would have become effective in the event the Interim Stipulation And Agreement had not been implemented.

By letter order dated June 30, 1989, the Director of OPRP accepted certain tariff sheets filed by Tennessee on May 31, 1989 in order to conform Tennessee's FERC Gas Tariff to the terms of the Interim Stipulation And Agreement approved by the Commission on May 24, 1989 in the referenced proceeding. In response to Tennessee's request to withdraw certain tariff sheets filed January 17, 1989 in Docket Nos. CP87-103, *et al.* to be effective February 1, 1989, the letter order indicated that Tennessee should instead file to supersede those sheets to make them consistent with the Interim Stipulation And Agreement. On July 10, 1989, Tennessee filed a letter with the Commission requesting that the Commission waive the refiling requirement or, alternatively, deem that the sheets in effect prior to the sheets to be withdrawn have been refilled by that letter.

Tennessee states that through informal conversations, the FERC Staff indicated that Tennessee must refile the tariff sheets at issue.

Tennessee respectfully requests that the Commission grant any waivers it deems necessary for the acceptance of this filing.

Tennessee states that copies of the filing have been mailed to all parties in this proceeding, affected customers and affected 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 18, 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. 89-21709 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-228-000]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 11, 1989.

Take notice that on August 31, 1989, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following tariff sheets to its FERC Gas Tariff:

FERC Gas Tariff, Original Volume No. 1

Seventh Revised Sheet No. 1
 Substitute Nineteenth Revised Sheet No. 10
 Substitute Nineteenth Revised Sheet No. 10A
 First Revised Sheet No. 76A
 First Revised Sheet No. 128
 First Revised Sheet No. 129
 Original Sheet No. 130

FPC Gas Tariff, Original Volume No. 2

Tenth Revised Sheet No. 82
 Twenty-Sixth Revised Sheet No. 333
 Third Revised Sheet No. 484
 Eleventh Revised Sheet No. 547
 Seventh Revised Sheet No. 558
 Fifth Revised Sheet No. 591
 Eleventh Revised Sheet No. 919
 Thirteenth Revised Sheet No. 982
 Eleventh Revised Sheet No. 1005
 Fourth Revised Sheet No. 1085
 Fourth Revised Sheet No. 1123
 Third Revised Sheet No. 1180

FERC Gas Tariff, Original Volume No. 2-A

Substitute Second Revised Sheet No. 10
 Substitute Second Revised Sheet No. 11
 Second Revised Sheet No. 14
 Second Revised Sheet No. 60
 Second Revised Sheet No. 108
 Original Sheet No. 109

FERC Gas Tariff, Original Volume No. 3

Substitute Revised Sheet No. 21
 Fifth Revised Sheet No. 22
 Third Revised Sheet No. 23

Texas Gas states the revised tariff sheets are filed to incorporate a volumetric surcharge designed to recover take-or-pay (TOP) costs to be billed to Texas Gas by ANR Pipeline Company (ANR). ANR's filings were accepted by Federal Energy Regulatory Commission (FERC) Orders issued April 28, 1989, in Docket No. RP89-127, to be effective, subject to refund and other certain conditions, on May 1, 1989 and July 7, 1989, in Docket No. RP89-193, to

be effective August 1, 1989, subject to modification.

Copies of the revised tariff sheets are being mailed to Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 18, 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. 89-21710 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-1-75-000]

Transco Gas Supply Co.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that Transco Gas Supply Company (Gasco) tendered for filing on September 1, 1989, Ninth Revised Sheet No. 106 to Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is October 1, 1989.

Gasco states that the purpose of the instant filing is to reflect a decrease of .01¢ per Mcf in the Annual Charge Adjustment (ACA) Charge included in the cost of gas which Transcontinental Gas Pipe Line Corporation (Transco) purchases from Gasco. Pursuant to Order 472, the Commission has assessed Gasco its annual ACA charges based on 0.17¢/Mcf for the annual period commencing October 1, 1989. Therefore, in accordance with section 1.A of Appendix A to Rate Schedule X-1, Gasco submits herewith for filing Ninth Revised Sheet No. 106 which tracks the Commission approved ACA unit rate of 0.17¢/Mcf commencing October 1, 1989.

Gasco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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. 89-21694 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM90-1-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on September 1, 1989, certain revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is October 1, 1989.

Transco states that the purpose of the instant filing is to reflect a decrease of .02¢ per dt in the Annual Charge Adjustment (ACA) Charge in the commodity portion of Transco's sales and transportation rates. Pursuant to Order 472, the Commission has assessed Transco its annual ACA charges based on 0.17¢/Mcf for the annual period commencing October 1, 1989. In accordance with section 27 of the General Terms and Conditions of Transco's Volume No. 1 Tariff, Transco's proposed tariff sheets track the Commission approved ACA unit rate of 0.17¢/Mcf (0.16¢/dt on Transco's system) commencing October 1, 1989.

Transco states that copies of the instant filing are being mailed to each of its customers and State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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. 89-21695 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-2-30-000]

Trunkline Gas Co.; Change in Tariff

September 8, 1989.

Take notice that on August 31, 1989 Trunkline Gas Company (Trunkline) tendered for filing revised sheets to its FERC Gas Tariff, Original Volume No. 1, as reflected in filing and to its FERC Gas Tariff, Original Volume No. 2, as reflected in the filing.

The proposed effective date of these revised tariff sheets is October 1, 1989.

Trunkline states that on July 14, 1989 the Commission issued a revision to the unit rate of the Annual Charge Adjustment Clause (ACA) to be applied to rates for recovery of 1989 Annual Charges pursuant to Order No. 472 in Docket No. RM87-3-000. This revision will permit Trunkline to collect 1.7 mills per Mcf (0.16¢ per Dt) of natural gas sold or transported for the 1989 Annual Charges assessed Trunkline by the Commission under Part 382 of the Commission's Regulations.

To the extent required, if any, Trunkline requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective October 1, 1989, as previously described.

Copies of this letter and enclosures are being served on all customers subject to the tariff sheets and applicable state regulator 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 §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before September 15, 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. 89-21692 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-231-000; TM90-1-30-000]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

September 11, 1989.

Take notice that Trunkline Gas Company (Trunkline) on Aug. 31, 1989, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 3-A.5
First Revised Sheet No. 3-A.6
Fourth Revised Sheet No. 21-Q

The proposed effective date of these revised tariff sheets is October 1, 1989.

Trunkline states that revised tariff Sheet Nos. 3-A.5 and 3-A.6 filed herewith reflect revisions to the Order No. 500 take-or-pay direct billing amounts approved by Commission Orders dated September 28, 1988, December 8, 1988, February 17, 1989 and May 10, 1989 in Docket No. RP88-239-000. The revised tariff sheets referenced above reflect the first annual adjustment to carrying charges and monthly TOP Fixed Surcharges as provided in section 21.4(c) of Trunkline's FERC Gas Tariff, Original Volume No. 1.

Trunkline further states that the Revised Sheet No. 21-Q reflects the Company's proposal to permit automatic adjustments of the carrying charge amounts as the Commission permits changes in these from time to time. This will simplify billing and should avoid much of the necessity of surcharging or crediting on an annual basis for the carrying charge changes. Of course, since annual filings will still be made, Trunkline would submit, in lieu of the carrying charge reconciliation amounts in such filings, workpapers demonstrating the adjustments made during the course of the year and implement any changes necessitated thereby.

Trunkline states that copies of this filing have been served on all jurisdictional 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 September 18, 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. 89-21711 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. TM90-1-11-000 and MT88-30-003]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that on September 1, 1989 United Gas Pipe Line Company (United) tendered for filing original and revised tariff sheets:

Effective October 1, 1989

Ninetyth Revised Sheet No. 4
Ninth Revised Sheet No. 4.1
Twenty-Sixth Revised Sheet No. 4.C1
Twelfth Revised Sheet No. 4.D
Second Revised Sheet No. 4.D1
Eleventh Revised Sheet No. 4.E
Ninth Revised Sheet No. 4.G

These tariff sheet reflect a downward revision to the unit rate of the Annual Charge Adjustment (ACA) Clause to be generally applied to interstate natural gas pipeline rates for the recovery of the 1989 Annual Charges, pursuant to Order No. 472.

In addition, on September 1, 1989, United tendered for filing the following revised tariff sheets:

Effective October 1, 1989

First Revised Sheet No. 74-Y20
First Revised Sheet No. 74-Y21

These tariff sheets were filed to comply with § 250.16 of the Commission's regulations. The tariff sheets list additional marketing affiliate facilities which United operates, and a change on the office location of United's affiliates.

United has requested that all of these revised tariff sheets be effective on October 1, 1989. Copies of this filing have been sent to all of United's shippers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 15, 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 petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-21696 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM90-1-74-000]

U-T Offshore System; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that U-T Offshore System (U-TOS) tendered for filing on September 1, 1989. First Revised Sheet No. 5 to First Revised Volume No. 1 of its FERC Gas Tariff. The proposed effective date of this tariff sheet is October 1, 1989.

U-TOS states that the purpose of the instant filing is to reflect a decrease of .01¢ per Mcf in the Annual Charge Adjustment (ACA) Charge in the commodity portion of U-TOS' transportation rates. Pursuant to Order 472, the Commission has assessed U-TOS its annual ACA charges based on 0.17¢/Mcf for the annual period commencing October 1, 1989. In accordance with sections 4.6 and 4.7 of Rate Schedules FT and IT, respectively, contained in First Revised Volume No. 1 and Article 8 of Rate Schedules T-1 through T-11 contained in Original Volume No. 2 of U-TOS' FERC Gas Tariff, U-TOS is submitting herewith for filing First Revised Sheet No. 5 which tracks the Commission approved ACA unit rate of 0.17¢/Mcf commencing October 1, 1989.

U-TOS states that copies of the filing are being mailed to each of its Shippers for whom transportation service is being provided.

Any person desiring to be heard or to protest this 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

September 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party 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. 89-21688 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-226-000]

Valero Interstate Transmission Co.; Proposed Rate Changes

September 11, 1989

Take notice that on August 31, 1989, Valero Interstate Transmission Company ("Vitco") tendered for filing a notice of change in rates for the sale of gas under Vitco's FERC Gas Rate Schedule No. S-3 to El Paso Natural Gas Company and for the transportation of gas under FERC Gas Rate Schedule Nos. FTS-1 and ITS-1.

Vitco states that the proposed change represents a rate decrease as defined in § 154.63. The proposed filing is also required to satisfy the requirements of § 154.303(e) of the Commission's regulations.

The proposed effective date is October 1, 1989. Vitco states that copies of the filing have been served on its jurisdictional customers.

Any person desiring to be heard to protest this 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 September 18, 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. 89-21712 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP89-140-005 and RP89-195-002]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 8, 1989.

Take notice that on August 18, 1989, Williams Natural Gas Company (WNG) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Effective May 1, 1989

Second Revised Eleventh Revised Sheet No. 6
Third Revised Original Sheet No. 6E
Second Revised Tenth Revised Sheet No. 7
Third Revised Original Sheet Nos. 113-115
Original Sheet No. 115A

Effective June 1, 1989

Second Revised Twelfth Revised Sheet No. 8
Second Revised Eleventh Revised Sheet No. 7

Effective July 1, 1989

Original Sheet No. 6F
Effective August 1, 1989
Third Revised Thirteenth Revised Sheet No. 8
Third Revised Twelfth Revised Sheet No. 7

WNG states that it has made revisions to the tariff sheets so as to comply with Ordering Paragraph (A) of the Commission's order issued July 14, 1989 (48 FERC 61,046) in the above-referenced proceedings.

Also, WNG states that it has made revisions to reflect the correctly computed \$2.2 million reduction for May 1, 1989, July 1, 1989, and August 1, 1989, pursuant to Ordering Paragraph (E) of the above referenced Order and the Order on Rehearing issued July 21, 1989, in Docket Nos. RP89-140-002, *et al.* and certain minor correcting adjustments to the allocation of directly billed charges. (48 FERC 61,079)

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 §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before September 15, 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 proceedings. 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. 89-21700 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-233-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 11, 1989.

Take notice that on August 31, 1989, Williams Natural Gas Company (WNG) submitted the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 6G
First Revised Sheet No. 113

WNG states that the subject tariff sheets are being filed pursuant to Article 29.2(b) of the General Terms and Conditions of WNG's FERC Gas Tariff, Original Volume No. 1 to recover the direct bill portion of an additional \$4.1 million in Settlement Costs concerning disputes which were in litigation on March 31, 1989, but which have been subsequently settled with payments made by WNG.

WNG states that confidential and proprietary material related to its Settlements with producers has been included in a non-public copy filed with the Commission and the sensitive material has been deleted from the public copies of the filing which have been mailed to WNG's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be mailed on or before September 18, 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. 89-21713 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP82-487-020, TA84-2-49-003 and TA85-1-49-005 (Phase III) and Docket Nos. CP82-487-021, RP84-62-003 and RP84-93-010 (Phase II)]

Williston Basin Interstate Pipeline Co.; Compliance Filing

September 11, 1989.

Take notice that on August 30, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, ND 58501, tendered for filing certain revised tariff sheets to Original Volume No. 1, First Revised Volume No. 1, Original Volume No. 1-A, Original Volume No. 1-B and Original Volume No. 2 of its FERC Gas Tariff.

Williston Basin states that revised tariff sheets were filed under protest and in compliance with the Commission's July 31, 1989 Opinion and Order directing Williston Basin to file revised tariff sheets for the period January 1, 1985 to the present reflecting the elimination of the 1983 net injection volumes from rate base. Williston Basin filed the instant tariff sheets under protest and states that an Application for Rehearing of the Commission's July 31, 1989 Opinion and Order is being filed concurrent with the instant filing.

Any persons 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 (18 CFR 385.211 and 385.214). All such protests should be filed on or before September 18, 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. 89-21714 Filed 9-14-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP88-136-007]

Texas Eastern Transmission Corp.; Emergency Request for Clarification

September 13, 1989.

Take notice that on September 5, 1989, the Algonquin Customer Group filed in

the offices of the Federal Energy Regulatory Commission, an Emergency Request for Immediate Clarification of the Commission's order amending Texas Eastern Transmission Corporation's blanket certificate to authorize a transportation assignment program for its Rate Schedule FT-1 shippers.¹ Specifically, the Algonquin Customer Group requests that the Commission clarify its order to provide that:

(1) To the extent any customer of Algonquin converts a portion of its firm sales service to firm transportation service and a corresponding conversion is made by Algonquin on the Texas Eastern system (both as to permanent conversions to transportation and conversions to transportation under standby service), the Algonquin customer shall have priority for the assignment of that firm transportation capacity by Algonquin outside the general first-come, first-served queue;

(2) Algonquin and its assignees are not precluded from waiving the pregranted abandonment authorization and may agree that termination of an

assignment is subject to abandonment authorization applied for pursuant to section 7(b) of the Natural Gas Act;

(3) Algonquin is permitted to make assignment of FT-1 capacity for a term coinciding with its new service agreements with Texas Eastern; and

(4) In the event the Commission seeks to modify or terminate the Transportation Assignment Program, it must do so in a manner consistent with the standards and requirements of sections 5 and 7 of the Natural Gas Act.

Any interested party may, within 5 days after issuance of the instant notice by the Commission, submit written comments to the request for clarification. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 89-22000 Filed 9-14-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of June 30 Through July 7, 1989

During the week of June 30 through July 7, 1989, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 7, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

¹ 48 FERC ¶ 61,248 (1989).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 30 through July 7, 1989]

Date	Name and location of applicant	Case No.	Type of submission
July 5, 1989.....	Adrian Supply Company, Austin, TX.....	KFA-0304	Appeal of an information request denial. If granted: The May 16, 1989 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Adrian Supply Company would receive access to the Abstract of Bids for Solicitation No. 478401-5540.
July 5, 1989.....	Amoco II/West Virginia, Charleston, WV.....	RM251-158	Request for Modification/Rescission. If granted: The January 7, 1987 Decision and Order (Case No. RQ251-339) issued to West Virginia would be modified regarding the state's Application for Refund submitted in the Amoco II second stage refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week of June 30 through July 7, 1989]

Date received	Name of Refund Applicant	Case No.
6/30/89.....	O'Farrell Insurance.....	RC272-50.
6/30/89.....	Middle Street Garage.....	RC272-51.
7/3/89.....	Colorado I.S.D.....	RF272-75550.
7/3/89.....	S. Arabie Trucking.....	RF272-75551.
7/3/89.....	Miller Truck Line, Inc.....	RF272-75552.
7/3/89.....	Amsco Transportation, Inc.....	RF272-75553.
7/3/89.....	Harold Nicholson.....	RF272-1366.
7/3/89.....	Bel Air Crown.....	RF313-192.
7/3/89.....	Wanda Petroleum Company.....	RF307-9996.
7/3/89.....	Troutman Brothers.....	RF307-9997.
7/3/89.....	Fee Oil Company, Inc.....	RF307-9998.
7/3/89.....	Enterprise Products Company.....	RF307-9999.
7/5/89.....	Dutch & Dale Gas Company.....	RF308-21.
7/5/89.....	Sid's Spur.....	RF309-1367.
7/5/89.....	Martin's Nova Shell.....	RF315-6469.
7/5/89.....	Harned Durham Oil Company.....	RF307-10000.
7/6/89.....	Paul S. Stevens.....	RC272-52.
7/6/89.....	Turlington Crown Gas/Car Wash.....	RF313-193.
7/6/89.....	Plaza Crown.....	RF313-194.
7/6/89.....	Russ's Gulf Service Station.....	RF309-1368.

REFUND APPLICATIONS RECEIVED—Continued

[Week of June 30 through July 7, 1989]

Date received	Name of Refund Applicant	Case No.
7/6/89	Palo Pinto/Vermont	RQ5-515.
7/6/89	Belridge/Vermont	RQ8-516.
7/6/89	Nat'l Heilum/Vermont	RQ3-517.
7/6/89	Coline/Vermont	RQ2-518.
7/6/89	Standard Oil/Vermont	RQ21-519.
7/9/89	Ray's Exxon	RF307-9988.
6/30/89 thru 7/7/89	Atlantic Richfield refund, applications received	RF304-9741 thru RF304-9854.
6/30/89 thru 7/7/89	Placid Oil refund, applications received	RF314-39 thru RF314-75.
6/30/89 thru 7/7/89	Shell Oil refund, applications received	RF315-6430 thru RF315-6484.

[FR Doc. 89-21852 Filed 9-14-89; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed During the Week of August 4 Through August 11, 1989

During the Week of August 4 through August 11, 1989, the applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: September 7, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/Name of refund application	Case number
8/4/89	I-40 Gulf	RF300-10860
8/4/89	Versailles Realty Co	RFC272-67
8/4/89	Ken Moorhead Oil Co	RF313-302
8/4/89	Irondale Grocery	RF318-2
8/4/89	Nebert Bros., Inc.	RF318-1
8/4/89 thru 8/11/89	Crude Oil refund applications received	RF272-75580 thru RF272-75589
8/4/89 thru 8/11/89	Atlantic Richfield refund applications received	RF304-10108 thru RF304-10119
8/4/89 thru 8/11/89	Shell Oil Co. refund applications received	RF315-6723 thru RF315-6799
8/7/89	Wingert Oil Co.	RF300-10861
8/7/89	Ker-McGee Corp	RF313-303

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/Name of refund application	Case number
8/10/89	T & T Farm Services, Inc.	RF300-10862

[FR Doc. 89-21853 Filed 9-14-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3642-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 28, 1989 through September 1, 1989 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in Federal Register dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D-AFS-J67007-MT, Rating EC2, Wilson Creek Gold Project, Exploration and Mining Operating Plan Approval, Elkhorn Mountain Range, Helena National Forest, Helena County, MT.

Summary: EPA concurs with the Forest Service's decision to prepare an EIS rather than an Environmental Assessment (EA) for this project due to the sensitivity of this watershed. The quality of the information provided in the draft is generally very good. The rationale for eliminating the no action

alternative from consideration and the design specifications for the settling pond and dam should be included in the final EIS.

ERP No. D-AFS-K65120-CA, Rating E02, Bear Creek Timber Sale and Road Construction, Pattison Roadless Area, Shasta-Trinity National Forest, Trinity County, CA.

Summary: EPA expressed environmental objections because the preferred alternative may adversely affect the water quality and beneficial uses of the South Fork of the Trinity River and its tributaries, which provides habitat for a valuable salmon fishery. The South Fork of the Trinity is a federally designated Wild and Scenic River whose high quality waters shall be maintained and protected under Federal Law. In addition, the draft EIS did not assess cumulative impacts to the South Fork Trinity Drainage from other timber harvest operations.

ERP No. D-AFS-K65150-CA, Rating E02, Polk Timber Sale Management Plan, Implementation, Lower Mill Creek, Middle Deer Creek and Lower Deer Creek Management Areas, Almanor Ranger District, Lassen National Forest, Tehama County, CA.

Summary: EPA expressed environmental objections because the proposed timber sale may adversely affect the water quality of area watersheds and pose significant risk to trout and chinook salmon fisheries. EPA also expressed concerns that the draft EIS did not adequately assess the cumulative environmental impacts of land use disturbance actions on both public and private lands, and that the timber sale was being prepared in the absence of an approved Land and Resource Management Plan for the Lassen National Forest.

ERP No. D-AFS-K65151-CA, Rating E02, Alder Timber Sale Management Plan, Implementation, Middle Deer Creek Management Area, Almanor Ranger District, Lassen National Forest, Tehama County, CA.

Summary: EPA expressed environmental objections because the proposed timber sale may adversely affect the water quality of area watersheds and pose significant risk to trout and chinook salmon fisheries. EPA also expressed concerns that the draft EIS did not adequately assess the cumulative environmental impacts of land use disturbance activities from both public and private lands, and that the timber sale was being prepared in the absence of an approved Land and Resource Management Plan for the Lassen National Forest.

ERP No. DB-AFS-L65096-AK, Rating E02, Alaska Pulp Long-Term Timber Sale/Road Construction, Phase II 1981-86 and 1986-89 Operating Plan Amendments, Meed-Bay, Freshwater-Whitestone, Corner Bay, and Kuia Island Analysis Areas, Tongass National Forest, AK.

Summary: EPA has environmental concerns with the proposed action due to potential water quality and fish habitat effects from timber harvest in the riparian zone. Additional information is needed on riparian effects, water quality, and fish monitoring.

ERP No. DS-CDB-K85060-CA, Rating LO, Azusa Central Business District Redevelopment Project Area, Parcel A/ Site 1, Increased Office and Commercial Space Construction, CDB Grant/Section 108 Loan Guarantee, City of Azusa, Los Angeles County, CA.

Summary: Review of the final EIS was not deemed necessary. No formal comments were sent to the agency.

ERP No. D-FAA-G51022-TX, Rating LO, New Austin Airport, Construction, Airport Layout Plan and Location Approval, Cities of Austin and Manor, Travis County, TX.

Summary: EPA has no objections to the proposed action as described.

ERP No. D-FHW-B40068-ME, Rating EC2, Topsham-Brunswick Bypass Construction, I-95/196 Interchange to Rt-1, Funding, 404 Permit and Section 9 Permit, Sagadahoc and Cumberland Counties, ME.

Summary: EPA requests justification for the elimination of alternatives, by documenting that they are either not practicable or more environmentally damaging in accordance with future 404 permit requirements. EPA believes the final EIS should expand on potential wetland mitigation measures and plans for unavoidable wetland impacts, and requests a full air quality analysis.

Final EISs

ERP No. FS-AFS-J82008-MT, Deerlodge National Forest Noxious Weed Control Program, Implementation,

Use of Herbicide within the Rock Creek Drainage and Other Areas, Deerlodge, Jefferson, Granite, Powell, Madison and Silver Bow Counties, MT.

Summary: Most of EPA's comments was addressed in this document. The lack of information provided in the EIS on the scope and specificity of the Forest Service's monitoring plans continues to be a significant issue. This information may be included in the monitoring plan, however was not available at the time of the EIS review.

ERP No. F-FHW-K40147-HI, Alii Highway Construction, Kailue-Kona to Keauhow, Funding, Hawaii County, HI.

Summary: Review of the final EIS was not deemed necessary. No formal comments were sent to the agency.

ERP No. FS-UMT-K54014-CA, Los Angeles Metro Rail Rapid Transit Project, Updated Information and Impacts of the New Locally Preferred Alternative, Funding, Los Angeles County, CA.

Summary: Review of the final EIS was not deemed necessary. No formal comments were sent to the agency.

Dated: September 11, 1989.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 89-21787 Filed 9-14-89; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3642-5]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed September 4, 1989 Through September 8, 1989 Pursuant to 40 CFR 1506.9.

EIS No. 890248, Final, BLM, ID, Idaho Statewide Small Wilderness Study Areas (WSAs), Wilderness Recommendations, Designation or Nondesignation, Box Creek, Lower Salmon Falls Creek, Henry's Lake, Worm Creek, Goldbury, Borah Peak, Boulder Creek, Little Wood River and Black Butte WSAs, Valley, Twin Falls, Fremont, Bear Lake, Custer, Blaine and Lincoln Counties, ID, Due: October 16, 1989, Contact: Gary L. Wyke (208) 334-1952.

EIS No. 890249, Draft, AFS, MT, Trail Creek Timber Sale, Implementation, Beaverhead National Forest, Wisdom Range District, Beaverhead County, MT, Due: October 30, 1989, Contact: Ronald C. Prichard (406) 683-3900.

EIS No. 890250, Final, AFS, OR, Ochoco National Forest and Crooked River National Grassland, Land and

Resource Management Plan, Implementation, Crook, Grant, Harney, Jefferson and Wheeler Counties, OR, Due: October 16, 1989, Contact: Earle F. Layser (503) 447-6247.

EIS No. 890251, Draft, FHW, OR, I-84 Widening, N.E. 181st Avenue to Sandy River, Funding and 404 Permit, Multnomah County, OR, Due: November 9, 1989, Contact: Dale Wilken (503) 399-5749.

EIS No. 890252, Draft, AFS, CO, Hatchet Park Timber Sale, Implementation, Arapaho National Forest, Sulphur Ranger District, Grand County, CO, Due: October 16, 1989, Contact: Kevin Riordan (303) 887-3331.

This Notice of Availability should have appeared in the 8-25-89 **Federal Register**. The official NEPA review period is calculated from 8-25-89.

Dated: September 11, 1989.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 89-21786 Filed 9-14-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3647-1]

Science Advisory Board; Relative Risk Reduction Strategies Committee Environmental Risk Subcommittee; Open Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a public meeting of the Environmental Risk Subcommittee of the Relative Risk Reduction Strategies Committee. The meeting will be held from 8:30 a.m. to 5:00 pm on September 25-26, 1989 at the Howard Johnson's National Airport Hotel, 2650 Jefferson Davis Highway, Arlington, VA 22202. The purpose of the meeting is for the Subcommittee to discuss development of environmental risk reduction strategies.

BACKGROUND: For further information, please refer to the notice found in 54 **Federal Register** 35386, August 25, 1989. In addition, a correction to the information contained in that notice should be made. The Relative Risk Reduction Strategies Subcommittee (RRRSS) has been redesignated as the Relative Risk Reduction Strategies Committee (RRRSC). The EPA sponsored workgroups are redesignated as the Environmental Risk, Health Risk, and Risk Reduction Subcommittees of the RRRSC.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the

Subcommittee or the meeting should contact Mr. A. Robert Flask, Designated Federal Official, U.S. Environmental Protection Agency (A-101F), 401 M Street, SW., Washington, DC, (202) 382-2552, (FTS) 382-2552. Seating at the meeting is on a first come basis.

Dated: September 11, 1989.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 89-21959 Filed 9-14-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Office of Management and Budget's Approval of Information Collection Requirements

September 8, 1989.

The following information collection requirements have been approved by the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, (44 U.S.C. 3507). For further information contact Judy Boley, Federal Communications Commission, (202) 632-7513.

OMB No.: 3060-0031

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License

Form No.: FCC 314

A revised application form FCC 314 has been approved for use through 6/30/92. The February 1987 edition with an OMB expiration date of 6/30/89 will remain in use until revised forms are available.

OMB No.: 3060-0032

Title: Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License

Form No.: FCC 315

A revised application form FCC 315 has been approved for use through 8/31/92. The January 1987 edition with an OMB expiration date of 6/30/89 will remain in use until revised forms are available.

OMB No.: 3060-0099

Title: Annual Report Form M

Form No.: FCC Form M

A revised annual report form M has been approved for use through 8/31/91. The revised edition of form M will be implemented in January 1990 and respondents will be required to return their submissions to FCC by March 1990.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-21663 Filed 9-14-89; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City, and State	File No.	MM Docket No.
A. Roxanne Givens, Eden Prairie, MN.	BPH-871202	89-387
B. Tyler Broadcasting of Eden Prairie, Eden Prairie, MN.	BPH-871202NQ	
C. Minnesota Public Radio, Eden Prairie, MN.	BPED-871203MC	
D. Steven J. Peters, Eden Prairie, MN.	BPH-871203ME	
E. Nancy Jean Peterson, Eden Prairie, MN.	BPH-871203MF	
F. Southwest Suburban Broadcasting, Inc., Eden Prairie, MN.	BPH-871203MH	
G. Nicholas Henderson and Raveesh Kurma d/b/a Eden Prairie Broadcasting Company, Eden Prairie, MN.	BPH-871203ML	
H. Crimiel Communications Associates Limited Partnership, Eden Prairie, MN.	BPH-871203MN	
I. Eden Prairie Broadcasting, Inc., Eden Prairie, MN.	BPH-871203MP	
J. Skyward Broadcasting Limited Partnership, Eden Prairie, MN.	BPH-871203MU	
K. Echonet Corporation, Eden Prairie, MN.	BPH-871203NA	
L. N. Walter Goins, Eden Prairie, MN.	BPH-871203NE	
M. JH Broadcast Limited Partnership, Eden Prairie, MN.	BPH-871203NF	
N. Anne M. Counihan, Eden Prairie, MN.	BPH-871203NQ	
O. Cove Communications, Inc., Eden Prairie, MN.	BPH-871203NT	
P. Sheldon A. Johnson and Steven C. Fritchman d/b/a Eden Prairie FM., Eden Prairie, MN.	BPH-871203NU ¹	

¹ Previously dismissed.

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. See Appendix.....	J.
2. See Appendix.....	J.
3. See Appendix.....	J.
4. Financial Qualifications.	E.
5. Air Hazard.....	A, B, C, D, E, G, H, I, K.
6. Comparative.....	A-O.
7. Ultimate.....	A-O.

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

1. To determine whether Sunrise Management Services, Inc. is an undisclosed party to the application of J (SBLP).

2. To determine whether J (SBLP's) organizational structure is a sham.

3. To determine, from the evidence adduced pursuant to issues 1 through 2 above, whether J (SBLP) possesses the basic qualifications to be a licensee of the facilities sought herein.

[FR Doc. 89-21660 Filed 9-14-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-840-DR]

Vermont; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA-840-DR), dated September 11, 1989, and related determinations.

DATED: September 11, 1989.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated September 11, 1989, the

President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Vermont, resulting from severe storms and flooding on August 4-5, 1989, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288, as amended by Public Law 100-707. I, therefore, declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under PL 93-288, as amended by PL 100-707, for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Albert A. Gammal, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Vermont to have been affected adversely by this declared major disaster: Addison, Caledonia, Essex, Orange, and Washington Counties for Public Assistance. (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Robert H. Morris

Acting Director, Federal Emergency Management Assistance.)

[FR Doc. 89-21828 Filed 9-14-89; 8:45 am]

BILLING CODE 6718-02-M

Board of Visitors for the National Fire Academy; Open 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: Board of Visitors for the National Fire Academy

Dates of Meeting: October 15-17, 1989

Place: National Emergency Training Center, G Bldg., 2nd Floor Conference Room, Emmitsburg, MD 21727
Time: October 15—2 p.m. to 5 p.m.
October 16—8:30 a.m. to 5 p.m.
October 17—8:30 a.m. to Agenda Completion

Proposed Agenda: Old Business, New Business; Tour/Inspection of Facilities

The meeting will be open to the public with seating available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, Office of Training, 16825 South Seton Avenue, Emmitsburg, MD 21727 (telephone number 301-447-1123) on or before October 2, 1989.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Director's Office, Office of Training, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: August 10, 1989.

Dave McLoughlin,

Director, Office of Training.

[FR Doc. 89-21829 Filed 9-14-89; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Filing of Georgia Ports Authority Terminal Agreements

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010749-003

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Yangming Marine Transport

Corporation

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-010749 to increase charges for computer service for custom's releases, container handling and stack utilization, effective October 1, 1989.

Agreement No.: 224-010774-006

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Evergreen Marine Corporation
(Taiwan), Ltd. (Evergreen)
Costa Container Lines SPA (Costa)
Italia di Navigazione S.P.A. (Italia)

Synopsis: The Agreement modifies the rate schedule of the basic agreement by revising the rates for wharfage, crane rental and slot lease applicable to containers loaded on and off ships, and provides a dockage charge per loaded TEU. The Agreement also provides individual field services consolidated rates for Evergreen, Italia and Costa, and provides that services not included in the consolidated rates will be performed at 80% of current tariff rates.

Agreement No.: 224-010880-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Hanjin Container Lines, Ltd.

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-010880 to provide for an increase in the consolidated rate for terminal services and the unloaded empty container rate, effective October 1, 1989.

Agreement No.: 224-011090-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Cia. Chilena de Navegacion
Interoceanica S.A.

Synopsis: The Agreement modifies the rate schedule of the basic agreement by revising loaded and empty container movement and drayage charges, effective October 1, 1989. These rates are subject to change on October 1 of each succeeding year in an amount equal to the percentage increase for similar type services as listed in GPA's Terminal Tariff No. 1-F.

Agreement No.: 224-200102-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Ocean Star Container Line

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-200102 and increases the consolidated rate per container to \$ 107.10 for containers loaded on or off vessels.

Agreement No.: 224-200103-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
A/S Ivarans Rederi

Synopsis: The Agreement modifies the rate schedule of Agreement 224-200103 and increases the consolidated rate per container to \$135.00 for containers loaded on or off vessels.

Agreement No.: 224-200137-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Jugolinija

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-200137 and increases these rates pursuant to clauses in the agreement.

Agreement No.: 224-200204-001

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Shipping Corporation of Trinidad and Tobago

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-200204 and increases the consolidated rate per container to \$130.20 for containers loaded on or off vessels.

Agreement No.: 224-200224-001

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority (GPA),
Chiquita Brands, Inc.

Synopsis: The Agreement modifies the rate schedule of the basic agreement by providing a premount or demount of containers charge of \$27.56 per move, effective October 1, 1989. This rate will escalate annually on October 1 of each succeeding year in an amount equal to the corresponding percentage rate increase in GPA's Terminal Tariff No. 1-F.

Agreement No.: 224-200225-001

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority (GPA),
Thames Shipping Ltd.

Synopsis: The Agreement modifies the rate schedule of the basic agreement by

revising the consolidated terminal service rates effective April 1, 1990. The Agreement also identifies the services covered and those not covered under the rate schedule. Services not included in the consolidated rates will be billed according to GPA's Terminal Tariff No. 1-F.

Agreement No.: 224-200230-001

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority,
Wilhelmsen A/S

Synopsis: The Agreement modifies the rate schedule of Agreement No. 224-200230 to provide for an increase in the consolidated rate for terminal services, effective October 1, 1989.

Agreement No.: 224-200254-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority (GPA)
Columbus Line

Synopsis: The Agreement modifies the rate schedule of the basic agreement by revising the computer service charge for custom's releases, the charge for handling containers to and from rail cars and the stack utilization fee. These rates are subject to increase on October 1, each year in an amount not to exceed the percentage increase in GPA's Terminal Tariff No. 1-F.

Agreement No.: 224-200262-002

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Hapag-Lloyd A.G.
Gulf Container Line (GCL), BV
Compagnie Generale Maritime

Synopsis: The Agreement modifies the rate schedule of the basic agreement by revising the rates for wharfage, crane rental, slot lease and rail loading and unloading. The Agreement also provides a stack utilization fee and a computer service charge for custom's releases which apply only to Hapag-Lloyd, A.G. The Agreement provides formulas for the escalation of these rates, October 1, each succeeding year.

Agreement No.: 224-010774-007

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority
Evergreen Marine Corporation
(Taiwan), Ltd.
Costa Container Lines SPA
Italia di Navigazione S.P.A.
Compagnie Generale Maritime

Synopsis: The Agreement amends the basic lease agreement to include Compagnie Generale Maritime as a party to the agreement

By Order of the Federal Maritime Commission.

Dated: September 11, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-21701 Filed 9-14-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

F & M National 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 October 6, 1989.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)
701 East Byrd Street, Richmond, Virginia 23261:

1. *F & M National Corporation*, Winchester, Virginia; to acquire 100 percent of the voting shares of the First National Bank of Broadway, Broadway, Virginia.

2. *New East Bancorp.*, Raleigh, North Carolina; to acquire 100 percent of the voting shares of New East Bank of Greenville, Greenville, North Carolina, a *de novo* bank.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice

President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Twin Cities Bancorporation, Inc.*, Chanhassen, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Crossroads National Bank, Chanhassen, Minnesota, a *de novo* bank.

Board of Governors of the Federal Reserve System, September 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21776 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

The First National Bankshares of Henry County, Inc., et al., Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a previous Federal Register notice (FR Doc. 89-20837) published at page 37022 of the issue for Wednesday, September 6, 1989.

Under the Federal Reserve Bank of Chicago, the entry for National Bancorp, Inc. is amended to read as follows:

1. *National Bancorp, Inc.*, Melrose Park, Illinois; to engage *de novo* through its subsidiary, First Lake Corp., Melrose Park, Illinois, in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Comments on this application must be received by September 29, 1989.

Board of Governors of the Federal Reserve System, September 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21780 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

PKBanken, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities of assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 proposed can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gain 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 question 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 each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than October 6, 1989.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *PKBanken*, Stockholm, Sweden; to acquire Independent Finance, Inc., Bellevue, Washington, and thereby engage in making, acquiring, and servicing loans and other extensions of credit for the company's account and for the account of others, which will be either secured or unsecured, with the collateral consisting of real estate, equipment and other tangible personal property, such as would be made by mortgage or commercial finance companies pursuant to § 225.25(b)(1); and leasing personal or real property, or acting as agent, broker or adviser in leasing such property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire through its wholly-owned subsidiary, Norwest Insurance, Inc., the personnel and future business of Saffer Insurance Services, Inc. which has its office located in Lincoln, Nebraska, which specializes in expanded life, health, disability, dental and general group lines of insurance. Norwest Corporation and its subsidiaries are authorized to engage in insurance agency activities pursuant to section 4(c)(9)(G) of the Bank Holding Company Act of 1956, as amended.

Board of Governors of the Federal Reserve System, September 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21777 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

Provident Bancorp, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 6, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Provident Bancorp*, Cincinnati, Ohio; to engage *de novo* in certain community development related

activities pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *South Carolina National Corporation*, Columbia, South Carolina; to engage *de novo* in investing as the sole limited partner and 99 percent capital investor in each of seven separate limited partnerships, which will construct, acquire, manage, and eventually sell seven small apartment complexes to provide safe and affordable housing for low to moderate income and elderly individuals and families in South Carolina communities with populations of less than 20,000 pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in Lugoff, Clover, Union, Conway, Clinton, Winnsboro, and Walhalla, South Carolina.

Board of Governors of the Federal Reserve System, September 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21778 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

Bettye C. Reid and Raymond E. Reid; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 29, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senator Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bettye C. Reid & Raymond E. Reid*, Pampa, Texas; to acquire an additional 1.48 percent of the voting shares of American Republic Bancshares, Inc., Belen, New Mexico, for a total of 23.77 percent, and thereby indirectly acquire

First National Bank of Belen, Belen, New Mexico.

Board of Governors of the Federal Reserve System, September 11, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21779 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

Canadian Imperial Bank of Commerce, Toronto, Ontario, Canada; Proposal To Engage in Placement as Agent of Debt and Equity Securities; Correction

This notice corrects a previous Federal Register notice (FR Doc. 89-20488) published at page 36051 of the issue for Thursday, August 31, 1989.

The notice for Canadian Imperial Bank of Commerce is amended to read as follows:

Canadian Imperial Bank of Commerce, Toronto, Ontario, Canada ("Canadian Imperial"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a), of the Board's Regulation Y (12 CFR 225.23(a)), for permission for its subsidiary Wood Gundy Corp., New York, New York ("Company") to engage in the placement, as agent for issuers, of debt and equity securities.

Company is currently authorized to engage in providing various types of brokerage and investment and financial advisory services, as well as underwrite and deal in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks are authorized to underwrite and deal in under 12 U.S.C. 24 and 335.

Canadian Imperial has applied to engage in the placement, as agent for issuers, of all types of securities within the following limitations: (i) Company will act only as agent, without recourse, solely upon the order and for the account of clients, and will not assume any credit or market risk with respect to the securities privately placed; (ii) Company will remain a broker-dealer registered with the Securities and Exchange Commission and subject to the registration, record-keeping, reporting and other fiduciary standards of the Securities Exchange Act of 1934, as amended, and of the National Association of Securities Dealers, Inc.; (iii) Company will be maintained, and will hold itself out to the public, as a separate and distinct corporate entity with its own properties, assets, liabilities, books and records, will conduct its business separate from its affiliates, with its agreements with clients indicating that it is solely

responsible for its contractual obligations and commitments, and will maintain offices separate from those of any bank or thrift subsidiary of Canadian Imperial or any U.S. branch or agency of Canadian Imperial; (iv) Company will comply with the provisions of the Securities Act with respect to each private placement of securities; (v) Company will place securities only with a limited number of financially sophisticated institutions and individuals, and will not offer securities to the general public or make any general solicitation or advertisement of the securities it privately places (Company will not engage in "best efforts" underwriting as part of the proposed activities); and (vi) Company will not purchase or repurchase for its own account any securities privately placed by the Company or inventory (whether overnight or otherwise) unsold portions of an issue; however, Company may, subject to the Board's approval of Canadian Imperial's pending application to underwrite and deal to a limited extent in debt and equity securities, purchase or repurchase for its own account any securities privately placed or inventory any unsold securities (gross revenues derived from the latter activities would be included in the gross revenues that Company derives from ineligible securities activities).

In addition, (vii) neither Canadian Imperial nor any of its subsidiaries will provide any letter of credit or other guarantee arrangement to support any securities placed by the Company; (viii) neither Canadian Imperial nor any of its subsidiaries will knowingly make loans to issuers of securities placed by the Company that are the functional equivalent of purchasing the securities for the account of Canadian Imperial or such subsidiary and Canadian Imperial and its subsidiaries will assure themselves, and maintain appropriate documentary records demonstrating, that any advances by them to an issuer of securities being placed by the Company are not used to repay such securities (or any interest or dividends thereon) or to cover any unsold portion of such securities (i.e., any credit extended to such issuers by Canadian Imperial or its subsidiaries will be under different terms, at different times and for different purposes than the securities being placed by the Company or will have substantial participation by unaffiliated lenders, and will contain terms no more favorable to persons who use the Company's private placement services than to persons who do not use such services); (ix) no U.S. bank, thrift or trust or investment advisory subsidiary

of Canadian Imperial and no U.S. branch or agency of Canadian Imperial will purchase, as a trustee or in any other fiduciary capacity, for accounts over which it has investment discretion securities placed by the Company unless, in any such case, such purchase is specifically authorized under the instrument creating the fiduciary relationship, by court order, or by law of the jurisdiction under which the trust is administered; (x) no U.S. bank, thrift or trust or investment advisory subsidiary of Canadian Imperial and no U.S. branch or agency of Canadian Imperial will provide investment advice with respect to securities placed by the Company or will advertise or distribute sales literature concerning such securities and, where any bank or lending affiliate of the Company has a material lending relationship with an issuer of securities being placed by the Company, as required by the securities laws the Company will disclose the existence of that relationship to each purchaser of that issuer's securities and whether the proceeds of the issue will be used to repay outstanding debt to affiliates (such disclosure would describe the difference between Company and Canadian Imperial and Canadian Imperial's subsidiary banks); (xi) there will be no officer, director or employee interlocks between the Company and any of Canadian Imperial's U.S. bank or thrift subsidiaries or any U.S. branch or agency of Canadian Imperial; and (xii) no U.S. bank or thrift affiliate of Canadian Imperial and no U.S. branch or agency of Canadian Imperial shall disclose to the Company, nor shall the Company disclose to an affiliated U.S. bank or thrift or U.S. branch or agency of Canadian Imperial, any nonpublic customer information (including an evaluation of the creditworthiness of an issuer or other customer of that bank or thrift, or underwriting subsidiary) without the consent of that customer.

The Board has not previously determined that the proposed activities are permissible under section 4(c)(8) of the Bank Holding Company Act. Section 4(c)(8) of the Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

Canadian Imperial contends that the proposed activities are closely related to banking because banks have provided such services for many years, and

because such activities are operationally and functionally equivalent to many traditional commercial banking functions.

In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "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." Canadian Imperial maintains that approval of the application can be expected to increase the competitiveness of Company, particularly since the Company has special expertise in providing such services in the cross-border market between the United States and Canada.

Canadian Imperial contends that the proposed activities would not result in adverse effects as the potential conflicts of interest that might be said to arise are no different from those arising from the private placement activities approved by the Board in Bankers Trust New York Corporation, 73 Federal Reserve Bulletin 138 (1987). Canadian Imperial also states that any adverse effects are adequately addressed by the above proposed limitations as well as by the anti-fraud prohibitions of the Securities Act and the Securities Exchange Act of 1934, the NASD Rules of Fair Practice, the anti-tying provisions of the banking and antitrust laws, ERISA, and sections 23A and 23B of the Federal Reserve Act.

Canadian Imperial contends that the proposed activities do not raise an issue under section 20 of the Glass-Steagall Act (12 U.S.C. 377), relying on *Securities Industry Ass'n v. Board of Governors*, 807 F.2d 1052 (D.C. Cir. 1986), cert. denied, 107 S.Ct 3228 (1987). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than September 29, 1989.

Board of Governors of the Federal Reserve System, September 13, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-22020 Filed 9-14-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those information collections recently submitted to OMB.

1. Review to Identify Medicare Secondary Payer Situations—New—A questionnaire will be sent to 500 employers to obtain information on Medicare beneficiaries' other employment related health insurance. This information will be used to identify primary payers responsible for payments inappropriately billed to Medicare. Respondents: Businesses, For-profit and Non-profit Organizations, Federal, State and Local Governments; Annual Number of Respondents: 500; Frequency of Response: one time; Average Burden per Response: 7 hours; Total Annual Burden: 3500 hours.

OMB Desk Officers: Shannah Koss-McCallum.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 245-6511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

August 28, 1989.

James F. Trickett,

Deputy Assistant Secretary for Management and Acquisition.

[FR Doc. 89-21674 Filed 9-14-89; 8:45 am]

BILLING CODE 4150-04-M

Public Health Service**National Institutes of Health;
Statement of Organization, Functions
and Delegations of Authority;
Correction**

Correction Note. Part H. Chapter HN (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 54 FR 28495, July 6, 1989), is amended to restate Item 4 in the functional statement for the National Center for Human Genome Research (HN3) (54 FR 28495, July 6, 1989).

Section HN-B, Organization and Functions as amended as follows:

Under the heading National Center for Human Genome Research (HN3), delete Item 4 of the functional statement in its entirety and substitute the following: "(4) serves as a focal point for coordination within NIH and will be the DHHS point of contact for Federal interagency coordination, collaboration with industry and academia, and international cooperation."

Dated: August 28, 1989.

James E. Larson,

*Acting Deputy Assistant Secretary for
Information and Resources Management.*

[FR Doc. 89-21673 Filed 9-14-89; 8:45 am]

BILLING CODE 4140-01-M

Family Support Administration**Forms submitted to the Office of
Management and Budget for
Clearance**

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). Following is the package submitted to OMB since the last publication on September 9, 1989.

(Call the Reports Clearance Officer on 202-252-5604 for a copy of package)

Integrated Review Schedule—FSA 4357—0970—0035—State agencies are required to perform quality control reviews for each of the three federal assistance programs: AFDC, FNS and Medicaid. The Integrated Review Schedule is jointly designed and used by FSA, FNS and HCFA. The review schedule serves as the comprehensive data entry form for all quality control

reviews in the AFDC, FNS and Medicaid programs. Respondents: State or local governments; Number of Respondents: 52,662; Frequency of Response: 1; Average Burden per Response: 1; Estimated Annual Burden: 52,662 hours.

OMB Desk Clearance Officer: Justin Kopca

Consideration will be given to comments and suggestions received within 60 days of publication. Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3201, 725 17th Street N.W., Washington, DC 20503.

Dated: September 8, 1989.

Sylvia E. Vela,

*Deputy Associate Administrator, Office of
Management and Information Systems.*

[FR Doc. 89-21671 Filed 9-14-89; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 89E-0310]

**Determination of Regulatory Review
Period for Purposes of Patent
Extension; Anionic Polyurethane**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Anionic Polyurethane and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims Anionic Polyurethane.

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

FOR FURTHER INFORMATION CONTACT:

I. David Wolfson, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Price Drug Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so

long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For food and color additives:

(1) The testing phase begins on the date a major health or environmental effects test is begun and ends on the date a petition relying on the test and requesting the issuance of a regulation for use of the additive under sections 409 (21 U.S.C. 348) or 706 (21 U.S.C. 376) of the Federal Food, Drug, and Cosmetic Act (the act) is initially submitted to FDA. An "environmental effects" test may be any test which: (i) Is reasonably related to the evaluation of the product's health effects, environmental effects, or both; (ii) produces data necessary for marketing approval; and (iii) is conducted over a period of not less than 6 month's duration, excluding time required to analyze or evaluate test results. 21 CFR 60.22(b)(1).

(2) The approval phase begins on the date a petition requesting the issuance of a regulation for use of the additive under section 409 or 706 of the act is initially submitted to FDA and ends upon whichever of the following occurs last: (i) The regulation for the additive becomes effective; or (ii) objections filed against the regulation that result in a stay of effectiveness are resolved and commercial marketing is permitted; or (iii) proceedings resulting from objections to the regulation, after commercial marketing has been permitted and later stayed pending resolution of the proceedings, are finally resolved and commercial marketing is permitted. 21 CFR 60.22(b)(2). Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a color or food additive will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(2)(B).

FDA recently issued a regulation listing Anionic Polyurethane as an indirect food additive. Anionic

Polyurethane is used as a surface sizing agent at a level not to exceed 0.1 percent by weight of dry paper and paperboard.

Subsequent to this listing, the Patent and Trademark Office received a patent term restoration application for Anionic Polyurethane (U.S. Patent Number 4,096,127) from Akzona Inc., and requested FDA's assistance in determining the product's eligibility for patent term extension. In a letter dated August 11, 1989, FDA advised the Patent and Trademark Office that the product had undergone a regulatory review period and that the indirect food additive, Anionic Polyurethane, represented the first commercial marketing or use of this indirect food additive in contact with aqueous and fatty foods under section 409 of the act. This **Federal Register** notice now represents FDA's determination of the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Anionic Polyurethane is 4,086 days. Of this time, no days occurred during the testing phase of the regulatory review period. The entire period of 4,086 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a major health or environmental effects test was begun:* None submitted. FDA has verified the applicant's claim that no major health or environmental effects test was ever submitted to the agency.

2. *The date on which applicant's two petitions requesting the issuance of a regulation for use of the indirect food additive under section 409 of the act were initially submitted:* February 27, 1978.

The applicant claims February 13, 1978, as the date that the applicant submitted two petitions requesting the issuance of a regulation for use of the indirect food additive under section 409. However, FDA records indicate that these petitions were not received by FDA until February 27, 1978.

3. *The date the regulation for the indirect food additive became effective:* May 5, 1989. FDA has verified that the effective date of the regulation allowing commercial distribution of the indirect food additive was May 5, 1989.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days of patent term extension.

Anyone with knowledge that any of

the dates as published are incorrect may, on or before November 14, 1989 submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before March 14, 1990, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 1989.

Allen B. Duncan,
Acting Associate Commissioner for Health Affairs.

[FR Doc. 89-21784 Filed 9-14-89; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting of the Advisory Council

Notice is hereby given of a change in the location for the September 25-26, 1989, meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, which was published in the **Federal Register** on August 24, 1989, 54 FR 35252.

This Council was to convene at the National Institutes of Health, Building 1, Wilson Hall, but has been changed to meet at the Holiday Inn Chevy Chase, Palladian Room, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

The meeting will be open to the public from 8:30 a.m. to approximately 12 noon on September 25, and from 1:00 p.m. to adjournment on September 26.

Dated: September 12, 1989.

Betty J. Beveridge,
Committee Management Officer, NIH.

[FR Doc. 89-21988 Filed 9-14-89; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Pub. L. 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on August 18, 1989.

(Call Reports Clearance Officer on (301) 965-4149 for copies of package)

1. **PEBES 800 Service Evaluation Caller Recontact Guide—0960—**The information collected on the form SSA-4307 is used by the Social Security Administration to evaluate the service provided via a toll-free 800 telephone number through which information about Personal Earnings and Benefit Estimate Statements (PEBES) is available.

Number of Respondents: 2,000

Frequencies of Response: 1

Average Burden Per Response: 6 minutes

Estimated Annual Burden: 200 hours

2. **Statement by School Official About Student's Attendance (SSA-1371) and Statement to U.S. Social Security Administration by School Official Outside the U.S. About Student's Attendance—0960-0090—**The information collected on these forms is used by the Social Security Administration (SSA) to confirm the student's alleged full time attendance at an educational institution and to help SSA determine if the school qualifies as such.

Number of Respondents: 5,000

Frequency of Response: 1

Average Burden Per Response: 10 minutes

Estimated Annual Burden: 883 hours

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: September 11, 1989.

Ron Compston,
Social Security Administration, Reports Clearance Officer.

[FR Doc. 89-21888 Filed 9-14-89; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-89-1917; FR-2506]

Unutilized and Underutilized Federal Buildings and Real Property Determined To Be Suitable for Use for Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: September 15, 1989.

ADDRESS: For further information, contact Morris Bourne, Department of Housing and Urban Development, Room 9140, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-9075; TDD number for the hearing- and speech-impaired (202) 426-0015. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988, court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized and underutilized Federal buildings and real property determined by HUD to be suitable for use for facilities to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable this week.

Dated: September 8, 1989.

James E. Schoenberger,
General Deputy Assistant Secretary for
Housing, Federal Housing Commissioner.
[FR Doc. 89-21655 Filed 9-14-89; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-930-89-4332-08; FES 89-22]

Environmental Impact Statement; Southern and Central Idaho Wilderness Study Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of a final Environmental Impact Statement (EIS)

for wilderness proposals for nine Wilderness Study Areas (WSAs) in southern and central Idaho.

SUMMARY: This EIS documents the expected effects of managing nine WSAs as wilderness or nonwilderness. These WSAs range in size from 40 acres to 4,265 acres.

The alternatives assessed include: (1) A "no wilderness" alternative for each WSA; (2) an "all wilderness" alternative for each WSA; (3) a partial wilderness alternative for the Henry's Lake WSA; and (4) an "all wilderness plus additional acreage" alternative for the Borah Peak WSA. The names of the WSAs, the total acreage of each, and the proposed action for each are as follows:

Box Creek WSA: 440 acres; recommended unsuitable for designation as wilderness.

Lower Salmon Falls Creek WSA: 3,500 acres; recommended unsuitable for designation as wilderness.

Henry's Lake WSA: 350 acres; 340 acres recommended suitable for designation as wilderness in conjunction with the adjacent U.S. Forest Service's Lion's Head Roadless Area; 10 acres recommended unsuitable for wilderness designation.

Worm Creek WSA: 40 acres; recommended suitable for designation as wilderness in conjunction with the adjacent U.S. Forest Service's Worm Creek Roadless Area.

Goldburg WSA: 3,290 acres; recommended unsuitable for designation as wilderness.

Boulder Creek WSA: 1,930 acres; recommended unsuitable for designation as wilderness.

Borah Peak WSA: 3,100 acres; all 3,100 acres plus 780 acres outside the WSA recommended suitable for designation as wilderness in conjunction with the adjacent U.S. Forest Service's Borah Peak proposed wilderness.

Little Wood River WSA: 4,265 acres; recommended suitable for designation as wilderness in conjunction with the adjacent U.S. Forest Service's Pioneer Mountains Roadless Area.

Black Butte WSA: 4,068 acres; recommended unsuitable for designation as wilderness.

Bureau of Land Management wilderness proposals ultimately will be forwarded by the Secretary of the Interior through the President to Congress. The decision on wilderness designation rests with Congress.

SUPPLEMENTARY INFORMATION: A limited number of copies of this EIS may be obtained from the State Director (932), Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706. Copies are

available for inspection at the following location: Bureau of Land Management, Office of Public Affairs, Interior Building, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: George Nelson, Wilderness Program Leader, Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, Telephone: (208) 334-1616.

Dated: September 5, 1989.

Jonathan P. Deason,

Director, Office of Environmental Project Review.

[FR Doc. 89-21262 Filed 9-14-89; 8:45 am]

BILLING CODE 4310-GG-M

[AZ-020-09-4212-12; A 20346-S]

Realty Action; Exchange of Public Lands, Pima and Pinal Counties, AZ

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

Pinal County

T. 9 S., R. 6 E.,

Sec. 5, lots 1 to 5, incl., S½.

T. 10 S., R. 6 E.,

Sec. 30, lots 1 to 4, incl., E½, E½W½;
Sec. 31, lots 1 and 2, E½NW¼, NE¼.

Pima County

T. 11 S., R. 6 E.,

Sec. 3, lots 1 and 2, S½NE¼, S½;
Sec. 5, lots 1 to 4, incl., S½N½, S½;
Sec. 6, lots 6 and 7, E½SW¼, SE¼;
Sec. 7, NE¼;
Sec. 10, all.

T. 11 S., R. 8 E.,

Sec. 1, lots 1 to 8, incl.;
Sec. 3, lots 1 to 8, incl.

T. 11 S., R. 9 E.,

Sec. 6, lots 2 to 5, incl., SE¼SW¼,
SW¼SE¼;
Secs. 10 through 15, incl.;
Secs. 21 through 26, incl.;
Sec. 35, unleased portions of E½E½,
SW¼NE¼, W¼SE¼;
Sec. 36, unleased portions of W½W½,
SE¼NW¼, NE¼SW¼, SE¼.

T. 11 S., R. 10 E.,

Sec. 19, lots 1 to 4, incl., E½, E½W½;
Sec. 20, W½;
Sec. 29, W½;
Sec. 30, lots 1 to 4, incl., E½, E½W½.

T. 12 S., R. 9 E.,

Sec. 1, lot 4.

- T. 12 S., R. 10 E.,
 Sec. 6, lots 1 to 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 7, lots 1 to 4, incl., E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 18, lots 1 to 4, incl., E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$,
 except for mineral patent 02-79-0009 in
 the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 13 S., R. 10 E.,
 Sec. 6, lot 4.
- T. 14 S., R. 9 E.,
 Sec. 33, N $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Secs. 34 and 35, all.
- T. 14 S., R. 10 E.,
 Sec. 31, lots 1 to 11, incl.; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 33, lots 1 to 8, incl., N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$.
- T. 14 S., R. 11 E.,
 Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 15 S., R. 9 E.,
 Sec. 1, lots 1 to 3, incl., W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 4, S $\frac{1}{2}$;
 Secs. 9 through 11, incl., all;
 Sec. 30, lots 1 to 4, incl., E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$.
- T. 15 S., R. 10 E.,
 Sec. 3, lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 4, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$;
 Sec. 5, lots 1 to 4, incl., S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 6, lots 1 to 5, incl., S $\frac{1}{2}$ NE $\frac{1}{4}$,
 SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing approximately 25,196.12 acres.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the Federal Register of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: September 11, 1989.

Henri R. Bisson,
 District Manager.

[FR Doc. 89-21766 Filed 9-14-89; 8:45 am]

BILLING CODE 4310-32-M

[MT-070-09-4050-91-43H: M46269]

Realty Action; Recreation and Public Purposes (R&PP) Act Conveyance; Montana

AGENCY: Interior, Bureau of Land Management, Butte District.

SUMMARY: The following described public lands in Lewis and Clark County, Montana have been found suitable for conveyance to the State of Montana, Department of Fish, Wildlife, and Parks under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq. and Public Law 100-648). These lands have been under lease to the Montana Department of Fish, Wildlife, and Parks since 1980 pursuant to the Recreation and Public Purposes Act for the Black Sandy State Recreation Area. This recreational use will be continued after the conveyance has been completed.

Principal Meridian, Montana

- T. 11 N., R. 2 W., Sec. 5,
 Lot 3—9.83 acres
 Lot 4—exclusive of lands in patent
 #45641—21.12 acres
- T. 12 N., R. 2 W., Sec. 32,
 Lot 7—exclusion of lands in patent #45641
 entailing three parcels totaling—12.97
 acres

The lands are not needed for Federal purposes. Conveyance is consistent with the Headwaters Resource Management Plan and would be in the public interest.

The patent when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act, including all of its amendments, and to all applicable regulations of the Secretary of the Interior.
2. A right-of-way for ditches and canals constructed under the authority of the United States.
3. All minerals will be reserved to the United States.
4. Those rights granted under right-of-way grant M50333.

The lands will remain segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act.

DATES: For a period up to and including October 30, 1989, interested parties may submit comments to the Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will

become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the conveyance is available for review at the Butte District Office, P.O. Box 3388, 106 North Parkmont, Butte, Montana 59702.

Dated: September 8, 1989.

Orval L. Hadley,

Acting District Manager.

[FR Doc. 89-21789 Filed 9-14-89; 8:45 am]

BILLING CODE 4310-DN-M

Minerals Management Service

Outer Continental Shelf Advisory Board; Policy Committee; Agenda for Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix 1) and the Office of Management and Budget's Circular No. A-63, Revised. The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet during the period 8 a.m. to 5 p.m., October 18 and 19, 1989, at the Red Lion Inn/Sea Tac, Seattle, Washington (206-246-8600).

The agenda for the meeting will cover the following principal subjects:

October 18

- Update on the Prince William Sound Cleanup Progress
- National Response Center—Role and Activities in Response to Hazardous Chemical and Oil Spills
- National Oil Spill Response Network
- Update on Dispersants (New Products)—Their Toxicity and Application Rates
- Implications of Comprehensive Oil Spill Liability and Compensation Legislation for the OCS Program
- Status Report of the Subcommittee to Review Analyses of the Oil Spill in Prince William Sound

October 19

- Report on Sand and Gravel Operations: Conflicts and Prospects
- Oil and Gas Potential of the OCS: Update of Estimates by Planning Area Based on the National Assessment
- Report on Development of the New 5-Year Program
- Presidential Task Force Update
- Beyond Moratoria: Future Directions of the OCS Program

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the Committee. Such requests should be made no later than September 30, 1989.

to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th and C Streets NW., Room 4230, Washington, DC 20240.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information, contact Carolita Kallaur, at (202) 343-3504.

Minutes of the meeting will be available for public inspection and copying at the Minerals Management Service, Department of the Interior, 18th and C Streets NW., Room 2070, Washington, DC 20240.

Dated: September 11, 1989.

William D. Bettenberg,
Associate Director for Offshore Minerals
Management.

[FR Doc. 89-21857 Filed 9-14-89; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercompany Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Magna Financial Corp., 9428 Reisterstown Road, Garrison, MD 21055

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- (i) Allstate Leasing, Inc. (Maryland)
- (ii) Gateway Leasing Corporation (Maryland & Qualified To Do Business In Georgia)
- (iii) Marks Rentals, Inc. T/A Thrifty Rent A Car (Maryland)
- (iv) Allstate Car & Truck Rental, Inc. T/A Budget Rent A Car of Richmond and Budget Rent A Car of Prince Georges County, Howard County and Waldorf (District of Columbia & Qualified To Do Business in Maryland & Virginia)
- (v) Heritage Chevrolet, Inc. (Maryland)
- (vi) Heritage Dodge, Inc. (Maryland)
- (vii) Heritage Jeep Eagle, Inc. (Maryland)
- (viii) Heritage Oldsmobile, Inc. T/A Heritage Isuzu (Maryland)
- (ix) Heritage Imports, Inc. T/A Heritage Subaru and T/A Heritage Volkswagen (Maryland)

Noreta R. McGee,
Secretary.

[FR Doc. 89-21822 Filed 9-14-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31531]

Rail Link Inc.; Continuance in Control Exemption; Commonwealth Railway Inc.

Rail Link Incorporated (Rail Link), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31, 1180.2(d) and 1180.4(g) for its continuance in control of Commonwealth Railway Incorporated (CRI). Rail Link already controls Carolina Coastal Railway, Inc. (CCR), a common carrier Class III railroad operating in Beaufort County, NC.

CRI is a new carrier, formed to acquire, operate, and lease portions of a line of railroad in Virginia. That transaction was exempted in Finance Docket No. 31528, effective August 23, 1989.

Rail Link indicates: (1) CRI will not connect with CCR; (2) the continuance is not part of a series of transactions that would connect CCR and CRI; and (3) the continuance does not involve a Class I carrier. Therefore, this transaction involves the continuance in control of a nonconnecting carrier, and is exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to the use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Any comments must be filed with the Commission and served on applicant's representative, Frank J. Pergolizzi, Slover & Loftus, 1224 17th Street NW., Washington, DC 20036.

If the notice contains false or misleading information, the exemption is void *ab initio*. A petition to revoke the exemption under 49 U.S.C. 10505(d) must be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: September 8, 1989.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-21652 Filed 9-14-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31525]

Southwestern Michigan Railroad Co., Inc.; Acquisition and Operation Exemption; Branch & St. Joseph Counties Rail Users Association, Inc.

Southwestern Michigan Railroad Company, Inc. (SMR), a noncarrier, has

filed a notice of exemption to acquire and operate a portion of the Quincy Branch railroad line, which is owned by the Branch & St. Joseph Counties Rail Users Association, Inc. (Association) ¹ extending between milepost 382.5, at Coldwater, MI, and milepost 406.84, at Sturgis, MI, a distance of approximately 24 miles. The transaction was expected to be consummated on or after August 24, 1989.

SMR must preserve intact all sites and structures more than 50 years old until compliance with the requirements of section 106 of the National Historic Preservation Act, 16 U.S.C. 470, is achieved. See *Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 1901, 4 I.C.C.2d 305* (1988).

Any comments must be filed with the Commission and served on: Fritz R. Kahn, Verner, Liipfert, Bernhard, McPherson and Hand, Suite 700, The McPherson Building, 901 15th Street NW., Washington, DC 20005-2301.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: August 31, 1989.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-21368 Filed 9-14-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Intent To Prepare a Draft Environmental Impact Statement for the Construction of a Metropolitan Detention Center in Downtown Miami, Dade County, FL

AGENCY: Federal Bureau of Prisons,
Justice.

ACTION: Notice of intent to prepare a
Draft Environmental Impact Statement
(DEIS).

SUMMARY:

1. Proposed Action: The U.S. Department of Justice, Federal Bureau of Prisons has determined that a new Metropolitan Detention Center is

¹ The Association acquired the line after its abandonment by Consolidated Rail Corporation.

needed in its system. A 1.9 acre parcel of land located on the south side of NE. 3rd Street, midway between North Miami Avenue and NE. 1st Avenue in Downtown Miami, Dade County, Florida will be evaluated. The proposal calls for the construction of a 700-1,000 bed detention center to house pre-trial and presentenced detainees who are going through the judicial process having been charged with or found guilty of violations of Federal law.

The 1.9 acre parcel would be used to construct a facility for inmate housing, administration, programs and services, and support facilities.

2. In the process of evaluating the land, several aspects will receive detailed examination including: utilities, traffic, noise levels, visual intrusion, environmental issues, cultural resources, and socio-economic impacts.

3. Alternatives: In developing the DEIS, the options of no action and alternative sites for the proposed facility will be fully and thoroughly examined.

4. Scoping Process: During the preparation of the DEIS, there will be numerous opportunities for public involvement in order to determine the issues to be examined. A scoping meeting will be held at a location convenient to the citizens of Miami. The meeting will be well publicized and will be held at a time which will make it possible for the public and member of interested agencies or organizations to attend. In addition, a number of informal meetings have already been held and will be continued by representatives of the Bureau of Prisons with City of Miami officials, community leaders and citizens.

5. DEIS Preparation: Public notice will be given concerning the availability of the DEIS, after publication for public review and comment.

6. Address: Questions concerning the proposed action and the DEIS can be answered by: Patricia K. Sledge, Site Acquisition Coordinator, Office of Facilities Development and Operations, Federal Bureau of Prisons, 320 First Street NW., Washington, DC 20534. Telephone: 202-272-6871.

Dated: September 8, 1989.

William J. Patrick,

Chief, Facilities Development and Operations, Federal Bureau of Prisons, U.S. Department of Justice.

[FR Doc. 89-21290 Filed 9-14-89; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29

CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

New General Wage Determinations Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State and page number(s).

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New York:

NY89-4 (Jan. 6, 1989) p. 709, p. 711
 NY89-8 (Jan. 6, 1989) p. 755, p. 756
 NY89-17 (Jan. 6, 1989) p. 817, p. 818

Pennsylvania:

PA89-2 (Jan. 6, 1989) p. 849, pp. 850-851, p. 855
 PA89-4 (Jan. 6, 1989) p. 869, p. 870
 PA89-7 (Jan. 6, 1989) p. 905, pp. 906-908, p. 911
 PA89-8 (Jan. 6, 1989) p. 915, pp. 916-918
 PA89-10 (Jan. 6, 1989) p. 933, p. 934
 PA89-15 (Jan. 6, 1989) p. 957, p. 958

PA89-17 (Jan. 6, 1989)	p. 963, pp. 964-966
PA89-20 (Jan. 6, 1989)	p. 983, pp. 984-987
PA89-22 (Jan. 6, 1989)	p. 993, pp. 994-997, p. 1000
West Virginia:	
WV89-2 (Jan. 6, 1989)	p. 1209, pp. 1210-1216, pp. 1218-1220, pp. 1223-1224, pp. 1226, 1230, p. 1231
WV89-3 (Jan. 6, 1989)	p. 1223, pp. 1234, 1236, pp. 1237-1239, p. 1241, 1244, p. 1246
Volume II	
Nebraska: NE89-1 (Jan. 6, 1989)	p. 717, pp. 718-719
Volume III	
Arizona: AZ89-2 (Jan. 6, 1989)	p. 15, pp. 16, 19-20, 23, pp. 25, 27
California: CA89-2 (Jan. 6, 1989)	p. 43, pp. 44-45, 47, 50, pp. 52-55
Colorado: CO89-2 (Jan. 6, 1989)	p. 115, p. 116
Idaho: ID89-1 (Jan. 6, 1989)	p. 145, pp. 146-149
Montana: MT89-1 (Jan. 6, 1989)	p. 171, pp. 172-173, pp. 175-184
MT89-2 (Jan. 6, 1989)	p. 189, pp. 189, 204-205, pp. 206-207
Utah: UT89-3 (Jan. 6, 1989)	p. 353, pp. 354-360

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may

be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 8th day of September 1989.

Robert V. Setera,

Acting Director, Division of Wage Determinations.

[FR Doc. 89-21583 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and

are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 25, 1989.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 25, 1989.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 5th day of September 1989.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Alco Control (workers)	Wytheville, VA	9/5/89	8/28/89	23,334	Valves and heater coils.
Amoco Production Co. Edgewood Gas Plant (workers)	Edgewood, TX	9/5/89	8/24/89	23,335	Oil and gas.
B&B Tool & Supply Co., Inc. (workers)	Casper, WY	9/5/89	8/16/89	23,336	Oil and gas.
BBL Industries Inc. (workers)	Atlanta, GA	9/5/89	8/23/89	23,337	Telephone/Radio paging and voice messaging terminals.
BMW of North America, Inc. (workers)	Dallas, TX	8/14/89	8/1/89	23,338	Parts Distribution Center.
BOP Repair & Machine, Inc. (workers)	Casper, WY	9/5/89	8/16/89	23,339	Oil and gas.
Cecil's Custom Shop (Company)	Odessa, TX	9/5/89	8/21/89	23,340	Service and repair shop.
Chapman Exploration (workers)	Tulsa, OK	9/5/89	8/28/89	23,341	Oil & gas.
E.T. Wright & Co., Inc. (BSACU)	Rockland, MA	9/5/89	8/10/89	23,342	Shoes.
Ford Electronics & Refrigeration Corp. (IUE)	Connersville, IN	9/5/89	8/24/89	23,343	Air conditioning components.
General Motors-CPC, N. Tarrytown	N. Tarrytown, NY	9/5/89	8/23/89	23,344	Passenger vehicles.
Interlake Companies, Inc. (USWA)	Mendota, IL	9/5/89	8/23/89	23,345	Mfg. auto guided vehicles.
Leadtec Utah (workers)	Pleasant, Grove, UT	9/5/89	8/14/89	23,346	Jeans.
Miami-Extruders (workers)	Miami, FL	9/5/89	8/21/89	23,347	Aluminum extrusions.
National Co-op Refinery Assoc. (workers)	Great Bend, KS	9/5/89	8/23/89	23,348	Oil and gas.
Oxford Industries of Reynolds (workers)	Reynolds, GA	9/5/89	8/21/89	23,349	Knit shirts.
Rio Algom Mining Co. (workers)	Moab, UT	9/5/89	8/23/89	23,350	Uranium oxide.
Unisys Reconditioning Center (workers)	Mendota, MN	9/5/89	8/18/89	23,351	Computers.
VM Industries (IUISTHE)	Newark, NJ	9/5/89	8/21/89	23,352	Electric equipment parts.
Varo Quality Semi-conductor, Inc. (workers)	Garland, TX	8/28/89	8/14/89	23,353	Rectifiers and diodes.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Schlumberger Well Service (workers).....	Mount Pleasant, MI	1/9/89	12/21/88	22,369A (Re-Opened)	Oil and gas.

[FR Doc. 89-21835 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-21,483 New Orleans; TA-W-21,485 Houma; TA-W-21,486 Lafayette]

The Louisiana Land and Exploration Co.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 23, 1988 applicable to all workers of The Louisiana Land and Exploration Company, New Orleans, Louisiana, the South Louisiana Division and the Southeastern District.

The certification is being amended to reflect the correct worker groups. New information from the company indicates that the identification of the worker groups as the South Louisiana Division and the Southeastern District do not properly reflect the appropriate worker groups. Worker separations at The Louisiana Land and Exploration Company occurred in Houma and Lafayette, Louisiana during the applicable time period. The notice, therefore, is amended by showing the proper worker groups as New Orleans, Louisiana, Houma, Louisiana and Lafayette, Louisiana.

The amended notice applicable to TA-W-21,483; 21,485 and 21,486 is hereby issued as follows:

All workers of The Louisiana Land and Exploration Company, New Orleans, Louisiana, Houma, Louisiana and Lafayette, Louisiana who became totally or partially separated from employment on or after October 1, 1985 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 6th day of September 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-21392 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-22,160 Denver, CO and TA-W-22,160A All Locations in Wyoming]

The Louisiana Land and Exploration Co.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 6, 1989 applicable to all workers of The Louisiana Land and Exploration Company, Denver, Colorado.

Based on new information from the company, additional workers were separated from The Louisiana Land and Exploration Company in several locations in the State of Wyoming. The notice, therefore, is amended by including workers in the State of Wyoming.

The amended notice applicable to TA-W-22,160 is hereby issued as follows:

All workers of The Louisiana Land and Exploration Company, Denver, Colorado and in the State of Wyoming who became totally or partially separated from employment on or after October 1, 1985 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 6th day of September 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-21833 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,062]

Oryx Energy Co.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Oryx Energy Co., formerly Sun Exploration and Production Co., headquartered in Dallas, TX and operating at various locations in the following States:

TA-W-23,062A California,
TA-W-23,062B Colorado,
TA-W-23,062C District of Columbia,
TA-W-23,062D Florida,
TA-W-23,062E Kansas,
TA-W-23,062F Louisiana,
TA-W-23,062G Michigan,

TA-W-23,062H Mississippi,
TA-W-23,062I New Mexico,
TA-W-23,062J Oklahoma,
TA-W-23,062K Texas,
TA-W-23,062L Wyoming,
TA-W-23,062M Arkansas,
TA-W-23,062N Alabama,
TA-W-23,062O Montana,
TA-W-23,062P North Dakota.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 31, 1989 applicable to all workers of Oryx Energy Company, Dallas, Texas and operating in the subject States.

Based on new information from the company, additional workers were separated from the Oryx Energy Company in the States of Alabama, Arkansas, Montana, and North Dakota. The notice, therefore, is amended by including workers in the additional four States.

The amended notice applicable to TA-W-23,062 is hereby issued as follows:

All workers of Oryx Energy Company, formerly Sun Exploration and Production Company, headquartered in Dallas, Texas and operating at various locations in the States listed below who became totally or partially separated from employment on or after June 28, 1989 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-23,062A California,
TA-W-23,062B Colorado,
TA-W-23,062C District of Columbia,
TA-W-23,062D Florida,
TA-W-23,062E Kansas,
TA-W-23,062F Louisiana,
TA-W-23,062G Michigan,
TA-W-23,062H Mississippi,
TA-W-23,062I New Mexico,
TA-W-23,062J Oklahoma,
TA-W-23,062K Texas,
TA-W-23,062L Wyoming,
TA-W-23,062M Arkansas,
TA-W-23,062N Alabama,
TA-W-23,062O Montana,
TA-W-23,062P North Dakota.

Signed at Washington, DC, this 6th day of September 1989.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-21836 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-30-M

**Federal Committee on Apprenticeship;
Request for Membership Nominations**

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for membership nominations.

SUMMARY: Notice is hereby given that under the provisions of the Federal Advisory Committee Act, the Secretary of Labor is seeking nominations to fill 24 current vacancies and 1 projected vacancy occurring September 30, 1989, on the Federal Committee on Apprenticeship. The Committee was reestablished November 17, 1988.

Recommendations are being sought from these groups:

Management: Representatives of an employer or national employer association.

Labor: Representatives of employees or national employee associations.

Public: Representatives of religious, social welfare, academic, charitable organizations, state or local governments.

Only individuals who have some knowledge or familiarity with apprenticeship and structured, work-place training programs should be recommended. Also, a description of the candidate's qualifications and the group he or she would represent must be included.

DATE: To ensure consideration, nominations should be postmarked on or before October 16, 1989.

ADDRESS: Nominations should be submitted to Mr. James D. Van Erden, Director, Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Room N-4649, Washington, DC 20210.

Signed at Washington, DC, this 28th of August, 1989.

Roberts T. Jones,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 89-21834 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-89-11-M]

**Aluminum Company of America;
Petition for Modification of Application
of Mandatory Safety Standard**

Aluminum Company of America, Point Comfort Operations, Point Comfort, Texas 77978 has filed a petition to modify the application of 30 CFR 56.9088 (roll-over protective structures

(ROPS) and seat belts) to its Bayer Alumina Plant (I.D. No. 41-00320) located in Calhoun County, Texas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that front-end loaders be equipped with roll-over protective structures (ROPS).

2. The use of ROPS on front-end loaders in the Calcination and Precipitation Departments would result in a diminution of safety to the miners because the roll-over protective structures would:

(a) Interfere with process piping, hose connections, and other process equipment to a degree which could potentially result in damage and subsequent failure leading to severe chemical contact with both thermal and chemical burn potential; and

(b) Reduce visibility and head and neck pinch points between the ROPS and steel columns, due to congestion and close clearance.

3. Elimination of the use of front-end loaders (without ROPS) would greatly increase the physical demand of the job on the employees and would represent a serious potential for increased debilitating back injuries.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 16, 1989. Copies of the petition are available for inspection at that address:

Dated: September 7, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 89-21837 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-12-M]

**Sunshine Mining Co., Petition for
Modification of Application of
Mandatory Safety Standard**

Sunshine Mining Company, P.O. Box 1080, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.16017 (hoisting heavy equipment

or material) to its Sunshine Mine (I.D. No. 10-00089) located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that where the stretching or contraction of a hoist rope could create a hazard, chairs or other suitable blocking are required to be used to support conveyances at shaft landings before heavy equipment or material is loaded or unloaded.

2. Petitioner states that application of the standard would result in a diminution of safety to the personnel traveling in the shaft because:

(a) The conveyance, moving at a normal man-hoisting speed, could strike a chair or similar arresting device while passing a shaft station; and

(b) The use of chairs or similar devices requires great skill and concentration on the part of hoistmen.

3. As an alternate method, petitioner proposes to utilize forklifts, tuggers, or overhead crawl hoists in a manner that removes personnel from exposure to sudden movement of heavy loads.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 16, 1989. Copies of the petition are available for inspection at that address.

Dated: September 7, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-21838 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-136-C]

**Valley Camp of Utah, Inc.; Petition for
Modification of Application of
Mandatory Safety Standard**

Valley Camp of Utah, Inc., Scofield Route, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps)

to its Belina No. 1 Mine (I.D. No. 42-01279), and its Belina No. 2 Mine and Loadout Facility (I.D. No. 42-01280) both located in Carbon County, Utah. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that permissible pumps be housed in fireproof structures and that the air used to ventilate the permissible pumps be coursed directly into the return.

2. The water conditions of the mine require the pumps to be moved daily, i.e., main intake; beltline; neutral air; and return aircourses.

3. Using permanent pumps and venting them directly into the return would result in a diminution of safety because in most cases holes would have to be made in the beltline stoppings (both sides) and return stoppings. In the event of a fire, all aircourses could become contaminated with smoke and noxious gases. Isolation of the permissible pump in the intake air, so it can be vented to the return aircourse, would result in the intake air being blocked. The pipe that would be used to ventilate the permissible pumps would be laid across the intake escapeways, thus causing a stumbling hazard in the escapeways and other entries of the mine.

4. As an alternate method, petitioner proposes to use portable, submersible, permissible pumps in areas that require pumping for an extended period of time.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 16, 1989. Copies of the petition are available for inspection at that address.

Dated: September 7, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 89-21839 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for membership on the National Advisory Committee on Occupational Safety and Health. The Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

The terms of 6 members of the 12 member committee will expire on November 13, 1989. Nominations will be accepted for vacancies occurring in the following categories: one public representative; one management representative; one labor representative; one safety representative; and two health representatives. Any interested person or organization may nominate one or more qualified persons for membership. Nominees should be identified by name, occupation or position, address, and telephone number and social security number. The category which the candidate would represent should be specified and a resume of the nominee's background, experience, and qualifications included. In addition, the nomination should state that the nominee is aware of the nomination and is willing to serve as a committee member for a 2 year term ending November 13, 1991.

This Federal Register Notice is separate and distinct from the one published August 29, 1988, also soliciting nominations for six Committee positions, the terms of which expired November 13, 1988. Those vacancies have not have been filled. Therefore, persons nominated earlier for the previously announced positions will not be considered as candidates for the vacancies announced in this notice. Separate nominations for the six vacancies in this notice should be submitted even if they are for the same individual(s) nominated earlier.

Nominations should be submitted to Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, no later than September 29, 1989. Nominations received after this date cannot be considered.

Signed at Washington, DC, this 11th day of September, 1989.

Alan C. McMillan,

Acting Assistant Secretary.

[FR Doc. 89-21702 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-26-M

Shipyards Employment Standards Advisory Committee Meeting

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Shipyards Employment Standards Advisory Committee, established under the provisions of the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. App. I), will convene on October 11, 1989, at 8:30 a.m. at the Holiday Inn Hotel (Ballston), Route I-66 and Glebe Road, 4610 North Fairfax Drive, Arlington, VA 22203. The public is invited to attend. The meeting will adjourn on October 12, 1989, at approximately 4:00 p.m. The agenda is as follows:

- I. Call to order.
- II. Review transcript of June 6-7, 1989 meeting.
- III. Old Business. Discussion of the following standards:
 - (a) Confined Space Entry on Vessels and in the Shipyards.
 - (b) Lockout/Tagout Aboard Vessels and in the Shipyards including 29 CFR part 1915, subpart J, Ship's Machinery and Piping System.
 - (c) 29 CFR part 1915, subpart F, General Working Conditions.
 - (d) Working committee report to full SESAC committee on revision to subpart G, Material Handling, adding §§ 1910.179, 1910.180, and ANSI standards.
 - (e) 29 CFR 1915, electrical revision.
- IV. New Business. Discussion of the following standards, as time permits.
 - (a) 29 CFR 1915.4, subpart A, Definitions applicable to this section.
 - (b) 29 CFR part 1915, subpart P, Fire Protection.
 - (c) 29 CFR part 1915, subpart Q, Hazardous Materials, covering §§ 1915.211 to 1915.221.
 - (d) 29 CFR part 1915, subpart R, Commercial Diving, covering §§ 1915.231 to 1915.244.
 - (e) 29 CFR part 1915, subpart T, Special Industries, covering §§ 1915.261 to 1915.263.
 - (f) 29 CFR part 1915, subpart Z, Toxic and Hazardous Substances, covering §§ 1915.1000 to 1915.1001.

The Committee will consider oral presentations relating to agenda items. Persons wishing to address the Committee should submit a written request to Mr. Thomas Hall (address below) by the close of business, October 5, 1989. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. (202) 523-8617.

Signed at Washington, DC, this 12th day of September 1989.

Alan C. McMillan,

Acting Assistant Secretary.

[FR Doc. 89-21859 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-26-M

New York State Standards Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the ACT) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR 1902 or 1956. On June 1, 1984, notice was published in the *Federal Register* (49 FR 22794) of the approval of the New York State Plan for Public Employees and the adoption of subpart F to part 1956 containing the decision.

Pursuant to section 27-a, subdivision 4a of the New York State Labor Law chapter 729, Laws of 1980, the New York plan provides for the adoption by reference, of Federal standards as State standards applicable to public employees of the State and its political subdivisions. Section 1956.51 of 29 CFR 1956 subpart F sets forth the State schedule for the adoption of Federal standards.

By letter dated March 1, 1988, from Robert F. Gollnick, Director, Division of Safety and Health, New York State Department of Labor, to James W.

Stanley, Regional Administrator, Occupational Safety and Health Administration, the State has submitted supplements and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Hazard Communication; Final Rule, 29 CFR parts 1910, 1915, 1917, 1918, 1926, and 1928, as published in the *Federal Register* (52 FR 31852), dated August 24, 1987; Occupational Exposure to Benzene; Final Rule, 29 CFR 1910.1028 and appendices A, B, C, D, and E, as published in the *Federal Register* (52 FR 34460), dated September 11, 1987; Servicing of Single Piece and Multipiece Rim Wheels at Marine Terminals; Final Rule, 29 CFR parts 1910 and 1917, as published in the *Federal Register* (52 FR 36023), dated September 25, 1987; Revision of Telecommunications Training Records; Final Rule, 29 CFR 1910.268, as published in the *Federal Register* (52 FR 36384), dated September 28, 1987; and Revision of Construction Industry Test and Inspection Records; Final Rule, 29 CFR 1926, as published in the *Federal Register* (52 FR 36378), dated September 28, 1987. These State standards, which are contained in part 800 of title 12 of the New York Codes, Rules and Regulations, were adopted by order of Thomas F. Hartnett, New York Commissioner of Labor, January 26, 1988, after publication of Notice of Proposed Agency Action in the New York State Register on December 9, 1987. These State standards became effective upon publication in the New York State Register on February 17, 1988.

2. *Decision.* Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, United States Department of Labor, OSHA, 201 Varick Street—Room 670, New York, New York 10014; Office of the Director, New York State Department of Labor, Division of Safety and Health, One Main Street, Brooklyn, New York 11201; and the Office of the Director of Federal-State Operations, Room N3476, 200 Constitution Avenue NW., Washington, DC 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent

with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the New York State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 15, 1989.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at New York, New York, this seventh day of March 1988.

James W. Stanley,

Regional Administrator.

[FR Doc. 89-21840 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-26-M

Virgin Islands Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On September 11, 1973, notice was published in the *Federal Register* (38 FR 24896) of the approval of the Virgin Islands plan and adoption of subpart S to part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference. The authority to adopt such standards is contained in title 3, section 940, of the Virgin Islands Code. Health standards are adopted for application in the public sector.

In response to Federal standards changes, the State has submitted supplements, and incorporated as part of the plan, State certification documenting promulgation of State standards comparable to Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks, 29 CFR parts 1910

and 1915, Final Rule, as published in the *Federal Register* (51 FR 34552) dated September 29, 1986; Field Sanitation, 29 CFR 1910.110, as published in the *Federal Register* (52 FR 16050) dated May 1, 1987; Hazard Communications, 29 CFR part 1910, 1915, 1917, 1926, 1928, as published in the *Federal Register* (52 FR 31852) dated August 24, 1987; Hazardous Waste Operations and Emergency Response; Corrections, 29 CFR 1910.120, as published in the *Federal Register* (52 FR 16241) dated May 4, 1987; Revision of Telecommunications Training Records, 29 CFR 1910.268, as published in the *Federal Register* (52 FR 36384) dated September 28, 1987; Occupational Exposure to Benzene, 29 CFR part 1910, as published in the *Federal Register* (52 FR 34460) dated September 11, 1987; Servicing of Single Piece and Multipiece Rim Wheels at Marine Terminals, 29 CFR parts 1910 and 1917, as published in the *Federal Register* (52 FR 36023) dated September 25, 1987; Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite; Corrections and Information Collection Requirements Approval, 29 CFR 1910.1001 and 1926.58, as published in the *Federal Register* (52 FR 17752) dated May 12, 1987; and Revision of Construction Industry Test and Inspection Records, 29 CFR part 1926, as published in the *Federal Register* (52 FR 36378) September 28, 1987.

These standards which are contained in the Virgin Islands Rules and Regulations 24 V.I.R.R. 36(b)1 and 36(b)5 were promulgated by the Governor of the Virgin Islands Department of Labor on February 15, 1988 pursuant to title 24, Virgin Islands Code, section 36(b).

2. Decision. Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and accordingly should be approved.

3. Location of supplement for inspection and copying. A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 201 Varick Street, Room 670, New York, NY 10014; Office of the Director for Federal-State Operations, Room N3700, 200 Constitution Avenue, NW., Washington, DC 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital

Street, Christiansted, St. Croix, V.I. 00820.

4. Public participation. Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal Law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective (*upon publication*).

(Sec. 18 Pub. L. 91-596, 84 Stat. 1808) (29 U.S.C. 667).

Signed at New York City, New York, this twenty third day of May, 1988.

James W. Stanley,

Regional Administrator.

[FR Doc. 89-21842 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. Background. Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On December 28, 1972, notice was published in the *Federal Register* (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The Oregon plan provides for adoption of Federal standards as State standards by reference.

In response to Federal standards changes, the State has submitted by letter dated July 18, 1989 from John A. Pompei, Administrator, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State

standard amendment comparable to 29 CFR 1926.800, Underground Construction; Final Rule, as published in the *Federal Register* (54 FR 23850) on June 2, 1989. The State's rules pertaining to Underground Construction, contained in OAR 437-03-001(19), were temporarily adopted as Emergency Rules by reference on July 19, 1989 and became effective on August 1, 1989 through January 31, 1990, pursuant to ORS 654.025(2), ORS 656.726(3), and ORS 183.335, as ordered and transmitted under Oregon APD Administrative Order 14-1989. Concurrently, equivalent State rules contained in Division 3, Construction, which pertained to Tunnels and Shafts, were repealed by the same Administrative Order. On August 10, 1989, the State will mail the Notice of Proposed Permanent Amendment of Rules to those on the Department of Insurance and Finance mailing list, established pursuant to OAR 436-01-000 and to those on the Department's distribution list as their interest appears.

In response to Federal standards changes, the State has submitted by letters dated July 18, 1989 and July 19, 1989 from John A. Pompei, Administrator, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State standard amendment comparable to 29 CFR 1910.1025, Occupational Exposure to Lead, Final Rule, including the amendment published in the *Federal Register* (54 FR 29274) on July 11, 1989.

The State's rules pertaining to Occupational Exposure to Lead, contained in OAR 437-02-360(20), and OAR 437-02-370, were adopted and became effective on July 14, 1989, pursuant to ORS 654.025(2), ORS 656.726(3), and ORS 183.335, as ordered and transmitted under Oregon APD Administrative Order 11-1989. Concurrently, equivalent State rules contained in Division 115 were repealed by the same Administrative Order. On May 30, 1989, the State mailed the Notice of Proposed Amendment of Rules to those on the Department of Insurance and Finance mailing list, established pursuant to OAR 436-01-000 and to those on the Department's distribution list as their interest appeared. No requests for a public hearing were received. The State's rules in OAR 437-02-360(20) adopted by reference the Federal standard for Occupational Exposure to Lead. The State's rules in OAR 437-02-370 contain a State-initiated amendment listing the industries for which the stay of enforcement for engineering controls remain in effect. This list corresponds to

OSHA Instruction CPL 2-2.47 as modified by the July 11, 1989 Federal Register amendment.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard amendment for Underground Construction is identical to the Federal standard and that the State's standard amendment for Occupational Exposure to Lead is at least as effective as the comparable Federal standard amendment, as required by section 18(c) of the Act. OSHA has also determined that the differences between the State and Federal standard amendments for Occupational Exposure to Lead are minimal and that the State standard amendment is thus substantially identical. OSHA therefore approves these amendments; however, the right to reconsider this approval for the lead standard amendment is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Insurance and Finance, Labor and Industries Building, Salem, Oregon 97310; and the Office of State Programs, Occupational Safety and Health Administration, Room N-3476, 200 Constitution Ave. NW., Washington, DC 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards amendments are identical or substantially identical to the Federal standard which was promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards amendments were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 15, 1989.

(Sec. 18, Pub. L. 91-596, 84 Stat. 6108; 29 U.S.C. 667).

Signed at Seattle, Washington, this 3rd day of August, 1989.

James W. Lake,
Regional Administrator.

[FR Doc. 89-21831 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-26-M

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Committee on Veterans' Employment Meeting

The Secretary Committee on Veterans' Employment was established under section 308, title III, Public Law 97-306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Wednesday, October 11, 1989, at 10:00 a.m., in the Secretary's Conference Room, S-2508, FPB.

Written comments are welcome and may be submitted by addressing them to: Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

The primary item on the agenda is implementation of Public Law 100-323, the Veterans' Employment, Training and Counseling Amendments of 1988.

The public is invited.

Signed at Washington, DC, this 12th day of September, 1989.

Donald E. Shasteen,
Assistant Secretary for Veterans'
Employment and Training.

[FR Doc. 89-21841 Filed 9-14-89; 8:45 am]

BILLING CODE 4510-79-M

NATIONAL ADVISORY COMMISSION ON LAW

AGENCY: National Advisory Commission on Law Enforcement.

ACTION: Notice of meeting.

SUMMARY: The Commission announces a meeting on the methods and rates of compensation of federal law enforcement officers as well as comparisons with their nonfederal counterparts.

DATES: The third Commission meeting is scheduled for Tuesday, October 3, 1989, from 2 to 4 p.m..

ADDRESSES: The meeting will be held in room 116, Dirksen Senate Office Building, Constitution Ave., between

First and Second Streets, NE, Washington, DC 20510.

FOR FURTHER INFORMATION CONTACT: Drew Valentine, Staff Director, or Patrick Mullen, Deputy Staff Director, at (202) 275-1777.

SUPPLEMENTARY INFORMATION: The National Advisory Commission on Law Enforcement (ACLE) was created by the Anti-Drug Abuse Act of 1988 (Pub. L. 100-690, sec. 6160, 102 Stat. 4346). The Commission was created to study

the methods and rates of compensation, including salary, overtime pay, retirement policies, and other benefits of law enforcement officers in all Federal agencies, as well as the methods and rates of compensation of State and local law enforcement officers in a representative number of areas where Federal law enforcement officers are assigned.

Among the items to be discussed are (1) the results of our data gathering activities, (2) preliminary findings and recommendations of the Commission staff, and (3) the schedule for completing the Commission's report. Members of the public wishing to attend the Commission meeting should notify the Commission staff on 275-1777 by close of business on September 29, 1989.

Charles A. Bowsher,
Chairman, National Advisory Commission on Law Enforcement.

[FR Doc. 89-21860 Filed 9-14-89; 8:45 am]

BILLING CODE 1610-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in Cincinnati, OH; Bridge Collapse

In connection with the investigation of the Harrison Road Bridge Collapse in Miamitown, Ohio, May 28, 1989, the National Transportation Safety Board will convene a public hearing at 9:00 a.m. (local time), on Tuesday, October 3, at the Radisson Inn, Concorde A/B/C, Greater Cincinnati International Airport, Cincinnati, Ohio 45275. For more information contact Alan Pollock, Office of Government and Public Affairs, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, telephone (202)382-6606.

Dated: September 11, 1989.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 89-21767 Filed 9-14-89; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Pressurized Water Reactors; Meeting

The ACRS Subcommittee on Advanced Pressurized Water Reactors will hold a meeting on September 28, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, September 28, 1989—8:30 a.m. Until the Conclusion of Business

The Subcommittee will discuss the WAPWR (RESAR SP/90) design.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Medhat El-Zeftawy (telephone 301/492-9901) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: September 8, 1989.

Gary R. Quittschreiber,
Chief, Project Review Branch No. 2.
[FR Doc. 89-21666 Filed 9-14-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-271-OLA-4; ASLBP No. 89-595-03-OLA]

Vermont Yankee Nuclear Power Corp.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Vermont Yankee Nuclear Power Corporation

Vermont Yankee Nuclear Power Station Facility Operating License No. DPR-28

This Board is being established pursuant to a notice published by the Commission on July 26, 1989, in the *Federal Register* (54 FR 31097 and 31120) entitled, "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing." The proposed amendment would extend the expiration date of the Operating License from December 11, 2007 to March 21, 2012.

The Board is comprised of the following administrative judges:

Robert M. Lazo, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Jerry Harbour, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Bethesda, Maryland, this 7th day of September 1989.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.
[FR Doc. 89-21665 Filed 9-14-89; 8:45 am]
BILLING CODE 7590-01-M

Docket No. 50-341

Detroit Edison Co., Wolverine Power Supply Cooperative, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 39 to Facility Operating License No. NPF-43 issued to Detroit Edison Company (the licensee), which revised the Technical Specifications for operation of Fermi-2, located in Monroe County, Michigan.

The amendment is effective as of the date of issuance.

The amendment modified the Technical Specifications (TS) to clarify the TS for operation with the Moisture Separator Reheater (MSR) out-of-service.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on April 5, 1988 (53 FR 11151). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared and Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human behavior environment.

For further details with respect to the action see (1) the application for amendment dated January 27, 1988, and supplemented May 10, 1989, (2) Amendment No. 39 to License No. NPF-43, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L

Street NW., Washington, DC and at the Local Public Document Room. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V & Special Projects.

Dated at Rockville, Maryland, this 1st day of September 1989.

For the Nuclear Regulatory Commission,
John F. Stang,
Project Manager, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-21790 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co., Wolverine Power Supply Cooperative, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. NPF-43 issued to Detroit Edison Company (the licensee), which revised the Technical Specifications for operation of the Fermi-2, located in Monroe County, Michigan.

The amendment is effective as of the date of issuance.

The amendment modified the Technical Specifications (TS) to reflect the use of sodium pentaborate enriched with the Boron-10 isotope to meet the requirements of the Anticipated Transient Without Scram (ATWS) Rule, 10 CFR 50.62. The proposed change also corrects some inconsistencies between Action Statements, in section 3/4.1.5 and 3/4.8.4.5.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on July 11, 1989 (54 FR 29118). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact

statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated May 11, 1989, (2) Amendment No. 38 to License No. NPF-43, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the Local Public Document Room. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Rockville, Maryland, this 1st day of September 1989.

For the Nuclear Regulatory Commission,
John F. Stang,
Project Manager, Project Directorate III-1,
Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-21791 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Incorporated; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. NPF-43, issued to Detroit Edison Company (the licensee) which revised the Technical Specifications (TS) for operations of Fermi-2 located in Monroe County, Michigan.

The amendment is effective as of the date of issuance.

The amendment revised the TS by removing the Traversing Incore Probe (TIP) Primary Containment Isolation Valve from the TS. The subject penetration will be sealed closed with a qualified welded cap and leak tested per 10 CFR Part 50, Appendix J during the first refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity of Hearing in connection with this action was published in the *Federal Register* on August 1, 1989 (54 FR 31750). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated March 10, 1989, (2) Amendment No. 40 to License No. NPF-43, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Local Public Document Room. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 1st day of September 1989.

For the Nuclear Regulatory Commission,

John F. Stang,
Project Manager, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-21792 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co., Wolverine Power Supply Cooperative, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 37 to Operating License No. NPF-43 issued to Detroit Edison Company (the licensee), which revised the Technical Specifications (TS) for operation of Fermi-2, located in Monroe County, Michigan.

The amendment is effective as of the date of issuance.

The amendment revises the TS to reflect design changes for the Reactor Protection System (RPS) scheduled to be completed during the upcoming refueling outage scheduled for September 1998. The design change will eliminate the Backup Manual Scram function and add further redundancy to the RPS capability to manually initiate a scram.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on August 1, 1989 (54 FR 31749). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated May 10, 1989, (2) Amendment No. 37 to License No. NPF-43, and (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street NW, Washington, DC, and at the Local Public Document Room. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V & Special Projects.

Dated at Rockville, Maryland, this 1st day of September 1989.

For the Nuclear Regulatory Commission.

John F. Stang,

*Project Manager Project Directorate—II-1
Division of Reactor Projects III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.*

[FR Doc. 89-21793 Filed 9-14-89 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric & Gas Co., et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DRP-70 and DPR-75 issued to Public Service Electric & Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) for operation of the Salem Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendments would suspend for a period of eighteen months the requirements of Technical Specifications sections 6.2.2.g and 6.3.1 that require the Salem 1 and 2 Operations Manager to hold a current, valid Senior Reactor Operator license as requested in the licensee's applications for amendment dated August 29 and 31, 1989. In the management structure at Salem, the licensed reactor operators report the nuclear shift supervisor who has a senior reactor operators (SRO) license. The nuclear shift supervisors report to the senior nuclear shift supervisors who also have SRO licenses. The senior nuclear shift supervisors report to one of the two Operations Engineers, one for Salem 1 and one for Salem 2, who have SRO licenses. The Operations Engineers report to the Operations Manager. Relief from the requirement that the individual assuming the position of Operations Manager hold an SRO is being sought for a period of up to eighteen months.

On September 1, 1989, the staff issued a Temporary Waiver of Compliance (TWC) that allowed the licensee to replace the incumbent Operations Manager with an individual that did not fully meet the technical specification requirements. In the TWC, the staff stated "In consideration of the need to minimize current potential uncertainty about licensee personnel and organizational assignments that could have a distracting effect on safe operation of Salem 1 and 2, and the value of timely implementation of personnel changes that will strengthen the management oversight at the Salem Generating Station, the staff concludes that the change should be implemented at the earliest practical date." Based on the above, this notice is being issued under exigent circumstances. The licensee requested emergency treatment

of the application but the staff found that while the situation required prompt attention, the emergency treatment could not be justified.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff evaluated the above three factors as part of the proposed determination:

(1) Do not involve a significant increase in the probability or consequence of an accident previously evaluated.

The individual who is intended to succeed the current Operations Manager has held an SRO license at the Salem Generating Station Units 1 and 2. Both Operations Engineers maintain SRO licenses, thus meeting ANSI N-18.1-1971 requirements for managing operations. The designated Operations Manager, in conjunction with the two licensed Operations Engineers provides adequate management of operation through shift supervision until the designated Operations Manager obtains his SRO license. This temporary relief from qualification requirements does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Do not create the possibility of a new or different kind of accident from any previously evaluated.

The lack of an SRO license on the part of the Operations Manager, unlike a procedure or design change, is not a potential new accident precursor.

(3) Do not involve a significant reduction in a margin of safety.

The candidate's education, previous training and experience more than compensate for the present lack of an SRO license for the interim while obtaining his license. Adequate compensation is provided through the function of the Operations Engineers, who maintain SRO licenses as required by the Technical Specifications.

Therefore, this temporary relief will not significantly reduce the margin of safety.

The staff has reviewed the licensee's submittal and significant hazards analysis and concurs with the licensee's determination that the proposed amendments do not involve a significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendments involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the Federal Register notice.

Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 2, 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 "Rule 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 amendment 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.

If the amendments are issued before the expiration of 15-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendments requests involve no significant hazards considerations, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments requests involve significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendments dated August 29 and August 31, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 7th day of September 1989.

For the Nuclear Regulatory Commission.

Robert E. Martin,

*Acting Director, Project Directorate I-2,
Division of Reactor Projects—1/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 89-21794 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-354]

**Public Service Electric and Gas Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of 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.

In an amendment request dated August 21, 1989, and supplemented on September 11, 1989 the licensee requested that the wording for 5.3.1 and 5.3.2 of the Technical Specifications be changed. This change will make possible the use of fuel and control rod assembly designs that have been reviewed and approved by the NRC without the need for Technical Specification amendments when design improvements in those areas are made in accordance with NRC approved methodologies.

NRC has reviewed the circumstances resulting in the submittal of the proposed TS changes. It is desirable to promptly act on this change to allow refueling and restart to proceed on schedule at the Hope Creek Generating Station. Accordingly, NRC staff has determined that sufficient justification exists for consideration of this amendment on an exigent basis.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment

request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

In accordance with 10 CFR 50.92 the licensee has reviewed the proposed changes and has concluded as follows that they do not involve a significant hazards consideration:

The proposed changes to the HCGS Technical Specifications:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revision to section 5.3.1 will enable HCGS to change fuel assemblies without a license amendment. The core operating limits will still be based on the NRC approved methodology of GESTAR II. Since NRC approval of GESTAR II is predicated on review of specific fuel assembly designs, HCGS will still be using NRC approval fuel designs.

The proposed revision to section 5.3.2 will allow HCGS to use ABB-ATOM hafnium tipped control blades as replacements for the existing General Electric control blades. These control blades have been previously approved by the NRC on a generic basis. The 10 CFR 50.59 evaluation that will be performed prior to control blade replacement will address any plant specific concerns and will assure that the probability or consequences of an accident will not be increased. The requirements of specification 3/4.1.3 will continue to assure that the control rods are OPERABLE, with acceptable scram times. The NRC approved methodology of ABB-ATOM will be applied specifically to HCGS.

Therefore, PSE&G has concluded that this amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do not create the possibility of a new or different kind of accident from any accident previously evaluated.

NRC approved methodologies and fuel/control rod designs will be required for use in HCGS and plant specific evaluations pursuant to 10 CFR 50.59 will be performed for each fuel cycle. The fuel bundles, control rod assemblies and related operating limits used at HCGS will remain bounded by the current UFSAR accident analyses.

Therefore, PSE&G has concluded that this amendment request does not introduce any new or different kind of accident from those previously evaluated.

3. Do not involve a significant reduction in a margin of safety.

The core operating limits which are affected by the fuel and control rod assemblies will continue to be done using the methods of GESTAR II, which have been previously approved by the NRC. These methods will set the limiting parameters for core operation such that the Safety Limits as defined by the Technical Specifications and UFSAR safety analyses are not challenged. The removal of specific design information from sections 5.3.1 and 5.3.2 of the Technical Specifications does not result in a reduction in the margin of safety since NRC approved methodologies are still applied to reactor core design. Design changes are still subject to the provisions of 10 CFR 50.59.

Therefore, this amendment request does not involve a significant reduction in a margin of safety as defined in the basis for any Technical Specifications.

The staff reviewed the licensee's determination that the proposed license amendment involves no significant hazards consideration and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed license amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the Federal Register notice.

Written comments may also be delivered to Room P-216, Phillips Building, 7820 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 2, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to

intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. 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) 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 amendment 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.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards considerations, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be

sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Troy B Conner, Jr., Esquire, Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 21, 1989, and supplemented on September 11, 1989 which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 11th day of September 1989.

For the Nuclear Regulatory Commission.

Robert E. Martin,

*Acting Director, Project Directorate I-2,
Division of Reactor Projects I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 89-21795 Filed 9-14-89; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Approval of Special Withdrawal Liability Rules; Steamship Trade Association of Baltimore, Inc., International Longshoremen's Association Pension Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of approval.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation ("PBGC") has granted a request from the Steamship Trade Association of Baltimore, Inc.—International Longshoremen's Association Pension Plan for approval of plan amendments providing for special withdrawal liability rules. Under the PBGC's regulation on Extension of Special Withdrawal Liability Rules (29 CFR part 2645), plans in industries other than the construction or entertainment industries may be amended to provide for special withdrawal liability rules if

the PBGC finds that the rules apply to an industry in which the characteristics that make use of the special rules appropriate are clearly shown and that, in each instance, the rule would not pose a significant risk to the PBGC. A notice of pendency of the request for approval in this case was published in the *Federal Register* on October 18, 1988 (at 53 FR 40805), containing a summary of the request and inviting interested persons to submit written comments. This notice advises interested persons of the PBGC's decision on the request.

ADDRESSES: The request for approval and the PBGC's response to the request are available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (38000) at the above address.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202-778-8820 (202-778-8559 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Sections 4203(a) and 4205 of the Employee Retirement Income Security Act of 1974 (ERISA) generally define when a complete or partial withdrawal from a multiemployer plan occurs. However, ERISA section 4203(b) and (c) provides special complete withdrawal liability rules for the construction and entertainment industries, and section 4208(d) provides special partial withdrawal liability rules for those industries.

Section 4203(f) provides that the PBGC may prescribe regulations under which plans in industries other than construction and entertainment may be amended to provide for special withdrawal liability rules similar to the rules prescribed in section 4203(b) and (c) for the construction and entertainment industries. Section 4208(e)(3) provides that the PBGC shall prescribe by regulation a procedure by which a plan may by amendment adopt rules for the reduction or elimination of partial withdrawal liability under conditions, other than those described in section 4208(e)(1) and (2), subject to the approval of the PBGC based on its determination that the adoption of such rules is consistent with the purposes of title IV of ERISA. Pursuant to those sections, the PBGC's regulation on

Extension of Special Withdrawal Liability Rules (29 CFR part 2645) prescribes procedures whereby a multiemployer plan may request the PBGC to approve a plan amendment that establishes special complete or partial withdrawal liability rules. Under the regulation, a special complete withdrawal liability rule must be similar to the rules for the construction and entertainment industries set forth in ERISA section 4203(b) and (c), and a special partial withdrawal liability rule must be consistent with the complete withdrawal liability rule adopted by the plan.

The regulation provides that the PBGC shall approve a plan amendment providing for the application of special withdrawal liability rules upon a determination by the PBGC that the amendment—

- (A) Will apply only to an industry that has characteristics that would make use of the special withdrawal liability rules appropriate, and
- (B) Will not pose a significant risk to the insurance system.

The Request

On October 18, 1988 (at 53 FR 40805), the PBGC published in the *Federal Register* a notice of pendency of a request from the Steamship Trade Association of Baltimore, Inc.—International Longshoremen's Association Pension Plan ("Plan") for approval of a Plan amendment providing for special withdrawal liability rules. No comments were received in response to the notice. The information set forth in the request for approval, which was discussed at length in the notice of pendency, is summarized in this notice. The notice of pendency also discussed at length the statutory and regulatory background that is summarized above.

The Plan

The Plan is maintained pursuant to collective bargaining agreements between the International Longshoremen's Association ("ILA") and the Steamship Trade Association of Baltimore, Inc. ("STA"). Approximately 25 employers contribute to the Plan, based on man-hours worked by covered employees. The collective bargaining agreements also require employers to pay the Plan container royalties (for containers loaded or unloaded away from the pier by non-ILA labor) and sugar royalties (for the unloading of raw bulk sugar).

The Plan's unfunded actuarial accrued liabilities have decreased in recent years, while the credit balances in its minimum funding standard account have increased. Based on anticipated

contributions, the Plan expects to satisfy and exceed minimum funding requirements for the next five years. The Plan attributes its favorable financial condition to productivity gains in the shipping industry, as a result of containerization and mechanization.

Industry Characteristics¹

Competition and shifting trade patterns have adversely affected the Port of Baltimore in recent years. However, the Maryland Port Administration has undertaken a number of programs to keep the Port of Baltimore competitive, and the Plan believes that the Port of Baltimore will continue to fill the important role in maritime commerce that it has historically played.

Most of the shipping activity in the Port of Baltimore relating to the loading and unloading of commercial cargo is covered by collective bargaining agreements between the ILA and the STA. The work covered by the Plan involves the transfer of import cargoes from ships in the Port of Baltimore to trains and trucks that carry the cargoes inland, and of export cargoes from trains and trucks to ships in the port. The work therefore is local to the Port of Baltimore.

Most of the work covered by the Plan depends on the presence of ships in the Port of Baltimore to be loaded or unloaded. The ships arrive irregularly. The STA and ILA jointly maintain a hiring hall system. Employees may work for the same employer for several days on a particular job, but usually do not remain steadily with the same employer. Work is typically done on a project-by-project basis, a project being, for example, the unloading of a single ship. There is a high degree of employee mobility and of fluctuation in the employers' covered work, and employment is intermittent in nature.

The Plan has had a relatively stable population of contributing employers.

Actuarial Data

According to the latest actuarial information filed with the request, the Plan has no unfunded vested benefits, and is fully funded for all accumulated benefits. Over the 1982-1986 period, the Plan's funding ratio improved markedly. In 1982, the ratio of assets to vested benefits was 110 percent, and in 1986 it was 143 percent. Contributions

¹ The PBGC has made no independent investigation of industry characteristics, and the following description is based on information supplied by the plan.

exceeded disbursements (benefits and expenses) over the period.

Special Withdrawal Liability Rules

The Plan has adopted an amendment prescribing special withdrawal liability rules, to be effective for withdrawals occurring on and after June 1, 1988, but "only with and at the time of approval of PBGC." As approved, the Plan's complete and partial withdrawal liability rules read as follows:

Section 8.02—Complete Withdrawal Defined

(a) A complete withdrawal occurs under the same conditions and as a result of the same events as it does under ERISA, except that a complete withdrawal from the Plan by an Employer shall not occur merely because the Employer ceases to have an obligation to contribute to the Fund unless the Employer either:

- (1) Continues to perform work in the Port of Baltimore of the type for which contributions were previously required in accordance with the Collective Bargaining Agreement under which the Plan is maintained, or
- (2) Resumes such work within five years after the date the Employer's contribution obligation ceases without renewing or becoming bound by the obligation to contribute to the Fund at that time.

(b) If a complete withdrawal of an Employer occurs, the date of such complete withdrawal is the date the Employer's obligation to contribute permanently ceases.

(c) Notwithstanding any other provision of this Section, if all or substantially all contributing Employers withdraw from the Plan pursuant to an agreement or arrangement, as determined under ERISA sections 4209 and 4219(c)(1)(D), the withdrawal liability of each such Employer shall be determined in accordance with those ERISA sections.

Section 8.08—Partial Withdrawal

(a) A partial withdrawal occurs under the same conditions and as a result of the same events as it does under ERISA, except that no partial withdrawal shall be deemed to occur with respect to an Employer, if the Employer continues to have an obligation to contribute to the Fund for all work of the type for which contributions are required in accordance with the Collective Bargaining Agreement under which the Plan is maintained for a period of five years after the year of such conditions or events.

(b) If a partial withdrawal of an

Employer occurs, the date of such partial withdrawal is the last day of the calendar year during which the partial withdrawal occurs.

Section 8.11—Miscellaneous

Any provisions of this Plan to the contrary notwithstanding, the provisions of §§ 8.02 (complete withdrawal) and 8.08 (partial withdrawal) about shall apply only to those Employers which are subject to the provisions of the agreements between the Steamship Trade Association of Baltimore, Inc. acting on behalf of its members, and the International Longshoremen's Association (AFL-CIO) acting on behalf of its Locals 333, 921, 953, 1355 and 1429 relating to work done in the Port of Baltimore and Vicinity and which Employers, in accordance with said Agreements, are obliged to make contributions to this Fund for persons who perform the various categories of longshoring and associated work referred to in the above agreements and to persons who are the union officials in the Port of Baltimore of the ILA and of the locals referred to above and for persons who are employed by this Fund and other STA/ILA Funds in the Port of Baltimore.

Categories of longshore and associated work include the following: Rigging up and shifting of cargoes, loading and unloading cargoes of deepwater ships, handling of baggage, mail and stores, lashing of cargoes, loading and unloading of grain cargoes, tallying and checking cargoes during loading and unloading of deepwater ships, timekeeping with respect to cargo gangs, woodwork pertaining to the fitting of ships dustproofing of cargo and other parts of ship, grain fittings, erection of steel stanchions for grain, binding of cargo, securing of cargo, receiving and delivery clerking pertaining to the receiving, delivering and marking of freight from and to all vehicles, power boats, lighters, barges and railroad cars, ship cargo space and bilge cleaners, cargo marking, container and chassis repairs, handling and lines in connection with the docking and undocking of ships.

The PBGC notes that the sale of assets provisions of ERISA section 4204 apply to withdrawals from the Plan.

Decision

Pursuant to ERISA section 4203(f)(2) and 29 CFR 2645.4(a), the PBGC approves the plan amendment providing for special withdrawal liability rules because (a) the amendment applies to an industry that has characteristics that

would make use of the special withdrawal liability rules appropriate, and (b) the amendment will not pose a significant risk to the insurance system.

The legislative history of the Multiemployer Pension Plan Amendments Act of 1980 (which added section 4203 and 4208 to ERISA) shows that the special statutory withdrawal liability rules for the construction and entertainment industries reflect the view of Congress that the cessation of an employer's contributions in those industries typically does not reduce a plan's contribution base. Similarly, the legislative history indicates that the basic consideration in determining the appropriateness of special withdrawal liability rules for a plan in any other industry is the effect of cessations of contributions by employers in that industry on the plan's contribution base.

In this connection, a significant factor is the local nature of the work in the industry. If the work by its nature can be performed only within the jurisdiction of the plan or the collective bargaining agreement, then employers cannot reduce the plan's contribution base by moving operations outside that jurisdiction. The contribution base will be reduced only if an employer continues (or resumes) operations in the jurisdiction without an obligation to contribute to the plan, or if the total work available in the jurisdiction declines.

The PBGC believes that the Plan in this case has shown clearly that the industry it covers is one in which the work is local in nature. The work covered by the Plan involves the loading and unloading of cargoes from vessels at the Port of Baltimore; the transfer of import cargoes from vessels in the port to trains and trucks that carry cargoes inland; and the transfer of export cargoes from trains and trucks to ships in the port. The work is thus local to the Port of Baltimore. Consequently, the contribution base will not be diminished if an employer leaves the Port of Baltimore, even if the employer continues to do stevedoring work.

The industry covered by the Plan also exhibits other characteristics that the legislative history suggest may make special withdrawal liability rules appropriate. As in the construction industry, work under the Plan is typically done on a project-by-project basis (e.g., the loading of a ship). Because the ships arrive irregularly, the level of employers' covered work fluctuates significantly, and the employees' employment is intermittent.

Employees are generally not employed by a single employer for an extended period, but frequently move from employer to employer. The STA and the ILA jointly maintain a hiring hall system for dispatching workers to particular jobs each day.

Based on these industry characteristics, the PBGC has concluded that the use of the special withdrawal liability rules is appropriate.

The PBGC has also determined that the use of special rules will not pose a significant risk to the insurance system. Risk to the insurance program is basically a function of a plan's financial and actuarial health, and of its future prospects, which are largely dependent on its contribution base.

As discussed under "Actuarial Data," above, the current actuarial and financial condition of the Plan is strong and has been improving. While the Plan's underlying contribution base, which is related to the level of shipping activity in the Port of Baltimore, has been decreasing, the PBGC does not believe that use of special withdrawal liability rules, even with continued declines, will pose a significant risk to the insurance system. As noted above, the Plan's funding condition has improved markedly, even in a period of declining shipping activity. Also, its levels of contributions and assets relative to its liabilities and current payouts provide a sufficient cushion to enable it to withstand further declines.

In conclusion, based on the facts of this case as represented by the Plan in connection with the request for approval, the PBGC has determined that the Plan amendment (1) will apply to an industry that has characteristics that make the use of special withdrawal liability rules appropriate and (2) will not pose a significant risk to the insurance system. The PBGC also finds that the partial withdrawal liability rule included in the amendment is consistent with the complete withdrawal liability rule in the amendment. Accordingly, the PBGC hereby grants the Plan's request for approval of the special withdrawal liability rules set forth above. Should the Plan later wish to amend these rules at any time, PBGC approval of the amendment will be required.

Issued at Washington, DC, on this 11th day of September, 1989.

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 89-21658 Filed 9-14-89; 8:45 am]

BILLING CODE 7706-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27226; File No. SR-Amex-87-23]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Period of Time During Which Expiring Warrants May Be Traded

On September 25, 1987, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, a proposed rule change that would expand the period in which expiring warrants may be traded. The proposed rule change was noticed in Securities Exchange Act Release No. 25069 (October 29, 1987), 52 FR 42391 (November 4, 1987). No comments were received.

As initially submitted the proposed rule change encompassed several amendments. First, Rule 17 would be amended to allow warrant trading to continue through the close of business one day before expiration, provided that (i) trades made during the five final trading days be on a "cash" basis, and (ii) trades executed during the preceding three days be settled on a "next day" basis.¹ Second, for those warrants which are settled under book-entry procedures of the Depository Trust Company ("DTC"), the Exchange proposes that trading take place through the close of business on the expiration date.²

Third, Rule 179 would be amended to permit open orders in expiring warrants to be automatically adjusted in accordance with the objective of the proposed amendments to Rule 17. Finally, Rule 124(b) would be amended to eliminate unnecessary provisions and to avoid any inconsistency between the definition of "next day" therein and the proposed amendments to Rules 17 and 179.

On August 26, 1988, the Exchange filed with the Commission a proposed rule change to amend Amex Rule 124, including Rule 124(b),³ to provide for

additional periods for delivery of securities following trade date. Because the terms of the amendment to Rule 124(b) in File No. SR-Amex-88-20 have superseded the proposed amendments to Rule 124(b) as set forth in this filing, the Exchange has requested that the proposed amendment to Rule 124(b) in File No. SR-Amex-87-23 be deleted.

Presently, warrant trading must cease one week in advance of expiration and transactions in the immediately preceding week must be effected on a "next day" settlement basis. The Amex justifies expanding the period in which expiring warrants may be traded because of material enhancements in the trade settlement process, which have reduced the "fail to deliver" problem. In its filing, the Exchange noted that the current provisions were adopted at a time when members or member organizations were encountering severe back-office problems and investors were unable to obtain physical possession of their securities in sufficient time to permit exercise of "in-the-money" warrants.⁴

The Commission has carefully reviewed the proposal and believes that the expansion of the time during which warrants may be traded under the Amex proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and rules and regulations thereunder. The Commission believes the public may benefit from the potential for added and substantial market activity in warrants trading until expiration. At the same time, the Commission believes that improvements in the trade settlement process should protect investors from the negative effects of failures to deliver. In this regard, the Commission notes that since the current provisions were adopted, several enhancements to the trade settlement process have occurred which have reduced the "fail to deliver" problem, such as enhanced computer systems, and the development of DTC and the Securities Clearing Corporation. Nevertheless, the Commission has some concerns with this proposal similar to its concerns regarding the Amex proposal.

(September 29, 1988), 53 FR 29388 (October 6, 1988). In that filing, the Commission granted partial accelerated approval to the Exchange's proposal to allow T+1 delivery of securities.

⁴ See letter from Delia McQuade Emmons, Vice President & Secretary, Amex, to Sharon Lawson, Branch Chief, Division of Market Regulation, Commission, dated August 31, 1988. On September 29, 1988, the Commission granted accelerated approval of the Amex's proposal to permit "next day" delivery which the Commission approved last year.

¹ The Exchange states that these conditions will permit "fails" to surface immediately, allowing time for their reconciliation.

² Such trading would be permitted because there are no problems with physical delivery. At this time, the only warrants to which this procedure would apply are certain foreign currency warrants listed on the Amex.

³ See File No. SR-Amex-88-20, noticed in Securities Exchange Act Release No. 26127

As discussed in a Release approving similar "next day" delivery procedures for the New York Stock Exchange, Midwest Stock Exchange, and the Boston Stock Exchange, the Commission remains concerned that trading securities on an expedited settlement basis might increase settlement delays and could lead to significant processing problems (See Securities Exchange Act Release No. 24161, March 2, 1987). Accordingly, the Amex has agreed to provide the Commission with quarterly reports on the number and types of trades settling on an expedited basis. These reports will facilitate the Commission's continued monitoring of expedited settlement releases. The Amex has agreed to provide the same type of information on expedited settlements of expiring warrants.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁵ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Dated: September 6, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-21675 Filed 9-14-89; 8:45 am]
BILLING CODE 8010-01-M

[Release No. IC-17132; 811-4548]

RNC Corporate Cash Management Fund, Inc.; Application for Deregistration

September 8, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: RNC Corporate Cash Management Fund, Inc. ("Applicant").
Relevant 1940 Act Section:

Deregistration under section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company subject to the 1940 Act.

Filing Dates: The application on Form N-8F was filed on June 12, 1989, and amended on August 29, 1989.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing

requests should be received by the SEC by 5:30 p.m. on October 2, 1989, and should be accompanied by proof of service on the Applicant in the form of an affidavit, or, for lawyers, a certification of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 11601 Wilshire Boulevard, Los Angeles, California 90025.

FOR FURTHER INFORMATION CONTACT: Regina Hamilton, Staff Attorney, at (202) 272-3024, or Stephanie M. Monaco, Branch Chief, at (202) 272-3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee. One may obtain a copy by going to the SEC's Public Reference Branch or by telephoning the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, organized as a Maryland corporation and open-end diversified management investment company under the 1940 Act, filed a Notification of Registration pursuant to section 8(a) of the 1940 Act on Form N-8A, and a registration statement pursuant to section 8(b) on January 9, 1986. Following the filing of preeffective amendments on March 12, June 12, and July 14, 1986, Applicant's registration statement became effective on August 1, 1986.

2. On October 21, 1988, Applicant's Board of Directors adopted a resolution declaring the liquidation and dissolution of the Applicant advisable and directed that it be submitted to the shareholders for consideration. On November 14, 1988, at the special meeting of the shareholders, the shareholders voted in favor of the proposed liquidation and dissolution of Applicant.

3. Prior to the special meeting of the shareholders, all outstanding shares of Applicant had been redeemed at net asset value at the request of the holders, except for shares held by Applicant's promoter, the Roley Nichols Capital Group Savings and Investment Plan (the "Plan"). On November 30, 1988, the remaining 11,798.95 shares of the Fund held by the Plan were exchanged at new asset value (\$8.26 per share) for shares of RNC Liquid Assets Fund, Inc.

4. Applicant has not within the past eighteen months transferred any of its

assets to a separate trust, the beneficiaries of which were or are security holders of the Applicant.

5. As of the filing of the application Applicant had no outstanding debts or liabilities, was not a party to any litigation or administrative proceeding, had no securityholders, and was not engaged in, nor intended to engage in, any business activities other than those necessary for the winding up of its affairs.

6. On February 22, 1989, Applicant was liquidated and dissolved under the laws of the State of Maryland pursuant to filing a Certificate of Dissolution with the Maryland State Department of Assessments and Taxation.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-21849 Filed 9-14-89; 8:45 am]
BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Uruguay Round Negotiations on Tariff and Non-Tariff Measures

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of public hearings and request for written comments on the Uruguay Round Tariff and Non-Tariff Measure Negotiations.

SUMMARY: The Trade Policy Staff Committee (TPSC) is seeking views of interested parties on specific tariff and non-tariff measures on which the United States could offer reduction or elimination in the Uruguay Round market access negotiations. The TPSC invites written comments and will hold a public hearing, scheduled for Tuesday, October 31, continuing on November 1 and 2, if necessary, to address the possible reduction or elimination of United States tariff and non-tariff measures. A hearing on specific foreign tariff and non-tariff measures for which the United States should seek reduction or elimination in the Uruguay Round market access negotiations was announced in the *Federal Register* on March 29, 1989 (FR Vol. 54, No. 59) and was held on May 16, 1989.

FOR FURTHER INFORMATION CONTACT: On market access negotiations and the hearing contact Barbara Norton on tariffs (202) 395-5097 or Wendy Silberman on non-tariff measures (202) 395-3063. For general information on the Uruguay Round and activities of other

⁵ 15 U.S.C. 78s(b)(2) (1982).

⁶ 17 C.F.R. 200.30-3(a)(2) (1988). 17 CFR 200.30-3(a)(2) (1988).

negotiating groups, contact the U.S. Uruguay Round Coordinator's Office, Office of the U.S. Trade Representative, (202) 395-3324.

SUPPLEMENTARY INFORMATION:

I. General

The Uruguay Round Negotiations under the auspices of the General Agreement on Tariffs and Trade (GATT), which were initiated in 1986, are scheduled for completion in December, 1990. The negotiations cover a broad range of issues of interest to the United States.

Market access negotiations focusing on the reciprocal elimination and/or reduction of tariffs and non-tariff measures are part of the overall Uruguay Round negotiations. Negotiations on agricultural products will be conducted in a comprehensive manner in the Negotiating Group on Agriculture. The United States will conduct negotiations on other products using a request/offer negotiating approach. Regardless of the approach to be used for different products in the negotiations, views are being solicited on U.S. import interest on both, industrial and agricultural products, at this time.

II. U.S. Offers—Possible Modification of U.S. Measures

During the remainder of 1989, the United States will develop its offer list in response to foreign requests for reduction or elimination of U.S. tariffs and non-tariff measures. The public hearing scheduled for October 31, 1989 is to provide an opportunity for comment and for the submission of private sector requests for consideration of specific U.S. tariffs and non-tariff measures for possible inclusion on the U.S. offer list. The hearing also provides an opportunity for comment on action that could be contemplated for least developed developing countries (LDDCs) and beneficiary countries under the Caribbean Basin Economic Recovery Act (CBERA). With respect to the possible reduction or elimination of U.S. tariffs, interested parties are referred to the notice published in the *Federal Register* on January 17, 1989 (FR Vol. 54, No. 10). The identified tariff and non-tariff barriers will be evaluated subsequently by the U.S. Government to determine whether the United States should offer reduction or elimination of these measures in the Uruguay Round.

Information Requested in Submissions on U.S. Measures

Submissions relating to possible modification of U.S. Measures should include: (1) The description of product(s)

of interest, with corresponding United States Harmonized Tariff Schedule subheading numbers (8 digit); (2) description of the tariffs and/or non-tariff measures in the U.S. Market; and (3) recommended action (including, as appropriate, recommendation for maintenance of current treatment) for the U.S. Government to take with regard to this measure.

III. Public Hearing

A public hearing on U.S. tariffs and non-tariff measures will be held on Tuesday, October 31, 1989 (with continuation on November 1 and 2 if necessary), beginning at 10:00 a.m., in Court Room B, Room 111, at the U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. No television coverage will be permitted.

Interested persons wishing to testify orally on U.S. tariff and non-tariff measures must provide written notice of their intention by noon, Wednesday, October 11, 1989, to Carolyn Frank, Secretary of the TPSC, Office of the United States Trade Representative, Room 523, 600 Seventh Street NW., Washington, D.C. 20506. This notice must include the following information: (1) Their names, addresses, and telephone numbers; (2) the name(s) of the person(s) presenting the testimony; and (3) a summary of the presentation, including the products, with Harmonized System subheading numbers (8 digit), and the tariff or non-tariff measures involved.

Persons presenting oral testimony must submit a complete written statement (or pre-hearing brief) in 20 copies, by noon, Monday, October 16, 1989, to Carolyn Frank at the address listed above.

Remarks at the hearing will be limited to no more than a 10-minute summary of the written statement to allow time for possible questions from the interagency panel.

Persons not wishing to participate in the public hearings may submit written comments on U.S. tariff and non-tariff measures, in 20 copies, by noon, Friday, November 3, 1989, to Carolyn Frank at the address listed above.

Any business confidential material must be clearly marked as such and must be accompanied by a nonconfidential summary thereof. Parties are referred to section 2003 of title 15 of the Code of Federal Regulations for the rules concerning oral testimony, the submission of written briefs, the treatment of business confidential information and other procedures related to the TPSC hearing.

IV. U.S. Requests of Foreign Trading Partners

The TPSC held a public hearing on May 16, 1989 to provide an opportunity for interested parties to submit views on foreign tariffs and non-tariff measures which significantly impede market access for U.S. exports. Solicitation of comments in connection with this hearing was announced in the *Federal Register* on March 29, 1989 (FR Vol. 54, No. 59). In July 1989, the United States submitted initial request lists to fourteen trading partners, including Australia, Austria, the European Economic Community, Finland, Hong Kong, Iceland, Japan, Korea, Mexico, New Zealand, Norway, Sweden, Switzerland, and Uruguay. The United States is in the process of developing request lists for other key trading partners and intends to submit initial request lists to these countries in October 1989. Additional requests will be developed during the course of the Uruguay Round. If you have any questions on this process, please contact Barbara Norton (202) 395-5097 on tariff matters or Wendy Silberman (202) 395-3063 on non-tariff measures.

David A. Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 89-21865 Filed 9-14-89; 8:45 am]

BILLING CODE 3190-01

DEPARTMENT OF TRANSPORTATION

Aviation Proceeding; Agreements Filed During the Week Ending September 8, 1989

The following agreement was filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412 and 414. Answers may be filed within 21 days of date of filing.

Docket No. 43412

Parties: Saudi Arabian Corporation and Federal Express Corporation

Date Filed: September 7, 1989

Subject: Joint Requests of Saudi Arabian Airlines Corporation and Federal Express Corporation for a six-month extension of approval of an agreement pursuant to Section 412 and renewal of antitrust immunity, pursuant to Section 414 of the Federal Aviation Act of 1958, to provide all-cargo service between New York, New York, and the

Kingdom of Saudia Arabia until October 1, 1989.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-21846 Filed 9-14-89; 8:45 am]

BILLING CODE 5920-62-M

Office of the Secretary

Order on Reconsideration

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of Mail adjustment for carriers operating bush aircraft in the Aleutian Islands, March 27, 1987, through October 22, 1987, Order 89-9-21.

SUMMARY: The Department of Transportation applies the bush mail rate to all operations with bush aircraft in the Aleutians, retroactive to March 27, 1987, forward, under section 406 of the Federal Aviation Act, and pursuant to the Department's regulations, 14 CFR 302.302, 302.306 and 302.310.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Adams, Office of Aviation Analysis, (P-54, Room 6401), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-1047.

Dated: September 8, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-21668 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-62-M

[Notice 89-17]

Commercial Space Transportation Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. 1), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee. The meeting will take place on Wednesday, October 4, 1989 from 9:00 a.m. to 4:30 p.m. in Room 8236 of the Department of Transportation's headquarters building at 400 Seventh Street SW. in Washington, DC. This will be the tenth meeting of the Committee. The meeting will address issues as outlined in the attached agenda.

This meeting is open to the interested public, but may be limited to the space available. Additional information may be obtained by contacting Linda H. Strine at (202) 366-5770.

Dated: September 11, 1989.

Stephanie Lee-Miller,

Director, Office of Commercial Space Transportation.

Draft Agenda—Commercial Space Transportation Advisory Committee, Room 8236—NASSIF Building

October 4, 1989.

9:00 a.m.—Welcome

9:15 a.m.—Opening Remarks—Dr. Alan G. Lovelace, Chairman, Comstac

9:30 a.m.—Office of Commercial Space Transportation Activities Report—Stephanie Lee-Miller, Director, OCST

9:50 a.m.—Status of Actions From Previous Meeting—Dr. Lovelace

10:00 a.m.—National Space Council Presentation—Open Discussion—Dr. Mark Albrecht (Invited), Director, NSC

10:45 a.m.—Industrial Issues—National Security Council

—AVTEX

—Ammonium Perchlorate

11:30 a.m.—Legislative Update—Janice Bellucci, Staff Counsel, Subcommittee on Space Science and Application, U.S. House of Representatives

12:00 p.m.—Lunch Secretary's Mess

1:30 p.m.—Federal Advisory Committee Legal Issues—Robert Gabel, Deputy Assistant General Counsel for Environmental, Civil Rights and General Law, DOT

2:00 p.m.—Subcommittee Reports—Dr. Alan G. Lovelace

—Procurement

—Insurance

—Technology

—International Competition and Cooperation

—Infrastructure

4:00 p.m.—New Business/Future Agenda—Dr. Lovelace

4:30 p.m.—Concluding Remarks.

[FR Doc. 89-21669 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-62-M

[Notice 89-16]

Senior Executive Service Performance Review Boards; Membership

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental Performance Review Boards (PRB) established by DOT under the Civil Service Reform Act.

FOR FURTHER INFORMATION CONTACT: Diana L. Zeidel, Director of Personnel,

and Executive Secretary, DOT Executive Resources Board, (202) 366-4088.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 4312 requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, 5 U.S.C. 4314(c) requires each agency to establish one or more PRBs, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on one or more Departmental PRBs.

Issued in Washington, DC, on September 5, 1989.

Melissa J. Allen,

Deputy Assistant Secretary for Administration.

Office of the Secretary

Robert J. Woods

Director, Office of Information Resource Management

Glenda M. Tate

Director, Office of Management Planning

Marilyn S. Marton

Director, Office of Acquisition and Grant Management

Eugene K. Taylor, Jr.

Director, Office of Departmental Accounting and Financial Information System (DAFIS) Development and Implementation

Barclay W. Webber

Assistant General Counsel for Environmental, Civil Rights and General Law

Thomas H. Herlihy

Assistant General Counsel for Legislation

Samuel Podberesky

Assistant General Counsel for Aviation Enforcement and Proceedings

Arnold L. Levine

Director, Office of International Transportation and Trade

Richard F. Walsh

Director, Office of Economics

Paul L. Gretch

Director, Office of International Aviation

Kate L. Moore

Assistant Secretary for Budget and Programs

Stephanie Lee-Miller

Director, Office of Commercial Space Transportation

Alicia L. Casanova
Director, Office of Small and
Disadvantaged Business Utilization

Joan W. Bauerlein
Assistant Administrator, Office of
Government and Industry Affairs,
Federal Aviation Administration

Larry L. Thompson
Chief Counsel, Federal Highway
Administration

Nancy Bruce
Director, Office of Congressional
Affairs

VADM Clyde T. Lusk, Jr.
Vice Commandant, United States
Coast Guard

RADM A. Bruce Beran
Chief of Staff, United States Coast
Guard

United States Coast Guard

RADM G. D. Passmore
Chief, Office of Personnel and
Training

RADM R. T. Nelson
Chief, Office of Navigation Safety and
Waterway Services

Catherine A. Bedell
Deputy Assistant Secretary for Public
Affairs (Management) Office of the
Secretary

Katherine E. Collins
Director, Office of Budget, Office of
the Secretary

Michael M. Finkelstein
Associate Administrator for Research
and Development, National
Highway Traffic Safety
Administration

Glenda M. Tate
Director, Office of Management
Planning, Office of the Secretary

Leon C. Watkins
Assistant Administrator for Civil
Rights, Federal Aviation
Administration

Federal Aviation Administration

Arnold Aquilano
Associate Administrator for National
Airspace System Development

Wayne J. Barlow
Executive Director for System
Operations

Joan W. Bauerlein
Assistant Administrator for
Government and Industry Affairs

Monie R. Belger
Associate Administrator for Aviation
Standards

Paul K. Bohr
Administrator, Central Region

Anthony J. Broderick
Associate Administrator for
Regulation and Certification

Garland P. Castleberry
Administrator, Southern Region

Jerold M. Chavkin
Administrator, Western-Pacific
Region

Franklin L. Cunningham
Administrator, Alaska Region

Joseph M. Del Balzo
Administrator, Eastern Region

Robert L. Donahue
Associate Administrator for Airports

Arlene I. Feldman
Administrator, New England Region

Timothy P. Forte
Administrator, Great Lakes Region

Brooks C. Goldman
Associate Administrator for
Administration

Edwin S. Harris, Jr.
Associate Administrator for Airway
Facilities

Frederick M. Isaac
Administrator, Northwest Mountain
Region

Homer C. McClure
Director, Aeronautical Center

Herbert R. McLure
Associate Administrator for Human
Resource Management

Clarence R. Melugin, Jr.
Executive Director for Regulatory
Standards and Compliance

William H. Pollard
Associate Administrator for Air
Traffic

B. Keith Potts
Associate Administrator for Aviation
Safety

John E. Turner
Associate Administrator for
Advanced Design and Management
Control

Gregory S. Walden
Chief Counsel

Leon C. Watkins
Assistant Administrator for Civil
Rights

Donald P. Watson
Administrator, Southwest Region

Robert E. Whittington
Executive Director for Policy, Plans
and Resource Management

John A. Gaughan
Chief of Staff, Office of the Secretary

Elizabeth R. Monro
Special Assistant for Aviation Policy,
Office of the Secretary

Jeffrey W. Jacobs
Associate General Counsel, Office of
the Secretary

Rosalind A. Knapp
Deputy General Counsel, Office of the
Secretary

William T. Hudson
Director, Office of Civil Rights, Office
of the Secretary

Raymond J. Rogers
Associate Administrator for
Administration, Federal Railroad
Administration

Nancy Bruce
Director, Office of Congressional
Affairs, Office of the Secretary

Federal Highway Administration

E. Dean Carlson
Associate Administrator for
Engineering and Program
Development

George S. Moore, Jr.
Associate Administrator for
Administration

Larry L. Thompson
Chief Counsel

Edward W. Morris, Jr.
Director, Office of Civil Rights

Barbara Kernan
Associate Administrator for
Administration, National Highway
Traffic Safety Administration

Diane R. Liff
Assistant General Counsel for
Litigation, Office of the Secretary

Carolyn Blum
Deputy Director for Logistics Service,
Federal Aviation Administration

Federal Railroad Administration

Joseph W. Walsh
Associate Administrator for Safety

Raymond J. Rogers
Associate Administrator for
Administration

Philip Olekszyk
Deputy Associate Administrator for
Safety

James T. McQueen
Associate Administrator for
Passenger and Freight Services

William J. Watt
Associate Administrator for Policy

Rosalind A. Knapp
Deputy General Counsel, Office of the
Secretary

William T. Hudson
Director, Office of Civil Rights, Office
of the Secretary

National Highway Traffic Safety Administration

Barry I. Felrice
Associate Administrator for
Rulemaking

Adele Derby
Associate Administrator for Plans and
Policy

George L. Parker
Associate Administrator for
Enforcement

Carolina L. Mederos
Deputy Assistant Secretary for Safety,
Office of the Secretary

Larry L. Thompson
Chief Counsel, Federal Highway
Administration

Stephanie Lee-Miller
Director, Office of Commercial Space
Transportation, Office of the
Secretary

Urban Mass Transportation Administration

John A. Cline
Associate Administrator for Budget and Policy

Rosalind A. Knapp
Deputy General Counsel, Office of the Secretary

Marilyn S. Marton
Director, Office of Acquisition and Grant Management, Office of the Secretary

Earnest Hawkins
Associate Administrator for Administration, Maritime Administration

Philip Olekszyk
Deputy Associate Administrator for Safety, Federal Railroad Administration

Nan K. Harllee
Deputy Associate Administrator for Policy and International Affairs, Maritime Administration

Maritime Administration

Reginald A. Bourbon
Associate Administrator for Policy and International Affairs

Richard E. Bowman
Associate Administrator for Maritime Aids

Harlan T. Haller
Associate Administrator for Shipbuilding and Ship Operations

Earnest Hawkins
Associate Administrator for Administration

Gary S. Misch
Associate Administrator for Marketing

William T. Hudson
Director, Office of Civil Rights, Office of the Secretary

Nan K. Harllee
Deputy Associate Administrator for Policy and International Affairs

Elizabeth R. Munro
Special Assistant for Aviation Policy, Office of the Secretary

Brenda Yager
Special Assistant to the Administrator, Federal Aviation Administration

Research and Special Programs Administration

George Tenley
Chief Counsel

Elaine Joost
Deputy Director, Office of Hazardous Materials Transportation

Alfonso B. Linhares
Director, Office of Research and Technology

Samuel Podberesky
Assistant General Counsel for Aviation Enforcement and Proceedings, Office of the Secretary

Jeffrey R. Miller
Deputy Administrator, National Highway Traffic Safety Administration

William Creelman
Deputy Administrator, Maritime Administration

Robert Silberman
Deputy Administrator (Inland Waterways and Great Lakes), Maritime Administration

Glenda M. Tate
Director, Office of Management Planning, Office of the Secretary

Office of Inspector General

Melissa J. Allen
Deputy Assistant Secretary for Administration, Office of the Secretary

Joyce Blalock
Inspector General, Government Printing Office

Bill D. Colvin
Inspector General, National Aeronautics and Space Administration

Stephanie Lee-Miller
Director, Office of Commercial Space Transportation, Office of the Secretary

Gene Richardson
Assistant Inspector General for Investigations, Agency for International Development

Joyce D. Shelton
Director, Office of Financial Management, Office of the Secretary

Walter R. Sommerville
Director, Office of Civil Rights, United States Coast Guard

Glenda M. Tate
Director, Office of Management Planning, Office of the Secretary

Stephen A. Trodden
Assistant Inspector General for Auditing, Department of Defense

Alvin Tucker
Deputy Inspector General, Department of Housing and Urban Development.

[FR Doc. 89-21847 Filed 9-14-89; 8:45 am]
BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended September 8, 1989

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR

302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number 46480

Date Filed: September 5, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 3, 1989

Description: Application of Baltia Air Lines, Inc., pursuant to section 401(d)(1) of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity authorizing overseas scheduled air transportation.

Docket Number: 46481

Date Filed: September 6, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 20, 1989

Description: Conforming Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing service between the co-terminal points Houston and Dallas/Ft. Worth, Texas, the intermediate points Calgary and Edmonton, Alberta, Canada, and the co-terminal points Anchorage and Fairbanks, Alaska.

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 89-21670 Filed 9-14-89; 8:45 am]
BILLING CODE 4910-62-M

Coast Guard

[CGD 89-071]

National Offshore Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.
ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Offshore Safety Advisory Committee (NOSAC). The meeting will be held on October 3, 1989 in Room 1878 at Shell Offshore, Inc., 1 Shell Square, 701 Poydras Street, New Orleans, Louisiana. The meeting is scheduled to begin at the conclusion of the Subcommittee on Subchapter W meeting (at or about 10:00

a.m.) and end at 3:00 p.m. The Committee plans to discuss Procedures for Transportation Workplace Drug Testing (49 CFR Part 40) and receive reports and/or recommendations from the Subcommittee on Subchapter W (Lifesaving Equipment for Large Inspected Vessels, Including MODUs and OSVs).

Attendance is open to the public. With advance notice and at the discretion of the Chairman members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director of NOSAC no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Committee at any time; however, to ensure distribution to each member of the Committee, 20 copies of the written material should be submitted to the Executive Director no later than September 27, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Hammel, Executive Director, National Offshore Safety Advisory Committee, U.S. Coast Guard Headquarters (G-MP-2), 2100 2nd Street SW., Washington, DC 20593-0001, (202) 267-1483.

Dated: September 8, 1989.

J.D. Sipes,
Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-21678 Filed 9-14-89; 8:45 am]

BILLING CODE 491-014-M

[CGD 89-072]

National Offshore Safety Advisory Committee; Subcommittee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of subcommittee meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the National Offshore Safety Advisory Committee (NOSAC) Subcommittee on Subchapter W (Lifesaving Equipment for Large Inspected Vessels, Including MODUs and OSVs). The meeting will be held on October 3, 1989 in Room 1878 at Shell Offshore, Inc., 1 Shell Square, 701 Poydras Street, New Orleans, Louisiana. The meeting is scheduled to begin at 8:00 a.m. and end at 10:00 a.m. The Subcommittee plans to discuss the subchapter W Notice of Proposed Rulemaking published on April 21, 1989.

Attendance is open to the public. With advance notice and at the discretion of the Chairman members of the public

may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director of NOSAC no later than the day before the meeting. Written statements or materials may be submitted for presentation to the Subcommittee at any time; however, to ensure distribution to each member, 10 copies of the written material should be submitted to the Executive Director no later than September 27, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Hammel, Executive Director, National Offshore Safety Advisory Committee, U.S. Coast Guard Headquarters (G-MP-2), 2100 2nd Street, SW., Washington, DC 20593-0001, (202) 267-1483.

Dated: September 8, 1989.

J. D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-21679 Filed 9-14-89; 8:45 am]

BILLING CODE 491-014-M

[CGD 88-079]

Commercial Fishing Industry Vessel Safety Act of 1988 Implementation; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Coast Guard will hold a public meeting on the implementation of the Commercial Fishing Industry Vessel Safety Act of 1988 on October 12, 1989 at the offices of the American Institute of Marine Underwriters, Suite 2100, 14 Wall Street, New York, NY 10005, (212) 233-0551.

The Commercial Fishing Industry Vessel Safety Act of 1988 requires consultation with the insurance industry in formulation of implementation procedures related to casualty statistics. This meeting will serve as one of the methods of consultation.

An Advance Notice of Proposed Rulemaking was published in the *Federal Register* (53 FR 52735) on December 29, 1988. The comment period closed on April 15, 1989. The ANPRM stated in very general terms what the U.S. Coast Guard was considering with respect to implementation of the Act. Section 28.80 related to collection of casualty data and indicated that use of a third party organization to collect this information was a possibility.

The purpose of the public meeting is to give the insurance industry an opportunity to ask questions on the intent of the proposed requirements related to casualty data collection and

to provide input into the formulation of implementation procedures. The meeting will be conducted in an informal question and answer format. The questions which are raised will be addressed by a panel of Coast Guard technical personnel involved with the development of the rulemaking.

The meeting will begin at 10:00 a.m. on October 12, 1989. The agenda is as follows:

- Discussion of Commercial Fishing Industry Vessel Safety Act of 1988
- Casualty Data Collection Requirements
- Discussion of Existing Data Collection Activities
- Discussion of Alternative Collection Strategies

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Rabe, (G-MMI), Room 2406, (202) 267-1430 or Mr. Norman W. Lemley, (G-MTH), Room 1218, (202) 267-0001, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001.

Dated: September 11, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-21764 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Advisory Circular 21-26]

Quality Control for the Manufacture of Composite Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice announces the availability of Advisory Circular 21-26, Quality Control for the Manufacture of Composite Structures. Advisory Circular 21-26 provides information and guidance concerning an acceptable means, but not the only means of demonstrating compliance with the requirements of Federal Aviation Regulations Part 21, Certification Procedures for Products and Parts, regarding quality control systems for the manufacture of composite structures.

ADDRESS: Copies of AC 21-26 can be obtained from the following: Federal Aviation Administration, Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591.

Issued in Washington, DC, on July 5, 1989.
William J. Sullivan,
Assistant Director, Aircraft Certification Service.
 [FR Doc. 89-21798 Filed 9-14-89; 8:45 am]
 BILLING CODE 4910-13-M

[Proposed Advisory Circular 25.703-1]

Takeoff Configuration Warning Systems

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Notice of availability of proposed Advisory Circular 25.703-1, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance for the certification of takeoff configuration warning systems on transport category airplanes. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATE: Comments must be received on or before January 15, 1990.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.703-1 and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

Advisory Circular 25.703-1 provides guidance material for the certification of takeoff configuration warning systems on transport category airplanes. A

number of airplane accidents have occurred where the airplane was not properly configured for takeoff and no warning was provided to the flightcrew by the takeoff configuration warning system. Investigations of these accidents have indicated a need for guidance material for design and approval of these systems.

Issued in Seattle, Washington, on August 28, 1989.

Leroy A. Keith,
Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.
 [FR Doc. 89-21799 Filed 9-14-89; 8:45 am]
 BILLING CODE 4910-13-M

[Summary Notice No. PE-89-36]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 5, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 7, 1989.

Denise Donohue Hall,
Manager, Program Management Staff Office of the Chief Counsel.

Petitions for Exemption

Docket No: 25899
 Petitioner: Executive Air Taxi Corp.
 Sections of the FAR Affected: 14 CFR 43.3(g)

Description of Relief Sought: To allow petitioner to change the seating configuration in its aircraft used in part 135 operations and to remove seats and replace them with a stretcher base installation.

Docket No: 25968
 Petitioner: Light Helicopter Turbine Engine Company
 Regulations Affected: 14 CFR 33.7
 Description of Relief Sought: To add rated 30-second one-engine-inoperative (OEI) power and rated 2-minute OEI power ratings with appropriate certification test validation and operating limitations to ensure equivalent safety for the purpose of type certification of the CTS800 turboshaft engine.

Docket No: 25974
 Petitioner: Air Transport Association of America
 Sections of the FAR Affected: 14 CFR 91.27 and 47.49
 Description of Relief Sought: To allow temporary operation of certain registered airline aircraft without the registration and airworthiness certificates on board.

Docket No.: 25017
 Petitioner: Systems-International Airways, Inc.
 Regulations Affected: 14 CFR 121.411(a) (2) and (4)
 Description of Relief Sought/
 Disposition: To allow petitioner to use Mr. James E. Stamps, Director of Training, as a pilot flight instructor for the purpose of training petitioner's initial cadre of pilots in the Martin 404 (M-404) type airplane without Mr. Stamps meeting all of the applicable training requirements of § 121.411(a) (2) and (4). Grant, August 23, 1989, Exemption No. 5092.

Docket No.: 25662
 Petitioner: Robert A. Hoover
 Sections of the FAR Affected: 14 CFR 91.213(a)(2)
 Description of Relief Sought/
 Disposition: To allow certain single-pilot operations to and from air shows

and during acrobatic flight demonstrations of North American Sabreliner, NA265-40, Serial No. 282-027, N61RH. Denial, August 22, 1989, Exemption No. 5091.

Docket No.: 25728

Petitioner: Trans World Airlines, Inc.
Regulations Affected: 14 CFR Part 121, Appendix H

Description of Relief Sought/

Disposition: To allow petitioner to upgrade L-1011 flight engineers to L-1011 seconds in command in a Phase II simulator without receiving any training or checking in the actual airplane. Partial grant, August 31, 1990, Exemption No. 5097.

Docket No.: 25769

Petitioner: Chautauqua Airlines
Regulations Affected: 14 CFR 135.159(a)

Description of Relief Sought/

Disposition: To allow petitioner to substitute a third attitude indicator in place of a gyroscopic rate of turn indicator aboard SAAB SF-340A aircraft. Grant, August 9, 1989, Exemption No. 5082.

Docket No.: 25840

Petitioner: Express One International, Inc.

Sections of the FAR Affected: 14 CFR 121.337

Description of Relief Sought/

Disposition: To allow petitioner to use the combination of oxygen mask and smoke goggles approved to FAA Technical Standard Order C99 presently used on petitioner's cargo aircraft in meeting the intent of § 121.337 on protective breathing equipment. Denial, August 28, 1989, Exemption No. 5093.

Docket No.: 25925

Petitioner: Air Wisconsin, Inc.

Sections of the FAR Affected: 14 CFR 121.411 (a)(1), (a)(2), (a)(3), and (a)(6) and 121.413 (b) and (c)

Description of Relief Sought/

Disposition: To allow petitioner to utilize certain highly qualified pilot flight and simulator instructors from British Aerospace for the purpose of training petitioner's initial cadre of pilots in the BAe Advanced Turbo Prop (ATP) type airplane in Great Britain without holding appropriate U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart N of Part 121. Grant, August 30, 1989, Exemption No. 5095.

Docket No.: 070CE

Petitioner: Beech Aircraft Corporation
Sections of the FAR Affected: 14 CFR 23.207(c)

Description of Relief Sought/

Disposition: To allow the stall warning margin on the Beech Model

B300 to be less than 5 knots when the pitch control reaches the stop before aerodynamic stall and the stall warning to be greater than 10 knots or 15% of stalling speed with 75% maximum continuous power. Grant, August 23, 1989, Exemption No. 5077.

Docket No.: 071CE

Petitioner: Beech Aircraft Corporation
Sections of the FAR Affected: 14 CFR 23.207(c)

Description of Relief Sought/

Disposition: To allow the stall warning margin on the Beech Model 1900D to be less than 5 knots when the pitch control reaches the stop before aerodynamic stall and the stall warning to be greater than 10 knots or 15% of stalling speed with 75% maximum continuous power. Grant, August 23, 1989, Exemption No. 5078.

[FR Doc. 89-21796 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-89-35]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 5, 1989.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a

copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on September 11, 1989.

Deborah Swank,

Acting Manager, Program Management Staff,
Office of the Chief Counsel.

Docket No.: 25307

Petitioner: Precision Airlines

Regulations Affected: 14 CFR 135.429(a), 135.435, and 135.443

Description of Relief Sought: To extend Exemption No. 4867 that allows petitioner to use its German-built Dornier DO-228-201 and DO-228-202 aircraft, certain components, parts, and accessories repaired, overhauled, or otherwise maintained, and inspected by persons outside the United States who do not hold U.S. airman certificates, or have yet to obtain U.S. Foreign Repair Station Certification. Exemption No. 4867 will expire on October 31, 1989.

Docket No.: 21802

Petitioner: Sowell Aviation Co., Inc.
Regulations Affected: 14 CFR 141.65

Description of Relief Sought/

Disposition: To extend Exemption No. 4551, as amended, that allows petitioner to recommend graduates of its FAA-approved certification courses for airline transport pilot and flight instructor certificates and associated ratings, without taking the FAA written test, in accordance with the provisions of subpart D of part 141. Grant, August 4, 1989, Exemption No. 4551B.

Docket No.: 22469

Petitioner: Parks College of Saint Louis University

Regulations Affected: 14 CFR part 141, Appendixes A, C, D, and F

Description of Relief Sought/

Disposition: To extend Exemption No. 3495, as amended, that allows petitioner to train students to a performance standard rather than minimum flight time requirements, except for solo cross country. Grant, August 24, 1989, Exemption No. 3495D.

Docket No.: 22706

Petitioner: Bankair, Inc.

Regulations Affected: 14 CFR 135.225(e)(1)

Description of Relief Sought/

Disposition: To allow petitioner's pilots to operate their aircraft from Myrtle Beach Air Force Base and Beaufort Marine Corps Air Station using takeoff visibility minimums, subject to the approval of the appropriate military authority, which are less than 1 mile and are equal to or greater than the landing visibility minimums established for these airfields. Grant, August 18, 1989, Exemption No. 5090.

[FR Doc. 89-21797 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

Radar Approach Control at Aspen, CO; Establishment

Notice is hereby given that on or about October 1, 1989, an Air Traffic Control Beacon Interrogator only Radar Approach Control will be established at Aspen-Pitkin County-Sardy Field, Aspen, Colorado. Hours of operation will be 7 a.m. to 10 p.m., local time daily, 7 days per week. This information will be reflected in the FAA Organization Statement the next time it is issued. (Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Seattle, Washington, on August 15, 1989.

Frederick M. Isaac,

Regional Administrator Northwest Mountain Region

[FR Doc. 89-21820 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-3-M

Noise Exposure Map, Buchanan Field, Concord, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that noise exposure maps submitted by the county of Contra Costa for Buchanan Field, Concord, California, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150 are in compliance with applicable requirements.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps is August 21, 1989.

FOR FURTHER INFORMATION CONTACT: David Cross, Federal Aviation Administration, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, California 94010, (415) 876-2779.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds

that the noise exposure maps submitted for Buchanan Field are in compliance with applicable requirements of part 150 effective August 21, 1989.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the county of Contra Costa, California. The specific maps under consideration are Exhibit V-1 and V-2 in the submission. The FAA has determined that these maps for Buchanan Field are in compliance with applicable requirements. This determination is effective on August 21, 1989. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from

the ultimate land use control and planning responsibility of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the noise exposure maps and of the FAA's evaluation of the maps are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, AWP-600, 15000 S. Aviation Blvd., Room 6E25, Hawthorne, California 90261.

Federal Aviation Administration, Airports District Office, 831 Mitten Road, Burlingame, California 94010, Attn: Mr. David Cross, Airport Planner.

Contra Costa County, Public Works Department, 171 John Glen Drive, Concord, California 94520-5606.

Questions may be directed to the individual named above under the heading, FOR FURTHER INFORMATION CONTACT.

Issued in Hawthorne, CA, on August 21, 1989.

Herman C. Bliss,

Manager, Airports Division.

[FR Doc. 89-21821 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Air Traffic Procedures Advisory Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and

upgrading of terminology and procedures.

DATES: The meeting will be held from October 23, at 9 a.m., through October 27, 1989, at 12 p.m.

ADDRESS: The meeting will be held in the Administrator's Round Room, Federal Aviation Administration, 800 Independence Avenue, SW., Wash., DC.

FOR FURTHER INFORMATION CONTACT: Mr. John Mayrhofer, Executive Director, ATPAC, Air Traffic Operations Service, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the ATPAC to be held from October 23, at 9 a.m., through October 27, 1989, at 12 p.m., in the Administrator's Round Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. The agenda for this meeting is as follows: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than October 20, 1989. The next quarterly meeting of the FAA ATPAC is planned to be held from January 23 through January 26, 1989, in Las Vegas, NV. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on September 7, 1989.

John Mayrhofer,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 89-21800 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1), notice is hereby given for the thirtieth meeting of RTCA Special Committee 147 on Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment to be held October 3-6, 1989, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005, commencing at 9:00 a.m.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) approval of the twenty-ninth meeting's minutes, RTCA Paper No. XXX-89/SC147-XX; (3) TCAS Program status reports on legislative and rulemaking update and FAA TCAS Program; (4) report of Pilot Working Group activities; (5) review of SC-147 Work Plan on future changes or revision to RTCA/DO-185 and TCAS II activities; (6) other business; and (7) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 7, 1989.

Geoffrey R. McIntyre,
Designated Officer.

[FR Doc. 89-21801 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; New Haven County, CT

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 the proposed crossing of

New Haven Harbor (Interstate 95), New Haven, Connecticut.

FOR FURTHER INFORMATION CONTACT:

James J. Barakos, Division Administrator, Federal Highway Administration, Abraham A. Ribicoff Federal Building, 450 Main Street, Hartford, Connecticut 06103 Telephone: (203) 240-3705; or Edgar T. Hurle, Director of Environmental Planning, Connecticut Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut 06109 Telephone: (203) 566-5704.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Connecticut Department of Transportation (Department) will prepare a Federal Environmental Impact Statement (EIS) to identify and analyze the actions needed to address transportation needs along Interstate 95 (I-95) where it crosses New Haven Harbor (Quinnipiac River) in New Haven. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Alternatives under consideration for the draft EIS, at this time, include but are not limited to: Do nothing, highway expansion of existing I-95, constructing a new crossing on new location (including a tunnel option), and a combination of highway expansion/new crossing alternatives. A Scoping meeting will be held to solicit input from governmental agencies for feasible alternatives for detailed studies. A scoping letter will be distributed in the next few weeks, in which the Cooperating Agency requests will be made. The agencies expected to be asked to be Cooperating Agencies are the US Coast Guard, US Environmental Protection Agency, US Department of the Interior (Fish and Wildlife Service and National Marine Fisheries), US Army Corps of Engineers, and Connecticut Department of Environmental Protection. In addition, appropriate federal, state, and local agencies will be requested to submit comments. Any reviewer interested in submitting comments or questions should contact the FHWA or the Department at the addresses provided above. Comments are being requested by October 15, 1989.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

Issued on: September 7, 1989.

Paul E. Toussaint,

Asst. Division Administrator, Hartford, CT.

[FR Doc. 89-21474 Filed 9-14-89; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1989—Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds: Termination of Authority: Nordia Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Nordia Insurance Company (formerly The Western Fire Insurance Co.) under the United States Code, Title 31, Sections 9304-9308, to qualify as an acceptable surety on Federal bonds is terminated effective today.

The Company was last listed as an acceptable surety on Federal bonds at 53 FR 25079, July 1, 1988, and then suspended effective November 10, 1988, per Supp. No. 3 at 53 FR 48063, dated November 29, 1988.

With respect to any bonds currently in force with Nordia Insurance Company, bond-approving officers for the

Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC. 20227, telephone (202) 287-3921.

Dated: September 11, 1989.

Mitchell A. Levine,

Assistant Commissioner, Comptroller
Financial Management Service.

[FR Doc. 89-21788 Filed 9-14-89; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; The Age of Napoleon: Costume From Revolution to Empire; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978

(43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit, "The Age of Napoleon: Costume From Revolution to Empire" (see list ¹) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art in New York, beginning on or about December 12, 1989 to on or about April 15, 1990, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: September 12, 1989.

Alberto J. Mora,

General Counsel.

[FR Doc. 89-21904 Filed 9-14-89; 8:45 am]

BILLING CODE 6230-01-M

¹ A copy of this list may be obtained by contacting Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/485-8827, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register

Vol. 54, No. 178

Friday, September 15, 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 MINE SAFETY AND HEALTH REVIEW COMMISSION

September 11, 1989.

The following changes have been made in the meeting scheduled for Thursday, September 14, 1989:

TIME AND DATE: 10:00 a.m., Thursday, September 14, 1989.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 50 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The following items have been postponed until a later date:

2. (As listed on original notice) *Robert Simpson v. Kenta Energy, Inc.*, Docket No. KENT 83-155-D. (Consideration of a motion to remand).

3. (As listed on original notice) *Ronald Tolbert v. Chaney Creek Coal Corporation*, Docket No. KENT 86-123-D. (Consideration of a motion to reopen and remand).

It was determined by a unanimous vote of Commissioners that these items be postponed until a later date and that no earlier announcement of the change was possible.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5629 / (202) 708-9300 for TDD Relay.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 89-21929 Filed 9-13-89; 10:50 am]

BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, September 20, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 12, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-21927 Filed 9-13-89; 10:38 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 37402, September 8, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 10:30 a.m., Wednesday, September 13, 1989, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

Request for additional funding for Survey of Consumer Finance.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: September 13, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-22019 Filed 9-13-89; 3:37 p.m.]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, October 11, 1989.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Open.

MATTER TO BE CONSIDERED:

Consideration of recommendation that the Commission publish a notice of proposed rulemaking to initiate a proceeding to amend Mail Order Rule to cover telephone orders.

CONTACT PERSON FOR MORE

INFORMATION: Susan B. Ticknor, Office

of Public Affairs; (202) 326-2179, Record Message: (202) 326-2711.

Donald S. Clark,
Secretary.

[FR Doc. 89-21920 Filed 9-13-89; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of September 11, 1989.

A closed meeting will be held on Tuesday, September 12, 1989, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 12, 1989, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Reject settlement of injunctive action.

Litigation matter.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Underhill at (202) 272-2000.

Dated: September 11, 1989.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-21950 Filed 9-13-89; 11:27 am]

BILLING CODE 8010-01-M

Federal Register

Friday
September 15, 1989

Part II

Department of Education

**Direct Grant Programs and Fellowship
Programs; Notice Inviting Applications for
New Awards for Fiscal Year 1990**

DEPARTMENT OF EDUCATION

Direct Grant Programs and Fellowship Programs

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year 1990.

SUMMARY: The Secretary invites applications for new awards for fiscal year (FY) 1990 under many of the Department's direct grant and fellowship programs and announces deadline dates for the transmittal of applications under these programs. This combined application notice contains fiscal and programmatic information for potential applicants under the Department's programs announced in this issue of the *Federal Register*. This notice also lists all FY 1990 programs previously announced in the *Federal Register* and programs to be announced at a later date.

DATES: The deadline dates for transmitting applications under these programs (except programs to be announced at a later date) are listed in Chart 1.

For programs announced in this issue of the *Federal Register* that are subject to Executive Order (EO) 12372 (Intergovernmental Review of Federal Programs), the deadline dates for the transmittal of State Process Recommendations by State Single Points of Contact (SPOCs) and comments by other interested parties are listed in Charts 2 through 7.

For programs announced in this issue of the *Federal Register*, Charts 2 through 7 also list the dates on which applications will be available.

ADDRESSES: The addresses for obtaining applications for, or further information about, individual programs are in the respective announcements for those programs in Part II of this notice.

The address for transmitting recommendations and comments under intergovernmental review, together with the addresses of individual SPOCs, is in the appendix to this notice.

SUPPLEMENTARY INFORMATION: The Secretary believes that placing as many program announcements as possible in a single notice will assist potential applicants in planning projects and activities. Further, this notice offers a complete picture of virtually all the Department's direct grant and fellowship competitions available for FY 1990. If additional competitions are carried out in FY 1990 because of new legislation or other events not known at this time, the Secretary will announce those competitions in future issues of the *Federal Register*.

Organization of Notice

This notice is organized in two parts.

Part I lists, by principal program offices of the Department, all direct grant program announcements and certain fellowship program announcements for awards in FY 1990 (Chart 1). The listing for each principal office is divided into three categories of program announcements: those already published, those published in this issue of the *Federal Register*, and those to be published at a later date. Within each of the three categories, the programs are listed in order of the deadline date, if known, for the transmittal of applications. The listing for each office contains the following information:

- The Catalog of Federal Domestic Assistance (CFDA) number of each program.
- The name of that program.
- A reference to the program announcement.
- The deadline date for transmitting applications.

Program announcements. If the announcement for a particular program has already been published, the date of publication is listed, together with a reference to the issue of the *Federal Register* in which the announcement appeared. If the announcement is included in this combined application notice, it is designated by the words "In this issue." The chart also identifies any program announcements published elsewhere in this issue of the *Federal Register*. If the announcement is to be published at a later date, it is designated by the words "To be announced [TBA]."

Application deadline dates. All deadline dates announced in this notice or previously announced are listed in Chart 1. Any deadline date to be announced later is designated by the initials "TBA."

Part II contains fiscal and programmatic information for all programs announced in this notice. Each principal program office is assigned a separate chart as follows:

- Chart 2—Office of Bilingual Education and Minority Languages Affairs.
- Chart 3—Office of Educational Research and Improvement.
- Chart 4—Office of Elementary and Secondary Education.
- Chart 5—Office of Postsecondary Education.
- Chart 6—Office of Special Education and Rehabilitative Services.
- Chart 7—Office of Vocational and Adult Education.

Each of Charts 2 through 7 contains the following information:

- The CFDA number and the name of each affected program.

- The date of availability of applications.
- The deadline date for transmitting comments under intergovernmental review.
- The estimated range of awards.
- The estimated average size of awards.
- The estimated number of awards.
- The project period in months.

Following the chart for each principal program office are additional details for each affected program, including—

- A brief statement of the purpose of the program;
- A list of regulations applicable to the program;
- Information regarding priorities, if any;
- The name, address, and telephone number of the person or office at the Department to contact for applications or information; and
- A citation of the statutory or other legal authority for the program.

These announcements also specify if a program is affected by a notice of priorities, either previously published or published elsewhere in this issue of the *Federal Register*, and inform readers where that notice may be found.

Available funds

The Congress has not yet enacted a fiscal year 1990 appropriation for the Department of Education. However, the Department is publishing this notice in order to give potential applicants adequate time to prepare applications. Estimates of the amounts of funds available for these programs are based in part on the President's 1990 budget and in part on the level of funding available for fiscal year 1989. THE DEPARTMENT OF EDUCATION IS NOT BOUND BY ANY OF THE ESTIMATES IN THIS NOTICE.

Applicable regulations

Readers should note the following with regard to the list of regulations applicable to a given program:

Along with other Federal agencies, the Department has published proposed regulations (53 FR 44716, November 4, 1988) to implement a new Office of Management and Budget (OMB) circular that would replace OMB Circulars A-102 and A-110. When the final regulations are published, the current part 80 of the Education Department General Administrative Regulations (EDGAR) will be removed. At that time part 74 of EDGAR will be revised to cover all of the entities currently covered separately under 34 CFR parts 74 and 80, as well as commercial organizations, and will affect all grants

and cooperative agreements made after the effective date of the new regulations.

Intergovernmental Review of Federal Programs

Certain programs in this notice are subject to the requirements of EO 12372

and the regulations in 34 CFR part 79. These programs are identified in Charts 2 through 7 with a date in the column headed "Deadline for Intergovernmental Review." For further information, an applicant under a program subject to the

Executive order—and other parties interested in that program—are directed to the appendix to this notice.

Part I

CHART 1—LIST OF PROGRAM ANNOUNCEMENTS

CFDA No.	Name of Program	Program Announcement	Application Deadline Date
Office of Bilingual Education and Minority Languages Affairs			
84.003L	Special Populations Program	6/30/89 (54 FR 27672)	10/16/89
84.003A	Transitional Bilingual Education Program	6/30/89 (54 FR 27672)	11/3/89
84.003E	Special Alternative Instructional Program	6/30/89 (54 FR 27672)	11/3/89
84.003G	Academic Excellence Program	6/30/89 (54 FR 27672)	11/20/89
84.003S	Training Development and Improvement Program	6/30/89 (54 FR 27672)	12/8/89
84.003V	Short-Term Training Program	6/30/89 (54 FR 27672)	12/8/89
84.003Q	State Educational Agency Program	6/30/89 (54 FR 27672)	1/29/90
84.003J	Family English Literacy Program	6/30/89 (54 FR 27672)	2/26/90
84.003R	Educational Personnel Training Program	To be announced (TBA)	TBA
84.003T	Fellowship Program	To be announced (TBA)	TBA
Office of Educational Research and Improvement			
<i>Library Programs</i>			
84.163A	Library Services to Indian Tribes and Hawaiian Natives Program—Basic Grants	6/21/89 (54 FR 26150)	9/29/89
84.036	Library Career Training Program—Institute Awards	6/21/89 (54 FR 26150)	10/10/89
84.036	Library Career Training Program—Fellowship Awards	6/21/89 (54 FR 26150)	10/10/89
84.091	Strengthening Research Library Resources Program	6/21/89 (54 FR 26150)	10/31/89
84.167	Library Literacy Program	6/21/89 (54 FR 26150)	11/9/89
84.197	College Library Technology and Cooperation Grants Program	6/21/89 (54 FR 26150)	1/12/90
84.039	Library Research and Demonstration Program	6/21/89 (54 FR 26150)	2/1/90
84.163B	Library Services to Indian Tribes and Hawaiian Natives Program—Special Projects Grants	6/21/89 (54 FR 26150)	3/30/90
Fund for the Improvement and Reform of Schools and Teaching (FIRST)			
84.168D	National Program for Mathematics and Science Education*	In this issue	2/20/90
84.211A	FIRST—Schools and Teachers Program	To be announced (TBA)	TBA
84.212A	FIRST—Family-School Partnership Program	To be announced (TBA)	TBA
84.215A	Secretary's Fund for Innovation in Education:		
	Innovation in Education Program	To be announced (TBA)	TBA
	Computer Based Instruction Program	To be announced (TBA)	TBA
	Comprehensive School Health Education Program	To be announced (TBA)	TBA
	Technology Education Program	To be announced (TBA)	TBA
Office of Research			
84.206R	National Center for Research and Development in the Education of Gifted and Talented Children and Youth	8/17/89 (54 FR 34076)	11/14/89
84.117E	Educational Research Grant Program—Field-Initiated Studies Program	In this issue	2/7/90
84.117T	Educational Research Grant Program—Expanding Experiments for Educational Achievement	To be announced (TBA)	TBA
Programs for the Improvement of Practice			
84.073C	National Diffusion Network—New State Facilitator Project (for Palau only)	In this issue	2/15/90
84.073A	National Diffusion Network—New Developer Demonstrator Projects	In this issue	2/16/90
84.117K	Educational Research Grant Program—Teachers as Researchers	To be announced (TBA)	TBA
Office of Elementary and Secondary Education			
84.004C	Desegregation of Public Education—State Educational Agency Desegregation Program	8/8/89 (54 FR 32471)	10/16/89
84.063	Women's Educational Equity Act	9/13/89 (54 FR 37882)	11/2/89
84.123A	Law-Related Education Program	In this issue	11/3/89
84.004D	Desegregation Assistance Center Program	In this issue	11/30/89
84.184B	Drug-Free Schools and Communities Program—Federal Activities Grants Programs	In this issue	12/7/89
84.061A	Educational Services for Indian Children	In this issue	12/8/89

CHART 1—LIST OF PROGRAM ANNOUNCEMENTS—Continued

CFDA No	Name of Program	Program Announcement	Application Deadline Date
84.061C	Planning, Pilot, and Demonstration Projects for Indian Children (Planning Projects).	In this issue	12/8/89
84.061D	Planning, Pilot, and Demonstration Projects for Indian Children (Pilot Projects).	In this issue	12/8/89
84.061E	Planning, Pilot, and Demonstration Projects for Indian Children (Demonstration Projects).	In this issue	12/8/89
84.062A	Educational Services for Indian Adults	In this issue	12/8/89
84.072A	Indian-Controlled Schools—Enrichment Projects	In this issue	12/8/89
84.190A	Christa McAuliffe Fellowship Program	In this issue	12/15/89
84.087A	Indian Fellowship Program	In this issue	1/10/90
84.141A	High School Equivalency Program	In this issue	3/2/90
84.149A	College Assistance Migrant Program	In this issue	3/2/90
84.999C	Drug-Free Schools and Communities—Hawaiian Natives Program	In this issue	4/13/90
84.144A	Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Secondary Credit Exchange and Accrual	In this issue	4/16/90
84.144B	Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Priorities for Improvement	In this issue	4/16/90
84.188A	Drug-Free Schools and Communities—Regional Centers Program	In this issue	6/25/90
84.184A	Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education	To be announced (TBA)	TBA
84.207A	Drug-Free Schools and Communities—Educational Personnel Training Grants	To be announced (TBA)	TBA
Office of Postsecondary Education			
84.202A	Grants to Institutions to Encourage Minority Participation in Graduate Education Program	8/16/89 (54 FR 33816) and 9/12/89 (54 FR 37707)	10/10/89
84.094B	Patricia Roberts Harris Fellowships Program—Graduate and Professional Study Fellowships	8/14/89 (54 FR 33492)	10/13/89
84.021	Fulbright Hays—Group Projects Abroad	7/26/89 (54 FR 31072)	10/23/89
84.017	International Research and Studies Program	7/3/89 (54 FR 28011)	10/30/89
84.019	Fulbright Hays—Faculty Research Abroad	7/26/89 (54 FR 31072)	10/30/89
84.022	Fulbright Hays—Doctoral Dissertation Research Abroad	7/26/89 (54 FR 31072)	10/30/89
84.016	Undergraduate International and Foreign Language Program	7/3/89 (54 FR 28011)	11/8/89
84.153	Business and International Education Program	7/3/89 (54 FR 28011)	11/8/89
84.094C	Patricia Roberts Harris Fellowship Program—Public Service Education Fellowships	8/14/89 (54 FR 33492)	12/15/89
84.219A	Student Literacy Corps Program	9/1/89 (54 FR 36716)	1/2/90
84.042A	Student Support Services	In this issue	11/17/89
84.120B	Minority Science Improvement Program—Special Projects	In this issue	12/1/89
84.097A	Law School Clinical Experience Program	In this issue	1/12/90
84.055A	Cooperative Education Program—Administration Projects	In this issue	1/19/90
84.055B	Cooperative Education Program—Demonstration Projects	In this issue	1/19/90
84.120A	Minority Science Improvement Program—Design Projects Institutional Projects Cooperative Projects	In this issue	2/2/90
84.170	Jacob K. Javits Fellows Program	In this issue	2/2/90
84.200	Graduate Assistance in Areas of National Need Program	To be announced (TBA)	TBA
84.031A	Strengthening Program	To be announced (TBA)	TBA
84.031G	Endowment Grant Program	To be announced (TBA)	TBA
84.103A	Training for Special Program Staff and Leadership Personnel	To be announced (TBA)	TBA
Fund for the Improvement of Postsecondary Education (FIPSE)			
84.116A	Comprehensive Program (Preapplications)	8/23/89 (54 FR 35046)	10/17/89
84.116F	Innovative Projects for Student Community Services	8/23/89 (54 FR 35047)	12/19/89
84.116B	Comprehensive Program (Applications)	8/23/89 (54 FR 35046)	3/2/90
84.183C	Drug Prevention Programs in Higher Education—Special Focus Program Competition: Approaches to Accountability in Prevention Program	In this issue	2/15/90
84.183A	Drug Prevention Programs in Higher Education—Institution-wide Program	In this issue	2/22/90
84.183E	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Invitational Priority: Dissemination of Successful Projects)	In this issue	3/1/90
84.116G	Fund for the Improvement of Postsecondary Education—Practitioner Scholars (Invitational Priority: Lecture Series)	In this issue	3/2/90
84.183B	Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program	In this issue	3/23/90
84.183D	Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention)	In this issue	4/16/90
84.183E	Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Additional Invitational Priorities)	To be announced (TBA)	TBA

CHART 1—LIST OF PROGRAM ANNOUNCEMENTS—Continued

CFDA No.	Name of Program	Program Announcement	Application Deadline Date
Office of Special Education and Rehabilitative Services <i>Office of Special Education Programs</i>			
84.024D	State or Multi-State Outreach Projects	7/21/89 (54 FR 30640)	9/28/89
84.158S	Family Networking	7/21/89 (54 FR 30640)	9/28/89
84.024M	Information Management of Services for Infants and Toddlers	7/21/89 (54 FR 30640)	9/29/89
84.026L	Closed-Captioned Local and Regional News	7/21/89 (54 FR 30640)	9/29/89
84.086U	Utilization of Innovative Practices for Children with Severe Handicaps	7/21/89 (54 FR 30640)	9/29/89
84.030A	National Information Center	7/21/89 (54 FR 30640)	9/29/89
84.030C	Postsecondary Clearinghouse	7/21/89 (54 FR 30640)	9/29/89
84.030E	Clearinghouse on Careers and Employment	7/21/89 (54 FR 30640)	9/29/89
84.086G	Validated Practices: Children with Deaf-Blindness	7/21/89 (54 FR 30640)	9/29/89
84.025A	State and Multi-State Projects for Deaf-Blind Children and Youth	7/21/89 (54 FR 30640)	9/29/89
84.023C	Field-Initiated Research Projects	7/21/89 (54 FR 30640)	10/6/89
84.023D	Research on General Education Social Studies or Language Arts Curricula	7/21/89 (54 FR 30640)	10/6/89
84.086D	Innovations for Meeting Special Problems of Children with Severe Handicaps in the Context of Regular Education Settings	7/21/89 (54 FR 30640)	10/13/89
84.086J	State-wide Systems Change	7/21/89 (54 FR 30640)	10/13/89
84.086L	Utilization of Innovative Practices for Children with Deaf-Blindness	7/21/89 (54 FR 30640)	10/13/89
84.025C	Technical Assistance to State and Multi-State Projects	7/21/89 (54 FR 30640)	10/27/89
84.086A	Training of Educators of Students with Multiple Handicaps that Include Auditory and Visual Impairments	9/14/89	10/27/89
84.029K	Special Projects	7/21/89 (54 FR 30640)	11/3/89
84.029B	Preparation of Personnel for Careers in Special Education and Early Intervention	7/21/89 (54 FR 30640) and 9/8/89 (54 FR 37361)	11/13/89
84.024B	Nondirected Demonstrations	7/21/89 (54 FR 30640)	11/15/89
84.023N	Initial Career Awards	7/21/89 (54 FR 30640)	11/17/89
84.029G	Preparation of Personnel for Transition of Handicapped Youth to Adult and Working Life	7/21/89 (54 FR 30640)	11/17/89
84.078C	Postsecondary Demonstration Projects	9/14/89	11/17/89
84.029D	Preparation of Leadership Personnel	7/21/89 (54 FR 30640)	11/27/89
84.023A	Small Grants Program	7/21/89 (54 FR 30640)	12/1/89
84.180C	Designs for Multi-Media Instruction for Educating Children with Handicaps	9/14/89	12/1/89
84.029Q	Preparation of Personnel to Provide Early Intervention Services to Infants and Toddlers with Handicaps	7/21/89 (54 FR 30640)	12/8/89
84.158N	Training and Employment Models for Youth with Handicaps	7/21/89 (54 FR 30640)	12/18/89
84.023K	Interventions to Support Junior High School-Aged Students with Handicaps Who Are at Risk of Dropping out of School	9/7/89 (54 FR 37147)	12/22/89
84.180B	Using Technology to Improve Assessment of Children with Handicaps	7/21/89 (54 FR 30640)	1/5/90
84.024V	Research on Early Childhood Program Features	9/14/89	1/8/90
84.029E	Preparation of Personnel for Special Populations of Infants, Toddlers, Children, and Youth with Handicaps	7/21/89 (54 FR 30640)	1/8/90
84.029J	Preparation of Personnel to Work in Rural Areas	7/21/89 (54 FR 30640)	1/8/90
84.029A	Preparation of Personnel for Low-Incidence Handicapped Students	7/21/89 (54 FR 30640)	1/12/90
84.029F	Preparation of Related Services Personnel	7/21/89 (54 FR 30640)	1/12/90
84.023H	Research on the Delivery of Services to Students with Handicaps from Non-Standard English, Limited English Proficiency (Including Monolingual), and/or Non-Dominant Cultural Groups	7/21/89 (54 FR 30640)	1/12/90
84.023B	Student-Initiated Research Projects	7/21/89 (54 FR 30640)	1/19/90
84.024P	In-Service Training Programs for Related Services Personnel	9/14/89	1/22/90
84.158K	Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination	9/14/89	3/16/90
84.158T	Institute on Intervention Effectiveness	9/14/89	3/16/90
84.026J	Closed-Captioned Syndicated Television Programming	9/14/89	4/30/90
84.026P	Closed-Captioned National News and Public Information	9/14/89	4/30/90
84.026V	Closed-Captioned Children's Programs	9/14/89	4/30/90
84.159A	State Agency/Federal Evaluation Studies Projects	To be announced (TBA)	TBA
84.159B	Study of Anticipated Services for Students with Handicaps Exiting from School	To be announced (TBA)	TBA
84.159C	Design Study for Obtaining National Estimates of Data	To be announced (TBA)	TBA
84.029H	State Education Agency Projects	To be announced (TBA)	TBA
National Institute on Disability and Rehabilitation Research			
84.133E	Rehabilitation Engineering Centers	6/29/89 (54 FR 27570)	8/31/89
84.133P	Research Training Grants	6/29/89 (54 FR 27570)	10/30/89
84.133G	Field-Initiated Research	6/29/89 (54 FR 27570)	11/17/89
84.133F	Research Fellowships	6/29/89 (54 FR 27570)	12/1/89
84.224A	State Grants Program for Technology-Related Assistance for Individuals with Disabilities	8/23/89 (54 FR 35048)	12/1/89
84.133B	Rehabilitation Research and Training Centers	6/29/89 (54 FR 27570)	12/8/89
84.133E	Rehabilitation Engineering Centers	9/8/89 (54 FR 37361)	12/8/89
84.133A	Research and Demonstration	6/29/89 (54 FR 27570) and 9/8/89 (54 FR 37361)	12/18/89

CHART 1—LIST OF PROGRAM ANNOUNCEMENTS—Continued

CFDA No.	Name of Program	Program Announcement	Application Deadline Date
84.133D.....	Knowledge Dissemination and Utilization.....	6/29/89 (54 FR 27570).....	12/18/89
84.133N.....	Spinal Chord Injury Model Demonstrations.....	6/29/89 (54 FR 27570) and 9/8/89 (54 FR 37361).....	4/2/90
84.133C.....	Innovation Grants.....	6/29/89 (54 FR 27570).....	5/4/90
<i>Rehabilitation Services Administration</i>			
84.999.....	Kuhry Bequest Program.....	9/8/89 (54 FR 37407).....	11/17/89
84.128J.....	Projects for Initiating Special Recreation Programs for Individuals with Handicaps.....	In this issue.....	11/30/89
84.128A.....	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Rehabilitation Technology Services.....	In this issue.....	1/16/90
84.128A.....	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Innovative Strategies to Promote Vocational and Independent Living Outcomes.....	In this issue.....	1/16/90
84.128A.....	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Invitational Priority.....	In this issue.....	1/16/90
84.128H.....	Vocational Rehabilitation Service Projects for American Indians with Handicaps.....	In this issue.....	1/16/90
84.129U.....	Rehabilitation Continuing Education Programs.....	In this issue.....	1/17/90
84.128B.....	Projects with Industry.....	In this issue.....	1/19/90
84.129.....	Rehabilitation Long-Term Training.....	In this issue.....	1/19/90
84.160.....	Training of Interpreters for Deaf Individuals.....	In this issue.....	3/5/90
84.128A.....	Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Technical Assistance.....	In this issue.....	4/2/90
84.129B.....	Rehabilitation Long-Term Training—Rehabilitation Counseling.....	In this issue.....	4/9/90
84.129T.....	Experimental and Innovative Training—Supported Employment.....	In this issue.....	4/9/90
84.132.....	Centers for Independent Living.....	In this issue.....	5/7/90
84.128G.....	Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps.....	In this issue.....	5/16/90
84.129V.....	State Vocational Rehabilitation Unit In-Service Training.....	In this issue.....	6/5/90
<i>Office of Vocational and Adult Education</i>			
84.099.....	Bilingual Vocational Instructor Training Program.....	6/8/89 (54 FR 24622).....	7/13/89
84.199A.....	Cooperative Demonstration Program (High Technology).....	6/8/89 (54 FR 24622).....	7/21/89
84.101.....	Vocational Education Indian Program.....	6/8/89 (54 FR 24622).....	7/28/89
84.192.....	Adult Education for the Homeless Program.....	7/14/89 (54 FR 29852).....	8/14/89
84.193.....	Demonstration Centers for the Retraining of Dislocated Workers Program.....	6/8/89 (54 FR 24622).....	9/15/89
84.198.....	National Workplace Literacy Program.....	8/18/89 (54 FR 34440).....	10/13/89

*The announcement for this program appears in a separate notice in this issue of the **Federal Register**.

Part II

The following Charts 2 through 7 contain fiscal and programmatic information about each of the programs announced in this notice. Each chart is followed by additional information regarding these programs.

CHART 2—OFFICE OF BILINGUAL EDUCATION AND MINORITY LANGUAGES AFFAIRS

All programs have been announced or are to be announced at a later date. (See Chart 1.)

CHART 3—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
<i>Office of Research</i>						
34.117E Educational Research Grant Program—Field-Initiated Studies Program.....	11/13/89	N/A	\$30,000–70,000	\$50,000	15	12 to 18

CHART 3—OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT—Continued

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
<i>Programs for the Improvement of Practice</i>						
84.073C National Diffusion Network—New State Facilitator Project (for Palau only).....	12/15/89	2/15/90	\$60,000	\$60,000	1	Up to 48
84.073A National Diffusion Network—New Developer Demonstrator Projects.....	1/2/90	2/12/90	\$50,000–60,000	\$56,200	30	Up to 48

84.117E Educational Research Grant Program—Field-Initiated Studies Program

Purpose of Program: To support field-initiated studies designed to advance educational theory and practice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR Part 700, as published in the Federal Register on July 18, 1988 (53 FR 27108).

Selection Criteria: In evaluating applications for grants under this program, the Secretary uses the specific competition selection criteria in 34 CFR 700.22.

The program regulations in 34 CFR 700.20(b)(2) provide that the Secretary awards up to 100 points for the selection criteria, including a reserved 25 points. For this competition the Secretary distributes the 25 points as follows:

Significance (34 CFR 700.22(f)). Fifteen points are added to this criterion for a possible total of 30 points.

Technical soundness (34 CFR 700.22(g)). Ten points are added to this criterion for a possible total of 25 points.

For Applications or Information Contact: Jacqueline Jenkins, U.S. Department of Education, 555 New Jersey Avenue, NW., Suite 610, Washington, DC 20208–5573. Telephone: (202) 357–6079.

Program Authority: 20 U.S.C. 1221e.

84.073C National Diffusion Network—New State Facilitator Project (for Palau only)

Purpose of Program: To provide grants for the dissemination of exemplary education programs within Palau.

Note: Competitions for new State Facilitator awards were held previously and grants were made in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Therefore, this competition is limited to Palau.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81 and 85; and (b) The regulations for this program in 34 CFR parts 785, as amended in the Federal Register on June 8, 1989 (54 FR 24648), and 788.

For Applications or Information Contact: Dr. Thomas Wikstrom, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510, Washington, DC 20208–5645. Telephone: (202) 357–6589.

Program Authority: 20 U.S.C. 2962.

84.073A National Diffusion Network—New Developer Demonstrator Projects

Purpose of Program: To provide grants to disseminate, to new sites nationwide, exemplary education programs that have been previously approved by the Department of Education's Program Effectiveness Panel.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 785 and 786, as published in the Federal Register on June 8, 1989 (54 FR 24648).

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 786.3 the Secretary gives an absolute preference to applications that meet one of the following priorities:

1. Science.
2. Mathematics.
3. Reading.

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 school improvement efforts.

11. Drop-out prevention programs and programs for at-risk students.

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.

17. Programs for functionally illiterate adults or adolescents.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet one of these absolute priorities.

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) 357–6134.

Program Authority: 20 U.S.C. 2962.

CHART 4—OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
84.123A Law-Related Education Program.....	9/30/89	1/5/90	\$10,000–500,000	\$122,000	32	Up to 12
84.004D Desegregation Assistance Center Program.....	10/23/89	2/21/90	\$500,000–950,000	\$820,000	10	Up to 36

CHART 4—OFFICE OF ELEMENTARY AND SECONDARY EDUCATION—Continued

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
84.184B Drug-Free Schools and Communities Program—Federal Activities Grants Programs	10/23/89	N/A	\$100,000–200,000	\$150,000	20	Up to 18
84.061A Educational Services for Indian Children	9/29/89	2/21/90	\$50,000–350,000–	\$145,000	14	12 to 36
84.061C Planning, Pilot, and Demonstration Projects for Indian Children (Planning Projects)	9/29/89	2/21/90	\$70,000–200,000	\$151,000	3	12
84.061D Planning, Pilot, and Demonstration Projects for Indian Children (Pilot Projects)	9/29/89	2/21/90	\$70,000–200,000	\$151,000	3	12 to 36
84.061E Planning, Pilot, and Demonstration Projects for Indian Children (Demonstration Projects)	9/29/89	2/21/90	\$90,000–200,000	\$151,000	3	12 to 36
84.062A Educational Services for Indian Adults	9/29/89	2/21/90	\$64,000–307,000	\$130,266	17	12 to 36
84.072A Indian-Controlled Schools—Enrichment Projects	9/29/89	N/A	\$82,000–367,000	\$213,900	9	12 to 36
84.190A Christa McAuliffe Fellowship Program	9/30/89	N/A	\$14,787–29,573	\$23,358	81	Up to 12
84.087A Indian Fellowship Program	11/17/89	N/A	\$797–29,800	\$12,681	50	Up to 12
84.141A High School Equivalency Program	1/12/90	5/2/90	\$224,000–420,000	\$325,000	22	Up to 36
84.149A College Assistance Migrant Program	1/12/90	5/2/90	\$210,000–341,000	\$296,000	5	Up to 36
84.999C Drug-Free Schools and Communities—Hawaiian Natives Program	3/1/90	N/A	N/A	\$717,000	1	Up to 48
84.144A Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Secondary Credit Exchange and Accrual	2/1/90	6/15/90	\$250,000	\$250,000	1	12 to 36
84.144B Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Priorities for Improvement	2/1/90	6/15/90	\$50,000–150,000	\$50,000–150,000	4	12 to 18
84.188A Drug-Free Schools and Communities—Regional Centers Program	4/11/89	9/8/90	\$2.5–3.5 million	\$3 million	5	Up to 48

84.123A Law-Related Education Program

Purpose of Program: To provide persons with knowledge and skills pertaining to the law, the legal process, the legal system, and the fundamental principles and values on which these are based.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR part 241.

Priorities: The Secretary is particularly interested in applications that meet the following invitational priority:

Projects to develop, test, demonstrate, and disseminate new approaches or techniques in law-related education that can be used or adopted and eventually institutionalized by other agencies and institutions.

Within this invitational priority the Secretary is particularly interested in projects designed to—

(1) Show the significance of moral and ethical choices in the making and following of laws; or

(2) Increase knowledge and understanding of the differing jurisdictional authorities and functions of local, State, and Federal court and legal systems in the United States.

However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not

receive a competitive or absolute preference over other applications.

For Applications or Information Contact: Ramon Ruiz, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2051, Washington, DC 20202–6440. Telephone: (202) 732–4059.

Program Authority: 20 U.S.C. 2965.

84.004D Desegregation Assistance Center Program

Purpose of Program: To operate regional centers that provide technical assistance and training, at the request of school boards and other responsible governmental agencies, in issues related to race, sex, and national origin desegregation of public schools.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 270 and 272.

For Applications or Information Contact: Ramon Ruiz, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2051, Washington, DC 20202–6440. Telephone: (202) 732–4059.

Program Authority: 42 U.S.C. 2000c–2000c–2, 2000c–5.

84.184B Drug-Free Schools and Communities Program—Federal Activities Grants Program

Purpose of Program: To award grants to State educational agencies, local educational agencies, institutions of higher education, and other nonprofit agencies, organizations, and institutions

to support drug and alcohol abuse education and prevention activities.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; and (c) The regulations for this program in 34 CFR parts 764 and 766.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 766.4(b) the Secretary gives an absolute preference to applications that meet the following priority:

Proposed projects must be designed for students in one or more grades from grades four through eight (4–8).

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet this absolute priority.

Invitational Priority: Among the types of projects described in 34 CFR 766.3 and within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority:

Projects that involve parents and school personnel in preventing drug and alcohol use by students through activities such as educating parents and school personnel about substance abuse and how it may be prevented, detected, and treated.

Within this invitational priority the Secretary is particularly interested in projects designed to carry out one or more of the following:

- Implement programs or workshops to educate parents and school personnel on preventing the use by students of "gateway drugs"; i.e., tobacco and alcohol.
- Implement programs or workshops to educate parents and school personnel on prevention and early intervention for children of alcoholics.

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.

For Applications or Information
Contact: The Drug-Free Schools and Communities Staff, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2135, Washington, DC 20202-6329. Telephone: (202) 732-3463.

Program Authority: 20 U.S.C. 3212.

84.061A Educational Services for Indian Children

Purpose of Program: (1) To provide grants to State and local educational agencies and Indian tribes, organizations, and institutions for educational services for Indian children; and (2) to provide grants to consortia of Indian tribes or Indian organizations, local educational agencies, and institutions of higher education for programs to encourage Indian students to acquire a higher education and to reduce the incidence of dropouts among Indian elementary and secondary school students.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 250 and 253, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2621 (a), (c).

84.061C Planning, Pilot, and Demonstration Projects for Indian Children (Planning Projects)

Purpose of Program: To provide grants to State and local educational agencies, Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for projects designed to plan effective educational approaches for Indian children.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 250 and 254, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2621 (a)(1), (b).

84.061D Planning, Pilot, and Demonstration Projects for Indian Children (Pilot Projects)

Purpose of Program: To provide grants to State and local educational agencies, Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for projects designed to test the effectiveness of educational approaches for Indian children.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 250 and 254, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2621 (a)(1), (b).

84.061E Planning, Pilot, and Demonstration Projects for Indian Children (Demonstration Projects)

Purpose of Program: To provide grants to State and local educational agencies, Indian tribes, organizations, and institutions, and federally-supported elementary and secondary schools for Indian children for projects designed to demonstrate effective educational activities for Indian children.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 250 and 254, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2621 (a)(1), (b).

84.062A Educational Services for Indian Adults

Purpose of Program: To provide grants to Indian tribes, Indian organizations, and Indian institutions for educational service projects designed to improve educational opportunities for Indian adults.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 250 and 257, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2631.

84.072A Indian-Controlled Schools—Enrichment Projects

Purpose of Program: To provide grants for educational enrichment projects designed to meet the special educational and culturally related academic needs of Indian children in those Indian-controlled elementary and secondary schools or local educational agencies eligible under the statute and regulations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, and 81, and 85; (b) The regulations for this program in 34 CFR parts 250 and 252, as amended in the Federal Register on May 11, 1989 (54 FR 20480).

For Applications or Information
Contact: Elsie Janifer, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2166, Washington, DC 20202-6335. Telephone: (202) 732-1918.

Program Authority: 25 U.S.C. 2602(c).

84.190A Christa McAuliffe Fellowship Program

Purpose of Program: To provide fellowships to enable and encourage outstanding teachers to continue their education or to develop educational projects and programs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 77 and 85; and (b) The regulations for this program in 34 CFR part 237, as amended in the Federal Register on March 15, 1989 (54 FR 10966).

For Applications: Call or write State Contact Persons (see list at end of this program announcement).

For Information Contact: Ramon Ruiz, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2051, Washington, DC 20202-6439. Telephone: (202) 732-4059.

Program Authority: 20 U.S.C. 1113-1113e.

State Contact Persons for Applications:

Alabama

Mr. Bill Ward, Alabama Department of Education, 111 Coliseum Boulevard, Montgomery, Alabama 36193, (205) 261-2749.

Alaska

Ms. Terri Campbell, Alaska Department of Education, P.O. Box F, Juneau, Alaska 99811-0500, (907) 465-2834.

American Samoa

Mr. Ralph Farrow, Department of Education, American Samoa Government, Pago Pago, American Samoa 96799, (684) 633-5237.

Arizona

Mr. Bill Hunter, Arizona Department of Education, 1535 West Jefferson Street, Phoenix, Arizona 85007, (602) 542-2147.

Arkansas

Ms. Brenda Matthews, Arkansas Department of Education, #4 Capitol Mall, Little Rock, Arkansas 72201, (501) 682-4251.

California

Ms. Ann McKinney, Governor's Office of Education, State Capitol, Room 1145, Sacramento, California 95814, (916) 323-0611.

Colorado

Ms. Sue Million, Colorado Department of Education, 201 East Colfax Avenue, Denver, Colorado 80203, (303) 866-6303.

Connecticut

Mr. Larry Schaefer, Connecticut State Department of Education, Post Office Box 2219, Hartford, Connecticut 06145, (203) 566-2117.

Delaware

Dr. Bill Barkley, Department of Public Instruction, Townsend Building, Dover, Delaware 19903, (302) 736-2770.

District of Columbia

Ms. Jean Green, Office of Postsecondary Education, Research and Assistance, 1331 H Street, NW., Suite 600, Washington, DC 20005, (202) 727-3685.

Florida

Ms. Mary Lou Carothers, Florida State Department of Education, G20-Collins, Tallahassee, Florida 32309, (904) 488-6503.

Georgia

Ms. Gale Samuels, Georgia Department of Education, Twin Towers East, Atlanta, Georgia 30334, (404) 656-2476.

Guam

Ms. Lillian Wyatt, Administrator of Federal Programs, P.O. Box DE, Agana, Guam 96910, (671) 472-8524.

Hawaii

Mr. Ronald Toma, Hawaii Department of Education, P.O. Box 2360, Room 301, Honolulu, Hawaii 96864, (808) 548-5215.

Idaho

Mr. Gene Peterson, Executive Office of the Governor, State House, Boise, Idaho 83720, (208) 334-3309.

Illinois

Ms. Gail Lieberman, State Capitol, Room 2½, Springfield, Illinois 62706, (217) 782-4921.

Indiana

Ms. Betty Johnson, Indiana Department of Education, 251 East Ohio, Indianapolis, Indiana 46204, (317) 232-9141.

Iowa

Dr. Joseph Wolvek, Iowa Department of Education, Grimes State Building, Des Moines, Iowa 50319, (515) 281-3294.

Kansas

Mr. Warren Bell, Kansas State Department of Education, 120 East 10th Street, Topeka, Kansas 66612, (913) 296-2306.

Kentucky

Ms. Sandy Gubser, Office of the Governor, State Capitol Building, Room 105, Frankfort, Kentucky 40601, (502) 564-2611.

Louisiana

Ms. Janie Ponthieux, Department of Education, Post Office Box 94064, Baton Rouge, Louisiana 70804-9064, (504) 342-6200.

Maine

Ms. Polly Ward, Maine Department of Education, State House Station 23, Augusta, Maine 04333, (207) 289-5113.

Maryland

Mr. Michael A. Smith, Maryland State Scholarship Administration, The Jeffrey Bldg., Suite 219, 16 Francis Street, Annapolis, Maryland 21401, (301) 974-5370.

Massachusetts

Ms. Barbara Libby, State Department of Education, 1385 Hancock Street, Quincy, Massachusetts 02169, (617) 777-7610.

Michigan

Ms. Ellen Carter Cooper, Michigan Department of Education, P.O. Box 30008, Lansing, Michigan 48909, (517) 373-3608.

Minnesota

Dr. Susan K. Vaughan, Minnesota Department of Education, 645 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-4075.

Mississippi

Mr. Jack Lynch, Mississippi Department of Education, Post Office Box 771, Jackson, Mississippi 39205, (601) 359-3519.

Missouri

Ms. Georganna Beachboard, Missouri Department of Education, Post Office Box 480, Jefferson City, Missouri 65102, (314) 751-2661.

Montana

Mr. Wayne Phillips, Governor's Office, State Capitol, Helena, Montana 59620, (406) 444-3111.

Nebraska

Mr. Jim Woodland, Curriculum Services, Nebraska Department of Education, P.O. Box 94987, Lincoln, Nebraska 68509, (402) 471-4329.

Nevada

Ms. Mary Peterson, Nevada Department of Education, 400 West King Street, Carson City, Nevada 89710, (702) 885-3136.

New Hampshire

Mr. William B. Ewert, New Hampshire Department of Education, 101 Pleasant Street, Concord, New Hampshire 03301, (603) 271-2632.

New Jersey

Mr. Anthony Villane, New Jersey Department of Education, CN 500, Trenton, New Jersey 08625, (609) 984-8281.

New Mexico

Mr. James Contis, State Department of Education, Education Building, De Vargas and Don Gaspar Streets, Santa Fe, New Mexico 87501-2786, (505) 827-6580.

New York

Dr. Charles Mackey, State Education Department, Albany, New York 12230, (518) 474-6440.

North Carolina

Ms. Grace Drain, North Carolina Department of Public Instruction, 116 West Edenton Street, Raleigh, North Carolina 27603, (919) 733-0701.

North Dakota

Ms. Pat Laubach, Department of Public Instruction, State Capitol, Bismarck, North Dakota 58505, (701) 224-4525.

Northern Marianas

Mr. Robert Coldeen, Public School System, Commonwealth of the Northern Mariana Islands, Saipan, MP 96950, (670) 322-3194.

Ohio

Ms. Donna Boylan, Ohio Department of Education, 65 S. Front Street, Columbus, Ohio 43266, (614) 466-2407.

Oklahoma

Ms. Sharon A. Lease, State Department of Education, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, (405) 521-4311.

Oregon

Ms. Sandy Pellens, Oregon Department of Education, 700 Pringle Parkway, SE, Salem, Oregon 97310, (503) 373-7898.

Palau

Mr. Masaaki Emesiochl, Palau Department of Education, P.O. Box 189 Koror, Palau 96940, Intl. Op. 160+680 Palau #570.

Pennsylvania

Dr. Joseph Skok, Pennsylvania Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126, (717) 783-2862.

Puerto Rico

Ms. Carmen Morales, G.P.O. Box 759, Lieutenant Cesar Gonzalez & Calas Street, Hato Rey, Puerto Rico 00919, (809) 756-5820.

Rhode Island

Ms. Vanessa Cooley, Rhode Island
Department of Education, 22 Hayes Street,
Providence, Rhode Island 02908, (401) 277-
6865.

South Carolina

Ms. Betty Davidson, Governor's Office,
P.O. Box 11369, Columbia, South Carolina
29211, (803) 734-0448.

South Dakota

Ms. Roxie Thielen, South Dakota
Department of Education, 700 Governor's
Drive, Pierre, South Dakota 57501, (605) 773-
3134.

Tennessee

Mr. James Swain, Tennessee Department of
Education, Cordell Hull Building, 4th Floor,
North Wing, Nashville, Tennessee 37219,
(615) 741-0878.

Texas

Ms. Lynda Haynes, Texas Education
Agency, 1701 N. Congress, Austin, Texas
78701, (512) 463-9327.

Utah

Mr. Scott Cameron, Utah State Office of
Education, 250 East Fifth South, Salt Lake
City, Utah 84111, (801) 538-7515.

Vermont

Mr. George Tanner, Chief, Curriculum and
Instruction Unit, Department of Education,
Montpelier, Vermont 05602, (802) 828-3111.

Virgin Islands

Dr. Rossemarie Larreur, Department of
Education, P.O. Box 6640, Charlotte Amalie,
St. Thomas, Virgin Islands 00801, (809) 774-
4679.

Virginia

Ms. Diane Jay, Virginia Department of
Education, P.O. Box 6Q, Richmond, Virginia
23216, (804) 225-2013.

Washington

Ms. Ginny Tresbant, Office of
Superintendent of Public Instruction, Old
Capitol Building, Mail Stop FG-11, Olympia,
Washington 98504, (206) 753-3760.

West Virginia

Mr. Tony Smedley, 1900 E. Washington
Street, Capitol Complex—Building 6, Room
B337, Charleston, West Virginia 25305, (304)
348-2703.

Wisconsin

Ms. Harlene Ames, Department of Public
Instruction, P.O. Box 7841, Madison,
Wisconsin 53707, (608) 266-9849.

Wyoming

Dr. Audrey M. Cotherman, State
Department of Education, Hathaway
Building, Cheyenne, Wyoming 82002, (307)
777-8202.

84.087A Indian Fellowship Program

Purpose of Program: To provide
fellowships enabling Indian students to
pursue postbaccalaureate degrees in
medicine, psychology, law, education,
clinical psychology, and related fields,
or undergraduate or postbaccalaureate

degrees in business administration,
engineering, natural resources, and
related fields.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations in 35 CFR
part 85; and (b) The regulations for this
program in 34 CFR part 263, as amended
in the *Federal Register* on May 18, 1989
(54 FR 21576).

For Applications or Information
Contact: Dorothea Perkins, U.S.
Department of Education, 400 Maryland
Avenue, SW., Room 2164, Washington,
DC 20202-6335. Telephone: (202) 732-
1909.

Program Authority: 25 U.S.C. 2623.

84.141A High School Equivalency Program (HEP)

Purpose of Program: To assist projects
designed to help students—who are
engaged, or whose families are engaged,
in migrant and other seasonal
farmwork—qualify for a high school
equivalency certificate in either a
residential or a commuter-type campus-
centered education program.

Note: HEP projects are operated by or in
coordination with institutions of higher
education.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations (EDGAR) in
34 CFR parts 74, 75, 77, 79, and 85; and
(b) The regulations for this program in
34 CFR part 206.

For Applications or Information
Contact: Mrs. Sandra Bryant, U.S.
Department of Education, 400 Maryland
Avenue, SW., Room 2132, Washington,
DC 20202-6135. Telephone: (202) 732-
4801.

Program Authority: 20 U.S.C. 1070d-2.

84.149 College Assistance Migrant Program (CAMP)

Purpose of Program: To assist projects
designed to help students—who are
engaged, or whose families are engaged,
in migrant and other seasonal
farmwork—complete the first year of an
accredited college program.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations (EDGAR) in
34 CFR parts 74, 75, 77, 79, and 85; and
(b) The regulations for this program in
34 CFR part 206.

For Applications or Information
Contact: Mrs. Sandra Bryant, U.S.
Department of Education, 400 Maryland
Avenue, SW., Room 2132, Washington,
DC 20202-6135. Telephone: (202) 732-
4801.

Program Authority: 20 U.S.C. 1070d-2.

84.999C Drug-Free Schools and Communities—Hawaiian Natives Program

Purpose of Program: To provide grants
to organizations primarily serving and
representing Hawaiian Natives and
recognized by the Governor of Hawaii
to plan, conduct, and administer alcohol
and drug abuse education and
prevention programs for the benefit of
Hawaiian Natives.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations (EDGAR) in
34 CFR parts 74, 75, 77, 80, 81, and 85; (b)
The regulations for Student Rights in
Research, Experimental Programs, and
Testing in 34 CFR part 98; and (c) The
regulations for this program in 34 CFR
part 230.

For Applications or Information
Contact: The Drug-Free Schools and
Communities Staff, U.S. Department of
Education, 400 Maryland Avenue, SW.,
Room 2135, Washington, DC 20202-6329.
Telephone: (202) 732-3463.

Program Authority: 20 U.S.C. 3214.

84.144A Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Secondary Credit Exchange and Accrual

Purpose of Program: To award grants
and contracts to State educational
agencies to improve interstate and
intrastate coordination of migrant
education programs and projects.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations (EDGAR) in
34 CFR parts 75, 77, 79, 80, 81, and 85;
and (b) The regulations for this program
in 34 CFR part 205.

Priority 1 in the notice of final
priorities for this program, as published
elsewhere in this issue of the *Federal*
Register, also applies.

For Applications or Information
Contact: Dustin W. Wilson, Jr., U.S.
Department of Education, 400 Maryland
Avenue, SW., Room 2145, Washington,
DC 20202-6134. Telephone: (202) 732-
4760.

Program Authority: 20 U.S.C. 2783.

84.144B Chapter 1 Migrant Education Coordination Program for State Educational Agencies—Priorities for Improvement

Purpose of Program: To award grants
and contracts to State educational
agencies to improve interstate and
intrastate coordination of migrant
education programs and projects.

Applicable Regulations: (a) The
Education Department General
Administrative Regulations (EDGAR) in
34 CFR parts 75, 77, 79, 80, 81, and 85;

and (b) The regulations for this program in 34 CFR part 205.

Priorities 2 through 6 in the notice of final priorities for this program, as published elsewhere in this issue of the Federal Register, also apply.

For Applications or Information
Contact: Dustin W. Wilson, Jr., U.S. Department of Education, 400 Maryland Avenue, SW., Room 2145, Washington, DC 20202-6134. Telephone: (202) 732-4760.

Program Authority: 20 U.S.C. 2783.

84.188A Drug-Free Schools and Communities—Regional Centers Program

Purpose of Program: Provides awards to public or private organizations, institutions, or agencies, or to individuals to establish and maintain five regional alcohol and drug abuse education and prevention centers. The primary purpose of each center is to help schools and communities eliminate alcohol and drug abuse by young people.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; (b) The regulations for Student Rights in Research, Experimental Programs, and Testing in 34 CFR part 98; and (c) The regulations for this program in 34 CFR part 235.

For Applications or Information
Contact: The Drug-Free Schools and Communities Staff, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2135, Washington, DC 20202-6329. Telephone: (202) 732-3463.

Program Authority: 20 U.S.C. 3215.

CHART 5—OFFICE OF POSTSECONDARY EDUCATION

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
84.042 Student Support Services.....	9/22/89	N/A	\$40,000-500,000	\$110,000	718	Up to 36
84.120B Minority Science Improvement Program—Special Projects.....	10/13/89	2/16/90	\$0-150,000	\$48,000	20	Up to 36
84.097A Law School Clinical Experience Program.....	11/27/89	3/14/90	\$26,000-100,000	\$76,000	65	Up to 12
84.055A Cooperative Education Program—Administration Projects.....	11/9/89	4/20/90	\$26,000-300,000	76,000	46	Up to 60
84.055B Cooperative Education Program—Demonstration Projects.....	11/9/89	3/2/90	\$67,000-105,000	96,000	3	Up to 36
84.120A Minority Science Improvement Program:.....						
Design Projects.....	10/13/89	4/27/90	\$0-20,000	\$19,000	1	Up to 12
Institutional Projects.....	10/13/89	4/27/90	\$0-300,000	\$233,000	17	Up to 36
Cooperative Projects.....	10/13/89	4/27/90	\$0-500,000	\$450,000	2	Up to 36
84.170 Jacob K. Javits Fellows Program.....	12/01/89	N/A	\$0-16,000	\$15,000	80	Up to 12
<i>Fund for the Improvement of Postsecondary Education (FIPSE)</i>						
84.183C Drug Prevention Programs in Higher Education—Special Focus Program Competition: Approaches to Accountability in Prevention Program.....	11/22/89	N/A	Up to \$15,000	\$15,000	6	9
84.183A Drug Prevention Programs in Higher Education—Institution-wide Program.....	11/22/89	N/A	\$10,000-250,000	\$100,000	95	24
84.183E Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Invitational Priority: Dissemination of Successful Projects).....	11/17/89	N/A	\$35,000-150,000	\$100,000	8	24
84.116G Fund for the Improvement of Postsecondary Education—Practitioner Scholars (Invitational Priority: Lecture Series).....	12/8/89	N/A	\$4,000-5,000	\$4,000 plus	6	Up to 12
84.183B Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program.....	12/5/89	N/A	\$100,000-250,000	\$200,000	4	24
84.183D Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention).....	12/5/89	N/A	\$5,000-40,000	No Estimate (New Program)	75	24

84.042 Student Support Services

Purpose of Program: To provide grants to institutions of higher education for projects offering support services to low-income, first-generation, or physically handicapped college students to enhance their academic skills, increase their retention and graduation rates, and, as appropriate, facilitate their entrance into four-year colleges or graduate and professional programs.

Note: An institution may submit only one application regardless of the number of campuses. This does not apply to institutions that are part of a system of institutions if they are separately eligible.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, and 85; and (b) The regulations for this program in 34 CFR part 646.

Application Preparation Workshop: The Department of Education will conduct an application preparation workshop to assist prospective applicants in developing applications for the Student Support Services program. The workshop is scheduled to be held in Washington, DC on October 2, 1989. Further information regarding the workshop is available in the application package.

For Applications or Information
Contact: May J. Weaver, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3060, ROB-3, Washington, DC 20202-5249. Telephone: (202) 732-4804.

Program Authority: 20 U.S.C. 1070d, 1070d-1b.

84.120B Minority Science Improvement Program (MSIP)—Special Projects

Purpose of Program: To provide grants to support projects to effect long-range improvement in science and engineering education at predominantly minority institutions of higher education and to increase the participation of

underrepresented ethnic minorities in scientific and technological careers.

A description of Special Projects is found in 34 CFR 637.14

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, and 85; and (b) The regulations for this program in 34 CFR part 637.

For Applications or Information Contact: Dr. Argelia Velez-Rodriguez or Dr. John Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4396 and 732-4397, respectively.

Program Authority: 20 U.S.C. 1135b-3 and 1135d-1135d-6.

84.097 Law School Clinical Experience Program

Purpose of Program: To provide grants to accredited law schools to establish or expand programs of clinical experience for students in the practice of law.

Available Funds: The authorizing statute for the program permits the Secretary to pay up to 90 percent of the cost of projects at law schools (20 U.S.C. 1134s(a)). The program regulations permit the Secretary to establish annually a lower maximum Federal share (34 CFR 639.40(a)(2)). The Secretary sets the maximum Federal share at 50 percent for fiscal year 1990.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, and 85; and (b) The regulations for this program in 34 CFR part 639.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 639.11 the Secretary gives an absolute preference to applications that meet both of the following priorities:

1. Provide legal experience in the preparation and trial of actual cases, including administrative cases, and the settlement of controversies outside the courtroom.

2. Provide service to persons who have difficulty in gaining access to legal representation.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet both of these absolute priorities.

For Applications or Information Contact: Dr. Charles H. Miller or Mrs. Barbara J. Harvey, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4395 and (202) 732-4863, respectively.

Program Authority: 20 U.S.C. 1134s-1134t.

84.055A Cooperative Education Program—Administration Projects

Purpose of Program: To provide Federal financial assistance to help institutions of higher education plan, establish, operate, and expand cooperative education projects, including institution-wide projects.

Applicable Regulation: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, and 85; and (b) The regulations for this program in 34 CFR parts 631 and 632.

For Applications or Information Contact: Darlene Collins, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3514, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4404.

Program Authority: 20 U.S.C. 1133-1133a.

84.055B Cooperative Education Program—Demonstration Projects

Purpose of Program: To provide Federal financial assistance to institutions of higher education, combinations of institutions of higher education, and public and nonprofit private organizations and agencies to demonstrate or determine the feasibility or value of innovative methods of cooperative education.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, and 85; and (b) The regulations for this program in 34 CFR parts 631 and 633.

For Applications or Information Contact: Darlene Collins, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3514, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4404.

Program Authority: 20 U.S.C. 1133, 1133b.

84.120A Minority Science Improvement Program (MSIP)—Design Projects, Institutional Projects, Cooperative Projects

Purpose of Program: To provide grants to support projects to effect long-range improvement in science and engineering education at predominantly minority institutions of higher education and to increase the participation of underrepresented ethnic minorities in scientific and technological careers.

A description of Design Projects is found in 34 CFR 637.13.

A description of Institutional Projects is found in 34 CFR 637.12.

A description of Cooperative Projects is found in 34 CFR 637.15.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, and 85; and (b) The regulations for this program in 34 CFR part 637.

For Applications or Information Contact: Dr. Argelia Velez-Rodriguez or Dr. John Bonas, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4396 and 732-4397, respectively.

Program Authority: 20 U.S.C. 1135b-3 and 1135d-1135d-6.

84.170 Jacob K. Javits Fellows Program

Purpose of Program: To provide grants to eligible postsecondary students for graduate fellowships in the arts, humanities, and social sciences.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75 (except as provided in 34 CFR 650.3(b)), 77, 79, and 85; and (b) The regulations for this program in 34 CFR part 650.

Priority: The Fellowship Board has determined that eligible applicants for this competition will be limited to individuals with 20 or fewer graduate credit hours. Individuals completing their undergraduate degrees are eligible to apply.

Estimated Range of Awards: Stipends are determined by the fellow's financial need and may range from zero to \$10,000 per academic year. Additionally, the institution attended by a fellow receives a \$6,000 cost-of-instruction payment in place of tuition and fees per academic year.

For Applications or Information Contact: Dr. Allen P. Cissell, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3022, ROB-3, Washington, DC 20202-5251. Telephone: (202) 732-4412.

Program Authority: 20 U.S.C. 1134h-k.

84.183C Drug Prevention Programs in Higher Education—Special Focus Program Competition: Approaches to Accountability in Prevention Program

Purpose of Program: To provide grants to institutions of higher education (IHEs) to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in IHEs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, and 85; and (b) The regulations for this program in 34 CFR part 612.

Priorities:
Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(c)(2)(i)

the Secretary gives an absolute preference to applications meeting the following priority:

Applications proposing the formulation of promising new approaches to individual and institutional leadership and responsibility related to drug abuse education and prevention for students enrolled in IHEs.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet this absolute priority.

Invitational Priority: Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet the following invitational priority:

Applications proposing to produce papers that would develop and articulate new theories, theoretical models, and conceptual approaches on a variety of topics and issues in a number of fields and areas of knowledge related to individual and institutional leadership and responsibility in drug abuse education and prevention.

Areas of knowledge that applicants may wish to consider in developing their formulations include, but are not limited to, the following: higher education, psychology (including motivation, character, and responsibility), social psychology (including social deviance), ethics and moral education, health, sociology of organizations, management science, and leadership.

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.

Note: This invitational priority is not meant to include grants for research, the development of instructional or training materials, program evaluation, restatements of existing theory, or literature reviews that are not conducted as a part of a theoretical formulation.

Selection Criteria: In evaluating applications for grants under Approaches to Accountability in Prevention, the Secretary uses the specific selection criteria in 34 CFR 612.23(c)(2)(i).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(2)(i)(B)). Five points are added to this criterion for a possible total of 35 points.

Methods and management plan (34 CFR 612.23(c)(2)(i)(C)). Five points are added to this criterion for a possible total of 20 points.

Key personnel (34 CFR 612.23(c)(2)(i)(D)). Five points are added to this criterion for a possible total of 25 points.

For Application or Information

Contact: FIPSE, FY 1990-C, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 3211.

84.183A Drug Prevention Programs in Higher Education—Institution-wide Program

Purpose of Program: To provide grants to institutions of higher education (IHEs) to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in IHEs. Grants under the Institution-wide Program competitions support comprehensive, institution-wide programs designed to prevent or eliminate students' use of illegal drugs and abuse of other drugs and alcohol, including activities whose direct or indirect purpose is to train students, faculty, and staff in drug abuse education and prevention.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, and 85; and (b) The regulations for this program in 34 CFR part 612.

Selection Criteria: In evaluating applications for grants under Institution-wide Program competitions, the Secretary uses the specific competition selection criteria in 34 CFR 612.23(c)(1).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Methods and management plan (34 CFR 612.23(c)(1)(iii)). Five points are added to this criterion for a possible total of 20 points.

Cost effectiveness and budget clarity (34 CFR 612.23(c)(1)(vi)). Five points are added to this criterion for a possible total of 15 points.

Organizational commitment (34 CFR 612.23(c)(1)(vii)). Five points are added to this criterion for a possible total of 20 points.

For Applications or Information
Contact: FIPSE, FY 1990-A Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 3211.

84.183E Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Invitational Priority: Dissemination of Successful Projects)

Purpose of Program: To provide grants to institutions of higher education (IHEs) to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in IHEs. Grants under the Analysis and Dissemination Program competition support projects to analyze and disseminate successful project designs, policies, and results of projects supported under Institution-wide Program competitions and Special Focus Program competitions.

Note: Under 34 CFR 612.2(d) eligibility under this Analysis and Dissemination Program competition is limited to current or former recipients of an award under an Institution-wide Program competition or a Special Focus Program competition.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, and 85; and (b) The regulations for this program in 34 CFR part 612.

Priority:

The Secretary is particularly interested in applications that meet the following invitational priority:

Applications by former recipients of grants under Institution-wide Program competitions proposing to disseminate their own successful projects.

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: In evaluating applications for grants under the Analysis and Dissemination Program, the Secretary uses the specific competition selection criteria in 34 CFR 612.23(c)(3).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(3)(i)). Five points are added to this criterion for a possible total of 35 points.

Key personnel (34 CFR 612.23(c)(3)(iii)). Five points are added to this criterion for a possible total of 20 points.

Cost effectiveness and budget clarity (34 CFR 612.23(c)(3)(v)). Five points are added to this criterion for a possible total of 15 points.

For Applications or Information Contact: FIPSE, FY 1990-E Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 3211.

84.116G Fund for the Improvement of Postsecondary Education—Practitioner Scholars (Invitational Priority: Lecture Series)

Purpose of Program: To provide grants to institutions of postsecondary education and other public and private institutions and agencies to improve postsecondary education and educational opportunities.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, and 85, with the exceptions noted in 34 CFR 630.4(b); and (b) The regulations for this program in 34 CFR part 630.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 630.11(b)(5) the Secretary gives an absolute preference to applications that meet the following priority:

Projects that would support efforts by postsecondary educational practitioners to contribute to knowledge about postsecondary education or to the improvement of postsecondary education by producing a document or other product or by engaging in an activity designed to share the practitioner's knowledge with others.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet this absolute priority.

Invitational Priority: Within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority:

Projects that would develop and present lectures on key issues in postsecondary education at conferences and educational institutions.

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: In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 630.32:

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the Practitioner Scholars competition as explained in the absolute priority section of this notice; and

(2) Address an important problem or need.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which the applicant is capable of carrying out the proposed project, as evidenced by—

(1) The adequacy of resources, including money, personnel, facilities, equipment, and supplies; and

(2) The qualifications of key personnel who would conduct the project.

The Secretary gives equal weight to the selection criteria on significance and feasibility. Within each of these criteria, the Secretary gives equal weight to each of the subcriteria. In applying the criteria, the Secretary first analyzes an application in terms of each individual criterion. The Secretary then bases the final judgment of an application on an overall assessment of the degree to which the applicant addresses all selection criteria.

For Applications or Information Contact: FIPSE, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 1135-1135a-3.

84.183B Drug Prevention Programs in Higher Education—Special Focus Program Competition: National College Student Organizational Network Program

Purpose of Program: To provide grants to institutions of higher education (IHEs) to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in IHEs.

Note: Because only IHEs and consortia of IHEs are eligible to receive awards under this competition, an interested national college student network or organization must be sponsored by an IHE. The IHE will serve as both the applicant and grantee.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, and 85; and (b) The regulations for this program in 34 CFR part 612.

Priority: Under 34 CFR 75.105(c)(3), 34 CFR 612.21(c)(1), and 34 CFR 612.21(c)(2)(ii) the Secretary gives an absolute preference to applications that meet the following priority:

Applications proposing the development and implementation of projects (a) conducted in conjunction with national college student networks or organizations and (b) addressing one

or more specific approaches or problem areas related to drug abuse education and prevention for students enrolled in IHEs.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet this absolute priority.

Selection Criteria: In evaluating applications for grants under National College Student Organizational Network Program competitions, the Secretary uses the specific competition selection criteria in 34 CFR 612.23(c)(2)(ii).

The program regulations in 34 CFR 612.22(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Design (34 CFR 612.23(c)(2)(ii)(A)). Five points are added to this criterion for a possible total of 25 points.

Organizational commitment (34 CFR 612.23(c)(2)(ii)(F)). Ten points are added to this criterion for a possible total of 20 points.

For Applications or Information Contact: FIPSE, FY 1990-B Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 3211.

84.183D Drug Prevention Programs in Higher Education—Special Focus Program Competition: Specific Approaches to Prevention Projects (Invitational Priority: Higher Education Consortia for Drug Prevention)

Purpose of Program: To provide grants to institutions of higher education (IHEs) to develop, implement, operate, and improve drug abuse education and prevention programs for students enrolled in IHEs.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, and 85; and (b) The regulations for this program in 34 CFR part 612.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 612.21(c)(2)(iii)(B) the Secretary gives an absolute preference to applications that meet the following priority:

Projects designed to develop, implement, operate, or improve programs that concentrate on specific approaches to the prevention of drug use or alcohol abuse.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet this absolute priority.

Invitational Priority: Within the absolute priority in this notice, the Secretary is particularly interested in applications that meet the following invitational priority:

Applications proposing to develop, implement, operate, or improve higher education consortia for drug prevention.

Applicants are invited to propose consortia arrangements to assist local and nearby prevention professionals—representing institutions of higher education—to meet on a monthly basis to discuss, investigate, and act on efforts to develop and improve their own comprehensive, institution-wide programs of drug education and prevention.

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: In evaluating applications for Specific Approaches to Prevention Grants, the Secretary uses the specific selection criteria in 34 CFR 612.23(c)(2)(iii).

The program regulations in 34 CFR 612.23(b) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition the Secretary distributes the 15 points as follows:

Need (34 CFR 612.23(c)(2)(iii)(A)). Five points are added to this criterion for a possible total of 20 points.

Methods and management plan (34 CFR 612.23(c)(2)(iii)(C)). Five points are added to this criterion for a possible total of 20 points.

Cost effectiveness and budget clarity (34 CFR 612.23(c)(2)(iii)(F)). Five points are added to this criterion for a possible total of 15 points.

For Applications or Information Contact: FIPSE, FY 1990-D Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Program Authority: 20 U.S.C. 3211.

CHART 6—OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

CFDA No. and Name	Applications Available	Deadline for Intergovernmental Review	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards	Project Period (in months)
<i>Office of Special Education Programs</i>						
All programs have been announced or are to be announced at a later date. (See Chart 1).						
<i>National Institute on Disability and Rehabilitation Research</i>						
All programs have been announced or are to be announced at a later date. (See Chart 1).						
<i>Rehabilitation Services Administration</i>						
84.128J* Projects for Initiating Special Recreation Programs for Individuals with Handicaps.....	10/2/89	N/A	\$70,000-96,000	\$83,000	31	36
84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Rehabilitation Technology Services.....	11/15/89	N/A	\$125,000-175,000	\$150,000	27	Up to 36
84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Innovative Strategies to Promote Vocational and Independent Living Outcomes.....	11/15/89	N/A	\$100,000-150,000	\$125,000	27	Up to 36
84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Invitational Priority.....	11/15/89	N/A	\$100,000-150,000	\$125,000	3	Up to 36
84.128H Vocational Rehabilitation Service Projects for American Indians with Handicaps.....	11/15/89	N/A	\$180,000-220,000	\$207,000	4	Up to 36
84.129U Rehabilitation Continuing Education Programs.....	10/10/89	N/A	\$380,000-570,000	\$475,000	1	Up to 60
84.128B Projects with Industry.....	11/15/89	N/A	\$125,000-175,000	\$150,000	23	Up to 60
84.129 Rehabilitation Long-Term Training.....	11/01/89	N/A	\$50,000-120,000	\$85,000	77	Up to 36
84.160 Training of Interpreters for Deaf Individuals.....	1/5/90	N/A	\$80,000-120,000	\$100,000	12	Up to 60
84.128A Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Technical Assistance.....	1/16/90	N/A	\$225,000-250,000	\$234,000	2	Up to 36
84.129B Rehabilitation Long Term Training—Rehabilitation Counseling.....	2/6/90	N/A	\$50,000-150,000	\$100,000	10	Up to 36
84.129T Experimental and Innovative Training—Supported Employment.....	2/6/90	N/A	\$80,000-120,000	\$100,000	5	Up to 36
84.132 Centers for Independent Living.....	2/6/90	7/7/90	\$175,000-225,000	\$200,000	13	Up to 60
84.128G Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps.....	3/15/90	7/16/90	\$80,000-120,000	\$93,000	16	Up to 36
84.129V State Vocational Rehabilitation Unit In-Service Training.....	4/3/90	N/A	\$6,000-80,000	\$32,175	22	Up to 36

*For CFDA Number 84.128J, see additional fiscal information in program announcement.

84.128J Projects for Initiating Special Recreation Programs for Individuals with Handicaps

Purpose of Program: To provide grants to support projects that initiate recreation programs for individuals with

handicaps to aid in their mobility, socialization, and community integration.

Available Funds: The Administration's budget request for fiscal year 1990 does not include funds for this program. However, applications

are being invited to allow sufficient time to complete the grant process before the end of the fiscal year should the Congress appropriate funds for this program.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 378.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 777f.

84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Rehabilitation Technology Services

Purpose of Program: To provide grants for projects to expand or otherwise improve vocational rehabilitation services and other rehabilitation services to individuals with severe handicaps.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 373.

The priority in the notice of final priorities for this program, published in the Federal Register on July 3, 1989 (54 FR 27978), also applies.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 777a(a)(1).

84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Innovative Strategies to Promote Vocational and Independent Living Outcomes

Purpose of Program: To provide grants for projects to expand or otherwise improve vocational rehabilitation services and other rehabilitation services to individuals with severe handicaps.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 373.

The priority in the notice of final priorities for this program, published in the Federal Register on July 3, 1989 (54 FR 27978), also applies.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332,

Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 777a(a)(1).

84.128A Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps—Invitational Priority

Purpose of Program: To provide grants for projects to expand or otherwise improve vocational rehabilitation services and other rehabilitation services to individuals with severe handicaps.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 373.

Priority: The Secretary is particularly interested in applications that meet the following invitational priority:

In order to respond to the need for service delivery to individuals with AIDS, projects that are designed to promote vocational and independent living outcomes for individuals with AIDS who are considered disabled.

Projects are encouraged to use the most advanced service delivery methods in order to improve significantly the quality of lives for individuals with AIDS in areas such as employment, independent living, education, mental health, and social adjustment. Because the number of individuals with AIDS and the lifespan of these individuals are increasing, innovative strategies are needed to ensure that effective and appropriate services are provided to them.

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.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 777a(a)(1).

84.128H Vocational Rehabilitation Service Projects for American Indians with Handicaps

Purpose of Program: To provide grants to governing bodies of Indian tribes and tribal consortia for vocational rehabilitation services to American Indians with handicaps who reside on Federal or State reservations.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 371.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 750.

84.129U Rehabilitation Continuing Education Programs

Purpose of Program: To support cooperative agreements for training centers that serve either a Federal region or another geographic area and provide a broad, integrated sequence of training activities.

NOTE: Applications are invited for the provision of training for Department of Education Region V (Minnesota, Michigan, Ohio, Wisconsin, Indiana, and Illinois) only.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 385 and 389.

For Applications or Information
Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 774.

84.128B Projects with Industry

Purpose of Program: To provide grants to a variety of organizations for the purpose of providing individuals with handicaps with training, employment, and supportive services in order to prepare them for competitive employment.

Available Funds: In the 1986 amendments to the Rehabilitation Act (Pub. L. 99-506), the Congress mandated that, to the extent funds are available in fiscal year 1990 for new awards, the Secretary awards grants only to new Projects with Industry recipients located in unserved geographic areas.

Grants to new projects are awarded on a competitive basis. Unserved geographic areas include the following States that do not have Projects with Industry funded under this program:

Region I—Maine
Region III—West Virginia
Region IV—Mississippi, Kentucky, Tennessee, and South Carolina
Region VI—Louisiana
Region VIII—Montana, Wyoming, and North Dakota
Region X—Alaska

For purposes of this competition, the Secretary considers unserved geographic areas to include, also, States that have one or more Projects with Industry funded under this program if (1) those projects are not Statewide in coverage and (2) the applicant is located in and proposes to provide services to an unserved area or areas within those States.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 379.

Priorities: The Secretary is particularly interested in applications that meet one of the following invitational priorities:

Priority 1

Projects that provide training, supportive services, job development, and placement with a number of different businesses and industries.

Projects may include coalitions of independent industries with formal agreements to provide training and job placement, labor unions having agreements with a number of different industries, or single industries with multiple work sites. Services provided must lead to job placements at a variety of work sites.

Priority 2

Projects that are designed to assist persons with severe disabilities to move from specialized, segregated work settings into competitive employment settings. Many persons with severe disabilities currently working in specialized segregated settings may be employable in competitive occupations if appropriate training and support is provided.

However, under 34 CFR 75.105(c)(1) an application that meets one of these invitational priorities does not receive competitive or absolute preference over other applications.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351. **Program Authority:** 29 U.S.C. 795g.

84.129 Rehabilitation Long-Term Training

Purpose of Program: To provide grants to increase the supply of qualified rehabilitation personnel and to maintain and upgrade the skills and knowledge of personnel who provide vocational and independent living rehabilitation services.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 385 and 386.

Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 386.1 the Secretary gives an absolute preference to applications that meet the following priority:

Applications that propose to provide training in one of the following areas of personnel shortages:

Areas	Estimated Range of Funds
Rehabilitation Medicine.....	\$440,000-660,000
Prosthetics and Orthotics.....	160,000-240,000
Rehabilitation Facility Administration.....	200,000-300,000
Vocational Evaluation and Work Adjustment.....	400,000-600,000
Rehabilitation Administration.....	200,000-300,000
Occupational Therapy.....	320,000-480,000
Rehabilitation Engineering.....	640,000-960,000
Rehabilitation of the Blind.....	400,000-600,000
Rehabilitation of the Deaf.....	420,000-625,000
Rehabilitation of the Mentally Ill.....	440,000-660,000
Rehabilitation Job Development and Job Placement.....	160,000-240,000
Specialized Personnel for Supported Employment.....	480,000-720,000
Rehabilitation Workshop and Facility Personnel.....	240,000-360,000

Under 34 CFR 75.105(c)(3), the Secretary funds under this competition only applications that meet this absolute priority.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351. **Program Authority:** 29 U.S.C. 774.

84.160 Training of Interpreters for Deaf Individuals

Purpose of Program: To provide grants for projects to increase the number and improve the skills of manual and oral interpreters to provide services to individuals who are deaf.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR part 396.

Priority:

The Secretary is also interested in applications that meet the following invitational priority:

National projects that focus on training interpreters to serve in educational and rehabilitation settings. The Secretary would like to make two awards (of the planned 12 awards) under this invitational priority.

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.

For Applications or Information Contact: Charlotte Coffield, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3221, Switzer Building, Washington, DC 20202-2736. Telephone: (202) 732-1401.

Program Authority: 29 U.S.C. 774(d).

84.128A Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Technical Assistance

Purpose of Program: To provide technical assistance grants to help States implement the State Supported Employment Services Program. In accordance with section 311(d)(2)(B) of the Rehabilitation Act, the Secretary will make one technical assistance grant that is nationwide in scope.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR part 380, as published in the Federal Register on March 24, 1989 (54 FR 12400).

For Applications or Information Contact: RoseAnn Godfrey, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3325, Switzer Building, Washington, DC 20202-2647. Telephone: (202) 732-1319.

Program Authority: 29 U.S.C. 777a(d)(2).

84.129B Rehabilitation Long-Term Training—Rehabilitation Counseling

Purpose of Program: To provide grants to increase the supply of qualified rehabilitation personnel and to maintain and upgrade the skills and knowledge of personnel who provide rehabilitation services.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 385 and 386.

The priority in the notice of final priorities for this program, published in the Federal Register on June 9, 1989 (54 FR 24876), also applies.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 774.

84.129T Experimental and Innovative Training—Supported Employment

Purpose of Program: To provide grants to develop new types of training programs, demonstrate the effectiveness of these new programs, and develop new, improved methods of training rehabilitation personnel.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 385 and 387.

The priority in the notice of final priorities for this program, published in the *Federal Register* on June 9, 1989 (54 FR 24876), also applies.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 774.

84.132 Centers for Independent Living

Purpose of Program: To provide grants for the establishment and operation of Centers for Independent Living that provide a combination of the independent living services described in section 711(c)(2) of the Act.

Available Funds: Sec. 711(g)(2) of the Rehabilitation Act of 1973, as amended, requires that, to the extent funds are available in fiscal year 1990 for new awards, the Secretary award grants to new Centers for Independent Living located in unserved geographic areas. Although every State currently has at least one federally funded center, not all of these centers provide services throughout the entire State. Therefore, for purposes of this announcement, the Secretary considers a geographic area to be unserved if no center provides the services described in section 711(c)(2) of the Act within that geographic area. An unserved geographic area may be located within a State or may include more than one State.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR part 366.

Priorities: The Secretary is particularly interested in applications that meet one of the following invitational priorities:

Priority 1

Projects that establish on an Indian Reservation a Center for Independent Living that meets the requirements of 34 CFR part 366 and the evaluation standards under section 711(e)(1) of the Act.

Priority 2

Projects that establish a Center for Independent Living in an urban area if there is substantiation that individuals with severe disabilities residing in the area do not receive the benefit of services from an existing Center for Independent Living. A project must meet the requirements of 34 CFR part 366 and the evaluation standards issued under section 711(e)(1) of the Act.

However, under 34 CFR 75.105(c)(1) an application that meets one of these invitational priorities does not receive competitive or absolute preference over other applications.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 796(e).

84.128G Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps

Purpose of Program: To provide grants to State or local vocational rehabilitation agencies for vocational rehabilitation services to migratory

agricultural workers with handicaps or seasonal farmworkers with handicaps.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 369 and 375.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 777(b).

84.129V State Vocational Rehabilitation Unit In-Service Training

Purpose of Program: To provide grants to train State vocational rehabilitation unit personnel in areas essential to effective management or in skill areas to improve the provision of vocational rehabilitation services.

Note: Applications are invited for the provision of training for Department of Education Regions I, V, and X only.

Available Funds:

Region	Estimated Range of Awards	Estimated Avg. Size of Awards	Estimated Number of Awards
I.....	\$6,000-80,000	\$27,440	9
V.....	\$22,900-73,500	\$52,500	5
X.....	\$11,000-37,300	\$24,800	8

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, and 85; and (b) The regulations for this program in 34 CFR parts 385 and 388.

For Applications or Information Contact: Office of Developmental Programs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3332, Switzer Building, Washington, DC 20202-2650. Telephone: (202) 732-1351.

Program Authority: 29 U.S.C. 774.

CHART 7—OFFICE OF VOCATIONAL AND ADULT EDUCATION

All programs have been announced. (See Chart 1.)

Invitation to Comment

This is the first time that the Department of Education has published a combined application notice containing so many of its programs. The Secretary invites comments on the utility of the combined notice to prospective applicants and other parties.

The Secretary will determine, based on the comments and other relevant considerations, whether to publish such a notice in future fiscal years. Suggestions are also invited for improving the combined application notice if one is used in future years.

Please direct any comments to Steve Schatken, Assistant General Counsel for Regulations, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4091, FOB-6), Washington, DC 20202-2110.

Dated: September 8, 1989.

Lauro F. Cavazos,
Secretary of Education.

Appendix

Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

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 each State under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

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 for Intergovernmental Review of Federal Programs to the following address: The Secretary, EO 12372—CFDA# (commenter must insert number—including suffix letter, if any), U.S. Department of Education, Room 4161, 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). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

State Single Points of Contact

Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125-0347, Telephone (205) 284-8905.

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 1700 West Washington Avenue, Fourth Floor, Phoenix, Arizona 85007, Telephone (602) 542-5004.

Arkansas

Mr. Joseph Gillespie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074.

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323-7430.

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866-2156.

Connecticut

Under Secretary, Attn: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410.

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736-3326.

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727-9111.

Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, Telephone (904) 488-8114.

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Telephone (404) 656-3855.

Hawaii

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol, Honolulu, Hawaii 96813, Telephone (808) 548-3016 or 548-3085.

Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-8639.

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610.

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725.

Kentucky

Robert Leonard, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382.

Louisiana

Robin Hote, Office of State Clearinghouse, P.O. Box 94095, Capitol Station, Baton Rouge, Louisiana 70804, Telephone (504) 342-7222.

Maine

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261.

Maryland

Mary Abrams, Director, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490.

Massachusetts

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, Room 904, Boston, Massachusetts 02202, Telephone (617) 727-3253.

Michigan

Michelyn Pasteur, Deputy Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48903, Telephone (517) 375-1838.

Please direct correspondence to:

Manager, Federal Project Review System, 6500 Mercantile Way, Suite 2, Lansing, Michigan 48911, Telephone (517) 334-6190.

Mississippi

Ms. Cathery Mallette, Governor's Office of Federal State Programs, Department of Planning and Policy, 421 West Pascagoula Street, Jackson, Mississippi 39206, Telephone (601) 960-4282.

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 803, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834.

Montana

Deborah Davis, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Lieutenant Governor, Capitol Station, Room 210—State

Capitol, Helena, Montana 59620, Telephone (406) 444-5522.

Nevada

Jean Ford, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 885-4420.

Please direct correspondence and questions to:

John Walker, Clearinghouse Coordinator, New Hampshire

Robert W. Varney, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155.

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-6613. Please direct correspondence and questions to:

Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025.

New Mexico

Dean Olson, Director, Management & Program Analysis Division, Department of Finance & Administration, Room 424, State Capitol Building, Santa Fe, New Mexico, 87503, Telephone (505) 827-3885.

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1805.

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 118 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499.

North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094.

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698.

Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770.

Oregon

Attn: Delores Streeter, State Single Point of Contact, Intergovernmental Relations Division, State Clearinghouse, 155 Cottage Street NE., Salem, Oregon 97310, Telephone (503) 373-1998.

Pennsylvania

Laine A. Heltebride, Special Assistant, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Telephone (717) 783-3700.

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656.

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning.

South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734-0435.

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212.

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676.

Texas

Thomas C. Adams, Office of Budget and Planning, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778.

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 118 State Capitol Building, Salt Lake City, Utah 84114, Telephone (801) 533-5245.

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination,

Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326.

Washington

Catherine Townley, Coordinator, Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Olympia, Washington 98504-4151, Telephone (206) 753-4978.

West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348-4010.

Wisconsin

James R. Klauser, Secretary, Wisconsin Department of Administration, 101 South Webster Street, CEF 2, P.O. Box 7884, Madison, Wisconsin 53707-7884, Telephone (608) 266-1741.

Please direct correspondence and questions to:

Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration.

Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574.

Territories

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agaña, Guam 96910, Telephone (671) 472-2285.

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.

Puerto Rico

Patria Custodio/Isreal Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Telephone (809) 727-4444.

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774-0750.

[FR Doc. 89-19586 Filed 9-15-89; 8:45 am]

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Test Register

Friday
September 15, 1989

Part III

Department of Education

National Program for Mathematics and
Science Education; Notice

September 12, 1960

Part III

Department of
Education

National Program for Mathematics and
Science Education

DEPARTMENT OF EDUCATION

[CFDA NO: 84.168D]

National Program for Mathematics and Science Education

ACTION: Notice Inviting Applications for New Awards for Fiscal Year 1990.

Purpose: To award grants to State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education, and public and private nonprofit organizations to support projects of national significance directed at improving the quality of teaching and instruction, and increasing the access of all students to that instruction, in mathematics and science in the nation's elementary and secondary schools.

Deadline for Transmittal of Applications: 2-20-90.

Deadline for Intergovernmental Review: 5-18-90.

Applications Available: 11-28-89.

Available Funds: \$3,500,000 (est.).

Estimated Range of Awards: \$150,000-500,000.

Estimated Average Size of Awards: \$275,000.

Estimated Number of Awards: 15.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) 34 CFR parts 74, 75, 77, 79, 80, and 85, and (b) the regulations for this program in 34 CFR part 755 as published in the Federal Register on August 10, 1989 (54 FR 32946).

Absolute Priorities: Under 34 CFR 755.12(b) and 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet one or both of the following priorities:

- Improve teacher qualifications and skills in the fields of mathematics and science.
- Improve curricula in mathematics and science, including the use of new technologies.

Under 34 CFR 75.105(c)(3) the Secretary funds under this competition only applications that meet one or both of these absolute priorities.

Invitational Priorities: The Secretary is particularly interested in applications that meet one or more of the following invitational priorities:

- *System-Wide Curriculum Improvement Projects.* Projects that assist SEAs, LEAs, and intermediate school agencies to implement new mathematics and science curricula on a

system-wide basis. These projects may involve system-wide implementation of major national curriculum reforms that are highly regarded by the scientific and educational communities. These projects may include such activities as teacher training, technical assistance at the school level, parent information, and other activities needed to obtain full and effective implementation.

- *Teacher Training Projects to Improve Participation of Those Underserved and Underrepresented.* Projects that assist States and districts to better serve underserved and underrepresented students (females, minorities, handicapped, economically disadvantaged), through special inservice teacher training programs for teachers serving chapter 1 students and other teachers who provide instruction to students from among the groups underserved and underrepresented in mathematics and science. These training projects may be based on programs such as those developed by the National Science Foundation, those developed as exemplary projects under title II of the Education For Economic Security Act, those included in the National Diffusion Network, and other programs that have been proven to be effective in increasing the participation and achievement levels of the underserved and underrepresented in mathematics and science.

- *Demonstration Projects Directed at Sustaining the Interest of All Students in Mathematics and Science.* Projects that assist SEAs and LEAs to diminish the high rate of mathematics and science avoidance that develops during the elementary school years by building K-6 elementary mathematics and science education programs directed at raising the interest and literacy level of all students. The Secretary is particularly interested in programs that are directed at developing quality, sequentially organized mathematics and science programs for all students for all elementary school grade levels, that include appropriate teacher training for all teachers in the participating schools, and that effectively involve parents in program planning, implementation, and evaluation.

- *Special Targeted Programs.* Projects that develop specific targeted strategies for increasing the achievement and college readiness of students in mathematics and science, especially in inner city and rural schools. Projects can be built on the introduction of, or expansion of, programs that have been

validated as effective; e.g., those in the National Diffusion Network.

General Considerations: The Secretary is especially interested in projects that will either have an immediate and broad impact on the quality of mathematics and science education in the nation's schools, or will yield a validated model of excellence that has high potential for such a broad impact. Encouragement is also given to projects that are directed at increasing and sustaining the participation of all students in learning mathematics and science. To the extent possible, applicants are encouraged to show how their models and plans apply findings of the best of current educational research. Strong evaluation components are encouraged so that significant changes and accomplishments are well documented and successes can be widely shared with educators across the nation. Applicants are also strongly encouraged to provide a brief description of their plans for continuing the program after Federal funds expire.

However, under 34 CFR 75.105(c)(1) an application that meets one or more of these invitational priorities does not receive competitive or absolute preference over other applications.

Selection Criteria: Under 34 CFR 755.30, the Secretary is authorized to distribute an additional 10 points among the criteria described in § 755.32 to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Plan of operation (§ 755.32(a)). Five (5) additional points will be included for a possible total of 20 points for this criterion; and

Evaluation Plan (§ 755.32(d)). Five (5) additional points will be added for a possible total of 15 points for this criterion.

For Applications or Information Contact: Dr. Allen A. Schmieder, U.S. Department of Education, Fund for the Improvement and Reform of Schools and Teaching, 555 New Jersey Avenue, NW., Room 522, Washington, DC 20208-5524, Telephone: (202) 357-6496.

Authority: 20 U.S.C. 2992.

Dated: September 8, 1989.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89-21629 Filed 9-14-89; 8:45 am]

BILLING CODE 4000-01-M

Registered Federal Letter

Friday
September 15, 1989

Part IV

Department of Education

Office of Migrant Education

Chapter 1—Migrant Education Coordination Program for State Educational Agencies; Notice

DEPARTMENT OF EDUCATION

Office of Migrant Education

Chapter 1—Migrant Education
Coordination Program for State
Educational Agencies

AGENCY: Department of Education.

ACTION: Notice of final funding
priorities.

SUMMARY: The Secretary of Education announces funding priorities for fiscal year 1990 for the chapter 1—Migrant Education Coordination Program for State Educational Agencies (SEAs). Section 1203 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, authorizes the Secretary to award grants or contracts to SEAs (in consultation with and with the approval of the States) for activities to improve interstate and intrastate coordination of migrant education programs and projects. This notice of final funding priorities is based on consultations with State Directors of Migrant Education concerning priorities for grants, and the review of public comments on a notice of proposed funding priorities published in the *Federal Register* on July 17, 1989 (54 FR 29924). A separate competition will be held for each priority.

EFFECTIVE DATE: These final funding priorities 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 the final funding priorities, 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: Dustin W. Wilson, Jr., Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW., (Room 2145, FOB #6), Washington, DC 20202-6135. Telephone: (202) 732-4760.

SUPPLEMENTARY INFORMATION: The purpose of this program is to provide Federal financial assistance to SEAs for projects designed to improve the interstate and intrastate coordination of educational and related services to migratory children and their families. The projects addressing these final priorities will be supported by grants or cooperative agreements and must reflect and illustrate the establishment or improvement of interstate and intrastate coordination activities that will be useful in improving services for migratory children. The priorities are

established for projects designed to: (1) Develop a national system for secondary education credit exchange and accrual; (2) identify and facilitate innovative coordination activities between local projects; (3) coordinate and improve educational opportunities and achievement through preschool programs; (4) coordinate and improve parental involvement; (5) coordinate and improve educational opportunities in summer programs; and (6) increase and improve the multi-district and multi-state identification of currently migratory children.

On July 17, 1989, the Secretary published a notice of proposed funding priorities for this program in the *Federal Register* (54 FR 29924). A proposed priority for the provision of technical assistance to coordinate migrant education program services on an interstate or intrastate basis has been deleted from the final priorities and will be implemented through proposals for contract rather than by grant. As stated in the following discussion, other program requirements of the deleted priority will be modified to reflect public comments. Principally, the Secretary intends that these contracts will continue to support migrant education program development centers (PDCs) whose technical assistance will focus on coordination activities, without requiring them to subcontract with technical assistance centers (TACs) or rural technical assistance centers (R-TACs). Except for the deletion of that proposed priority and for minor editorial and technical revisions, there are no differences between the proposed and final priorities.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed funding priorities, 104 parties submitted comments on the proposed priorities. Nearly all parties submitted comments on the proposed priority for Coordinating Special Assistance Services to Migrant Education Programs and Projects. Some commenters also questioned aspects of the consultation process, and several recommended that priorities be funded through grants rather than contracts.

The major issues are grouped according to subject. An analysis of the comments and of the changes in the priorities since publication of the proposed priorities follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

*Proposed Priority Concerning
Coordinating Special Assistance
Services to Migrant Education Programs
and Projects*

Comments: All but two of the commenters addressed this priority. The commenters supported continued funding of the PDCs and opposed making any changes in the way PDCs provide technical assistance directly to the State educational agencies (SEAs) and local educational agencies (LEAs), and to other groups eligible to receive services from the PDCs. Commenters stressed that the services provided by the PDCs were of high quality, met the unique and broad range of needs of the Migrant Education Program, and were responsive to organizations receiving the services. Furthermore, many commenters opposed the proposed requirement that technical assistance be subcontracted to the Chapter 1 TACs or R-TACs. No commenter criticized the TACs' present services, but many seriously questioned the capability of the TACs to provide services equivalent to those now offered by the PDCs. Several commenters noted that subcontracting would add another organizational layer to the process SEAs and LEAs now use to request and receive technical assistance and that the process would thus become less cost-effective. A few commenters also objected to the proposal that each grant recipient devote at least one third of the grant to each objective of the priority.

In addition, some commenters questioned the basis for proposing the limitation on subcontracting. Several commenters argued that the Department would, in effect, be funding other agencies out of funds reserved for SEAs. Several commenters also noted that sections 1436(d) and 1456 of the Act, which establish the requirement to provide technical assistance to all chapter 1 programs and projects through TACs and R-TACs, do not preclude SEAs and LEAs from receiving assistance from other sources. Finally, several commenters recommended that projects under this priority be funded by grants rather than by contract.

Discussion: Following a review of the comments and sections 1203, 1436(d) and 1456 of the Act, the Secretary intends to implement the proposal by contract, beginning with fiscal year 1991, through migrant education program development centers whose technical assistance will focus on coordination activities permitted by section 1203 of chapter 1, but without a requirement to subcontract with TACs or R-TACs. This activity would be supported by contract

because the existing PDC contracts have proven to be viable mechanisms to identify in advance and obtain those specific interstate and intrastate coordination services needed by State and local programs and projects. The Office of Migrant Education (OME) will consult further with the States on desired specifications for these contracts.

Change: This priority has been deleted from the final priorities.

Priority #2—Identifying, Enhancing, and Facilitating Coordination Activities to Achieve Improved Delivery of Services to Currently Migratory Children and Priority #3—Improving Coordination of Educational Programs and Opportunities for Preschool Migratory Children

Comments: One commenter suggested combining these two priorities since both focus upon currently migratory children and, for the most part, both occur at the same project site.

Discussion: Although currently migratory children are the primary focus of these activities, and the activities may well occur at the same project site, the Secretary believes that combining the two priorities might dilute the effects of a single project to require the activities to address both currently migratory preschool children and currently migratory school-aged children.

Change: None.

Priority #5—Improving the Coordination of Educational Programs and Opportunities for Migratory Children in Summer Programs

Comments: One commenter recommended that this priority focus on the currently migratory child and noted that much care must be exercised to differentiate between State programs and projects that provide some State support for summer school programs and those that are solely supported by program funds.

Discussion: Because the project to be funded supports interstate and intrastate coordination of migrant education summer school program services to migratory children, the children to be served will most likely be currently migratory. Project applicants would be expected to clarify how they would isolate the Chapter 1—Migrant Education Program component of summer school projects to be studied from any State or locally supported components that may exist.

Change: None.

Priority #6—Improving Coordination of the Quantity and Quality of Interstate and Intrastate Identification and Recruitment of Currently Migratory Children

Comments: A few commenters stated that this priority could not be very cost-effective in relation to the benefits.

Discussion: The Secretary desires to fund a proposal for a model project to determine if the benefits warrant further effort. While the Secretary understands the commenters' concern, most commenters supported the priority.

Change: None.

Grants Versus Contracts

Comments: Several commenters expressed the preference for grant awards rather than contract awards.

Discussion: Given the nature of the intended relationship with recipients of these awards, the Secretary believes it is appropriate that projects that implement these final priorities will be funded by grants or cooperative agreements, rather than contracts.

Change: None.

Consultation With the States

Comments: Several commenters expressed concern about the process of consultation with the States. Commenters stated that the consultation that did occur was abbreviated and unsystematic, and was not implemented in a productive manner.

Discussion: OME personnel met formally and informally with the State Directors of Migrant Education and discussed the topics and priorities to be addressed by the Migrant Education Coordination Program. These discussions were used to guide the development of the list of proposed funding priorities. Further, both the notice of proposed funding priorities, which invited comments and recommendations on the proposals, and the Secretary's positive response to these comments are integral parts of the consultation and approval process for the establishment of the final funding priorities. The Secretary expects the OME to continue to work with the States to improve the consultation process.

Change: None.

Final Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR) in 34 CFR 75.105(c)(3), the Secretary will give absolute preference to applications for grants or cooperative agreements that

respond to one of the final priorities described in this notice. An absolute preference is one that permits the Secretary to select only those applications that meet the described priorities.

Priority 1 is required by statute. The publication of the other priorities in this notice does not bind the United States Department of Education to fund projects in any or all of these areas. Moreover, the publication of these priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements. The Secretary intends, subject to the availability of funds and the quality of the applications received, to select for funding at least one project under each priority.

Priority 1. Establishing a National Project for a System of Credit Exchange and Accrual

Under this priority, as required by statute, the Department will fund a project to develop and establish a national program of credit exchange and accrual to help currently migratory students meet high school graduation requirements and receive their high school diplomas.

The project must build upon the existing Migrant Student Record Transfer System (MSRTS) and findings from recent studies on secondary education for migratory students, and must take into account the varying SEA and LEA regulations and policies concerning credit accrual, credit transfer, and graduation requirements.

Priority 2. Identifying, Enhancing, and Facilitating Coordination Activities to Achieve Improved Delivery of Services to Currently Migratory Children

Under this priority, the Department funds one or more projects to examine the need for, or if necessary establish, demonstration projects of innovative methods to be used by staff at the local operating agency project level to improve the coordination services across school district and State boundaries. The project or projects must document: (1) exemplary techniques for achieving effective coordination of instruction and support services for currently migratory children; and (2) the project effectiveness, costs, and cost-effectiveness of providing these services.

Priority 3. Improving Coordination of Educational Programs and Opportunities for Preschool Migratory Children

Under this priority, the Department funds a coordination project to: (1) Identify problems and issues concerning the coordination among States or areas of each State of programs and services for currently migratory preschool children; (2) locate and describe programs that effectively serve those preschool children and their families; (3) organize workshops to develop training materials and procedures; and (4) disseminate information that will improve coordination among States and agencies serving preschool migratory children. The project may also examine the impact that section 1202 of chapter 1 of the ESEA, which places greater emphasis on services to currently migratory preschool children, has upon existing State and local migrant education projects and practices.

Priority 4. Improving Coordination of Educational Opportunities for Migratory Children Through Parental Involvement

Under this priority, the Department selects an SEA to operate a project to improve educational opportunities of migratory children through a greater interstate or intrastate involvement of their families with State and local agencies. The project must: (1) Examine parental involvement in current State migrant education programs; (2) identify exemplary practices; (3) develop training materials based upon effective practices to be disseminated to State and local personnel involved in the education of migratory children; and (4) organize workshops to offer training in techniques for improving the coordination of parental activities.

Priority 5. Improving Coordination of Educational Programs and Opportunities for Migratory Children in Summer Programs

Under this priority, the Department funds a project that must focus on identifying issues related to coordinating migrant education summer programs with regular school programs, and improving communications between sending and receiving States in which migratory children enroll in summer programs. The project must: (1) Examine the varieties of summer migrant programs in terms of their duration, costs, intensity, and methods of instruction; (2) analyze the short- and long-term effects selected summer migrant education programs have upon continued schooling and graduation from high school; (3) organize workshops to develop training materials to facilitate improved coordination among SEAs and LEAs serving the same children in receiving and sending schools; and (4) analyze the additional costs of serving migratory children in various types of summer programs compared to costs of serving those children in regular school programs.

Priority 6. Improving Coordination of the Quantity and Quality of Interstate and Intrastate Identification and Recruitment of Currently Migratory Children

Under this priority, the Department funds a project that must build upon previous identification and recruitment (I&R) studies, MSRTS data, and ongoing practices in I&R. The project must be designed for the purpose of more rapidly identifying migrant families as they move from school district to school district. Presently, States and their operating agencies use different types of notification systems to inform potential receiving school districts that new migrant families will either be arriving

or that they may have already arrived in the receiving school districts. Identifying and assessing the different notification systems used is the major task of this project. Following assessment of the systems, recommendations will be made to the SEAs and the Department concerning which system or systems work best and which are the ones most easily replicated. Criteria to assess the efficacy of the notification systems should include: (a) Frequency of identification and recruitment of previously unidentified currently interstate migratory children in the receiving State; and (b) the number of currently migratory children that each notification system enables to be enrolled in two or more school districts during a 12-month period.

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.

Authority: 20 U.S.C. 2783.

Dated: September 6, 1989.

(Catalog of Federal Domestic Assistance No. 84.144—Chapter 1—Migrant Education Coordination Program for State Educational Agencies (formerly Migrant Education—Interstate and Intrastate Coordination Program))

Lauro F. Cavazos,
Secretary of Education.

[FR Doc. 89-21630 Filed 9-14-89; 8:45 am]

BILLING CODE 4000-01-M

Register Federal Times

Friday
September 15, 1989

Part V

Department of Education

**Pell Grant Program; Deadline Dates for
Receipt of Applications, Reports, and
Other Documents for the 1989-1990
Award Year; Notice**

DEPARTMENT OF EDUCATION

Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1989-90 Award Year

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the deadline dates for the receipt of documents from persons applying for financial assistance under, and from institutions participating in, the Pell Grant Program during the 1989-90 award year.

SUPPLEMENTARY INFORMATION: The Pell Grant Program provides grants to students attending eligible institutions of higher education to help them pay for their educational costs. Authority for the Pell Grant Program is contained in sections 411 through 411F of the Higher Education Act of 1965, as amended (HEA) 20 U.S.C. 1070a through 1070a-6. The regulations for the Pell Grant Program are codified in 34 CFR part 690 and 34 CFR part 668.

I. Applications for Determination of Expected Family Contribution—Table I

As a requirement for receiving a Pell Grant, each applicant is responsible for submitting to an institution of higher education a valid Student Aid Report (SAR) that states the amount of the student's expected family contribution (referred to on the SAR as the "SAI" (student aid index)) and the information used in calculating that amount. Therefore, each applicant must first submit to an agency listed in Table I of this notice his or her application for determining the expected family contribution. That application—hereafter referred to in this notice as an original application—must be submitted on one of the forms shown in Table I and be received by the designated agency at the agency's address shown in Table I no later than May 1, 1990.

Applications of Students Receiving a "Dependency Override"

If the financial aid administrator at the institution an applicant is attending determines that the applicant qualifies as an independent student under section 411F(12)(B)(vii) of the HEA or that he or she qualifies as a dependent student under section 411F(12)(C) of the HEA, the applicant must submit a "correction application" to one of the agencies listed in Table I. If the applicant has not submitted an original application, the deadline date for the submission of the correction application is May 1, 1990. If the applicant has submitted an original

application, the deadline date for the submission of the correction application is July 30, 1990.

Applications of Students Meeting a "Special Condition"

If the applicant meets a special condition as provided in 34 CFR 690.31 and 690.32, the applicant may provide the needed information on a correction application. If the applicant has not submitted an original application, the deadline date for the submission of the correction application is May 1, 1990. If the applicant has submitted an original application, the deadline date for the submission of the correction application is July 30, 1990.

It should be noted that an application sent to the Federal Student Aid Programs must be received at the U.S. Postal facility indicated in the table. Individuals at the Iowa City application processing center are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under OMB Control Number Application: 1840-0110)

TABLE I.—DEADLINE DATE FOR RECEIPT OF APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTION: MAY 1, 1990

Type of form	Address for submission
Application for Federal Student Aid (AFSA).	Federal Student Aid Programs, P.O. Box 4101, Iowa City, Iowa 52244.
Spanish Application for Federal Student Aid.	Federal Student Aid Programs, P.O. Box 4102, Iowa City, Iowa 52244.
Family Financial Statement (FFS).	ACT, Need Analysis Services, P.O. Box 1000, Iowa City, Iowa 52243.
Financial Aid Form (FAF).	College Scholarship Service, P.O. Box 6300, Princeton, New Jersey 08541, or College Scholarship Service, Box 24670, Oakland, California 94623.
Pennsylvania Higher Education Assistance Agency (PHEAA).	Pennsylvania Higher Education Assistance Agency, P.O. Box 3157, Harrisburg, Pennsylvania 17106-3157.
Student Aid Application for California (SAAC).	ACT, Student Financial Aid Services, P.O. Box 4015, Iowa City, Iowa 52243 or College Scholarship Service, Box 24820, Oakland, California 94623-1820.
Illinois State Scholarship Commission Application for Federal and State Student Aid (AFSSA).	Illinois State Scholarship Commission, P.O. Box 52745, Jacksonville, Florida 32201-3317.

TABLE I.—DEADLINE DATE FOR RECEIPT OF APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTION: MAY 1, 1990—Continued

Type of form	Address for submission
Correction Application (original application): Application for Federal Student Aid Correction Application.	Federal Student Aid Programs, P.O. Box 4104, Iowa City, Iowa 52244.

(34 CFR 690.12)

II. Other Documents—Table II

Once an applicant has filed his or her original application, additional information may be necessary. In some cases, the agency receiving the original application may request the information. In other cases, the applicant is responsible for initiating a request that additional or alternative information be considered.

The type of information and the forms to be used to report that information are listed in Table II of this notice. Each category designates an address to which the specified information or request must be sent, and the deadline date by which that information or request must be received at that address. However, the applicant must submit to the Federal Student Aid Programs any changes that he or she wants to be reflected on his or her SAR. The following explains each category:

Correction Application

In addition to being used when an applicant receives a dependency override or meets a special condition as provided in 34 CFR 690.31 and 690.32, the Secretary will send a correction application to an applicant if the applicant's original application lacked sufficient information to be processed. The applicant must include on the correction application all the information necessary to process the application.

If an applicant has misreported his or her dependency status, or if that status has changed after the applicant submitted an original application for reasons other than a change in marital status, the applicant must submit a correction application with the correct dependency status.

A correction application may be obtained from a financial aid administrator, an Educational Opportunity Center counselor, or by writing to Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044 or by calling (800) 333-INFO. The correction

application must be returned to the address listed in Table II and received at that address no later than July 30, 1990, unless the correction application is submitted as an original application.

Student Aid Report (SAR)

- **Correction/Verification of Information Requested by the Secretary**—If the Secretary returns an SAR to an applicant for correction or verification of information, the applicant must correct or verify the information and return the SAR to the appropriate address listed in Table II. The SAR must be received at that address no later than July 30, 1990. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit that SAR, with the information corrected or verified, to the institution by July 30, 1990.

- **Correction of Inaccurate Information**—If the SAR reflects information that was inaccurate when the application was signed, the applicant must correct that information on the SAR and send the SAR to the address listed in Table II. The SAR must be received no later than July 30, 1990. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit that SAR, with the information corrected, to the institution by July 30, 1990.

- **Recomputation of Student Aid Index**—An applicant may request on the SAR that the Secretary recompute his or her student aid index, if—(1) the student believes a clerical or arithmetic error has occurred or (2) the student meets a special condition as provided in 34 CFR 690.31 and 690.32. The applicant must send the SAR to the address listed in Table II. The SAR must be received no later than July 30, 1990. A student attending an institution participating in the Pell Grant Electronic Data Exchange must submit a request for recomputation to the institution by July 30, 1990.

- **Request for Duplicate SAR**—If an applicant wishes to receive a duplicate SAR, the applicant may write to one of the addresses listed in Table II, or call one of the phone numbers listed in Table II. A written request must be received no later than July 30, 1990. All telephone requests must also be made no later than July 30, 1990. It should be noted that a written request sent to the Federal Student Aid Programs must be received at the U.S. Postal facility indicated in Table II. Individuals at the Iowa City application processing center are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under OMB Control Number 1840-0132)

TABLE II—DEADLINE DATES FOR RECEIPT OF OTHER DOCUMENTS JULY 30, 1990

Type of form/information	Address for submission
Correction Application (subsequent transactions only): Application for Federal Student Aid Correction Application. Student Aid Report (SAR) Correction/Verification of Information Requested by the Secretary: Request for verification of corrected information.	Federal Student Aid Processing Center, P.O. Box 4104, Iowa City, IA 52244. Federal Student Aid Processing Center, P.O. Box 4126, Iowa City, IA 52244.
Correction of Inaccurate Information (except address correction): Request for correction of inaccurate information.	Federal Student Aid Processing Center, P.O. Box 4126, Iowa City, IA 52244.
Request for Correction of Address.	Federal Student Aid Processing Center, P.O. Box 4106, Iowa City, IA 52244.
Recomputation of Student Aid Index: Request for recomputation of a student aid index because of: (1) clerical or arithmetic errors or (2) special conditions.	Federal Student Aid Processing Center, P.O. Box 4126, Iowa City, IA 52244.
Request for Duplicate SAR: Request in writing or request by phone.	Federal Student Aid Processing Center, P.O. Box 4106, Iowa City, IA 52244, or Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044, (800) 333-4636.

(34 CFR 690.14, 690.31, 690.32, 690.39, 690.48)

Note: Although the Department of Education's application processing center will accept and process corrections through July 30, 1990, this does not extend the deadline by which the student must submit his or her SAR with an eligible SAI to the institution's financial aid office. If the student does not submit a SAR with an eligible SAI to the financial aid office, showing that he or she is eligible, by his or her last date of enrollment or June 30, 1990, whichever is earlier, he or she will not be eligible for a Pell Grant payment.

III. Verification Procedures and Deadline Dates

The information provided on an application and included on an SAR may be subject to verification. In that case, in order to receive a Pell Grant award for the 1989-90 award year, the applicant—and his or her parents, if applicable—must submit the necessary verification documents in accordance

with the following procedures. The documents must be received no later than the deadline dates specified below. These dates do not conflict with nor supersede the deadline dates specified in Tables I and II of this notice.

Verification of Information on Application

If an applicant is selected to have the information on his or her application verified under the verification procedures set forth in subpart E of the Student Assistance General Provisions, he or she must submit the requested documents as specified below in steps 1-4. The deadline date for the submission of the requested documents for the verification process is the earlier of: 60 days from the applicant's last date of enrollment in the case of an applicant who leaves school because of graduation, completion of an academic term, or withdrawal, or August 31, 1990. A student who will still be enrolled in a course of study in the 1989-90 award year after August 31, 1990 must submit the requested documents by August 31, 1990.

This process is complete when the applicant has:

- (1) Submitted all requested verification documents to his or her institution;
- (2) Made all necessary corrections on part 2 of the SAR;
- (3) Signed and submitted the corrected part 2 of the SAR to the Department of Education's processing center at the address indicated on the back of part 2 of the SAR—the same address indicated in Table II—by the deadline date listed in Table II; and
- (4) Submitted to the institution the corrected/reprocessed SAR received from the Department of Education's processing center.

(34 CFR 668.60)

IV. Institutional Payment Summary (IPS)—Table III

An institution participating in the Pell Grant Program is required to provide the Secretary with an Institutional Payment Summary (IPS) and part 3 of the SARs (Payment Documents) for all students receiving awards by the closing dates established in Table III. This material should be sent to the following address, in the manner described below: Pell Grant Program, P.O. Box 1400, Merrifield, Virginia 22116-1400.

- Each institution must submit an IPS with Student Payment Documents reflecting the information contained on part 3 of the SAR.

• An institution may submit an IPS without a batch of Payment Documents only under one of these circumstances:

(1) The institution has no Pell recipients, or

(2) The institution has no new Pell recipients or payment data changes to submit within a given reporting period for previously reported students.

An institution must submit a signed, accurate Institutional Payment Summary. Photocopies of the IPS may be submitted provided that each copy contains the original handwritten signature of the institutional administrator officially responsible for the accuracy and completeness of the IPS. Although an institution may make a submission as often as necessary during each of the required reporting periods shown in Table III, it must make at least one submission within each of those periods, even if it submits only an IPS under the conditions and noted above. Submissions must be made no later than the closing date for each reporting period noted in Table III.

An institution participating in the Pell Grant Program must—

(1) Submit the documents or data tapes to the above address in the manner described above;

(2) Provide to the Pell Grant Disbursement System a properly certified and acceptable electronic payment data submission via the Pell Grant Electronic Data Exchange. This submission must be made at least once during each of the stated periods; or

(3) Provide to the Pell Grant Disbursement System a properly certified and acceptable payment disk submission via the Pell Grant Floppy Disk Data Exchange. This submission must be made at least once during each of the stated periods.

TABLE III—REPORTING DATES FOR RECEIPT OF INSTITUTIONAL PAYMENT SUMMARY (IPS) DOCUMENTS

Reporting periods	Closing date
Institutions with a 1988-89 Pell Grant Authorization of \$750,000 or more:	
July 1, 1989 thru Oct. 5, 1989.....	Oct. 15, 1989.
Oct. 16, 1989 thru Dec. 15, 1989.....	Dec. 15, 1989.
Dec. 16, 1989 thru Feb. 15, 1990.....	Feb. 15, 1990.
Feb. 16, 1990 thru April 15, 1990.....	Apr. 15, 1990.
Apr. 16, 1990 thru June 15, 1990.....	June 15, 1990.
June 16, 1990 thru Aug. 15, 1990.....	Aug. 15, 1990.

TABLE III—REPORTING DATES FOR RECEIPT OF INSTITUTIONAL PAYMENT SUMMARY (IPS) DOCUMENTS—Continued

Reporting periods	Closing date
Institutions with a 1988-89 Pell Grant Authorization under \$750,000:	
July 1, 1989 thru Dec. 15, 1989.....	Dec. 15, 1989.
Dec. 16, 1989 thru Apr. 15, 1990.....	Apr. 15, 1990.
Apr. 16, 1990 thru Aug. 15, 1990.....	Aug. 15, 1990.

(34 CFR 690.83)

(Approved by the Office of Management and Budget under OMB Control Number IPS Form 1840-0540)

Failure of an institution to comply with these requirements may result in the initiation of a proceeding to fine, suspend, limit, or terminate the institution in accordance with subpart G of the Student Assistance General Provisions regulations in 34 CFR part 668.

V. Submissions to the Secretary of Student Aid Reports by Institutions

As noted above, Table III requires an institution to submit at least one IPS (and SAR Payment Documents, if applicable) within each of the required reporting periods. However, because 34 CFR 690.83 requires an institution to submit 1989-90 SAR payment Documents to the Secretary of Education by December 31, 1990, an institution with additional IPS's and Payment Documents may submit them until the end of the year.

Institutions will not be permitted to adjust their Pell Grant accounts after December 31, 1990 for award year 1989-90 or any award years prior to 1989-90 except under the circumstances listed below. This deadline has been established to permit an orderly closing of accounts from previous years.

• Adjustments are required by a program review of the institution's records by an official or employee of the Department of Education.

• Adjustments are required by an official of the Department of Education as a result of an audit conducted under the requirements of 34 CFR 690.84.

• The institution is required to adjust a student's award because of a court order.

• The institution discovers that a student has been overpaid.

• Verification cases referred to the Department where the student has only received partial payment or no payment and verification cannot be completed in time to meet the December 31 deadline.

Note.—This means that an institution will not be allowed to adjust its accounts for any underpayment it discovers after December 31 unless the case meets one or more of the conditions described above. If an institution discovers an underpayment, and submits to the Secretary 1989-90 Payment Documents or SAR's for years prior to 1989-90 but none of the circumstances above exists, no adjustments will be made; that is, the institution will not receive additional Pell Grant funds. If it appears that an adjustment must be made because of the above circumstances, the institution should contact a financial management specialist at (202) 732-3795.

If an institution wishes to receive a duplicate Payment Document, processed payment document/record, or a processed payment batch, it may contact a financial management specialist by writing to Pell Grant Program, P.O. Box 1400, Merrifield, Virginia 22116-1400, or by calling (202) 732-3795. If the institution wishes to receive a duplicate Payment Document, it must include a photocopy of either part 1 or part 2 of the student's SAR with the request. All requests for the 1989-90 award year must be received no later than October 15, 1990.

Application Forms and Information

Student aid application forms, correction application forms, and information brochures may be obtained through college and university financial aid administrators, Educational Opportunity Center counselors, or by writing to: Federal Student Aid Information Center, P.O. Box 84, Washington, DC 20044.

Applicable Regulations

The regulations applicable to this program are the Pell Grant Program regulations in 34 CFR part 690 and the Student Assistance General Provisions regulations in 34 CFR part 668.

FOR FURTHER INFORMATION CONTACT: Wendy Macias, Program Specialist, Policy Section, Pell Grant Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Office of Postsecondary Education, 400 Maryland Avenue, SW., (ROB-3, Room 4318), Washington, DC 20202. Telephone (202) 732-4888.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 84.063, Pell Grant Program)

Dated: September 8, 1989.

Robert B. Dunn,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 89-21672 Filed 9-14-89; 8:45 am]

BILLING CODE 4000-01-M

United States Federal Register

Friday
September 15, 1989

Part VI

Department of Transportation

Coast Guard

33 CFR Ch. I

Vessel Identification System, Advance Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 89-050]

RIN 2115-AD35

Vessel Identification System

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard invites comments on establishing a nationwide information system for identifying vessels and vessel owners, and guidelines for State vessel titling systems. Recent legislation requires the Secretary of Transportation to establish a vessel identification system, prescribe the manner and form for participating States to make information available, and establish guidelines for State titling systems and procedures for certifying compliance with those guidelines. The legislation also authorizes the Secretary to collect a \$1.00 per vessel annual fee to maintain the information system and charge additional user fees for providing information to or from the system. The vessel identification system will provide a nationwide pool of vessel and vessel owner information to help in identification and recovery of stolen vessel and deter vessel theft. Mortgages on vessels in States which both participate in the vessel identification system (VIDS) and hold certification of compliance with the State titling system guidelines would be eligible for "preferred mortgage" status.

DATES: Comments must be received on or before December 14, 1989.

ADDRESSES: Comments should be submitted to the Executive Secretary, Marine Safety Council (G-LRA-2/3600), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001. Comments may be delivered to and will be available for examination and copying at the Marine Safety Council, Room 3600, 2100 Second Street SW., Washington, DC 20593-0001, between 8 a.m. and 3 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Office of Navigation Safety and Waterway Services (G-NAB), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-0979, between 8 a.m. and 3 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data or arguments on

these issues. Persons submitting comments should include their names and addresses, identify this Advance Notice (CGD 89-050) and give the reasons for the comment. Persons desiring acknowledgment that their comments have been received should include a stamped, self-addressed postcard or envelope. No public hearing has been scheduled, but one may be held at a time and place to be set in a later notice in the *Federal Register*, if requested in writing and it is determined that the rulemaking will benefit from oral presentations.

Drafting Information

The principal persons involved in drafting this proposed rule are Carlton Perry, Project Manager and Lieutenant Commander Don M. Wrye, Project Attorney, Office of Chief Counsel.

Background

The purpose of this Advance Notice is to solicit information and views on establishing a nationwide information system for identifying vessels documented under 46 U.S.C., chapter 121, numbered under 46 U.S.C., Chapter 123, or titled under the law of a State; identifying vessel owners; and providing guidelines for State vessel titling systems. The Secretary of Transportation is required by the provisions of Public Law 100-710 to establish a vessel identification system (VIDS), prescribe the manner and form for participating States to make information available to VIDS, and establish guidelines for State titling systems and procedures for certifying compliance with those guidelines. The legislation also authorizes the Secretary to collect a \$1.00 per vessel annual fee to maintain the information system and charge additional user fees for providing information to or from the system. The Coast Guard is considering prescribing various regulations to establish the vessel identification system and State titling system guidelines.

The Coast Guard will prescribe minimum requirements for States participating in the vessel identification system and procedures for certifying compliance with State titling system guidelines. The participation requirements are intended to ensure that the minimum information needed to identify vessels, vessel owners and the location where evidence of vessel liens may be obtained, is collected, maintained and made available in a reliable manner. A mortgage for a vessel titled in a State is deemed to be a preferred mortgage when the State both participates in VIDS and obtains certification that its vessel titling system

complies with the Secretary's guidelines on State titling systems. This Advance Notice addresses implementation of the provisions of title 46 U.S.C. chapter 125 as it applies to both documented and undocumented vessels.

Regulating a national pool of vessels and vessel owners is a new program for the Coast Guard. The Coast Guard has solicited the views of other Federal agencies, and State and local agencies. The National Boating Safety Advisory Council has been alerted to the existence of the new law and that this Advance Notice would be available for its consideration. Although this Advance Notice raises various options and approaches, additional approaches and combinations of approaches may warrant consideration.

Comments are requested on all or any portion of this Advance Notice, particularly the portions of the Advance Notice that are directed at the extent of information to be maintained and made available, requirements for participating States, titling system guidelines, and collection of any fees. Comments are specifically requested from all State recreational boating authorities. All comments received will be considered by the Coast Guard in the development of any proposed regulations.

Regulation Areas

There are a number of different areas for which the Coast Guard is considering regulations: (1) Manner and form of information to be maintained in the vessel identification system (VIDS); (2) requirements for participating States; (3) guidelines for State Titling Systems and procedures for certifying compliance with State Titling System guidelines; and (4) collection of an annual \$1.00 fee and charging user fees for making information available to or from VIDS. Several questions need to be answered under each of these areas.

1. Manner and Form of Information in VIDS

a. The Coast Guard currently maintains an information system on over 200,000 vessels documented under 46 U.S.C. chapter 121 and their owners. The Coast Guard will incorporate this information into the vessel identification system. The States currently register over 10 million undocumented vessels under Coast Guard approved vessel numbering systems. The Coast Guard continues to number vessels in Alaska. Information collected by the States to identify a vessel and a vessel owner, under 33 CFR 174.17, includes:

- Name of owner;

- Address of the owner, including ZIP code;

- Make of vessel;

- Year vessel was manufactured or model year;

- Manufacturer's hull identification number, if any;

- Overall length of vessel;

- Type of vessel (open, cabin, house, or other);

- Whether hull is wood, steel,

- aluminum, fiberglass, plastic, or other;

- Whether the propulsion is inboard, outboard, inboard-outdrive, sail, or other;

- Whether the fuel is gasoline, diesel, or other;

- Whether the vessel is used for

- pleasure, rent or lease, dealer or

- manufacturer demonstration,

- commercial passenger carrying,

- commercial fishing, or other commercial use;

- State in which vessel is or will be principally used; and

- The number previously issued by an issuing authority for the vessel, if any.

The Coast Guard intends to include information in the VIDS to identify the State in which a vessel is numbered or titled; indicate whether a vessel is numbered, titled, or both; and, if titled in a State, indicate where evidence of a lien or other security interest may be found against a vessel in that State.

b. Questions:

(1) Which items of information, if any, currently collected by the States during vessel registration should be included in the VIDS?

(2) What additional information not currently collected by the States during vessel registration should be included in the VIDS? For what purpose? What benefits would result?

(3) Which identification numbers associated with the vessel, past and present, should be included in the VIDS information? Such numbers include the "bow" number assigned by the number issuing authority, the hull identification number (HIN), and the official number assigned by the Coast Guard for documented vessels.

(4) Which identification number associated with the vessel should be incorporated into the new vessel identification number (VIN) assigned by the Coast Guard? What number of characters would be appropriate for the VIN?

(5) If an HIN is used as a VIN, how should the Coast Guard assign a VIN to a vessel bearing only an official number, or bearing both an official number and HIN, e.g., only the official number, only the HIN, or either number optionally?

(6) What information should the VIDS include to indicate "where" evidence of

a lien may be obtained? Should the VIDS information indicate whether a lien exists, or simply indicate where a question of lien existence may be answered?

(7) What additional information on liens or security interests against a vessel should be included in the VIDS information? For what purpose? What benefits would result?

(8) What other information, if any, should the VIDS include to assist law enforcement? For example, the VIDS information may identify a vessel issued fisheries permits by the Department of Commerce; or a vessel reported as stolen or lost. For what specific law enforcement purpose? What benefits would result?

2. Requirements for States Participating in VIDS

a. Participation in VIDS is voluntary on the part of the States. However, those States which choose to participate in VIDS must agree to comply with certain requirements to ensure efficient and effective use of the information system. For example, a participating State must agree to collect the information on vessels, and their owners, operating on its waters and provide that information in a manner and form prescribed by the Coast Guard.

b. Questions:

(1) Which of the following items should be requirements for all States participating in VIDS? Which items, if any, should be optional?

- Obtain specific evidence of ownership, e.g. Builder's Certificate, Certificate of Origin, or manufacturer's statement of origin, to identify a vessel's owner.

- Take action regarding previous certificate of number and/or title, e.g. return the document(s) to the issuing authority or retain the document(s) and advise the issuing authority by telephone, mail or electronic message?

- Process a title with an outstanding lien, e.g. in the same manner as other participating States or independently?

- Retain responsibility for the VIDS information file on a vessel which has been moved to a nonparticipating State?
- Interact with nonparticipating State for providing information to or from VIDS?

- Provide recreational boating accident report information to or from VIDS in addition to, or instead of, providing report copies to the Coast Guard?

- Collect a \$1.00 annual vessel fee, if the Coast Guard decides the fee should be collected?

(2) What additional items, if any, should be required or optional? How

should the required or optional items be phrased?

(3) How would your State react if collecting a \$1.00 annual fee were made a prerequisite for participating in VIDS, e.g. incentive for State to participate, or disincentive/obstacle for State to participate?

3. State Vessel Titling System Guidelines and Procedures for Certifying Compliance With Guidelines

a. Twenty-six States title over 6.6 million vessels. Procedures and requirements for titling vary from State to State. Within the past several years there has been an increasing awareness by State legislatures of the need to title vessels. The National Association of State Boating Law Administrators (NASBLA) has adopted a Model Act for State titling systems, providing specific language of titling provisions, to encourage uniformity and compatibility of titling vessels among the States. Under 46 U.S.C. 31322(d)(1) a mortgage on a State titled vessel may be deemed a preferred mortgage, if the Secretary has certified that a participating State's titling system complies with the Secretary's guidelines. During 1985, the National Marine Bankers Association (NMBA) proposed guidelines for titling recreational vessels, describing what provisions a titling system should include. Drawing on both the NASBLA model act and the NMBA proposed guidelines, the Coast Guard intends to prescribe guidelines for State titling systems and procedures for obtaining certification of compliance with those guidelines.

b. Questions:

(1) What specific terms, if any, should a State titling system define, e.g. dealer, department, documented vessel, lienholder, manufacturer, owner, person, security interest, State, titling authority, vessel, and Vessel of the United States?

(2) Which vessels should a State titling system require to be titled, e.g. all watercraft, all registered and numbered vessels, or only numbered vessels?

(3) For which transactions should a State titling system require application for a title, e.g. at the time a vessel is first purchased, transfers ownership, or changes its State of principal use? What time limits, if any, should be required after the transaction, e.g. within 30 days?

(4) What specific information should a State titling system require on an application for title form provided by the State, e.g. date of sale and gross price of the vessel, or fair market value if not a sale, and if appropriate, State or country

in which the vessel was last numbered or titled?

(5) What provisions, if any, should a State titling system include for dealers buying, acquiring or transferring vessels for resale?

(6) What actions should a State titling system specifically require to allow the sale, assignment or transfer of a titled vessel, e.g. delivery of the vessel's certificate of title to the new owner?

(7) What titling application procedures should a State titling system require, e.g. title application signed; sworn to before a notary public or other person who administers oaths; or signed certification that statements made are true and correct to the best of the applicant's knowledge, information and belief, under penalty of perjury; nonrenewable and nontransferable titling fee payable at the time of registration?

(8) For what purposes, if any, should a State titling system provide for honoring a current and valid title issued by another State, e.g. proof of ownership for transfer or sale of a vessel?

(9) What information should a State titling system specify on a certificate of title when issuing a new title? For example, a new title would record the original recordation date of any liens still outstanding, and the former title, now cancelled, would be surrendered to the new issuing State.

(10) On what prerequisites, if any, should a State titling system condition issuance or renewal of a certificate of number for a vessel required to be titled, e.g. issuance of a certificate of title to the owner? This may involve amending State numbering/registration legislation and/or regulations.

(11) On what prerequisites, if any, should a State titling system be allowed to condition issuance of title, e.g. proof of payment of State sales tax, use tax, or property tax applicable to the vessel?

(12) What conditions or restrictions should a State titling system specify, if any, for duplicate certificates of title and for procedures for disposing of recovered original certificates? This may include stamping the term "DUPLICATE" across the face of the duplicate certificate, the applicant providing information on the original certificate and the circumstances of its loss, theft, mutilation, or destruction and surrendering remnants or recovered original certificates.

(13) In what manner, if any, should a State titling system record liens on each vessel title, e.g. in accordance with the Uniform Commercial Code?

(14) What specific requirements should a State titling system require of each vessel manufacturer or dealer

whose product is subject to State titling, e.g. provide a manufacturer's statement of origin with the product to initiate the chain of ownership; or maintain a record of any vessel bought, sold, exchanged, or received for sale or exchange? How long should such records be maintained, e.g. three years, or other length of time, and at what times should such records be open to inspection by State representatives, e.g. reasonable business hours?

(15) What HIN provisions should a State titling system require for vessels, e.g. to have an HIN assigned and affixed to the vessel, assign HIN's to vessels lacking HIN's, record the HIN on the certificate of title, prohibit destruction, removal, alteration, covering or defacing an HIN, the plate bearing it, without specific permission from the Commandant of the Coast Guard?

(16) What certificate of title requirements, if any, should a State titling system specify if ownership of a vessel is transferred by operation of law, such as inheritance, order in bankruptcy, replevin, or execution sale?

(17) What provisions should a State titling system include for perfection of security interests, e.g. declare the security interest not valid unless perfected in accordance with the perfection provisions, and specify all necessary procedures and information?

(18) What exemptions from the perfection provisions should a State titling system include, e.g. lien by a supplier of services or material to the vessel, government lien, manufacturer or dealer lien, a lien arising out of an attachment of a vessel, an original security interest if not required to be noted on the certificate of title to be perfected, or any vessel not required to be titled?

(19) What provisions should a State titling system include regarding the date a security interest is perfected, e.g. execution of application for certificate of title or endorsement of the certificate and associated fees?

(20) What provisions should a State titling system include regarding assignability of security interest in vessels, e.g. protect other persons holding a security interest in the vessel who are not notified of the security interest transfer and specify procedures for perfecting such transfers?

(21) What provisions should a State titling system include regarding satisfaction of a security interest, e.g. procedures, time limits, evidence and information required to be submitted to the State?

(22) What provisions should a State titling system include regarding hearings to determine whether an indebtedness is

a security interest and appeal procedures to aggrieved parties?

(23) Should a State titling law provide for adoption of regulations to implement the titling system?

(24) What information should a State titling system require a secured party named in the certificate of title to disclose, e.g. pertinent information as to the security agreement and the indebtedness secured by it in accordance with State Commercial Law Articles?

(25) How should a State titling system address perfection of a security interest, e.g. declare that the provided method of perfecting a security interest is exclusive?

(26) What forms should a State titling system require the State to provide, e.g. application, certificate of title, notice of security interests, and other forms required by the titling system provisions?

(27) Should a State titling system include a provision authorizing the State to make any necessary investigations to procure information required under the titling system provisions?

(28) Which of the above State titling system guidelines should a State comply with in order to obtain a certification of compliance?

4. User Fees and Annual Vessel \$1.00 Fee

a. Section 12505 of title 46 of the United States Code provides that the Secretary of Transportation may charge a fee under 31 U.S.C. 9701 for providing information to or requesting information from the VIDS. In addition, the Secretary may also collect an annual fee of not more than \$1.00 from the owner of each vessel of the United States for maintaining the vessel identification system (VIDS). The Secretary may employ any agency, State or person to collect this fee. If a State collects the \$1.00 annual fee, the State may retain one-half of the amounts collected. The authorization to collect this \$1.00 annual fee and allow such States to retain half the amounts collected was included in the legislation as an incentive for States to voluntarily participate in the VIDS. Initial contacts with many State Boating Law Administrators have raised concerns of conflicts with existing State legislation or financial policies and with costs associated with collection and transfer of small sums. The Coast Guard is considering whether or not to collect this \$1.00 annual fee.

b. Questions:

(1) Should the Coast Guard collect a \$1.00 annual fee from the owner of each vessel of the United States?

(2) How should the Coast Guard collect any annual fee, e.g. employ U.S. Postal Services offices, States, or persons to collect any annual fee for vessels numbered or titled within that State, and only for vessels in States participating in the VIDS?

(3) How much latitude should a participating State have to collect an annual fee and retain half of the amounts collected, e.g. requirement or option?

(4) How should any annual fee be collected by the States, e.g. combine with a State's vessel registration, add \$3.00 to a three-year cycle registration fee?

(5) What device, if any, should be used to indicate payment of an annual fee, e.g. a decal or sticker on the vessel or a stamp on the certificate of registration (number)?

Regulatory Evaluation

This rulemaking is at this time considered nonmajor under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because there are several regulatory options available and the Coast Guard cannot at this time determine which options will be pursued, the economic impact of this regulatory project cannot be determined. The Coast Guard anticipates that responses to the ANPRM will help it determine appropriate approaches to take in regulating the vessel identification system. The Coast Guard invites specific comment on anticipated economic impact of this rulemaking from interested parties. Once relevant economic data has been reviewed, the

Coast Guard will determine the level of evaluation warranted for any proposed regulations. Information collection and reporting associated with this proposal is expected to be minimal.

Federalism

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

Dated: September 12, 1989.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.
[FR Doc. 89-21765 Filed 9-14-89; 8:45 am]

BILLING CODE 491-014-M

Estimated Federal Tax

Friday
September 15, 1989

Part VII

Office of Management and Budget

Computer Matching and Privacy
Protection Act Amendments of 1989;
Extension of Existing Matching Programs
Pursuant to Public Law 101-56

OFFICE OF MANAGEMENT AND BUDGET

The Computer Matching and Privacy Protection Act Amendments of 1989; Extension of Existing Matching Programs Pursuant to Pub. L. 101-56

AGENCY: Office of Management and Budget.

ACTION: Publication of Agency Matching Programs to which the Extension Permitted by Pub. L. 101-56 Applies.

SUMMARY: An extension of the effective date of the Computer Matching and Privacy Protection Act of 1988 was signed into law on July 19, 1989. The extension moves the Act's effective date from July 19, 1989, to January 1, 1990, for matching programs in operation before June 1, 1989. In order to qualify for this extension, agencies were required to report eligible matching programs to the Office of Management and Budget (OMB) and Congress by August 1, 1989. OMB was required to publish a consolidated report in the Federal Register by September 15, 1989. The listing below fulfills that requirement.

FOR FURTHER INFORMATION CONTACT: Robert N. Veeder, Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3235 NEOB, 725 17th Street, NW., Washington, DC 20503, (202) 395-4814.

S. Jay Plager,

Administrator, Office of Information and Regulatory Affairs.

For the following matching programs, the effective date of Pub. L. 100-503 is extended until January 1, 1990:

Department of Agriculture (USDA)

USDA/Federal Crop Insurance Corporation (FCIC)/Agricultural Stabilization and Conservation Service (ASCS) match to determine whether ASCS program recipients have purchased crop insurance.

USDA/Department of Defense (DoD) salary offset match to determine if any USDA employees owe the U.S. Government money.

USDA/Farmers Home Administration (FmHA)/ASCS match to determine if any ASCS county employees are FmHA borrowers.

USDA/U.S. Postal Service (USPS) salary offset match to determine if any USDA employees owe the U.S. Government money.

USDA/Food and Nutrition Service (FNS)/State agencies match to determine food retailers who have been disqualified from the food stamp program.

Department of Defense (DoD)

DoD/Defense Manpower Data Center (DMDC)/Defense Logistics Agency (DLA) and Department of Veterans Affairs (DVA) reconciliation of accounts match.

DoD/DMDC/DLA and Health and Human Services (HHS)/Family Support Administration Federal Parent Locator Service match.

DoD/DMDC/DLA and Office of Personnel Management (OPM) reserve employment screening match to identify (1) reservists in civil service subject to recall for active military duty; (2) COLA adjustments to identify military retirement pay to be offset because of Federal employment; (3) civil service employees entitled to military service credit in their civil service retirement; (4) retired regular military officers employed who are subject to limitations of Federal compensation; (5) identify civil service employees who are indebted to the DoD and overdue for debt collection; (6) reemployed annuitant check to determine if DoD corrective action is taken when a civil service annuitant is reemployed by the DoD.

DoD/DMDC/DLA and USPS match to (1) identify USPS employees indebted to the DoD; (2) identify for USPS individuals who are reservists and subject to recall so as to permit USPS to identify those critical employees needed who should not be in the Ready Reserve; (3) USPS pay records with military pay records to determine if USPS salary makes individual subject to restrictions of Dual Compensation Act.

DoD/DMDC/DLA and DVA match to identify recipients of DVA benefits who have returned to active duty or are drilling reserve military and have become ineligible for a DVA benefit. (Compliance for benefit program requirements).

DoD/DMDC/DLA and Department of Housing and Urban Development (HUD) match to identify DoD personnel receiving housing assistance who have income exceeding eligibility requirements (Section 8 Housing Subsidies, Pub. L. 97-35) and Debt Collection Act of 1982.

DoD/DMDC/DLA and HUD match to identify DoD personnel indebted (Title I loan defaulters) to HUD for collection under the Debt Collection Act of 1982.

DoD/DMDC/DLA and DVA match to identify and locate DoD personnel indebted to the DVA for collection under the Debt Collection Act of 1982.

DoD/DMDC/DLA and State Medicaid Agencies match to determine the extent to which State Medicaid beneficiaries are eligible for DoD health care benefits.

DoD/DMDC/DLA and DVA match to verify eligibility and compliance of active duty military and drilling reservists to DVA education benefits.

DoD/DMDC/DLA and Department of Education (DED) match to identify and locate DoD and civil service employees, active and retired, who receive a Federal salary or other Federal benefit payments and are indebted and delinquent in their repayment to the U.S. Government under certain programs administered by DED (Debt Collection Act of 1982).

DoD/DMDC/DLA and State of Florida match to identify those DoD personnel who are recipients of Food Stamp Program benefits administered by the State of Florida and receiving Federal salary or other Federal benefit payments that may reduce or disqualify them for the benefit.

DoD/DMDC/DLA and Small Business Administration (SBA) match to identify and locate DoD and civil service personnel, active and retired, receiving Federal salary or other Federal benefit payments and who are delinquent debtors to the U.S. Government under various programs administered by the SBA under the Debt Collection Act of 1982.

DoD/DMDC/DLA and USDA/FmHA, FCIC, ASCS/CCC match to identify and locate DoD and civil service personnel, active and retired, receiving Federal salary or other Federal benefit payments and who are delinquent debtors to the U.S. Government so as to permit the particular USDA component to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the Debt Collection Act of 1982.

DoD/DMDC/DLA and HHS/Public Health Service (PHS) Medical Education Debtors match to identify and locate DoD and civil service personnel, active and retired, receiving Federal salary or other Federal benefit payments and who are delinquent debtors to HHS so as to permit HHS to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the Debt Collection Act of 1982.

DoD/DMDC/DLA and DVA/DM&S/CHAMPVA match involving records of beneficiaries of the Civilian Health and Medical Program (CHAMPVA) which are matched with DoD Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) to identify individuals who have received medical services paid for under the CHAMPVA and who are not eligible for the program.

DoD/DMDC/DLA and City of New York/Human Resources Administration match in which the City provides master file of public assistance clients (welfare payments, food stamps, medicaid, child support benefits, missing parents) to be matched with DoD military and civilians, active and retired receiving Federal salary or other Federal benefit payments. Information is used to determine continued eligibility, recouping benefit overpayments and locating individuals who may be able to provide child support.

DoD/DMDC/DLA and Department of the Treasury/Bureau of Public Debt match to identify and locate DoD and civil service personnel, active and retired, receiving Federal salary or other Federal benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the Bureau of Public Debt/Department of the Treasury in order to collect the debts by voluntary repayment or by administrative or salary offset procedures under the Debt Collection Act of 1982.

DoD/DMDC/DLA and Department of Interior (DOI) match to identify and locate DoD and civil service personnel, active and retired, receiving Federal salary or other Federal benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by DOI under the Debt Collection Act of 1982.

DoD/DMDC/DLA and HHS/Social Security Administration (SSA) match to identify individuals receiving Social Security income payments and also receiving military pensions.

Department of Education (DED)

DED/Immigration and Naturalization Service (INS) match to identify alien students ineligible for aid under higher education act.

DED/Selective Service System (SSS) match to identify students who have not registered with Selective Service System.

DED/INS match to identify taxpayer address request.

DED/DoD/USPS match to identify Federal employee salary offset.

Department of Health and Human Services (HHS)

HHS/Social Security Administration (SSA) and Federal Bureau of Prisons/States, political subdivisions State and Federal Prisoner Rolls match.

HHS/SSA and Department of Labor (DOL) Disability Insurance Benefits and Department of Labor Black Lung Beneficiary File match.

HHS/SSA and DoD Supplemental Security Record and DoD Military Retirement File match.

HHS/SSA and Railroad Retirement Board (RRB) Supplemental Security Record and the Railroad Retirement Board's Cost of Living Adjustment match.

HHS/SSA and RRB Master Beneficiary Record and RRB Data Exchange match.

HHS/SSA and RRB Master Beneficiary Record (extract) and Railroad Retirement Board's Computer System Audit match.

HHS/SSA and Internal Revenue Service (IRS) SSA Address Acquisition File and IRS Address Data match.

HHS/SSA and IRS 1099 and Supplemental Security Record Interface match.

HHS/SSA and DVA Supplemental Security Record and Veterans Affairs Compensation and Pension File match.

HHS/SSA Black Lung Payment File and DVA's Compensation and Pension File match.

HHS/SSA and DVA's Master Beneficiary Record and DVA's Compensation and Pension Files (Income Dependent Extract) match.

HHS/SSA and OPM Master Beneficiary File, Master Earnings File and OPM's Annuity and Survivors Master File match.

HHS/SSA and OPM's Master Beneficiary Record, Disability Insurance Benefits and OPM's Annuity and Survivors Master File match.

HHS/SSA and OPM's Monthly Claims Activity File match.

HHS/SSA and OPM's Supplemental Security Record and OPM's Annuity and Survivors Master File match.

HHS/SSA and OPM's Master Beneficiary Record, and OPM's Annuity and Survivors Master File match.

HHS/SSA and Department of the Treasury/Bureau of Public Debt Savings Bond Registration Records and Supplemental Security Record Extract match.

HHS/SSA and States Supplemental Security Record and State Wage match.

HHS/SSA and States Wire Third Party Queries (WTPV) match.

HHS/SSA and Office of Central Records Operations Comparison of Master Earnings File and Office of Central Records Operations match.

HHS/SSA and State of Florida Master Beneficiary Record, Supplemental Security Record Queries and Florida Local Prisoner Records match.

HHS/SSA and State of Pennsylvania Supplemental Security Record Queries and Pennsylvania Lottery File match.

HHS/SSA and State of Missouri State Data Exchange (SDX) and Missouri Title

XIX Facilities (Deficit Reduction Act of 1984 DEFRA) match.

HHS/SSA and State of New York State Data Exchange (SDX) and the New York City Office of Treatment and Monitoring File match.

HHS/SSA and New York City Controller File and Medicaid Eligibility File match.

HHS/SSA and States Supplemental Security Income and State Data Exchange (SDX) and the Beneficiary and Earnings Data Exchange (BENDEX) match.

HHS/PHS and DoD match to identify persons receiving Federal salaries who are delinquent in repayment of debts owed to the U.S. Government.

HHS/PHS and USPS match to identify and locate persons receiving Federal salaries or benefits who are delinquent in their repayment of debts owed to the U.S. Government.

HHS/PHS and IRS match to obtain current mailing addresses of individuals who have defaulted on student loans administered by HHS.

HHS/Family Support Administration and States and IRS match to obtain accurate eligibility determinations with unearned income data from IRS (AFDC/IRS 1099).

HHS/Family Support Administration and States and SSA match with public assistance agencies obtaining earned income and benefit data from SSA (AFDC/SSA BENDEX/BEER).

HHS/Family Support Administration and States and Immigration and Naturalization Service Systematic Alien Verification for Entitlement (SAVE) match.

HHS/Health Care Financing Administration (HCFA) and States Beneficiary State Agency File or (BEST) match.

HHS/HCFA and RRB Information on working-aged retirees match.

HHS/HCFA and State Workers Compensation Boards information to identify when workers compensation boards are primary payer match.

HHS/HCFA and State Department of Motor Vehicles to identify when accident records indicate that DMV is primary payer match.

HHS/HCFA and States (HCFA) provides States with Beneficiary State Agency File or (BASF), which enables States to identify individuals who are dually entitled for Medicare and Medicaid matches.

HHS/HCFA and Federal Medicare Records and the American Medical Association (AMA) Extract Data to use the AMA Date Extract to confirm the identity and credentials of each

physician with a doctor of medicine degree matches.

HHS/Assistant Secretary for Personnel Administration and the Department of Education Student Loan Salary Offset Computation match.

HHS/Assistant Secretary for Personnel Administration and Department of Defense Federal Sector Reserve Screening Report match.

Department of Housing and Urban Development (HUD)

HUD/IRS/Financial Management Service (FMS) skip-trace debt collection match to obtain current addresses of debtors in the Title I and Section 312 Programs for the purpose of assisting HUD in collecting debts.

HUD/DoD/DMDC Federal Salary Offset match to identify delinquent debtors and to collect delinquent debts under the provisions of the Debt Collection Act of 1982 by means of Federal salary offset.

HUD/USPS Federal Salary Offset match to identify USPS employees who have delinquent Title I defaulted notes subject to collection under the provisions of the Debt Collection Act of 1982, and to collect such debts by Federal salary offset.

HUD/OPM, DoD, USPS, selected State Department of Labor and/or employment agencies, and selected housing authorities (within the States indicated below) and/or multifamily owners and agents excess tenant assistance match to identify low income/Section 8 tenants in Public Housing Authorities and assisted housing tenants who are receiving excess tenant assistance and to collect excess payments. (The selected States with which HUD was conducting computer matches that were operational by June 1, 1989, were Colorado, Connecticut, Florida, Illinois, Missouri, and Texas.)

HUD/IRS and Multifamily Insured and Direct Loans match to detect potential tax fraud by participants in the multifamily insured and direct loan program.

HUD/Federal and Non-Federal Agencies Parking Applications match to identify persons who are applicants on more than one parking application for federally provided/subsidized parking and to deny such applicants Federal parking privileges.

Department of Interior (DOI)

DOI/DoD salary offset matches to obtain information to collect delinquent debts from Federal employees.

DOI/INS and IRS Federal tax refund program matches to collect delinquent debts from individuals.

Department of Justice (DOJ)

INS and the following Federal, State or local agencies match to verify alien eligibility for benefits: District of Columbia Department of Employment Services; New Jersey Department of Labor; New York Department of Labor; Texas Employment Commission; California Department of Health Services; Colorado Department of Social Services and U.S. Department of Education.

Bureau of Prisons/SSA match to identify incarcerated felons for Social Security Administration.

Civil Rights Division and the following Federal, State or local agencies match to carry out the Civil Liberties Act Implementing Matching Program: Department of Health Services for California, Washington, Colorado, Hawaii, New Jersey, New York, Texas, Oregon, Illinois; the Motor Vehicles Division of California, Washington, Colorado, Hawaii, New Jersey, New York, Texas, SSA and DoD.

Department of Labor (DOL)

DOL (Office of Workers' Compensation Programs (OWCP)/OPM match to identify individuals receiving prohibited concurrent benefits under the Civil Service Retirement Act or the Federal Employee Retirement System Act and the Federal Employees' Compensation Act.

OWCP/HHS and SSA match to identify individuals who are receiving dual Black Lung benefits from both DOL and SSA, using SSA Part B Black Lung beneficiary data.

OWCP/SSA match using SSA Part C Black Lung benefit and payment data to ensure that SSA benefits have been offset based upon the Part C Black Lung data.

OWCP/DVA match to provide DOL Black Lung benefit data to DVA for use in the administration of DVA's Pension and Dependency and Indemnity Compliance benefit programs.

Department of the Treasury

Matches conducted pursuant to Internal Revenue Code (IRC) section 6101(l)(7). Under this provision, certain tax information is provided to Federal and State welfare agencies to be used in verifying eligibility for and determining the amounts of certain welfare benefits such as food stamps and Medicare assistance.

Matches conducted pursuant to IRC section 6101(l)(3). Under this provision, the IRS discloses the fact that an individual has a tax delinquent account to Federal agencies that administer Federal loan programs. This information

is used in considering the creditworthiness of applicants for Federal loans.

Matches conducted pursuant to IRC section 6103 (m)(2), (m)(4), and (m)(5). Under IRC section 6103(m)(2), address information is disclosed to Federal agencies to collect or compromise a Federal claim against the taxpayer. Under IRC sections 6103 (m)(4) and (m)(5), IRS discloses address information to the Department of Education and to the Department of Health and Human Services to locate individuals who have defaulted on certain types of student loans.

Federal Salary Offset matches, performed by the departmentwide Personnel Management Information and Telecommunications Systems (PERMITS), is managed by the Departmental Offices in conjunction with the Department of Education. The match is undertaken in accordance with the Debt Collection Act of 1982.

Income Tax Filing Status Verification is conducted by the IRS using data supplied by PERMITS to determine the income tax filing status of certain Treasury employees. Department of the Treasury regulations, specified in the Treasury Personnel Manual 731, subchapter 2, paragraphs 5 and 6, require IRS to perform a check/audit on selected employees.

Department of Veterans Affairs (DVA)

DVA/DMPC program—Chapter 30/106 Personnel Data match.

DVA/DoD Finance Centers Chapter 32 (VEAP) Banking Activity match.

DVA/DMPC Chapter 34 Active Duty match.

DVA/RRB Retirement and Survivor Benefit Records/DVA Compensation and Pension Records match.

DVA/SSA/DOL match using Black lung benefit payment records and DVA pension and dependency and indemnity records match.

DVA/OPM Civil Service Retirement and Insurance Records with DVA Compensation and Pension Master File match.

DVA/SSA Social Security matching program.

DVA/State and local governmental agencies' wage, tax and employment security records with DVA Compensation and Pension records match.

DVA/DMDC match records of veterans in receipt of readjustment of severance pay.

DVA/Selective Service System (SSS) Veterans Assistance Discharge System match.

DVA/Office of Child Support Enforcement (OSCE) Federal Parent Locator System match.

DVA/Federal, State and local governmental and nongovernmental licensing agencies records match with DVA records of licensed or Registered Health Care Providers.

Office of Personnel Management (OPM)

OPM/DOL Office of Worker's Compensation Program (OWCP) match to identify individuals receiving prohibited concurrent Department of Labor compensation and CSRS/FERS benefits.

OPM/DoD Military Retired Pay match to identify individuals receiving prohibited military retired pay and credit for military service in their civil service annuities or erroneously receiving annuities based on the "guaranteed minimum" disability formula.

OPM/DoD Federal Salary Offset Program match to identify service retirees who owe delinquent debts to the Federal Creditor Agencies.

OPM/DoD Reemployed Annuitant match to identify civil service retirees reemployed by DoD to help insure that annuities are terminated and salaries are correctly offset where applicable.

OPM/DVA Income Dependent Benefits match provides CSRS/FERS retiree income information to allow DVA to monitor income dependent provisions of its benefits programs.

OPM/SSA Monthly match to identify individuals and provide benefit information for those subject to various offset provisions of SSA's benefits programs.

OPM/SSA Post-56 Military Service Data Exchange match to identify civil

service retirees whose annuities must be reduced for unpaid post-56 military service (due to eligibility for social security benefits at age 62) and to verify the offset amount for OPM to use in computing the annuity reduction.

Railroad Retirement Board (RRB)

RRB/SSA Wage and Benefit match to enable the RRB to pay the correct amount of benefits under the Railroad Retirement Act.

RRB/SSA Benefit Certification to RRB (Procorace) match to enable the RRB to pay SSA benefits for qualified railroad beneficiaries.

RRB/SSA Cost-of-Living Adjustment (COLA) match to enable the RRB to adjust the amount of benefits payable under the Railroad Retirement Act at the time the COLA is applied.

RRB/SSA Railroad Earnings to SSA match to enable SSA to pay the correct amount of SSA benefits when the SSA beneficiary has railroad earnings.

RRB/HCFA Death Information to RRB match to enable the RRB to terminate the annuity if the annuitant is deceased.

RRB/HCFA Medicare Nonutilization Information to RRB (RRB Aged Monitoring) match to enable the RRB to terminate an annuity if annuitant is not alive, to detect fraud in cashing checks by others, and to appoint representative payees for annuitants when needed.

RRB/DVA Income Dependent match to enable the DVA to adjust its income dependent benefits to the correct amount payable by law.

RRB/HCFA "Working Aged" match to enable HCFA to identify persons eligible for Medicare for whom Medicare is the secondary payer of medical claims.

RRB/SSA Death Information to RRB match to enable RRB to determine

whether annuitants are still entitled to receive an annuity, death being a terminating event.

RRB/IRS Taxpayer Address Information to RRB match to enable the RRB to locate persons who owe the RRB money.

RRB Unemployment and Sickness matches with certain States to enable the RRB to detect erroneous payments and to initiate action to recover the erroneously paid amounts.

RRB/SSI—CHICO match to enable SSA to determine whether SSI benefits are being paid correctly.

Selective Service System (SSS)

SSA/DED Pell Grant Computer Matching Program.

SSS/HHS Health Education Assistance Loan (HEAL) Computer Matching Program.

U.S. Postal Service (USPS)

USPS/State of Florida match to identify any postal employees in Florida who are receiving benefits to which they are not entitled under the AFDC and Food Stamp programs administered by the State.

USPS/HUD match to identify postal employees receiving public housing assistance to which they are not entitled.

USPS/DoD match to identify any USPS employees who are subject to restrictions on earnings under the Dual Compensation Act and to update DoD's listing of Ready Reservists by removing USPS critical employees.

USPS/DoD/HUD/DVA/DED/SBA/USDA/HHS/Treasury matches for Federal salary offset purposes.

[FR Doc. 89-22033 Filed 9-14-89; 9:22 am]

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TO THE EDITOR: I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours,
J. H. HARRIS, M.D.

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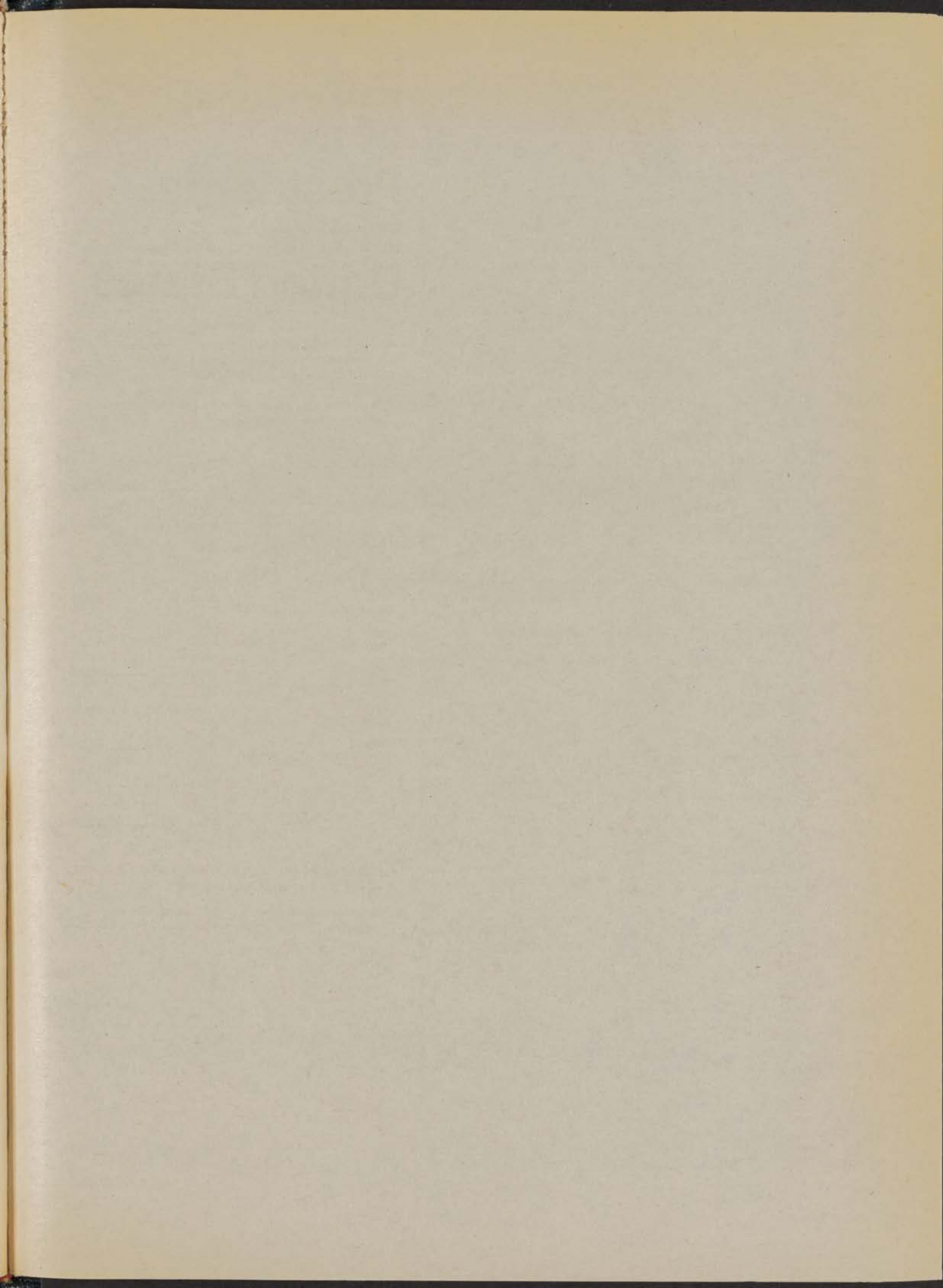
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