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Friday
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Briefing on How To Use the Federal Register
For information on briefing in New York City, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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.

NEW YORK, NY

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

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Presidential Documents

Title 3—

The President

Proclamation 6050 of October 18, 1989

National Awareness Week for Children With Cancer, 1989

By the President of the United States of America

A Proclamation

Cancer causes more than 10 percent of all deaths among children in the United States between the ages of 1 and 14. It is second only to accidents as the leading cause of death in this age group.

Families confronted by the specter of childhood cancer face one of the most difficult experiences they will ever know. These families both need and deserve the best medical and emotional support we can provide; some may need considerable financial help as well. Every family touched by childhood cancer needs the patience and understanding of its friends, neighbors, teachers, and clergy. Parents need the support and compassion of their employers, and brothers and sisters of young cancer victims need special attention—not only at home, but also at school.

Fortunately, dramatic progress has been made in the early diagnosis and treatment of childhood cancers. The number of children who die from cancer has declined by approximately one-third since 1973—a significant change over a relatively short span of time. The number of children who survive even such serious forms of cancer as Hodgkin's disease, acute lymphoctyic leukemia, Wilms' tumor, and non-Hodgkin's lymphoma has increased markedly since 1960.

Many private sector organizations and government agencies have been responsible for our Nation's progress in the fight against childhood cancer. The National Cancer Institute (NCI), part of the Department of Health and Human Services, is the Federal Government's principal agency for cancer research. Members of the NCI's Pediatric Branch and pediatric oncologists at universities and research institutes throughout the country are working tirelessly to develop improved methods for diagnosing and treating children with cancer.

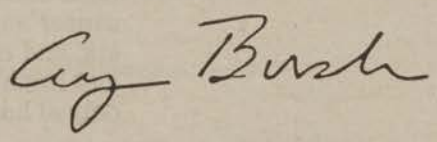
Scores of other national and local health care organizations and charitable associations play a vital role in supporting such cancer research. These organizations also help young patients and their parents cope with the emotional and financial stress caused by cancer treatment, and their efforts deserve our praise and support. Through the generosity of these groups, children suffering from cancer may be able to spend time at a special summer camp or realize a heartfelt dream; they and their parents may receive free air travel for treatment; or parents may benefit from low-cost lodging while their children obtain care far from home. Across the United States, concerned Americans have rallied to help young cancer patients and their families by founding and supporting wonderful programs like these.

Nevertheless, we still face many challenges in the fight against childhood cancer. Scientific research and advances in medicine and technology have improved our ability to detect and treat the disease, but current methods must be refined and new ones must be explored. We also must continue to support rehabilitation programs, which are particularly important for young victims of the disease. Work of this kind can help bring hope and healing to all cancer patients.

This week, we pause to recognize in a special way the brave children and their parents who struggle against cancer. We also salute the physicians and scientists who are leading research into the disease, as well as the thousands of private organizations and individual Americans who are dedicated to serving young victims and their families.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning October 15, 1989, as National Awareness Week for Children with Cancer. I invite the Governors of the States, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week. I also ask the people of the United States—in particular, health care professionals, educators, and concerned community groups—to join in reaffirming publicly our Nation's commitment to controlling childhood cancer.

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



[FR Doc. 89-24982
Filed 10-18-89; 4:40 pm]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 90-2 of October 6, 1989

Determination of FY 1990 Refugee Admissions Numbers and Authorization of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act

Memorandum for the United States Coordinator for Refugee Affairs

In accordance with Section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

a. The admission of up to 125,000 refugees to the United States during FY 1990 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1990 with federal refugee resettlement assistance under the Amerasian admissions program, as provided in paragraph (b) below.

Fourteen thousand of these admissions numbers shall be set aside for private sector admissions initiatives. Of these, 10,000 shall be used for the Soviet Union, and 4,000 for any region. The admission of refugees using these numbers shall be contingent upon the availability of private sector funding sufficient to cover the reasonable costs of such admissions.

b. The 125,000 admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this Determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia Orderly Departure Program shall be reduced by one for each person admitted to the United States during FY 1990 with federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101(e) of Public Law 100-202 (Amerasians and their family members):

Africa	3,000
East Asia, First Asylum	25,000
East Asia, Orderly Departure Program	26,500
Soviet Union	50,000*
Eastern Europe	6,500
Near East/South Asia	6,500
Latin America/Caribbean	3,500
Not Designated	4,000**

*(including 10,000 funded by the private sector)
**(funded by the private sector)

Utilization of the 111,000 federally funded admissions numbers shall be limited by such public and private funds as shall be available to the Department of State and the Department of Health and Human Services for refugee and Amerasian admissions in FY 1990. You are hereby authorized and directed to so advise the Judiciary Committees of the Congress.

Unused admissions numbers allocated to a particular region within the 111,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and

directed to consult with the Judiciary Committees of the Congress prior to any such reallocation.

The 4,000 privately funded admissions not designated for any country or region may be used for refugees of special humanitarian concern to the United States in any region of the world at any time during the fiscal year. You are hereby authorized and directed to notify the Judiciary Committees of the Congress in advance of the intended use of these numbers.

c. An additional 5,000 refugee admissions numbers shall be made available during FY 1990 for the adjustment to permanent resident status under Section 209(b) of the Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under Section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), I also specify, after appropriate consultation with the Congress, that the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States while still within their countries of nationality or habitual residence:

a. Persons in Vietnam and Laos who have past or present ties to the United States or who have been or currently are in reeducation camps in Vietnam or seminar camps in Laos, and their accompanying family members.

b. Present and former political prisoners and persons in imminent danger of loss of life in countries of Latin America and the Caribbean, and their accompanying family members.

c. Persons in the Soviet Union.

You are hereby authorized and directed to report this Determination to the Congress immediately and to publish it in the **Federal Register.**

George Bush

THE WHITE HOUSE,
Washington, October 16, 1989.

cc: The Secretary of State
The Attorney General
The Secretary of Health and Human Services

[FR Doc. 89-24941
Filed 10-18-89; 2:11 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 89-186]

Oriental Fruit Fly; Removal of a Portion of Los Angeles County From the Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the Oriental fruit fly regulations by removing a portion of Los Angeles County, California, from the list of quarantined areas. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. The effect of this action is to remove restrictions imposed by Oriental fruit fly regulations on the interstate movement of regulated articles from this formerly quarantined area.

DATES: Interim rule effective October 16, 1989. Consideration will be given only to comments received on or before December 19, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 89-186.

Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Milton C. Holmes, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective August 15, 1989, and published in the **Federal Register** on August 21, 1989 (54 FR 34477-34483, Docket No. 89-144), we established the Oriental fruit fly regulations and quarantined an area of Los Angeles County, California, in the West Covina area. In another interim rule, effective September 19, 1989, and published in the **Federal Register** on September 25, 1989 (54 FR 39161-39162, Docket No. 89-170), we amended the Oriental fruit fly regulations by adding an additional portion of Los Angeles County and an adjoining portion of Orange County, California, to the list of quarantined areas. This quarantined area is known as the Cerritos area.

The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas in order to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. The regulations also designate soil, and a large number of fruits, nuts, vegetables, and berries, as regulated articles.

Based on trapping surveys conducted by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the Oriental fruit fly has been eradicated from the West Covina quarantined area in Los Angeles County, California. The last finding of Oriental fruit fly in this area was made on July 22, 1989.

Since then, no evidence of infestations has been found in that area. We have determined that infestations no longer exist in the West Covina quarantined area of Los Angeles County, California.

The Cerritos area of Los Angeles and Orange Counties, California, remains infested with Oriental fruit fly.

Immediate Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. A portion of Los Angeles County, California, in the West Covina area was quarantined due to the possibility that the Oriental fruit fly could be spread from this area to noninfested areas of the United States. Since this situation no longer exists, and because the quarantined status of this portion of Los Angeles County imposes an unnecessary regulatory burden on the public, we have taken immediate action to remove these restrictions.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, and because this rule relieves a regulatory restriction, there is good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this interim rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**, including discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

This regulation affects the interstate movement of regulated articles from a portion of Los Angeles County, California. It appears that there is very little commercial activity in the

quarantined area that may be affected by this rule. Within the West Covina area there are approximately 75 nurseries, 2 open fruit stands, 2 community gardens, and 25 locations producing cucumbers, tomatoes, and avocados. These small entities comprise less than ½ of 1 percent of the total number of small entities that move these articles interstate from nonquarantined areas in California. In addition, most of their sales are for local intrastate markets, not interstate markets, and were therefore not affected by the regulatory provisions we are removing. Those sales that were affected were generally of articles that could be moved, without significant added costs, after treatment in accordance with the Plant Protection and Quarantine Treatment Manual, incorporated by reference in the regulations.

Also, many of the nurseries sell other items in addition to the regulated articles, minimizing the effect of the quarantine.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, Subpart V.)

List of Subjects in 7 CFR Part 301

Agricultural commodities, Oriental fruit fly, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Incorporation by reference.

Accordingly, 7 CFR Part 301 is amended to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 301.93-3 [Amended]

2. In § 301.93–3, paragraph (c) is amended by removing the first paragraph under "California" that begins "Los Angeles County—That portion of the county in the West Covina area * * *".

Done in Washington, DC, this 16th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–24845 Filed 10–19–89; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 688]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 688 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 307,622 cartons during the period October 22 through October 28, 1989. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 688 (7 CFR part 910) is effective for the period October 22 through October 28, 1989.

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

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

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

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

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

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

This regulation is consistent with the California-Arizona lemon marketing policy for 1989–90. The Committee met publicly on October 17, 1989, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and, by a 9 to 2 vote, recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is good.

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

effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

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

PART 910–LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.988 is added to read as follows:

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

§ 910.988 Lemon Regulation 688.

The quantity of lemons grown in California and Arizona which may be handled during the period October 22, 1989, through October 28, 1989, is established at 307,622 cartons.

Dated: October 18, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89–24939 Filed 10–19–89; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 989

[FV–89–052FR]

Raisins Produced From Grapes Grown in California; Revision of the Maturity Dockage System for Certain Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the maturity dockage system for natural (sun-dried) seedless, golden seedless, dipped seedless, oleate and related seedless, Monukka, and other seedless raisins. Currently, handlers may acquire any lot of these raisins which contain 35.0 percent to 49.9 percent, by weight, of well-matured or reasonably well-matured raisins under a maturity dockage system. This action will reduce by 50 percent the dockage factors applied to such lots. This revision was recommended by the Raisin Administrative Committee (RAC), which is responsible for local administration of the order. The purpose of the revision is to provide a more accurate determination of the creditable weight of lots of raisins which are delivered to handlers by producers.

EFFECTIVE DATE: October 20, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2524–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 475–3920.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 989 [7 CFR part 989], both as amended, regulating the handling of raisins produced from grapes grown in California. This agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation No. 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 23 handlers who are subject to regulation under the raisin marketing order and approximately 5,000 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having gross annual revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. A majority of raisin producers and a minority of raisin handlers may be classified as small entities.

This final rule revises the administrative rules and regulations of the raisin marketing order. This action was recommended by the RAC at its April 20, 1989 meeting.

The marketing order provides that handlers may receive producers' natural condition raisins which exceed the tolerance established for maturity (i.e., at least 50 percent of the raisins must be well-matured or reasonably well-matured) under the maturity dockage system. This system applies a weight reduction to individual lots of raisins which contain from 35.0 percent through 49.9 percent, by weight, well-matured or reasonably well-matured raisins. The weight reduction approximates the weight of the raisins needed to be removed in order for the lot to meet minimum grade requirements.

The dockage system is used for the following varietal types: natural (sun-dried) seedless raisins, golden seedless raisins, dipped seedless raisins, oleate and related seedless raisins, Monukkas, and other seedless raisins.

The creditable weight of each lot of raisins acquired by handlers under the maturity dockage sysem is obtained by multiplying the applicable net weight of the lot of raisins by the applicable dockage factors in the dockage table under § 989.213. Handlers acquire and producers are paid according to the creditable weight of raisins delivered to handlers. Lots of raisins containing 50.0 percent or more of raisins which are well-matured or reasonably well-matured have met what the industry calls the "B or better" maturity standard.

In addition to meeting the requirement that 50 percent or more of the raisins are well-matured or reasonably well-matured, lots of raisins must meet other requirements in order to be considered standard. Natural (sun-dried) seedless raisins, for example, must have been prepared from sound, wholesome, matured grapes that have been properly dried and cured. They must be fairly free from damage by sugaring, mechanical injury, sunburn, or other similar injury. They must have the normal characteristic color, flavor, and odor of properly prepared raisins for that varietal type. They may contain no more than five percent, by weight, of underdeveloped raisins. They must be fairly free from shattered or loose end berries and be uniformly cured. These are most, but not all, of the requirements for standard raisins of the natural (sun-dried) seedless varietal type.

Handlers may also acquire producers' raisin lots which contain fewer than 50.0 percent, by weight, of well-matured or reasonably well-matured raisins. However, raisin lots containing 49.9 percent or less, by weight, of raisins which are well-matured or reasonably well-matured are subject to a dockage

factor. These factors reduce the weight of the raisin lots by an amount approximating the weight of the raisins needed to be removed in order for the remainder of the lot to meet minimum grade requirements. Producers' payments are reduced accordingly. Raisin lots below the 35.0 percent level are considered off-grade and require reconditioning. Producers incur the reconditioning costs necessary to bring such lots within acceptable requirements.

Currently, the weight of the raisin lots containing between 45.0 percent and 49.9 percent well-matured or reasonably well-matured raisins is reduced by 0.1 percent for each 0.1 percent of well-matured or reasonably well-matured raisins the lot contains below 50.0 percent, down to 45.0 percent. The weight of lots containing between 40.0 percent and 44.9 percent well-matured or reasonably well-matured raisins is reduced an additional 0.2 percent for each 0.1 percent the lot is below 45.0 percent down to 40.0 percent. The weight of raisin lots containing between 35.0 percent and 39.9 percent raisins which are well-matured or reasonably well-matured is reduced an additional 0.3 percent for each 0.1 percent the lot is below 40.0 percent, down to 35.0 percent.

A majority of the RAC believes that the current dockage factors are too stringent and that applying them results in a creditable fruit weight which understates the maturity of lots of raisins in the three maturity levels mentioned above (45.0 to 49.9 percent, 40.0 to 44.9 percent, and 35.0 to 39.9 percent well-matured or reasonably well-matured). Therefore, the RAC has recommended revisions in the maturity dockage system in order to provide creditable fruit weights which better represent the maturity of the raisins.

The RAC has recommended that the dockage factors be reduced by 50 percent for each of the three maturity levels. Lots of the previously named varietal types containing between 45.0 percent to 49.9 percent well-matured or reasonably well-matured raisins will be docked 0.05 percent (i.e., the weight will be reduced by 0.05 percent) for each 0.1 percent the lot is below 50.0 percent down to 45.0 percent. Producers delivering raisins in the 40.0 percent to 44.9 percent well-matured or reasonably well-matured range will receive an additional 0.1 percent weight reduction for each 0.1 percent the raisins were below 45 percent, down to 40.0 percent. Producers delivering raisins in the 35.0 percent to 39.9 percent range will receive an additional 0.15 percent weight reduction for each 0.1 percent the raisins were below 40.0 percent, down to 35.0 percent. Lots containing 34.9 percent or less of raisins which are well-matured or reasonably well-matured will continue to be considered off-grade and require reconditioning before they could be acquired by handlers.

The maturity dockage system was implemented to deduct from the delivered weight an amount approximating the amount of raisins which would need to be removed by handlers during reconditioning to bring the lot of raisins to the 50 percent well-matured or reasonably well-matured level. This action is needed to provide creditable fruit weights which are more representative of the maturity of the raisins. Reducing the dockage factors will increase producer returns because the weight of raisin lots containing from 35 percent to 50 percent well-matured or reasonably well-matured raisins, will not be reduced as much as the rules currently provide. Since producers' payments are based on the creditable weight of the raisins, producers will be credited with delivering more raisins. This will increase producers' payments and the increases would be paid by handlers. In addition, this action may reduce producers' expenses because it may reduce the cost of reconditioning a lot of raisins to bring it to the 50 percent level.

Notice of this action was published in the August 24, 1989, issue of the **Federal Register** [54 FR 35192]. Written comments were invited from interested persons until September 8, 1989. One comment was received from Ernest A. Bedrosian, President of the National Raisin Company, in opposition to the proposal.

Mr. Bedrosian stated in his comment that, through experience at his packing facility, the original 0.1 percent dockage factor was more in line with the actual weight of raisins needed to be removed in order for the lot to meet minimum grade requirements. The RAC has determined, however, that applying the current 0.1 percent dockage factor results in a creditable fruit weight which sometimes understates the maturity of lots of raisins. Therefore, the RAC recommended that the dockage factors be reduced by 50 percent to obtain a creditable fruit weight which better represents the maturity levels of raisins. The Department agrees that this action is necessary in order to obtain more accurate creditable fruit weights which will reflect the actual maturity level of lots of raisins.

Mr. Bedrosian also stated that the recommendation was forced upon the independent handlers because they have a minority vote on the RAC. The membership of the RAC is in conformance with requirements specified in the order (§ 989.26), which was approved by producers in a referendum. The RAC membership is representative of the industry as a whole. A majority vote of the RAC indicated to the Department that the RAC believes this change is in the best interests of the industry.

Mr. Bedrosian asserted that this change will result in a much larger quantity of poor quality raisins, which would not be in the best interest of the consumer. He also stated that consumer prices will increase because of the extra processing costs that handlers will have to absorb. The maturity dockage factor represents only a small portion of the price determination of raisins. Therefore, the potential for this action to cause any significant increase in consumer prices is negligible. Further, producers are not likely to change their cultural practices and intentionally reduce the quality of their crops, since such a change would affect producers' income. Therefore, the Department doesn't believe there will be a larger quantity of poor quality raisins, as the commenter suggests. This action would provide for more accurate determinations of the maturity of raisins and is desirable for that reason. Accordingly, the Department has concluded that this action is not likely to reduce the quality of the raisins produced or to increase consumer prices.

Mr. Bedrosian also asserts that producers would not benefit because this action would artificially inflate raisin production due to the acceptance of larger quantities of lower quality raisins. Mr. Bedrosian feels that this could result in a lower volume of free tonnage raisins and an increased volume of reserve tonnage raisins. When volume regulations are in effect, free tonnage raisins may be shipped immediately into any market. Reserve tonnage raisins must be held for later sale. Thus, Mr. Bedrosian asserts that there would be fewer free tonnage raisins available for sale and less immediate returns to the producers. There is no indication that production figures would be inflated. Further, the RAC and the Department feel that it is unlikely for there to be significant increases in deliveries of low maturity raisins, since producers' payments are based on the creditable fruit weight of raisins delivered. Producers will continue to receive a larger payment for raisins that are 50 percent and higher

well-matured or reasonably well-matured and raisin lots below the 50 percent level will continue to be docked. Some producers will receive a slightly higher price for raisins in the 35 to 50 percent range of maturity because of this change. This would be a benefit to producers. In addition, there is no expectation that lower quality raisins would enter the market, since outgoing quality requirements which packed raisins must meet will remain unchanged.

Therefore, based on the Department's evaluation of the information and recommendation submitted by the RAC, the comment is denied.

Based on available information, the Administrator of the AMS has determined that issuance of this final rule will not have a significant economic impact on a substantial number of small entities. The action is expected to benefit producers by increasing their returns.

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

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). This action will reduce the maturity dockage factor by 50 percent in order to provide a more accurate determination of the creditable fruit weight of producers' raisin deliveries. It should be effective as soon as possible since August 1 was the beginning of the 1989–90 crop year, and producers have begun delivering new crop raisins to handlers.

List of Subjects in 7 CFR Part 989

California, Grapes, Marketing agreements and orders, Raisins.

For the reasons set forth in the preamble, 7 CFR part 989 is revised to read as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 is revised to read as follows:

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

Subpart—Administrative Rules and Regulations

2. Paragraphs (b), (c), and (d) of § 989.213 are revised to read as follows:

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

§ 989.213 Maturity dockage.

* * * * *

(b) Maturity dockage table applicable to lots of natural (sun-dried) seedless, golden seedless, dipped seedless, oleate and related seedless, Monukka, and other seedless raisins which contain 45.0 percent through 49.9 percent well-matured or reasonably well-matured raisins:

	Dockage factor
Percent well-matured or reasonably well-matured:	
50.0 or more	[1]
49.9	0.9995
49.8	.9990
49.7	.9985
49.6	.9980
49.5	.9975

[1] No dockage.

Note: Percentages less than the last percentage shown in the table, down to 45.0 percent, shall be expressed in the same increments as the foregoing, and the dockage for each such increment shall be .0005 less than the dockage factor for the preceding increment.

(c) Maturity dockage table applicable to lots of natural (sun-dried) seedless, golden seedless, dipped seedless, oleate and related seedless, Monukka, and other seedless raisins which contain 40.0 percent through 44.9 percent well-matured or reasonably well-matured raisins:

	Dockage factor
Percent well-matured or reasonably well-matured:	
44.9	0.974
44.8	.973
44.7	.972
44.6	.971
44.5	.970
44.4	.969

Note: Percentages less than the last percentage shown in the table, down to 40.0 percent, shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .001 less than the dockage factor for the preceding increment.

(d) Maturity dockage table applicable to lots of natural (sun-dried) seedless, golden seedless, dipped seedless, oleate and related seedless, Monukka, and other seedless raisins which contain 35.0 percent through 39.9 percent well-matured or reasonably well-matured raisins:

	Dockage factor
Percent well-matured or reasonably well-matured:	
39.9	0.9235
39.8	.9220
39.7	.9205
39.6	.9190
39.5	.9175
39.4	.9160

Note: Percentages less than the last percentage shown in the table shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment be .0015 less than the dockage factor for the preceding increment. No dockage shall apply to lots of raisins containing 34.9 percent or less of well-matured or reasonably well-matured raisins.

Dated: October 18, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89–24942 Filed 10–19–89; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 80–019F]

RIN 0583–AA65

Immersion Cured and Dry Cured Bacon

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to prohibit the use of nitrate in the preparation of immersion cured bacon and dry cured bacon. This rule will also limit sodium nitrite to 120 parts per million (ppm) going into immersion cured bacon bellies and to 200 ppm going into dry cured bacon bellies. The principal effect of this rule is to reduce the possible formation of nitrosamines in bacon by prohibiting the use of nitrate and limiting the use of nitrite in the production of immersion cured and dry cured bacon. The regulations will also be amended to provide that massaged bacon, a new product which is similar to pumped bacon, will be regulated like pumped bacon, for which the use of nitrate is already prohibited.

This rule also corrects two typographical errors in § 318.7(c)(4) concerning the quantitation of nitrite in cured products.

EFFECTIVE DATE: January 18, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Inspection Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator also 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, Public Law 96-354 (5 U.S.C. 601). There are approximately 200 establishments now producing either dry cured, immersion cured or massaged bacon products. All of these establishments would be subject to this rule. Of these 200 establishments, 5 produce either massaged or immersion cured bacon and the remaining 195 produce dry cured bacon. The majority of these 200 establishments can be considered as small entities, because they produce a low volume of bacon products per establishment. Information from an Agricultural Research Service survey indicates that the majority of establishments which produce dry cured bacon no longer use nitrate in their cure.[1] Thus, the majority of affected establishments are now operating in compliance with the requirements on use of nitrate. The few establishments which are still using nitrate as part of their curing process must eliminate its use but may substitute nitrite to achieve the same technical effect. There is no significant cost difference between the purchase of nitrate or nitrite. Limiting the amount of nitrite that may be used in the product is expected to have a positive affect on producers as they will be able to use less nitrite and thus save on the cost of purchasing nitrite.

Background

On January 13, 1989, the Food Safety and Inspection Service (FSIS) published a proposal in the **Federal Register** (54 FR 1371) to amend the Federal meat inspection regulations to prohibit the use of nitrate in the preparation of dry cured and immersion cured bacon, and to limit the use of nitrite [2] to 200 parts per million (ppm) in dry cured bacon bellies and to 120 ppm in immersion cured bacon bellies. It also proposed to apply the pumped bacon requirements to massaged bacon and correct two typographical errors.

Bacon may be produced by any of three principal curing methods. Most bacon, about 98 percent, is prepared by injecting or tumbling a curing solution containing water, salt, flavorings and nitrite into pork bellies so that there is an immediate penetration of the cure into the muscle tissues. This is referred to as pumped bacon. The other two percent are divided between immersion cured and dry cured bacon. Immersion cured bacon is prepared by placing pork bellies in vats and then either completely covering them with the curing solution or adding a dry cure mixture and allowing the natural tissue fluids extracted by the cure to cover the bacon. Dry cured bacon is produced by rubbing a dry mixture of salt, flavorings and nitrite onto the surface of each pork belly. The dry cure must be dissolved by the natural tissue fluids and allowed to diffuse throughout the meat. The curing time is shortest for pumped bacon and longest for dry cured bacon.

The use of nitrate in the curing of meat can be traced back several hundred years. In the early 1900's, chemists and meat scientists began to understand some of the mechanisms of the nitrate curing process. Nitrate's principal role is as a source of nitrite which fixes the characteristic pink color in cured meat products. In recognition of this, the Department subsequently approved the direct use of nitrites in cured meats to reduce dependence on the unreliable conversion of nitrate to nitrite. Subsequently, nitrite was found to have additional benefits which increased shelflife and safety of cured meats. Nitrite retards rancidity and inhibits the growth of some bacteria.

Nitrate and nitrite have continued to be used separately and in combination in many cured products. With current technology nitrate remains useful as a source of residual nitrite in certain products such as hams and sausages that are cured for several weeks. Agency surveys of dry cured hams and sausages using nitrate have not demonstrated the nitrosamine problem that exists with bacon, as described below.

Until the late 1960's, the Department believed that acute toxicity from excessive consumption of nitrite was the only concern with its use. However, in 1971, analysts at the Department and the Food and Drug Administration reported nitrosamines in some meat food products (especially pumped bacon) to which nitrite had been added. Nitrosamines are formed when nitrite combines with secondary and tertiary amines in the meat product under appropriate conditions. Many of the nitrosamines, including some found in pumped bacon, have been demonstrated to be carcinogenic to laboratory animals.[3] Nitrosamines are apparently formed in bacon during cooking and can be reduced or prevented by limiting the residual nitrite and adding certain inhibitors of the reaction to the product.

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary of Agriculture is responsible for assuring that meat and meat food products distributed to consumers are wholesome and not adulterated (21 U.S.C. 602). Section 6 of the FMIA (21 U.S.C. 606) directs the Secretary, through inspectors, to examine all meat food products prepared for distribution in commerce in any slaughtering, meat canning, salting, packing, rendering, or similar establishment. Inspectors shall mark or label as "Inspected and passed" all such products found to be not adulterated and "Inspected and condemned" all such products found to be adulterated within the meaning of section 1(m) of the FMIA (21 U.S.C. 601(m)).

Section 1(m) of the FMIA defines an adulterated product, in part, as product that "* * * bears or contains any poisonous or deleterious substance which may render it injurious to health. * * *" (21 U.S.C. 601(m)(1)).

In response to the finding of nitrosamines in pumped bacon, FSIS published a regulation in 1978 prohibiting the use of nitrate in pumped bacon, limiting the amount of ingoing

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[1] Fiddler, W., Pensabene, J.W., Gates, R.A., Foster, J.M. & Smith, W.J. (1989) *J. Assoc. Off. Anal. Chem.* 72, 19-22. A copy of the ARS Survey is available for public inspection in the office of the FSIS Hearing Clerk.

[2] As used in this document, the term "nitrite" refers to either sodium nitrite or potassium nitrite. However, unless specifically noted otherwise, quantity declarations are stated on the basis of the sodium salt. A conversion to approximate potassium salt equivalent is accomplished by multiplying by 1.23.

[3] Preussman, R., Schmohl, D. & Eisenbrand, G. (1977) Carcinogenicity of N-nitrosopyrrolidine: dose study in rats. *Z. Krebsforsh 90* 161-166.

nitrite in pumped bacon to 120 ppm, and requiring that sodium ascorbate or sodium erythorbate be added at 550 ppm (43 FR 20992). Sodium ascorbate and sodium erythorbate are compounds capable of decreasing nitrosamine formation in pumped bacon. Since that time, an active sampling and nitrosamine testing program for pumped bacon has been in effect.

Although FSIS did not address the levels of nitrites and nitrates in dry cured products in the rulemaking proceedings concerning pumped bacon, FSIS did begin an assessment to determine whether the formation of nitrosamines in dry cured products was of similar regulatory concern. The principal findings were as follows:

1. In a 1976 market basket survey, the Food and Drug Administration tested one sample of dry cured bacon. No nitrosamines were detected; however, formulation of the cure and processing procedures were unknown.

2. In October 1977, FSIS published a notice (42 FR 55626) requesting information as to whether carcinogenic nitrosamines are formed in cured meat products as a result of ordinary conditions of processing and/or preparation for consumption. The Nitrite Safety Council, an organization composed of representatives from several meat processor trade associations, submitted data [4] in response to this request. The data consisted of the analytical results from 15 samples of dry cured bacon collected and analyzed by the Nitrite Safety Council. Of these samples, 13 had been cured with nitrite, or nitrite and nitrate in combination. The ingoing range was from .027 ounce of nitrite alone per 100 pounds of meat to 3 ounces of nitrate plus 1 ounce of nitrite per 100 pounds of meat. One of the other two samples received the maximum allowable amount of sodium nitrate (3.5 ounces per 100 pounds of meat) but no nitrite. Nitrosamines were not found at confirmable levels in this sample. In the 13 samples in which nitrite had been used in processing, findings by the mineral oil vacuum distillation and thermal energy analyzer (TEA) screening test range from undetectable to 180 parts per billion (ppb) of nitrosopyrrolidine (a carcinogenic nitrosamine). Seven of the 13 findings indicated that carcinogenic nitrosamines were present at levels of 10 ppb or greater.

The Department monitored the collection and preparation of the samples analyzed by the Council. In addition, the Department analyzed companion samples to those tested by the Council. These monitoring results, including successful confirmation in all cases attempted, established the validity of the data submitted by the Council.

3. To get additional information on the occurrence of nitrosamines in bacon made with dry curing materials, the Department, in 1978, tested 39 additional bacon samples.[5] The results of the screening tests ranged from undetectable to 199 ppb. In 18 of the 39 samples, there were levels of carcinogenic nitrosamines widely recognized by scientists as confirmable. Three of these samples were selected as part of a nine-sample confirmation effort for TEA results. In all three cases, the presence of carcinogenic nitrosamines was confirmed.

4. Finally, in 1979, the Nitrite Safety Council reported additional data as part of a small study [6] to determine the effect of reducing ingoing nitrite to 120 ppm and adding sodium erythorbate as a nitrosamine inhibitor in pork bellies. The study was conducted in four cooperating processing establishments. Analyses of the samples were limited to a TEA screening of 10 individual pork bellies from one establishment and three 10-belly composite samples each from a different establishment. Analyses of these pork bellies revealed the presence of nitrosamines from 4 to 16 ppb in the individual bellies and 8 to 18 ppb in the composite belly samples. Although the Council reported that the results indicate that acceptable dry cured bacon with a very low potential for nitrosamine formation can be produced by using reduced levels of added sodium nitrite coupled with sodium erythorbate, the study was too small to permit the Department to draw any firm conclusions. However, nitrosamines were found in one of the composite samples.

The foregoing data show that the incidence of confirmable levels of nitrosamines in bacon prepared with dry curing materials may be high. Therefore, on June 27, 1980, FSIS published a proposed rule (45 FR 43425) to regulate production procedures for dry cured bacon. The proposal would have established a monitoring program and specific requirements for water activity and salt content. Most of the 117 commenters opposed the proposed rule because they believed the proposed water activity and salt content would make the product unsalable. Commenters also believed the monitoring program would result in many small processors closing. However, because of the potential adverse impacts on these producers and the inconclusive data on which the proposal was based, the June 27, 1980 proposal was withdrawn.

At the time the 1980 proposal was published, FSIS formed an expert task force to study the manufacture of dry cured bacon. The task force initiated a survey [7] of dry cured bacon producers to gather information on the current production practices. Producers were asked to voluntarily submit formulations and samples of dry cured product for laboratory testing. Of the 143 samples which were submitted, 135 were tested. The samples were analyzed for residual nitrate and nitrite, salt, moisture, nitrosamines, pH, fat, protein, and water activity.

Throughout the several tests conducted with dry cured bacon, nitrosamines were consistently found. The task force concluded that residual nitrite was a primary cause of high nitrosamine levels in high fat products such as bacon. Curing time in excess of a week was a secondary factor contributing to high nitrosamine levels in dry cured bacon. With the information gained from the survey, the task force prepared guidelines in 1983 for the manufacture of dry cured bacon. The guidelines recommended that manufacturers carefully control nitrite by (1) accurately measuring the amount added, (2) adding no more than 200 ppm of nitrite and (3) adding no nitrate. In addition, the guidelines recommended that bellies should be sorted according to weight and thickness; that bellies should not be cured for more than 7 days per inch of thickness at 36–43° F.; and that bellies should be cured with the skin off and not processed to excessive dryness. Since nitrate would be of little use in product cured for less than a week and it would be an uncontrolled source of residual nitrite, the task force recommended that nitrate not be used to cure bacon.

Although the task force's 1980 survey was not intended to include immersion cured bacon, six samples were received which had been cured by this method. Five of the six samples had nitrosopyrrolidine levels greater than 10 ppb and three of these samples had levels greater than 20 ppb. This data indicates that immersion cured bacon

[4] A copy of this data is available for public inspection in the office of the FSIS Hearing Clerk.

[5] The 39 bacon samples were part of a larger survey conducted by the Department on dry cured hams, pork shoulders, and bacon.

[6] A copy of this study is available for public inspection in the office of the FSIS Hearing Clerk.

[7] A copy of this survey report is available for public inspection in the office of the FSIS Hearing Clerk.

also has a significant potential for nitrosamine formation. To verify these findings, and assess the nitrosamine levels in immersion cured bacon, an additional survey was done in 1980. This survey tested 59 samples of regular immersion cured bacon. Forty-nine percent of these samples had introsamine values equal to or greater than 17 ppb. This survey confirmed that immersion cured bacon has a potential for nitrosamine formation which is associated with residual nitrite in the raw product.

On January 13, 1989, FSIS published a proposed rule (54 FR 1371) to amend § 318.7(b) of the Federal meat inspection regulations (9 CFR 318.7(b)) to provide that certain provisions relating to a laboratory monitoring test system, apply only to pumped bacon (9 CFR 318.7(b)(1)). Requirements for immersion cured bacon would also be set forth separately in the regulations; they would provide for the use of ingoing nitrite at 120 ppm, or an equivalent amount of potassium nitrite (148 ppm). These are the same as the amounts permitted in pumped bacon. Since the cure ingredients are already in solution surrounding the pork bellies, diffusion of the nitrite into the product is facilitated.

For dry cured bacon, the manner by which dry curing materials enter the pork bellies is essentially one of absorption. For dry cured bacon, the proposal provided that nitrite would be limited to 200 ppm going into the product. To accurately control the amount of nitrite in the product and because of the variability of the conversion of nitrate to nitrite, the use of nitrate would be prohibited in both immersion cured bacon and dry cured bacon as it now is in pumped bacon.

A recent innovation in bacon manufacturing has been the introduction of massaged bacon. In this process pork bellies are placed in drums with the curing solution and tumbled until the cure is absorbed. All of the curing solution is incorporated into the bacon. As such, it is similar to pumped bacon where the curing solution is injected into the pork belly. In recognizing the similarity between these two products, FSIS would treat them the same and apply the pumped bacon requirements to massaged bacon.

Two typographical errors which were discovered in the chart in § 318.7(c)(4) of the regulations (9 CFR 318.7(c)(4)) in which the word "nitrate" should be "nitrite", would also be corrected.

Comments on the Proposed Rule

On January 13, 1989, a proposed rule was published. FSIS received four comments in response to the proposal—one from a consumer, one from a professional association and two from State-inspected establishments.

Comments:

1. A consumer supports the action to prohibit the use of nitrate in the preparation of bacon, but also believes that nitrite should also be eliminated from bacon.

Response. Meat science experience has shown that nitrite is necessary to cure bacon and that its use can be controlled to produce safe product. In addition to fixing color in cured meats, nitrite provides to other benefits: It inhibits rancidity and it inhibits microbiological growth. Therefore, until an efficacious substitute is found, FSIS will continue to permit the use of nitrite in bacon.

2. The American Veterinary Medical Association supports the action to remove nitrate from dry cured bacon and to limit the amount of nitrite. However, it cautioned that the Agency should be sure that these changes do not allow other microbiological problems of public health significance to emerge.

Response. In developing this rule, FSIS has considered the potential for microbial adulteration of reduced nitrite product. Since there are many manufacturers presently conforming to this rule and present knowledge of microbiology indicates that the potential for adulteration is negligible, FSIS believes this rule will not result in the emergence of new microbiological problems.

3. Two comments which oppose the regulation came from State inspected meat processors. The first commenter claims that he is using old curing recipes which require the use of nitrate, and that he will lose business if he must change his curing methods.

Response. FSIS believes that it is important to prohibit the use of nitrate because the process which produces nitrite from nitrate cannot be accurately controlled. Thus, an excess of nitrite may remain in the cured bacon which will react with the naturally occurring amines during frying and create significant levels of carcinogenic nitrosamines. Additionally, the relatively short curing times used for bacon permit little nitrate to be converted to nitrite. Thus, the nitrate is not a significant factor during the product's manufacture. However, during storage, shipping and retailing, additional nitrate converts to nitrite, raising the residual nitrite level, and increasing the nitrosamine levels upon cooking. The State inspection program and the State University Meat Science Department can assist the processor in adjusting curing formulation to be in compliance with this regulation and still meet the customer's expectations.

4. The second opposing commenter, also a State inspected processor, first questioned if the proposed regulation would apply to custom exempt product. FSIS responded that since the adulteration provisions of the Federal Meat Inspection Act apply to custom products (see 21 U.S.C. 623(c)) and products containing nitrosamines are adulterated, the regulation would apply. This individual then responded after the close of the comment period with a letter opposing the regulation.

In this letter the commenter stated that it is difficult to control the ingoing nitrite. It would require weighing each pair of bellies because the diet and breed of pig affect the absorption rate. The additional cost would be passed on to the customer who would protest the charges. The commenter also stated that the regulations do not allow for the local custom of using rind-on side pork; and, that the regulation would cause a large burden on the State inspectors since they would have to enforce it.

Response. The active ingredient in the curing process is nitrite, which is easier to control directly than nitrate, since the conversion of nitrate to nitrite is not consistent and occurs after the product is in storage. If the absorption rate is affected by diet and breed, then it is even more important to control the amount of ingoing nitrite to prevent nitrosamine formation.

The task force recommended weighing bellies individually or separating them by size so that cure application would be uniform for different sizes. Controlling the amount of curing mixture is not only important to limit the amount of nitrite and reduce nitrosamine formation, but also to make a product that is consistent and that meets the customer's expectations.

This regulation does not prohibit the production of rind-on side pork. It was the recommendation of the task force that the bellies be skinned; however, that is not a requirement. If rind-on bellies are cured, then an estimated weight of the skinless bellies is required to calculate the appropriate amount of nitrite in the cure. The Agency does not foresee an increased burden on the inspection programs, since there is no sampling program mandated for dry-cured and immersion cured bacon. The normal inspection oversight should be sufficient to enforce this regulation.

Final rule

For reasons set forth in the preamble, title 9, subchapter A, part 318, of the

Code of Federal Regulations is amended as set forth below:

List of Subjects in 9 CFR Part 318

Food additives, Meat inspection.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for part 318 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*), 72 Stat. 862, 92 Stat. 1069, as amended, (7 U.S.C. 1901 *et seq.*), 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 318.7 is amended by revising paragraph (b) introductory text and the introductory phrase of paragraph (b)(1), and by adding new paragraphs (b)(5) and (b)(6) to read as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(b) Requirements for the use of nitrite and sodium ascorbate or sodium erythorbate (isoascorbate) in bacon. Nitrates shall not be used in curing bacon.

(1) *Pumped bacon.* With respect to bacon injected with curing ingredients and massaged bacon: * * *

* * * * *

(5) *Immersion cured bacon.* Immersion cured bacon may be placed in a brine solution containing salt, nitrite and flavoring material or in a container with salt, nitrite and flavoring material. Sodium nitrite shall not exceed 120 ppm ingoing or an equivalent amount of potassium nitrite (148 ppm ingoing) based on the actual or estimated skin-free green weight of the bacon bellies.

(6) *Bacon made with dry curing materials.* With respect to bacon made with dry curing materials, the product shall be cured by applying a premeasured amount of cure mixture to the bacon belly surfaces, completely covering the surfaces. Sodium nitrite shall not exceed 200 ppm ingoing or an equivalent amount of potassium nitrite (246 ppm ingoing) in dry cured bacon based on the actual or estimated skin-free green weight of the bacon belly.

3. Section 318.7(b)(2) is amended by changing each reference to the word "bacon" to read "pumped bacon".

4. In the chart in § 318.7(c)(4), the listing for the curing agent sodium or potassium nitrite for the purpose to fix color is corrected by changing "nitrate" in the last sentence under "Substance" to read "nitrite" and by changing "sodium nitrate" in the next to last sentence under "Amount" to read "Sodium nitrite."

Done at Washington, DC, on October 17, 1989.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 89-24777 Filed 10-19-89; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-93-AD; Amdt. 39-6366]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Airbus Industrie Model A300 series airplanes, which requires a one-time inspection of certain landing gear (MLG) uplock control bellcrank support bearings, and replacement, if necessary. This amendment is prompted by one report that both MLG's did not extend in a free-fall mode due to a jam caused by defective bearings. This condition, if not corrected, could result in the inability to extend the MLG in the free-fall mode following a failure of the normal extend mode.

EFFECTIVE DATE: November 27, 1989.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie 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: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to Airbus Industrie Model A300 series airplanes, which requires a one-time inspection of certain main landing gear (MLG) uplock control bellcrank support bearings, and replacement, if necessary, was published in the **Federal Register** on July 11, 1989 (54 FR 29053).

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

The commenter supported the rule.

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

It is estimated that 66 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 the AD on U.S. operators is estimated to be $13,200.

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 adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A300 series airplanes, serial numbers up to and including 253, certificated in any category. Compliance is required within 100 landings after the effective date of this AD, unless previously accomplished.

To prevent malfunction of the main landing gear in the free fall mode, accomplish the following:

A. Inspect both main landing gears for defective uplock control bellcrank support bearings, P/N NSA 8116-16, in accordance with All Operators Telex (AOT) 32/88/02, dated December 14, 1988. If a defective bearing is found, replace it with a serviceable bearing prior to further flight.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to 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, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 27, 1989.

Issued in Seattle, Washington, on October 11, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24787 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-106-AD; Amdt. 39-6367]

Airworthiness Directives; Boeing Model 737-400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 737-400 series airplanes, which requires repetitive inspections for chafing between the number two engine throttle cable and adjacent right wing front spar bracket. This amendment is prompted by one report of throttle cable failure and additional reports of a significant number of the cables inspected and found to be worn or frayed on the Boeing 737-300 series airplane. In this area, the Model 737-400 is similar to the Model 737-300. This condition, if not corrected, could result in throttle cable separations and subsequent loss of engine throttle control.

EFFECTIVE DATE: November 27, 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. Stephen Bray, Propulsion Branch, ANM-140S; telephone (206) 431-1969. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 737-400 series airplanes, which requires a repetitive inspection of the number two engine throttle cable, located near the right wing front spar, for chafing, was published in the **Federal Register** on July 18, 1989 (54 FR 30061).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Air Transport Association, the sole commenter responding to our proposal, was fully supportive.

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 50 Model 737-400 series airplanes of the affected design in the worldwide fleet. It is estimated that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,440.

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.

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

Boeing: Applies to Model 737-400 series airplanes, equipped with CFM International CFM56-3 series engines, certificated in any category. Compliance required as indicated, unless previously accomplished.

To minimize the potential for cable separation due to the number two engine throttle cable chafing against the right wing front spar bracket, accomplish the following:

A. Prior to the accumulation of 300 flight hours after the effective date of this AD, unless previously accomplished within the last 700 flight hours, and thereafter at intervals not to exceed 1,000 flight hours, gain access to the fuel shut-off cable pulley bracket near the right wing front spar Station

124 and inspect the number two engine throttle cable for wear. Replace the cable, before further flight, if cable wear exceeds acceptable wear limits specified in section 20-20-31 of the Model 737 Maintenance Manual.

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

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

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

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

This amendment becomes effective November 27, 1989.

Issued in Seattle, Washington, on October 11, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24788 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-NM-86-AD; Amdt. 39-6368]

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-120 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-120 series airplanes, which requires replacement of certain glide slope antennae. This amendment is prompted by numerous reports of erratic glide slope data during instrument flight rules (IFR) approaches. This condition, if not corrected, could result in airplanes receiving inaccurate glide slope data when landing in instrument weather conditions.

EFFECTIVE DATE: November 27, 1989.

ADDRESSES: The applicable service information may be obtained from EMBRAER, 276 S.W. 34th Street, Fort Lauderdale, Florida 33315. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Mr. A.E. Clark, Systems and Equipment Branch, ACE-130A; telephone (404) 991-3020. Mailing address: FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB-120 series airplanes, which would require replacement of certain glide slope antennae, was published in the **Federal Register** on June 23, 1989 (54 FR 26389).

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, EMBRAER, supported the rule, but indicated that the manufacturer of the antenna has advised that, due to limited parts availability, it will be unable to provide the required parts to the 80 affected airplanes within the proposed 30-day compliance time. In light of this, the commenter requested that the compliance time be extended to 100 days. As justification of this extension, the commenter stated that glide slope oscillation is easily recognized (and corrected) by the pilots, and that current statistical data show that, in all reported cases of glide slope oscillation, landings were made visually without any further incident. The FAA has confirmed the parts availability problem and, therefore, concurs with the commenter's request. The FAA has determined that replacement of the antennae within 100 days will not adversely affect safety. The final rule has been revised accordingly.

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 with the change noted above. The FAA has determined that this change will neither increase the economic burden on any operator, nor increase the scope of the rule.

It is estimated that 80 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for parts is $510. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $50,400.

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 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:

Empresa Brasileira de Aeronautica, S.A. (EMBRAER): Applies to Model EMB-120 series airplanes, as listed in EMBRAER Service Bulletin 120-034-0072, dated April 14, 1989, certificated in any category. Compliance is required within 100 days after the effective date of this AD, unless previously accomplished.

To prevent erratic glide slope information during IFR approaches, accomplish the following:

A. Replace the Chelton glide slope antenna, P/N 17-21F6P3, with a Collins glide slope antenna type 37P5, P/N 522-0700-023, and install a pedestal-type support P/N 120-47294-001, in accordance with EMBRAER Service Bulletin 120-034-0072, dated April 14, 1989.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to EMBRAER, 276 S.W. 34th Street, Fort Lauderdale, Florida 33315. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia.

This amendment becomes effective November 27, 1989.

Issued in Seattle, Washington, on October 11, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24790 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AWA-2]

Alteration of VOR Federal Airways; Appleton, OH; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the description of VOR Federal Airway V-45 located in the vicinity of Appleton, OH. Appleton, OH, was inadvertently omitted from the description change of V-45 in Airspace Docket 89-AWA-2; this action corrects that mistake.

EFFECTIVE DATE: 0901 u.t.c., November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 89-22044, published on September 19, 1989, altered the descriptions of several VOR Federal airways located in the Detroit metropolitan area (54 FR 38510). These airway changes are the result of the reorganization of the Detroit Metropolitan Air Traffic Control Tower's and Cleveland Air Route Traffic Control Center's airspace. This action improves traffic flow in that area and reduces controller workload. However, a mistake was discovered in the description of V-45; this action corrects that mistake.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 89-22044, as published in the **Federal Register** on September 19, 1989. (54 FR 38510) is corrected to read as follows:

§ 71.123 [Corrected]

V-45 [Corrected]

By removing the words "Appleton, OH. From Youngstown, OH, INT Youngstown 272° and Akron, OH, 298° radials; INT Akron 298° and Waterville, OH, 085° radials; Waterville; Jackson, MI;" and substituting the words "Appleton, OH; Waterville, OH; INT Waterville 306° and Jackson, MI, 166° radials; Jackson;"

Issued in Washington, DC, on October 12, 1989.

Richard Huff,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89-24799 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26038; Amdt. No. 1411]

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 revoked 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 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. 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 October 13, 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 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/OME or TACAN; § 97.25 LOC, LOC/DME, LDA, LOA/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 January 11, 1990

Clayton, AL—Clayton Muni, VOR/DME RWY 27, Amdt. 1
Corning, AR—Corning Muni, VOR/DME–A, Amdt. 1
Cleveland, MS—Cleveland Muni, VOR–A, Amdt. 7
Cleveland, MS—Cleveland Muni, NDB RWY 17, Amdt. 5
Walterboro, SC—Walterboro Muni, NDB RWY 23, Amdt. 8

. . . Effective November 16, 1989

Waterloo, IA—Waterloo Muni, VOR RWY 6, Amdt. 2
Waterloo, IA—Waterloo Muni, VOR RWY 12, Amdt. 9
Waterloo, IA—Waterloo Muni, VOR RWY 18, Amdt. 7
Waterloo, IA—Waterloo Muni, VOR RWY 24, Amdt. 15
Waterloo, IA—Waterloo Muni, VOR RWY 36, Amdt. 16
Waterloo, IA—Waterloo Muni, VOR/DME RWY 30, Amdt. 14
Waterloo, IA—Waterloo Muni, LOC BC RWY 30, Amdt. 9
Waterloo, IA—Waterloo Muni, NDB RWY 12, Amdt. 9
Waterloo, 1A—Waterloo Muni, ILS RWY 12, Amdt. 7
Aurora, NE—Aurora Muni, VOR–A, Amdt. 3
Aurora, NE—Aurora Muni, NDB RWY 16, Orig.
Aurora, NE—Aurora Muni, NDB RWY 16, Amdt. 1, CANCELLED
Dayton, OH—James M. Cox-Dayton Intl, ILS RWY 24R, Amdt. 5
Big Spring, TX—Big Spring MC Mahon-Wrinkle, VOR/DME RWY 17, Amdt. 6
Big Spring, TX—Big Spring MC Mahon-Wrinkle, VOR/DME RWY 35, Amdt. 6
Conroe, TX—Montgomery County, NDB RWY 14, Orig.
La Porte, TX—La Porte Muni, NDB RWY 30, Orig.
La Porte, TX—La Porte Muni, NDB RWY 30, Amdt. 3, CANCELLED

[FR Doc. 89–24802 Filed 10–19–89; 8:45 am]
BILLING CODE 4910–13–M

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14 CFR Part 91

[Docket No. 24722; Amdt. No. 91–213]

Night-Visual Flight Rules Visibility and Distance From Clouds Minimums

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an editorial error which appeared in a final rule, published on September 29, 1989 (54 FR 40324), establishing standard visibility and cloud clearance minimums for night visual flight rules operations. This action corrects that error.

EFFECTIVE DATE: 0901 u.t.c., November 13, 1989.

FOR FURTHER INFORMATION CONTACT: Robert L Laser, Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9251.

SUPPLEMENTARY INFORMATION:

History

On September 29, 1989, the Department of Transportation published a final rule, Federal Register Document 89–22990, establishing standard visibility and cloud clearance minimums for night-visual flight rules operations. The regulatory language was incorrectly stated in paragraph (b)(2), page 40326. This action corrects that error.

Correction to Final Rule

An editorial error in the regulatory text of Amendment No. 91–213, page 40326, third column, bottom page, is corrected by making the following changes:

§ 91.105 [Corrected]

In the second line of the first sentence under § 91.105(b)(2), remove the word "greater" and substitute with the words "not less".

Issued in Washington, DC, on October 13, 1989.

Richard Huff,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 89–24801 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–13–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

Changes to NASA Grants and Cooperative Agreements

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Grants and Cooperative Agreements regulations are amended to (1) require General Counsel review of deviations to Part 1260, (2) clarify award instrument selection criteria, (3) provide coverage for program income, and (4) revise the patent rights requirements to conform to Department of Commerce regulations.

EFFECTIVE DATE: October 26, 1989.

FOR FURTHER INFORMATION CONTACT: W.A. Greene, Chief, Regulations Development Branch, Procurement Policy Division (Code HP), Office of Procurement, NASA, Washington, DC 20546. Telephone: (202) 453–8923.

SUPPLEMENTARY INFORMATION:

Background

The Grants and Cooperative Agreements Handbook (GCAHB) contains NASA regulations for the award and administration of grants and cooperative agreements, including NASA implementing instructions for applicable statutues, Executive Orders, OMB Circulars and other documents of general applicability. The amendments to the GCAHB and part 1260 made by this Final Rule were previously published as a proposed rule for public comment on Wednesday, August 30, 1989 (54 FR 35890). No public comment requiring substantive changes was received. The GCAHB, including amendments, is available to the public and NASA grantees on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Cite GPO Subscription Stock No. 933–001–00000–8. It is not available directly from NASA.

Impact

This rule has been reviewed by the Office of Management and Budget (OMB) under the provisions of Executive Order 12291. NASA certifies that these changes will not have a significant economic affect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1980, nor does it substantially modify requirements associated with current OMB approval numbers 2700–0045 and 2700–0048.

List of Subjects in 14 CFR Part 1260

Grants.

S.J. Evans,

Assistant Administrator for Procurement.

PART 1260—[AMENDED]

1. The authority citation for 14 CFR part 1260 continues to read as follows:

Authority: Pub. L. 97–258, 31 U.S.C. 6301 et seq.

Subpart 1—General

§ 1260.103 [Amended]

2. In § 1260.103, in the first sentence of paragraph (a), the phrase "NASA policy directives," is removed; the word "complete" is removed, and the word "detailed" is added in its place.

§ 1260.105 [Amended]

3. In § 1260.105, paragraph (d), the word "Notice" is removed, and the words "Information Circular" are added in its place.

§ 1260.106 [Amended]

4. Section 1260.106 is amended as set forth below:

a. Paragraph (a)(9) is added to read as follows: "(9) Any other action described elsewhere in this Handbook as a deviation."

b. In paragraph (b), the period is removed after the word "representative", and the phrase "after review by Office of General Counsel." is added at the end of the paragraph.

c. In paragraph (c), introductory text, second sentence, the phrase "reviewed by local counsel," is added between the words "be" and "signed".

5. In § 1260.109, paragraph (d) is added to read as follows:

§ 1260.109 Prohibitions.

* * * * *

(d) Grants and cooperative agreements shall not be used as legal instruments when the primary purpose of the award is to pay the costs of travel ("Travel Grant") or for the purchase of equipment or supplies ("Equipment Grant"). (This restriction does not preclude otherwise allowable expenditures for travel, equipment or supplies in support of awards made pursuant to § 1260.203.)

Subpart 2—Basic Policies

§ 1260.201 [Amended]

6. Section 1260.201 is amended as set forth below:

a. In paragraph (a), introductory text, the phrase "required basic research" is removed, and the phrase "required research and research related activities" is added in its place.

b. In paragraph (a)(1), the word "basic" is removed.

§ 1260.203 [Amended]

7. Section 1260.203 is amended as set forth below:

a. In paragraph (a)(1), the sentence "Instrument selection will be made on the basis of this section, rather than on direct local interpretation of Pub. L. 97–258." is removed, and the following is added in its place: "As a matter of policy, NASA's use of grants, grant regulations and administrative procedures are tailored to educational institutions. Therefore, instrument selection will be made on the basis of this § 1260.203, which accommodates both statute and policy, rather than any additional local interpretation of Public Law 97–258."

b. In paragraph (a)(3), the following sentence is added at the end of the paragraph: "A proposed award which exhibits the general characteristics set forth in § 1260.203(b)(1) meets the above-described statutory criteria for use of the grant instrument."

c. In paragraph (b), introductory text, the second sentence, beginning "Research grants * * *" and the third

sentence beginning "Any exceptions * * *" are removed, and the following text is added in their place: Research grants and cooperative agreements may be awarded only to nonprofit institutions of higher education or to nonprofit organizations whose primary purpose is the conduct of scientific research to support research or research-related efforts. Conferences which clearly relate to and have potential for contributing to NASA research interests are considered to be research-related. Research in any academic discipline bearing on NASA research interests normally will qualify as research-related; however, advice of counsel should be sought in unusual situations (see § 1260.301(c)). Similarly, in instances where use of the grant instrument and organizational eligibility does not clearly require a deviation, but where unusual project activities or organizational attributes are evident, advice of local counsel should be obtained. "Travel Grants" or "Equipment Grants" are not authorized as research-related. Award of grants or cooperative agreements to types of organizations or for purposes other than set forth in this § 1260.203(b) requires a deviation (see § 1260.106).

d. In paragraph (b)(1)(i), the semicolon is removed, a comma is added in its place, and the words "or attempting to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques and advance the state of the art;" are added to complete the sentence.

e. In paragraph (b)(1)(v), the word "and" is removed.

f. In paragraph (b)(1)(vi), the period is removed, a semicolon is added in its place, and the word "and" is added to complete the sentence.

g. In paragraph (b)(1)(vii) is added to read as follows:

(vii) The effort is research or research-related.

§ 1260.204 [Amended]

8. Section 1260.204 is amended as set forth below:

a. In paragraph (a), the abbreviation "NPD" is revised to read "NMI".

b. In paragraph (b), the letter "E" is revised to read "EPM–20".

9. Section 1260.209 is revised to read as follows:

§ 1260.209 Property rights in inventions.

(a) The disposition of rights in inventions made by small business firms and nonprofit organizations under contracts, grants and cooperative agreements (including subcontracts thereunder) for the performance of experimental, developmental or research work funded in whole or in part by NASA is governed by chapter 18 of title 35, United States Code (Pub. L. 95–517, Pub. L. 98–620). The disposition of rights to inventions made by other than a small business firm or nonprofit organization under contracts, grants or cooperative agreements (including subcontracts thereunder) in the performance of experimental, developmental, research, design or engineering work for NASA is governed by section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457), and to the extent consistent with that law the Presidential Memorandum on Government Patent Policy to the Heads of Executive Departments and Agencies dated February 18, 1983, and section 1(b)(4) of Executive Order 12591, dated April 10, 1987. The implementation of the requirements of Chapter 18 of title 35, United States Code for grants and cooperative agreements is set forth in 37 CFR 401. The implementation of the National Aeronautics and Space Act of 1956, as amended, is set forth in NASA FAR Supplement 18–27.373 (48 CFR 1827.373).

(b) In accordance with paragraph (a) of this section, exhibit G, which is the clause required by 37 CFR 401.414 customized for NASA pursuant to 37 CFR 401.5, shall apply to all grants and cooperative agreements entered into under this Handbook unless either:

(1) The grantee is not located in the United States or does not have a place of business located in the United States or is subject to the control of a foreign government; or

(2) The grantee is not a nonprofit organization or an alternate provision is to be used in accordance with 37 CFR 401.3.

If the circumstances in paragraph (b)(1) of this section exist, the clause "Invention Reporting and Rights—Foreign" in NASA FAR Supplement 18–52.227–85 (48 CFR 1852.227–85) (suitably tailored to identify the parties and the instrument) may be used as a special condition unless in consultation with installation Patent Counsel, a different provision would be more appropriate. A deviation is not required in this situation. If, in accordance with paragraph (b)(2) of this section, the grantee is not a nonprofit organization or an alternate provision is to be used, a deviation, including concurrence by installation Patent Counsel, is required.

(c) Reports required pursuant to § 1260.409(b) of this Handbook shall be submitted to the grants officer, with a copy to the installation Patent Counsel.

10. Section 1260.210 is revised to read as follows:

§ 1260.210 Debarment and suspension; and drug-free workplace.

Grants officers shall follow the procedures in NMI 5101.31, Delegation of Authority—Debarment and Suspension Under Grants, Cooperative Agreements and Other Nonprocurement Transactions; and Requirements for a Drug-Free Workplace (Grants), in implementation of 14 CFR part 1265. Before making an award, the grants officer shall ensure that the participant's status has been verified (14 CFR 1265.505 (d) and (e)) and the certification requirements at 14 CFR 1265.510 and 14 CFR 1265.630 have been met. If the required certifications have not been submitted with the proposal, the grants officer shall obtain them before proceeding. However, NASA shall not require any particular form or format. Installations shall not impose local requirements for general submission of certifications with solicited or unsolicited proposals (except as may be otherwise authorized by this Handbook).

Subpart 3—Award of Grants and Cooperative Agreements

§ 1260.302 [Amended]

11. In § 1260.302, the words "no longer" are removed, and the word "not" is added in their place.

§ 1260.305 [Amended]

12. In § 1260.305, paragraph (b)(2), after the phrase "Third year $ * * *," the sentence "It is the responsibility * * *" is revised to read as follows: "It is the responsibility of the awardee to request such continued support by submitting a brief proposal."

13. In § 1260.306, paragraph (a)(2) is revised to read as follows:

§ 1260.306 Numbering of instruments.

(a) * * *

(2) Sequential numbers for new Training (NGT) and Facilities (NGF) grants, if the award is otherwise authorized, are assigned by the Office of External Relations, Educational Affairs Division (Code XE).

14. In § 1260.307, paragraph (b) is revised to read as follows:

§ 1260.307 Distribution of grants, cooperative agreements, and grant supplements.

* * * * *

(b) One copy, plus a copy of the grantee's proposal, will be furnished to the NASA Scientific and Technical

Information Facility, P.O. Box 8757, BWI Airport, MD 21240. Attn: Acquisitions.

15. Section 1260.310 is added to read as follows:

§ 1260.310 Program income.

For conferences and awards in which there is high potential for the generation of income (other than royalties from patents or copyrights), the following special condition may be used (except with institutions participating in the Federal Demonstration Project):

Program Income (June 1989)

Program income shall be retained by the grantee and shall be * * *

(Complete the sentence with one of the following phrases, as appropriate:

* * * added to funds already committed to the project and used to further project objectives.

* * * used to finance the non-Federal share of the program.

* * * deducted from the total project costs in determining the net costs on which NASA's share of costs will be based.)

Subpart 4—Research Grant and Cooperative Agreement Provisions

§ 1260.420 [Amended]

16. Section 1260.420 is amended as set forth below:

(a) In paragraph (b), the first item in the list of clauses is revised and the following item is added at the end of the list of clauses:

Invention Reporting and Rights—Foreign, prescribed at § 1260.209(b).

* * * * *

Program Income, prescribed at § 1260.310.

(b) Paragraph (h) is added to read as follows:

(h) The following provision shall be appended, as a special condition, to all grants and cooperative agreements (pending revisions to § 1260.409 and NASA Form 1463A, Provisions for Research Grants and Cooperative Agreements):

Patent Rights—Correct Citations (June 1989)

In the NASA Provisions for Research Grants and Cooperative Agreements (NASA Form 1463A), the correct statutory citations in the "Patent Rights—Retention by Grantee" provision are "Chapter 18 Title 35, United States Code (Pub. L. 95–517, Pub. L. 98–620)."

17. Exhibit G is revised to read as follows:

Exhibit G—Patent Rights—Retention by the Grantee (June 1989)

(a) *Definitions.*

(1) *"Invention"* means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant which is or may be protected under the Plant Variety Protection Act (7 U.S.C. 2321, et seq.).

(2) *"Subject Invention"* means any invention of the Grantee conceived or first actually reduced to practice in the performance of work under this grant, provided that in the case of a variety of plant, the date of determination (as defined in section 4(d) of the Plant Variety Protection Act, 7 U.S.C. 2401(d), must also occur during the period of the grant performance.

(3) *"Practical Application"* means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

(4) *"Made"* when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) *"Small Business Firm"* means a domestic small business concern as defined at section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this exhibit G, the size standards for small business concerns involved in Government procurement, and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

(6) *"Nonprofit Organization"* means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(b) *Allocation of principal rights.* The Grantee may retain the entire right, title, and interest throughout the world to each Subject Invention subject to the provisions of this exhibit G and 35 U.S.C. 203. With respect to any Subject Invention in which the Grantee retains title, the Federal Government shall have a non-exclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the Subject Invention throughout the world.

(c) *Invention disclosure, election of title, and filing of patent applications by grantee.* (1) The Grantee will disclose each Subject Invention to NASA within 2 months after the inventor discloses it in writing to Grantee personnel responsible for patent matters. The disclosure to NASA shall be in the form of a written report and shall identify the grant under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding, to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological, or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to NASA, the Grantee will promptly notify NASA of the acceptance of any manuscript describing the invention for the publication or of any on sale or public use planned by the Grantee.

(2) The Grantee will elect in writing whether or not to retain title to any such invention by notifying NASA within 2 years of disclosure to NASA. However, in any case where publication, on sale or public use has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by NASA to a date that is no more than 60 days prior to the end of the statutory period.

(3) The Grantee will file its initial patent application on a Subject Invention to which it elects to retain title within 1 year after election of title or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after publication, on sale, or public use. The Grantee will file patent applications in additional countries or international patent offices within either 10 months of the corresponding initial patent application or 6 months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) Requests for extension of the time for disclosure, election, and filing under paragraphs (c)(1), (c)(2), and (c)(3) of this exhibit G may, at the discretion of NASA, be granted.

(d) *Conditions when the government may obtain title.* The Grantee will convey to NASA, upon written request, title to any Subject Invention:

(1) If the Grantee fails to disclose or elect the Subject Invention within the times specified in paragraph (c) of this exhibit G, or elects not to retain title; provided, that NASA may only request title within 60 days after learning of the failure of the Grantee to disclose or elect within the specified times.

(2) In those countries in which the Grantee fails to file patent applications within the times specified in paragraph (c) of this exhibit G; provided, however, that if the Grantee has filed a patent application in a country after the times specified in paragraph (c) of this exhibit G, but prior to its receipt of the written request of NASA, the Grantee shall continue to retain title in that country.

(3) In any country in which the Grantee decides not to continue the prosecution of any application for, to pay the maintenance fees on, or defined in reexamination or opposition proceeding on, a patent on a Subject Invention.

(e) *Minimum rights to grantee and protection of grantee right to file.* (1) The Grantee will retain a nonexclusive, royalty-free license throughout the world in each Subject Invention to which the Government obtains title, except if the Grantee fails to disclose the Subject Invention within the times specified in paragraph (c) of this exhibit G. The Grantee's license extends to

its domestic subsidiary and affiliates, if any, within the corporate structure of which the Grantee is a party and includes the right to grant sublicenses of the same scope to the extent the Grantee was legally obligated to do so at the time the grant was awarded. The license is transferable only with the approval of NASA, except when transferred to the successor of that part of the Grantee's business to which the invention pertains.

(2) The Grantee's domestic license may be revoked or modified by NASA to the extent necessary to achieve expeditious practical application of the Subject Invention pursuant to an application for an exclusive license submitted in accordance with 14 CFR 1245.210 of the NASA regulation, Licensing of NASA Inventions, 14 CFR 1245.2. This license will not be revoked in that field of use or the geographical areas in which the Grantee has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of NASA to the extent the Grantee, its licensees, or its domestic subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, NASA will furnish the Grantee a written notice of its intention to revoke or modify the license, and the Grantee will be allowed 30 days (or such time as may be authorized by NASA for good cause shown by the Grantee) after the notice to show cause why the license should not be revoked or modified. The Grantee has the right to appeal, in accordance with 14 CFR 1245.210, any decision concerning the revocation or modification of the license.

(f) *Grantee action to protect the government's interest.* (1) The Grantee agrees to execute or to have executed and promptly deliver to NASA all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those Subject Inventions to which the Grantee elects to retain title, and (ii) convey title to NASA when requested under paragraph (d) of this exhibit G, and to enable the Government to obtain patent protection throughout the world in that Subject Invention.

(2) The Grantee agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Grantee each Subject Invention made under grant in order that the Grantee can comply with the disclosure provisions of paragraph (c) of this exhibit G, and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights in the Subject Inventions. This disclosure format should require, as a minimum, the information required by paragraph (c)(1) of this exhibit G. The Grantee shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) The Grantee will notify NASA of any decision not to continue the prosecution of a patent application, pay maintenance fees, or defend in a reexamination or opposition proceeding on a patent, in any country, not less than 30 days before the expiration of the response period required by the relevant patent office.

(4) The Grantee agrees to include, within the specification of any United States patent application and any patent issuing thereon covering a Subject Invention, the following statement: "This invention was made with Government support under (identify the grant) awarded by NASA. The Government has certain rights in this invention."

(5) The Grantee shall include a list of all Subject Inventions required to be disclosed during the preceding year in the renewal proposal or annual status report, and a complete list (or a negative statement) for the entire award period shall be included in the final report.

(g) *Subcontracts.* (1) The Grantee will include this exhibit G, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental, or research work to be performed by a small business firm or nonprofit organization. The subcontractor will retain all rights provided for the Grantee in this exhibit G, and the Grantee will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's Subject Inventions.

(2) The Grantee will include in all other subcontracts, regardless of tier, for experimental, developmental, research, design or engineering work the patent rights clause as required by NASA FAR Supplement, 48 CFR 1827.373(b).

(3) In the case of subcontracts, at any tier, when the prime award with NASA was a contract (but not a grant or cooperative agreement), NASA, subcontractor, and the contractor agree that the mutual obligations of the parties created by this exhibit G constitute a contract between the subcontractor and NASA with respect to those matters covered by this exhibit G; *Provided, however,* that nothing in this paragraph is intended to confer any jurisdiction under the Contract Disputes Act in connection with proceedings under paragraph (j) of this exhibit G.

(h) *Reporting on utilization of subject inventions.* The Grantee agrees to submit, on request, periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Grantee or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Grantee, and such other data and information as NASA may reasonably specify. The Grantee also agrees to provide additional reports as may be requested by NASA in connection with any march-in proceeding undertaken by NASA in accordance with paragraph (j) of this exhibit G. As required by 35 U.S.C. 202(c)(5), NASA agrees it will not disclose such information to persons outside the Government without permission of the Grantee.

(i) *Preference for United States industry.* Notwithstanding any other provision of this exhibit G, the Grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any products embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NASA upon a showing by the Grantee or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) *March-in rights.* The Grantee agrees that with respect to any Subject Invention in which it has acquired title, NASA has the right in accordance with the procedures established by NASA which are consistent with 37 CFR 401.6, Exercise of March-in Rights, to require the Grantee, an assignee, or exclusive licensee of a Subject Invention to grant a non-exclusive partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the Grantee, assignee, or exclusive licensee refuses such a request NASA has the right to grant such a license itself if NASA determines that:

(1) Such action is necessary because the Grantee or assignee has not taken, or is not expected to take, within a reasonable time, effective steps to achieve practical application of the Subject Invention in such field of use;

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the Grantee, assignee, or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the Grantee, assignee, or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this exhibit G has not been obtained or waived or because a licensee of the exclusive right to use or sell any Subject Invention in the United States is in breach of such agreement.

(3) *Special provisions for Grants with nonprofit organizations.* If the Grantee is a nonprofit organization, it agrees that:

(1) Rights to Subject Invention in the United States may not be assigned without the approval of NASA, except where such assignment is made to an organization which has as one of its primary functions the management of inventions, provided that such assignee will be subject to the same provisions as the Grantee;

(2) The Grantee will share royalties collected on a Subject Invention with the inventor including NASA co-inventors (when NASA deems it appropriate) when the Subject Invention is assigned in accordance with 35 U.S.C. 202(e) and 37 CFR 401.10;

(3) The balance of any royalties or income earned by the Grantee with respect to

Subject Inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventions, will be utilized for the support of scientific research or education; and

(4) It will make efforts that are reasonable under the circumstances to attract licensees of subject inventions that are small business firms, and that it will give a preference to a small business firm when licensing a subject invention if the Grantee determines that the small business firm has a plan or proposal for marketing the invention which, if executed, is equally as likely to bring the invention to practical application as any plans or proposals from applicants that are not small business firms; provided, that the Grantee is also satisfied that the small business firm has the capability and resources to carry out its plan or proposal. The decision whether to give a preference in any specific case will be at the dircretion of the Grantee. However, the Grantee agrees that the Secretary of Commerce may review the Grantee's licensing program and decisions regarding small business applicants, and the Grantee will negotiate changes to its licensing policies, procedures, or practices with the Secretary of Commerce when the Secretary's review discloses that the Grantee could take reasonable steps to more effectively implement the requirements of paragraph (k)(4) of this exhibit G.

(l) *Communications.* A copy of all submissions or requests required by this Exhibit G, plus a copy of any reports, manuscripts, publications or similar material bearing on patent matters, shall be sent to the installation Patent Counsel in addition to any other submission requirements in the Grant provisions. If any reports contain information describing a "Subject Invention" for which the Grantee has elected or may elect title, NASA will use reasonable efforts to delay public release by NASA or publication by NASA in a NASA technical series, for six months from the date of receipt, in order for a patent application to be filed, provided that the Grantee identify the information and the "Subject Invention" to which it relates at the time of submittal. If required by the grants officer, the Grantee shall provide the filing date, serial number and title, a copy of the patent application, and a patent number and issue date for any Subject Invention in any country in which the Grantee has applied for patents.

[FR Doc. 89-24616 Filed 10-19-89; 8:45 am]

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RAILROAD RETIREMENT BOARD

20 CFR Parts 200 and 262

RIN 3220-AA56

General Administration; Miscellaneous

AGENCY: Railroad Retirement Board.

ACTION: Final Rule.

SUMMARY: The Railroad Retirement Board hereby amends parts 200 and 262 of its regulations in order to consolidate certain administrative procedures in one part (Part 200) of its regulations, to revise and clarify certain procedures for the disclosure of information obtained in the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, and to eliminate certain little used and obsolete provisions. This action is necessary to avoid the confusion which can result from having to consult two entirely separate parts containing general administrative rules. This final rule removes part 262

EFFECTIVE DATE: October 20, 1989.

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

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4945 (FTS 386-4945).

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board (Board) is charged with the administration of both the Railroad Retirement Act (45 U.S.C. 231 *et seq.*) and the Railroad Unemployment Insurance Act (45 U.S.C. 351 *et seq.*). The Board has issued separate regulations to facilitate the administration of these two Acts. However, certain administrative procedures may be applied in situations arising under either Act. The Board believes that such procedures are better incorporated into one regulatory part (part 200), rather than being set forth in separate parts. Moreover, the subjects covered by certain regulations now in part 262 have already been incorporated into other sections of the Board's regulations as part of an ongoing project to revise and update the agency's regulations. In addition, the procedures in the present § 262.16 concerning the disclosure of information in the possession of the agency are hereby revised, reorganized, and moved to part 200, which already contains the Board's regulations issued under the Freedom of Information Act (§ 200.4) and the Privacy Act (§ 200.5), so that all of the agency's disclosure regulations may be located in one part. Finally, certain of the provisions in the current part 262 are little used and are being removed because they are obsolete.

The Board published the consolidation of part 262 into part 200 as a proposed rule on June 6, 1989 (54 FR 24193-24196) and invited comments by August 7, 1989. No comments were received, and no changes were made in the proposed regulation. In reviewing the proposed revision to Part 200, however, the Board noted that § 200.5(e)(3) mistakenly refers to "paragraphs (h)(1)(i), (iii), and (viii) of this section", rather than to "paragraphs (j)(1)(i), (iii), and (viii)." The final rule corrects this error.

A brief summary of the disposition of the various sections of the present Part 262 under the final regulation is set forth below.

1. Sections 262.1, "Penalties," is simply a repetition of 45 U.S.C. 2311 and, because of this redundancy, is removed.

2. Sections 262.2, "Posting notices to employees," and 262.10, "Free Transportation," are seldom used and are removed for obsolescence.

3. The subjects formerly covered by §§ 262.5, 262.6, and 262.7 now appear in Part 243 of the Board's regulations. These three sections were removed when Part 243 was added to the Board's regulations.

4. Section 262.12 is redesignated as § 200.10.

5. The subject covered by § 262.15, "Offices of the Board," is covered in detail in § 200.1. Section 262.15 is therefore removed.

6. Section 262.16 is redesignated as § 200.8. In addition, certain revisions have been made to this section in order to facilitate the administration of certain provisions of section 12(d) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 362(d)), which is incorporated into the Railroad Retirement Act (RRA) by section 7(b)(3) of that Act (45 U.S.C. 231f(b)(3)). The present § 262.16 provides that no document or any information in the possession of the Board will be produced, disclosed, delivered, or opened to inspection unless the Board finds that such production, disclosure, delivery, or opening to inspection "will not be detrimental to the interest of the person to whom the document pertains, or to the estate of such person." The "not detrimental" standard was set forth at 4 FR 1503, April 7, 1939, as part of a complete reissue of the Board's previous regulations under the Railroad Retirement Act of 1937. Section 12(d) of the RUIA permits disclosure if the Board finds that disclosure "is clearly in furtherance of the interest of the employee or his estate." Although the standard in section 12(d) was enacted as part of the original RUIA in June 1938, section 12(d) was not incorporated into the Railroad Retirement Act of 1937 until 1966 by Pub. L. 89-700, 80 Stat. 1079, and was also subsequently incorporated into the Railroad Retirement Act of 1974, Pub. L. 93-445, October 15, 1974, 88 Stat. 1305, the successor to the 1937 Act, by section 7(b)(3) of that Act. The difference in the two standards has caused some confusion. The revised

regulation incorporates the statutory standard.

7. Section 200.8 also reorganizes most of the disclosure procedures contained in the present § 262.16 and updates statutory references therein. In addition, introductory provisions clarify the applicability of § 200.8 in order to avoid confusion with the Board's regulations issued under the Freedom of Information Act (found in § 200.4) and those issued under the Privacy Act (found in § 200.5).

8. Section 262.17 simply repeats statutory provisions concerning the Actuarial Advisory Committee provided for in section 15(f) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(f)) and formerly provided for in the Railroad Retirement Act of 1937 (45 U.S.C. 228(o)) and is hereby removed.

9. Section 262.18 is redesignated as § 200.9.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required. In addition, this rule does not impose any information collections within the meaning of the Paperwork Reduction Act.

List of Subjects in 20 CFR Parts 200 and 262

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II of the Code of Federal Regulations is amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717, unless otherwise noted.

2. Section 200.4 is amended by revising paragraph (b) to read as follows:

§ 200.4 Availability of information to public.

* * * * *

(b) The identifying details to be deleted shall include, but not be limited to, names and identifying numbers of employees and other individuals as needed to comply with sections 12(d) and (n) of the Railroad Unemployment Insurance Act, section 7(b)(3) of the Railroad Retirement Act, and § 200.8 of this part, or to prevent a clearly unwarranted invasion of personal privacy.

3. Section 200.5 is amended by revising paragraph (e)(3) to read as follows:

§ 200.5 Protection of privacy of records maintained on individuals.

* * * * *

(e) Special procedures—medical records. * * *

(3) The special procedure established by paragraph (e) of this section to permit an individual access to medical records pertaining to himself or herself shall not be construed as authorizing the individual to direct the Board to disclose such medical records to any third parties, other than to a physician in accordance with paragraph (e)(2) of this section. Medical records shall not be disclosed by the Board to any entities or persons other than the individual to whom the record pertains or his or her authorized physician regardless of consent, except as permissible under paragraphs (j)(1)(i), (iii), and (viii) of this section and as provided under paragraph (e)(4) of this section.

4. Section 200.8 is added to read as follows:

§ 200.8 Disclosure of information obtained in the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

(a) *Purpose and scope.* The purpose of this section is to establish specific procedures necessary for compliance with section 12(d) of the Railroad Unemployment Insurance Act, which is incorporated into the Railroad Retirement Act by section 7(b)(3) of that Act. Except as otherwise indicated in this section, these regulations apply to all information obtained by the Railroad Retirement Board in connection with the administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

(b) *Definitions—Agency.* The term "agency" refers to the Railroad Retirement Board, an independent agency in the executive branch of the United States Government.

Applicant. The term "applicant" means a person who signs an application for an annuity or lump-sum payment or unemployment benefits or sickness benefits for himself or herself or for some other person.

Beneficiary. The term "beneficiary" refers to an individual to whom a benefit is payable under either the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

Board. The term "Board" refers to the three-member governing body of the Railroad Retirement Board.

Document. The term "document" includes correspondence, applications, claims, reports, records, memoranda and any other materials or data used, prepared, received or transmitted to, from, by or for the agency in connection with the administration of the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

Information. The term "information" means any non-medical document or data which is obtained by the agency in the administration of the Railroad Retirement Act and/or the Railroad Unemployment Insurance Act. "Information" does not include the fact of entitlement to or the amount of a benefit under either of these Acts. Medical records are subject to the disclosure provisions set out in § 200.5(e) of this part.

(c) *General rule.* Except as otherwise authorized by this section, information shall not be produced, disclosed, delivered or open to inspection in any manner revealing the identity of an employee, applicant or beneficiary unless the Board or its authorized designee finds that such production, disclosure, delivery, or inspection is clearly in furtherance of the interest of the employee, applicant or beneficiary or of the estate of such employee, applicant, or beneficiary. Where no such finding is made, no information shall be released except in accordance with the provisions of § 200.5 of this part, unless release of such information is required by a law determined to supersede this general rule. In addition, regardless of whether or not such finding can be made, information which is compiled in anticipation of a civil or criminal action or proceeding against an applicant or beneficiary may not be released under this general rule.

(d) *Subpoenas—general rule.* (1) No officer, agent, or employee of the agency is authorized to accept or receive service of subpoenas, summons, or other judicial process addressed to the Board or to the agency except as the Board may from time to time delegate such authority by power of attorney. The Board has issued such power of attorney to the Deputy General Counsel of the agency and to no one else.

(2) In the event the production, disclosure, or delivery of any information is called for on behalf of the United States or the agency, such information shall be produced, disclosed, or delivered only upon and pursuant to the advice of the Deputy General Counsel.

(3) When any member, officer, agent, or employee of the agency is served with a subpoena to produce, disclose, deliver, or furnish any information, he or she shall immediately notify the Deputy

General Counsel of the fact of the service of such subpoena. Unless otherwise ordered by the Deputy General Counsel or his or her designee, he or she shall appear in response to the subpoena and respectfully decline to produce, disclose, deliver, or furnish the information, basing such refusal upon the authority of this section.

(e) *Subpoena duces tecum.* (1) When any document is sought from the agency by a subpoena duces tecum or other judicial order issued to the agency by a court of competent jurisdiction in a proceeding wherein such document is relevant, a copy of such document, certified by the Secretary to the Board to be a true copy, may be produced, disclosed, or delivered by the agency if, in the judgment of the Board or its designee, such production is clearly in furtherance of the interest of the employee, applicant, or beneficiary to whom the document pertains, or is clearly in furtherance of the interest of the estate of such employee, applicant, or beneficiary, and such document does not consist of or include a report of medical information.

(2) When the production, diclosure, or delivery of any document described in paragraph (e)(1) of this section would not be permitted under the standards therein set forth, no member, officer, agent, or employee of the agency shall make any disclosure of or testify with respect to such document.

(f) *Authorized release of information.* Subject to the limitation expressed in paragraph (h) of this section, disclosure of documents and information is hereby authorized, in such manner as the Board may by instructions prescribe, in the following cases:

(1) To any employer, employee, applicant, or prospective applicant for an annuity or death benefit under the Railroad Retirement Act of 1974, or his or her duly authorized representative, as to matters directly concerning such employer, employee, applicant, or prospective applicant in connection with the administration of such Act.

(2) To any employer, employee, applicant or prospective applicant for benefits under the Railroad Unemployment Insurance Act, or his or her duly authorized representative, as to matters directly concerning such employer, employee, applicant, or prospective applicant in connection with the administration of such Act.

(3) To any officer or employee of the United States lawfully charged with the administration of the Railroad Retirement Tax Act, the Social Security Act, or acts or executive orders administered by the Department of Veterans Affairs, and for the purpose of the administration of those Acts only.

(4) To any applicant or prospective applicant for death benefits or accrued annuities under the Railroad Retirement Act, or to his or her duly authorized representative, as to the amount payable as such death benefits or accrued annuities, and the name of the person or persons determined by the agency to be the beneficiary, or beneficiaries, thereof, if such applicant or prospective applicant purports to have a valid reason for believing himself or herself to be, in whole or in part, the beneficiary thereof.

(5) To any officer or employee of the United States lawfully charged with the administration of any Federal law concerning taxes imposed with respect to amounts payable under the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act and the name of the person or persons to whom such amount was payable.

(6) To any officer or employee of any state of the United States lawfully charged with the administration of any law of such state concerning unemployment compensation, as to the amounts payable to payees or beneficiaries under the Railroad Retirement Act of 1974 and the Railroad Unemployment Insurance Act.

(7) To any court of competent jurisdiction in which proceedings are pending which relate to the care of the person or estate of an incompetent individual, as to amounts payable under the Railroad Retirement Act to such incompetent individual, but only for the purpose of such proceedings.

(8) To parties involved in litigation, including an action with respect to child support, alimony, or marital property, the amount of any actual or estimated benefit payable under the Railroad Retirement Act or the Railroad Unemployment Insurance Act, where such amount or estimated amount is relevant to that litigation.

(9) To any employer, as to the monthly amount of any retirement annuity under the Railroad Retirement Act of 1974 or benefit under the Railroad Unemployment Insurance Act to which a present or former employee of that employer is entitled.

(10) To any governmental welfare agency, information about the receipt of benefits and eligibility for benefits.

(11) To any law enforcement agency, information necessary to investigate or prosecute criminal activity in connection with claims for benefits under the Railroad Retirement Act, Railroad Unemployment Insurance Act, or any other Act the Board may be authorized to administer.

(g) No document and no information acquired solely by reason of any agreement, arrangement, contract, or request by or on behalf of the agency, relating to the gathering, preparation, receipt or transmittal of documents or information to, from or for the agency, which is by virtue of such agreement, arrangement, contract, or request in the possession of any person other than an employee of the agency, shall be produced, reproduced, or duplicated, disclosed or delivered by any person to any other person or tribunal (other than the agency or an employee thereof, or the person to whom the document or information pertains), whether in response to a subpoena or otherwise, except with the consent of the Board or its designee. Any person, upon receipt of any request, subpoena, or order calling for the production, disclosure, or delivery of such document or information shall notify the Board or its designee of the request, subpoena, or order and shall take no further action except upon advice of the Board or its designee. Unless consent of the Board or its designee is given, the person shall respectfully decline to comply with the request, subpoena or order.

(h) Notwithstanding any other provision of this section, no disclosure of information may be made by the Board or any member, officer, agent, or employee of the agency, if the disclosure of such information is prohibited by law.

5. Section 200.9 is added to read as follows:

§ 200.9 Selection of members of Actuarial Advisory Committee.

(a) *Introduction.* Under section 15(f) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(f)), the Board is directed to select two actuaries to serve on an Actuarial Advisory Committee. This section describes how the two actuaries are selected.

(b) *Carrier actuary.* One member of the Actuarial Advisory Committee shall be selected by recommendations made by "carrier representatives." "Carrier representatives," as used in this section, shall mean any organization formed jointly by the express companies, sleeping-car companies and carriers by railroad subject to the Interstate Commerce Act which own or control more than 50 percent of the total railroad mileage within the United States.

(c) *Railway labor actuary.* The other member of the Actuarial Advisory Committee to be selected by the Board shall be recommended by "representatives of employees." "Representatives of employees," as used

in this section, shall mean any organization or body formed jointly by a majority of railway labor organizations organized in accordance with the provisions of the Railway Labor Act, as amended, or any individual or committee authorized by a majority of such railway labor organizations to make such recommendation.

6. Section 200.10 is added to read as follows:

§ 200.10 Representatives of applicant or beneficiaries.

(a) *Power of attorney.* An applicant or a beneficiary shall not be required to hire, retain or utilize the services of an attorney, agent, or other representative in any claim filed with the Board. In the event an applicant or beneficiary desires to be represented by another person, he or she shall file with the Board prior to the time of such representation a power of attorney signed by such applicant or beneficiary and naming such other person as the person authorized to represent the applicant or beneficiary with respect to matters in connection with his or her claim. However, the Board may recognize one of the following persons as the duly authorized representative of the applicant or beneficiary without requiring such power of attorney when it appears that such recognition is in the interest of the applicant or beneficiary:

(1) A Member of Congress;

(2) A person designated by the railway labor organization of which the applicant or beneficiary is a member to act on behalf of members of that organization on such matters; or

(3) An attorney who, in the absence of information to the contrary, declares that he or she is representing the applicant or beneficiary.

(b) *Payment of claim.* The Board will not certify payment of any awarded claim to or through any person other than the applicant or beneficiary for the reason that a power of attorney for such person to represent such applicant or beneficiary has been filed.

PART 262—MISCELLANEOUS [REMOVED AND RESERVED]

7. Part 262, consisting of §§ 262.1 through 262.18, is removed and reserved.

Dated: October 10, 1989.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 89-24730 Filed 10-19-89; 8:45 am]

BILLING CODE 7905-01-M

20 CFR Part 335

RIN 3220-AA45

Sickness Benefits

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends part 335 of its regulations, which relates to sickness benefits under the Railroad Unemployment Insurance Act (Act), in order to delete obsolete provisions, to liberalize certain time limits relating to the filing of claims, to incorporate the 1988 amendments to the Act, and to make the regulation easier to read and understand.

EFFECTIVE DATE: October 20, 1989.

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

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

SUPPLEMENTARY INFORMATION: The Railroad Unemployment Insurance Act was amended to eliminate maternity benefits as a separate category of benefits available to female railroad employees. The Railroad Unemployment Insurance Act now makes sickness benefits available to a female railroad employee for days on which she is not able to work, or working would be injurious to her health, because of pregnancy, miscarriage or childbirth. Accordingly, Subpart B, which treats maternity benefits as a separate and distinct category of benefits, is removed.

In addition, the Board amends § 335.104, Filing a Statement of Sickness and Claim for Sickness Benefits, to more clearly define the circumstances under which late forms will be accepted as timely filed and to allow a claimant 15 days to file a claim for sickness benefits for a particular 14-day claim period. (See § 335.4.)

The Board also amends § 335.103 to add clinical psychologists and certified nurse mid-wives to the list of medically qualified individuals who may issue statements of sickness in support of the payment of sickness benefits.

In addition, the Railroad Unemployment Insurance and Retirement Improvement Act of 1988 (Pub. L. 100-647) amended section 2(a) of the Railroad Unemployment Insurance Act so as to provide that no sickness benefits may be paid to an employee in his or her first registration period in a benefit year. Part 335 is amended to explain how this waiting period will be applied to claims for sickness benefits under the Railroad Unemployment Insurance Act. See § 335.6. Finally, all sections have been completely rewritten to make them easier to read and understand.

On June 7, 1989, the Board published this rule as a proposed rule (54 FR 24357) inviting comments on or before July 7, 1989. No comments were received.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. The information collections contemplated by this part have been approved by the Office of Management and Budget.

List of Subjects in 20 CFR Part 335

Railroad employees, Railroad sickness benefits.

For the reasons set out in the preamble, part 335 of title 20 of the Code of Federal Regulations is revised to read as follows:

PART 335—SICKNESS BENEFITS

Sec.

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

§ 335.1 General.

(a) *Statutory basis.* The Railroad Unemployment Insurance Act provides for the payment of sickness benefits to a qualified railroad employee for days of sickness within a period of continuing sickness. To establish basic eligibility for sickness benefits, a qualified employee must have at least four consecutive days of sickness with respect to each period of continuing sickness. The terms "day of sickness" and "period of continuing sickness" as used in this part, are defined in sections 1(k) and 2(a) of the Act, respectively, and paragraphs (b) and (c) of this section. As evidence of days of sickness based upon illness or injury or upon pregnancy, miscarriage or childbirth, section 1(k) requires an employee to file a statement of sickness. Other information that is required to identify an employee's days of sickness is obtained by means of an application for sickness benefits at the beginning of each period of continuing sickness and by means of a claim for sickness benefits which is filed for each registration period within a period of continuing sickness. The term

"registration period", generally refers to a period of 14 consecutive days and is defined in paragraph (d) of this section.

(b) *Day of sickness.* The term "day of sickness" means, in general, any calendar day, including days that would normally be rest days, on which an employee is not able to work because of any physical or mental illness or injury. With respect to a female employee, a "day of sickness" also includes any calendar day on which she is not able to work, or working would be injurious to her health, because of pregnancy, miscarriage or childbirth.

(c) *Period of continuing sickness.* (1) The term "period of continuing sickness" refers to a period of time when an employee is not able to work on account of illness, injury, sickness or disease, including inability caused by pregnancy, miscarriage or childbirth. An employee has a period of continuing sickness under either of these circumstances:

(i) He or she has any number of "consecutive" days of sickness based on one or more infirmities; or

(ii) He or she has any number of "successive" days of sickness based on a single infirmity and there is no interruption of more than 90 "consecutive" days which are not days of sickness.

(2) Days of sickness are "consecutive" when they occur one after another continuously and without interruption by any day that is not a day of sickness. Days of sickness are "successive" when one or more days of sickness follow any day of sickness with an interval of one or more days that are not days of sickness.

Example: An employee is sick for 11 "consecutive" days from October 1 through October 11, meaning that each day in the period October 1 through October 11 is a day of sickness and there is no day in that period that is not a day of sickness. If the employee also had days of sickness on October 16, 17, 18, 21 and 22, those five days are considered "successive" days of sickness.

(3) A period of continuing sickness with respect to any employee begins with the first day of a number of consecutive days of sickness or with the first day of a number of successive days of sickness attributable to a single cause with no interval of more than 90 days that are not days of sickness. In the example given in paragraph (c)(2) of this section, October 1 begins a period of continuing sickness. The days October 16, 17, 18, 21, and 22 are in the period of continuing sickness beginning October 1, and benefits are payable for them, provided that the employee's inability to work on those five days is due to one or more of the same infirmities that caused the employee to be unable to work on the days from October 1 through October 11. Otherwise, October 16 begins another period of continuing sickness.

(4) A period of continuing sickness ends when either of these circumstances occurs:

(i) 91 consecutive days have elapsed none of which is a day of sickness resulting from the infirmity that was the basis for the preceding days of sickness; or

(ii) One or more days that are not days of sickness have elapsed and a statement of sickness is filed with respect to a day of sickness based on an infirmity other than any infirmity causing inability on the preceding days of sickness. The end of a benefit year, generally the 12-month period beginning July 1 of any year and ending June 30 of the next year (see 45 U.S.C. 351(m)), does not end a period of continuing sickness. In the example in paragraph (c)(2) of this section, if the inability to work on October 16 was not due to an infirmity or infirmities that caused the inability to work on October 11, then a period of continuing sickness ends on October 11. A new application and statement of sickness would be required in order for the employee to be paid sickness benefits for days beginning October 16. See § 335.2 of this part.

(5) A period of continuing sickness can be interrupted, provided that:

(i) The interruption is for not more than 90 consecutive days; and

(ii) The days of sickness after the interruption are due to one or more of the same causes as the days of sickness before the interruption. A period of continuing sickness can be interrupted any number of times so long as each interruption is not more than 90 days and the days of sickness are all due to the same cause. If a period of continuing sickness is caused by more than one infirmity, any one of the infirmities can be considered as the single continuing cause that will permit the interruption of the period of continuing sickness for not more than 90 days without ending it.

(d) *Registration period.* The term "registration period" means, with respect to any employee, the period which begins with the first day with respect to which a statement of sickness for a period of continuing sickness is filed in his or her behalf in accordance with this part, or the first such day after the end of a registration period which will have begun with a day with respect to which a statement of sickness for a period of continuing sickness was filed in his or her behalf, and ends with whichever is the earlier of:

(1) The thirteenth day thereafter; or

(2) The day immediately preceding the day with respect to which a statement of sickness for a new period of continuing sickness is filed in his or her behalf. However, each of the successive 14-day periods in an extended sickness benefit period shall constitute a registration period.

(e) *Liability for infirmity.* When sickness benefits are paid to an employee on the basis of an infirmity for which he or she recovers a personal injury settlement or judgment, the Board shall receive reimbursement for the sickness benefits in accordance with part 341 of this chapter.

§ 335.2 Manner of claiming sickness benefits.

(a) *Forms required for claiming benefits.* To claim sickness benefits for a period of inability to work due to an illness or injury, or in the case of a female employee, pregnancy, miscarriage, or childbirth, an employee must file the following forms:

(1) An application for sickness benefits at the beginning of each period of continuing sickness;

(2) A statement of sickness to accompany the employee's application;

(3) A claim for sickness benefits for each 14-day registration period during the employee's period of continuing sickness; and

(4) A supplemental doctor's statement, if the adjudicating office requests additional proof of the employee's inability to work.

(b) *Mailing or delivering the forms.* The forms required by paragraph (a) of this section may be mailed or delivered to any Board office. If the Board is satisfied that the employee is too sick or injured to execute the required forms, the Board may accept forms executed by someone in the employee's behalf. Instructions for completing and filing the forms are printed on the forms themselves.

(Approved by the Office of Management and Budget under control numbers 3220–0034, 3220–0039 and 3220–0045)

§ 335.3 Execution of statement of sickness and supplemental doctor's statement.

(a) *Who may execute.* A statement of sickness and any required supplemental doctor's statement shall be executed by any of the following individuals:

(1) A licensed medical doctor;

(2) A licensed dentist if the infirmity relates to the teeth or gums;

(3) A licensed podiatrist or chiropodist if the infirmity relates to the feet or toes;

(4) A licensed chiropractor;

(5) A clinical psychologist;

(6) A certified nurse mid-wife; or

(7) The superintendent or other supervisory official of a hospital, clinic, or group health association, or similar organization, in which all examinations and treatment are conducted under the supervision of licensed medical doctors or under the supervision of licensed chiropractors, and in which medical records are maintained for each patient.

(b) *Use of Board form or other form.* The statement of sickness and supplemental doctor's statement referred to in paragraph (a) of this section shall be completed on the forms prescribed by the Board, except that other standardized medical forms may be substituted if they provide the same information as that called for by the Board's forms.

§ 335.4 Filing statement of sickness and claim for sickness benefits.

(a) *General requirement.* Except as provided in paragraph (e) of this section, statements of sickness and claims for sickness benefits must be filed within the time limits specified by this section. Failure to comply with the time restrictions on filing claims will result in a denial of benefits for days for which timely statements and claims are not filed, as such days would not be considered days of sickness.

(b) *Statement of sickness.* An employee shall file a statement of sickness within ten calendar days of the first day that he or she wishes to claim as a day of sickness. For example, if an employee wishes to claim sickness benefits for days starting November 1, the statement of sickness should reach the Board no later than November 10. If the statement of sickness is received November 11, the employee cannot be paid sickness benefits for November 1. Such day would not be considered as a "day of sickness", unless the form may be considered as timely filed under paragraph (d) (3), (4) or (5) of this section.

(c) *Claim for sickness benefits.* An employee shall file a claim for sickness benefits within 15 days of the ending date shown on the claim form, or within 15 days of the date on which the Board mails the claim form to the employee, whichever date is later. Failure to comply with this provision shall bar the payment of sickness benefits with respect to any day included within the calendar period covered by the claim form.

Example: If a form for claiming sickness benefits is mailed to an employee on July 13 for the period from July 1 to July 14, the employee must file the claim within 15 days of July 14 (on or before July 29) to be paid benefits for the period July 1 to July 14. If the claim form was not mailed to the employee until July 16, the claim must be filed within 15 days of July 16 (on or before July 31).

(d) *When form considered timely filed.* The Board will consider a statement of sickness or a claim for sickness benefits as timely filed if:

(1) The statement or form was received in a Board office within the prescribed time; or

(2) The statement or form was mailed to a Board office in accordance with instructions printed on the form and was received at such office; or

(3) The employee made a reasonable effort to file the statement of sickness or claim form within the prescribed time but was prevented from doing so by circumstances beyond his or her control, and such statement or claim was received at a Board office within a reasonable time following the removal of the circumstances that prevented the employee from filing the form. The phrase "circumstances beyond his or her control" shall not include an employee's forgetfulness or lack of knowledge of the sickness benefit program or the time limit for filing for sickness benefits or any other lack of diligence by the employee. For the purposes of this provision, if a statement of sickness is not received within the prescribed time but is received within 30 days of the first day that an employee intends to claim as a day of sickness, the Board will consider that the employee made a reasonable effort to file the statement within the prescribed time, unless it is clear on the basis of affirmative evidence that the delay was not the result of circumstances beyond the employee's control; or

(4) The employee mistakenly registered for unemployment benefits when he or she should have applied for sickness benefits for the day or days claimed and the appropriate statement of sickness was then received at an office of the Board within a reasonable time after unemployment benefits were denied; or

(5) A female employee not able to work because of pregnancy, miscarriage, or childbirth filed an incorrect statement of sickness form within the prescribed time and after being so informed, filed the correct statement of sickness form within a reasonable period of time thereafter. Notwithstanding the foregoing, any claim that is not filed within two years of the day or days claimed shall not be considered as timely filed, and such day or days shall not be considered as days of sickness.

(e) *Days for which no statement of sickness deemed filed.* A statement of sickness shall not be deemed to be filed with respect to any day in a benefit year in which the employee is not a qualified employee as defined in section 3 of the Railroad Unemployment Insurance Act or has exhausted his or her rights to sickness benefits under the Act. See part 336 of this chapter.

§ 335.5 Death of employee.

If an employee dies before filing one or more of the required forms, the form or forms may be filed by or in behalf of the person or persons to whom benefits would be payable pursuant to section 2(g) of the Railroad Unemployment Insurance Act. Such form or forms shall be filed within the time prescribed in § 335.4 of this part. Under these circumstances, the word "employee" as used in § 335.4(b) of this part and as used in § 335.4(d)(3) of this part shall include the individual or individuals by or in behalf of whom the form is filed. The order of distribution for benefits due but unpaid as of the date of an employee's death is the same as the order of distribution for annuities unpaid at death under the Railroad Retirement Act and may be found at § 234.31 of this title.

§ 335.6 Payment of sickness benefits.

(a) *Waiting period.* A qualified employee's first registration period in any benefit year is his or her waiting period, provided that such employee has at least five days of sickness in such registration period, four of which must be consecutive, and files a timely claim for sickness benefits for such period. No benefits are payable for any day of sickness in such registration period.

(b) *Subsequent registration period.* With respect to any subsequent registration period in the same benefit year and the same period of continuing sickness, the Board will pay benefits for each day of sickness in excess of four during such registration period.

(c) (1) *Example 1.* An employee has a period of continuing sickness running from May 1 through May 31. All of those days are days of sickness. The employee returned to work June 1. His first registration period in that period of continuing sickness is May 1 to May 14. That registration period, if it is the employee's first one in the benefit year, is a waiting period, and no benefits are payable for any day of sickness therein. The employee's second registration period is May 15 to May 28, and benefits will be paid for each day of sickness in excess of four during such period. The employee's third registration period is May 29 to June 11, but since he or she returned to work on June 1 the employee has only three days of sickness (May 29,

30 and 31), and hence no sickness benefits are payable for that period.

(2) *Example 2.* An employee has a period of continuing sickness beginning on May 1 and ending on July 31, with all days in the period being days of sickness. The employee's first registration period in the period of sickness is May 1 to May 14. Because that registration period is the employee's first one in the benefit year, the period is the employee's waiting period and no benefits are payable for any of the days therein. Benefits are payable for each day in excess of four during each of the employee's next four registration periods of May 15 to May 28, May 29 to June 11, June 12 to June 25, and June 26 to July 9. July 10 is the beginning date of a new benefit year for the employee. Because the registration period July 10 to July 23 is the employee's first one in the new benefit year, the period is the employee's waiting period and no benefits are payable for any of the days of sickness in the period. The employee's second registration period in the new benefit year is July 24 to August 6. The employee has eight days of sickness in that period, having been found able to return to work as of August 1. Benefits are payable for four days of sickness in that period.

(d) The gross amount of sickness benefits for any registration period in a benefit year, following the waiting period for such year, shall be computed by multiplying the number of days of sickness in excess of four by the employee's daily benefit rate, as computed under part 330 of this chapter. From such gross amount the Board will deduct the amount of any social insurance payment apportionable to days of sickness in the registration period, any tier I railroad retirement employment tax imposed under chapter 22 of the Internal Revenue Code of 1986, and the amount of any overpayment being recovered under part 340 of this chapter. The net amount remaining shall then be certified to the United States Treasury Department for payment to the employee, unless a portion of such amount has been attached in accordance with part 350 of this chapter.

(e) Sickness benefits shall continue to be certified for payment pursuant to the foregoing paragraphs for the duration of the employee's period of continuing sickness, subject to the statutory maximums prescribed in section 2(c) of the Railroad Unemployment Insurance Act. See also part 336 of this chapter.

Dated: October 10, 1989.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 89-24735 Filed 10-19-89; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN-1024-AB67

Rocky Mountain National Park, Colorado; Trucking Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service (NPS) has changed the trucking regulations in Rocky Mountain National Park. The changes still allow the Superintendent to issue a permit for commercial trucking on park roads by ranchers, farmers and business concerns located in the counties of Larimer, Boulder and Grand, Colorado, when the loads originate and terminate in these counties. This rule also revises the fee schedule and the permit conditions. With these changes in place, the park staff will be able to manage the truck traffic on park roads more effectively. Effects of the rules are expected to be minimal.

EFFECTIVE DATE: November 20, 1989.

FOR FURTHER INFORMATION CONTACT: David J. Essex, Chief Park Ranger, Rocky Mountain National Park, Estes Park, Colorado 80517, Phone: (303) 586-2371.

SUPPLEMENTARY INFORMATION:

Background

The existing National Park Service special regulations that pertain to trucking are codified at 36 CFR 7.7 (b) and (e). They allow the Superintendent to issue permits for trucks on park roads, as long as they originate and terminate within the three counties (Grand, Larimer, and Boulder) that surround Rocky Mountain National Park.

The original intent of the trucking regulations was to abide by agreements reached with the State of Colorado when Trail Ridge Road was constructed, to permit trucking on park roads by ranchers, farmers, and business concerns located in the three counties surrounding the park. In recent years the number of trucking permits issued under this regulation has decreased considerably. Because of legislation which has rendered the present trucking permit fee schedule obsolete, and the low numbers of trucking permits issued, the NPS believes that a more accurate and simplified schedule of fees for these permits should be charged.

The NPS published a proposed rulemaking in the **Federal Register** on August 29, 1988 (53 FR 32924) and provided a 30-day period for public comment on the proposed revisions. No comments were received. Therefore, the final rule is published unchanged.

Drafting Information

The primary authors of these regulations are David Essex, Chief Park Ranger, and Ronald S. Maitland, Visitor Protection Specialist, both of Rocky Mountain National Park.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 (February 19, 1981), 46 FR 13193, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope. The National Park Service has determined that this rulemaking will not have a significant effect on the quality of the human environment, health, and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based upon this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National Parks; Reporting and recordkeeping requirements.

In consideration of the foregoing 36 CFR chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 16 U.S.C. 1, 3, 9a, 462(k); section 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. In § 7.7 by removing paragraph (e), redesignating paragraph (f) as paragraph (e) and revising paragraph (b) to read as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(b) *Trucking Permits.* (1) The Superintendent may issue a permit for trucking on a park road when the load carried originates and terminates within the counties of Larimer, Boulder, or Grand, Colorado.

(2) The fee charged for such trucking over Trail Ridge Road is the same as the single visit entrance fee for a private passenger vehicle. A trucking permit is valid for one round trip, provided such trip is made in one day, otherwise the permit is valid for a one-way trip only.

(3) The fees provided in this paragraph also apply to a special emergency trucking permit issued pursuant to § 5.6(b) of this chapter.

* * * * *

Dated: September 27, 1989.

Contance Harriman,

Fish and Wildlife and Parks.

[FR Doc. 89–24775 Filed 10–19–89; 8:45 am]

BILLING CODE 4310–70–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Procurement Manual

AGENCY: Postal Service.

ACTION: Amendments to Procurement Manual.

SUMMARY: The Postal Service announces that it is making numerous miscellaneous amendments to the Procurement Manual, including, for example, a reduction in the categories of professionals required to carry malpractice insurance; a requirement that source lists be developed as needed, rather than maintained; a provision for alternative methods of publicizing requests for qualification statements; and an amendment permitting the use of oral solicitations using the simplified purchasing procedures. Certain other minor and editorial changes are also made to the Procurement Manual.

EFFECTIVE DATE: October 16, 1989.

FOR FURTHER INFORMATION CONTACT: Paul D. McGinn, (202) 268–4638.

SUPPLEMENTARY INFORMATION: The Procurement Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 601.100), has been amended by the issue of PM Circular 89–2, dated October 16, 1989.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Procurement Manual, see 39 CFR 601.104.)

List of Subjects in 39 CFR Part 601

Government procurement, Postal Service, Incorporation by reference.

PART 601—[AMENDED]

The authority citation for part 601 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

Explanation of Changes

Procurement Manual Circular 89–2 contains changes and revisions to text concerning the procurement of facilities and related services. A list of the affected text follows. The full text of the changes follow this Explanation.

A. Section 7.2.4.a, Professional Services. Paragraph a is changed to delete the requirements that appraisers, attorneys, brokers, title examiners, surveyors and nurses carry errors and omissions (malpractice) insurance.

B. Section 11.2.2, Real Estate-Related Services.

1. Paragraph a is changed to require that source lists be developed as needed, rather than maintained, and to provide for alternative methods of publicizing requests for qualification statements.

2. Paragraph c is changed by adding a sentence permitting the use of oral solicitations using the simplified purchasing procedures.

C. Section 11.4.1, General.

1. A new paragraph a is added, defining "lease".

2. Paragraph a is changed to paragraph b.

3. Paragraph c is expanded to describe the scope of negotiations permitted, and to limit the disclosure of information as to the number and identity of offerors.

4. A new paragraph d is added, describing evaluation criteria for award of leases.

D. Section 11.4.2, Leases of Existing Space.

1. Subparagraphs d.1 and 2 are combined and rewritten for more clarity and conciseness.

2. Subparagraph d.3 is redesignated as subparagraph d.2.

3. A new subparagraph d.3 is added to allow lessors to make improvements in accordance with PM 11.5.1.

E. Section 11.4.3, New Construction Leases.

1. Paragraph b is changed to delete the requirement that new construction lease solicitations agree with *Procurement Manual* requirements, and to substitute a statement that requirements must be set forth in the solicitation.

2. A new paragraph d is added, requiring that solicitations for new leased construction be publicized in accordance with 11.4.2.a.

F. Section 11.5.1, Procurement of Construction.

1. Words are added at the end of paragraph a to make it clear that "construction," as defined, does not include a lease.

2. A new paragraph b is added, providing that construction to be accomplished under lease may be procured noncompetitively and without publicizing.

3. Redesignate existing paragraphs "b" through "d" as "c" through "e".

4. Paragraph e, "Specifications" is redesignated as paragraph "f," and subparagraph 3 is changed to provide that, when using a "brand name or equal" description, if more than three acceptable brands are known, only three need be listed.

5. Change the reference in the first sentence of 11.5.1.k.1 from "11.4.1.d.1" to "11.4.2.d.3."

G. Section 11.5.4, Contractor Prequalification. Subparagraph b.2 is revised to bring the requirements for selection of firms to receive solicitations into agreement with the procedures in Handbook RE–14, *Design and Construction*, and a recent protest decision.

H. Various Sections. Make pen and ink changes, as described below, to correct errors in the following sections and parts:

1. Section 3.2.2.a
2. Section 3.2.2.d
3. Section 7.1.9.a
4. Section 11.2.2.d

5. Section 11.4.2.a.3
6. Section 11.5.1.k.1
7. Section 11.5.3.e

3.2.2. Methods of Publicizing. Change the last sentence in subparagraphs a and d to the following: "See the relevant handbook for guidance on format and procedures."

7.1.9.a. Prescribed Formats. Change this sentence to the following: "See the relevant handbook for guidance and procedures."

11.2.2.d. Real Estate-Related Services. Change the second sentence to the following: "Procedural guidance and formats for clauses can be found in Handbook RE–14, *Design and Construction.*"

11.4.2.a. Publicizing. In subparagraph 3, change "6,5000" to "6,500."

11.5.1.k. Solicitations. Redesignate "k" as "l." In subparagraph l, "Content," delete the first sentence, which is restated in the new paragraph 11.5.1.b.

11.5.3.e. Contract Preparation. Change the reference to the Procurement Handbook to "Handbook RE–14, *Design and Construction.*"

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 89–24763 Filed 10–19–89; 8:45 am]

BILLING CODE 7710–12–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 89–283]

Broadcasting Drug Traffic Control

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: The Commission clarifies its policies regarding applicants and licensees in all services where the applicant, licensee or any principal of the applicant or licensee has been convicted of drug trafficking.

EFFECTIVE DATE: September 29, 1989.

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

FOR FURTHER INFORMATION CONTACT: David Solomon, Office of General Counsel, Federal Communications Commission, (202) 632–6990.

SUPPLEMENTARY INFORMATION: At its meeting on September 29, 1989, the Commission adopted the following Public Notice regarding licensee participation in drug trafficking.

September 29, 1989

Commission Clarifies Policies Regarding Licensee Participation in Drug Trafficking

This Public Notice clarifies Federal Communications Commission policies regarding the participation of private radio, common carrier, broadcast, and other radio licensees in drug trafficking.

Eradicating illicit trafficking in narcotics, drugs, and other controlled substances today is a major Federal public policy priority. This is evidenced by congressional, judicial, and presidential actions and declarations. Last year, for example, Congress passed the Anti-Drug Abuse Act of 1988, which includes a provision (§ 5301) permitting judicial denial of federal benefits to persons convicted of drug offenses. The President recently transmitted to Congress his plan for implementing that statute.

Drug trafficking is severely affecting the health and safety of millions of Americans, and the contribution that they could otherwise make to our society. As President Bush recently stated:

All of us agree that the gravest domestic threat facing our nation today is drugs. Drugs have strained our faith in our system of justice. Our courts, our prisons, our legal system are stretched to the breaking point. The social costs of drugs are mounting. In short, drugs are sapping our strength as a nation.

The Commission has no evidence indicating that the incidence of drug trafficking on the part of FCC licensees, or employees of licensees, exceeds that for American society generally. The Commission nevertheless regards drug trafficking as a matter of the gravest concern and intends to apply policies that reinforce both private and Government efforts to eradicate drug trafficking.

Accordingly, absent extenuating or mitigating circumstances, the Commission intends promptly to take all appropriate steps, including initiation of license revocation proceedings, where information comes to our attention that FCC licensees or their principals have been convicted of drug trafficking.[1]

While our statement today is intended to apply to licensees in all FCC services and is not motivated by a concern regarding any particular service, we note that drug trafficking convictions fall within the scope of conduct the Commission may consider under existing policy in the broadcast area.[2]

In addition, licensees and permittees in all services are advised that the Commission encourages maximum possible effort on their part to stem the national problem of drug trafficking. In this regard, the adoption of drug counseling, drug education, and other similar programs by licensees and permittees is encouraged. Licensees and permittees should also prohibit the use of drugs by employees while at work.

Action by the Commission September 29, 1989, by Public Notice (FCC 89–283). Commissioners Sikes (Chairman), Quello, Dennis, Marshall and Barrett.

News Media contact: Audrey Spivack at (202) 632–5050. Office of General Counsel contact: David Solomon at (202) 632–6990.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89–24804 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

[1] *See, e.g., Policy Regarding Character Qualifications in Broadcast Licensing,* 102 FCC 2d 1179, 1217–20, 1227–28, *on reconsideration,* 1 FCC Rcd 421 (1986), *appeal dismissed sub nom. National Association of Better Broadcasting v. FCC,* No. 86–1179 (D.C. Cir. June 11, 1987).

[2] *See* 102 FCC 2d at 1197 n. 42. *See also Williamsburg County Broadcasting Corp.,* FCC 89–280, adopted September 29, 1989.

47 CFR Part 73

[MM Docket No. 88–438; RM–6327]

Radio Broadcasting Services; Yermo, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 287A to Yermo, California, as that community's second local FM broadcast service, in response to a petition for rule making filed on behalf of Robert Jason. See 53 FR 37611, September 27, 1988. Coordinates used for Channel 287A at Yermo are 34–55–18 and 116–46–22. With this action, the proceeding is terminated.

DATES: Effective November 27, 1989; The window period for filing applications on Channel 287A at Yermo, California, will open on November 28, 1989, and close on December 28, 1989.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-438, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, for Yermo by adding Channel 287A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-24738 Filed 10-19-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-104; RM-6645]

Radio Broadcasting Services; Big Pine, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 227B to Big Pine, California, as that community's first local broadcast service, in response to a petition for rule making filed on behalf of Janice D. Levin. See 54 FR 21260, May 17, 1989. Coordinates utilized for Channel 227B at Big Pine are 37-09-54 and 118-17-12. With this action, the proceeding is terminated.

DATES: Effective November 27, 1989; The window period for filing applications on Channel 227B at Big Pine, California, will open on November 28, 1989, and close on December 28, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530, regarding the allocation proceeding. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-104, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, by adding Big Pine, Channel 227B.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-24740 Filed 10-19-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-311; RM-5858, RM 5859, RM-6136]

Radio Broadcasting Services; Hillsboro, Rushville, and Virden, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of James M. Wextten, *See* 52 FR 32817, August 31, 1887, this document allots Channel 259B to Hillsboro, Illinois, as that community's first local FM service. Channel 259B can be allotted to Hillsboro, Illinois, in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.6 kilometers (5.7 miles) north of the city. The coordinates for this allotment are 39-14-20 and 89-27-37. The petitions separately filed by Virden Broadcasting Corporation and Berrey-Price Communications are denied. With this action, this proceeding is terminated.

DATES: Effective November 27, 1989; The window period for filing applications will open on November 28, 1989, and close on December 28, 1989.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 87-311, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by adding Hillsboro, Illinois, Channel 259B.

Karl A. Kensinger,

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

[FR Doc. 89-24739 Filed 10-19-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-259; RM-5892, RM-6292, RM-6463 and RM-6464]

Radio Broadcasting Services; Faribault, MN, et al.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 298C2 to Faribault, Minnesota, in response to a petition filed by KDHL, Inc. The coordinates for Channel 298C2 are 44-14-14 and 93-23-41, at a site 11.8 kilometers southwest of the community. In response to a petition filed by Blooming Prairie Development Corp. we shall allot Channel 265A to Blooming Prairie, Minnesota, as that community's first FM broadcast service. The coordinates for Channel 265A are 43-52-06 and 93-03-06.

This document also dismisses the counterproposal filed by KYMN, Inc. and a counterproposal filed by Kingsley H. Murphy, Jr. KYMN, Inc. requested the allotment Channel 298C2 at Northfield, Minnesota. Kingsley H. Murphy requested the substitution of Channel 239A for 238A at New Prague, Minnesota, and modification of its license for station KCHK–FM to specify Channel 239A.

DATES: Effective November 27, 1989; The window period for filing applications for Channel 298C2 at Faribault, Minnesota, will open on November 28, 1989, and close on December 28, 1989. The window for Channel 265A at Blooming Prairie, Minnesota, will be withheld until the license for Station KJLY(FM), Blue Earth, Minnesota, is modified to specify operation on Channel 283C2 in lieu of Channel 265A.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–259, adopted September 26, 1989, and released October 12, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. In § 73.202(b), the Table of FM Allotments is amended under Minnesota by adding Channel 265A, Blooming Prairie and Channel 298C2 at Faribault.

Federal Communications Commission.

Karl Kensinger,

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

[FR Doc. 89–24741 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 54, No. 202
Friday, October 20, 1989

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 78

[Docket No. 89-006]

RIN: 0579-AA27

Swine Identification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning swine identification to provide that swine in interstate commerce, with certain exceptions, must be identified at whichever of the following comes first: (1) The point of first commingling of the swine in interstate commerce with swine from any other source; (2) upon unloading of the swine in interstate commerce at any livestock market; (3) upon transfer of ownership of the swine in interstate commerce; or (4) upon arrival of the swine in interstate commerce at their final destination. We believe these changes are necessary to provide a system of swine identification that allows for effective traceback of diseased or adulterated swine, without unnecessarily disrupting standard marketing procedures. We are also proposing to make certain amendments regarding the list of approved means of identification for swine, in order to clarify our requirements and to allow for the use of an additional device effective in identifying swine in interstate commerce. Additionally, we are proposing to clarify who within the Animal and Plant Health Inspection Service holds primary responsibility for various decisions under the regulations.

DATE: Consideration will be given only to comments received on or before December 19, 1989.

ADDRESSES: To help ensure that your written comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89-006. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. J. P. Davis, Staff Veterinarian, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, Room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5533.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 71 (referred to below as the regulations contain general provisions regarding the interstate transportation of animals and animal products. On October 14, 1988, we published in the **Federal Register** a final rule (53 FR 40378-40387, Docket No. 88-055) that, among other things, amended the regulations to require, with one exception, that no swine be sold, transported, received for transportation, or offered for sale or transportation, in interstate commerce, unless they are individually identified with approved identification. The one exception is for swine from "farrow-to-finish" operations that are taken directly to a slaughtering establishment from the premises where they were raised. The final rule also established regulations that require that records be kept that show the identification of all swine in interstate commerce.

The amended regulations were established to provide a way to trace swine affected with disease to their source, and identify all animals they may have exposed to the disease and that may in turn have become infected and able to spread the disease. These traceback abilities were also designed to help the Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture (USDA) meet its responsibilities under the Federal Meat Inspection Act. The traceback provisions enable FSIS to trace carcasses adulterated with chemical residues to their source and assist in preventing further distribution of such carcasses.

In order to clarify which swine fall under the identification requirements, we added to the regulations, in our October 14, 1988, final rule, a definition of "Interstate commerce," and explained that the definition was intended to cover as many swine as possible under the animal quarantine laws and the Federal Meat Inspection Act. We explained that, under the regulations, individual swine may need to be identified, even if they are not immediately being moved interstate, and that transactions and movements occurring prior to, during, and after an interstate transaction or movement are included under interstate commerce, as long as the commerce in the swine continued.

Under the current regulations, in many cases the swine must be identified prior to leaving the producer's premises. A number of industry representatives have requested that we amend the regulations, however, to provide that swine need not be identified until the first point of concentration. According to the requesters, requiring identification at the producer's premises is contrary to standard industry procedure and disruptive of normal marketing practices.

We believe that requiring swine to be identified at the producer's premises is contrary to standard industry practice. Traditionally, swine identified for industry purposes have been identified at the first point of commingling with other swine. As noted, the purpose of our October 14, 1988, changes was to provide USDA with the capability to trace diseased or adulterated swine to their herd of origin. By doing this, APHIS can more effectively trace the movement of animals from that herd, and take appropriate action to ensure that those animals do not expose other animals to disease. For FSIS, adequate traceback capabilities enable that agency to more effectively find the source of swine adulterated with residues of drugs and other chemicals.

Based on our analysis of industry requests and our own experience conducting swine disease eradication programs, we believe that effective traceback of diseased or adulterated swine can be accomplished without requiring that swine in interstate commerce be identified at the producer's premises. We believe that effective traceback can be carried out if the swine in interstate commerce are

identified at whichever of the following comes first: (1) The point of first commingling of the swine in interstate commerce with swine from any other source; (2) upon unloading of the swine in interstate commerce at any livestock market; (3) upon transfer of ownership of the swine in interstate commerce; or (4) upon arrival of the swine in interstate commerce at their final destination. Each of these potential points of identification is discussed in the following paragraphs.

1. *The point of first commingling of the swine in interstate commerce with swine from any other source.* The most common example of such commingling is when a truck driver picks up swine from different farms for interstate delivery to market. Swine identified at this point could be traced directly back to their herd of origin.

2. *Upon unloading of the swine in interstate commerce at any livestock market.* This is the traditional point of identification of swine. The proposed regulations would allow swine in interstate commerce to be identified at these locations if they are not first commingled with other swine or transferred to a new owner (discussed below). If neither commingling with other swine nor transfer of ownership has taken place, the swine could be traced directly back to the herd of origin.

3. *Transfer of ownership of the swine in interstate commerce.* Swine in interstate commerce would have to be identified at the time of transfer of ownership. This provision would ensure that traceback to the herd of origin could be carried out in those situations where a buyer purchases swine, then subsequently moves them interstate.

4. *Upon arrival of the swine in interstate commerce at their final destination.* This provision would apply most commonly to swine in interstate commerce moved directly to a breeding farm or to a slaughter establishment. If the swine have not already been identified when so moved, the movement would necessarily be the result of one transaction between buyer and seller. Identification at the final destination would therefore allow for traceback to the herd of origin.

Swine Tattoos

Among the means of swine identification listed in § 71.19(b) for use on swine moving to slaughter are Veterinary Services-approved tattoos. Reference to Veterinary Services-approved tattoos is also made in 9 CFR part 78.33, regarding restrictions on the interstate movement of sows and boars because of brucellosis. We are proposing to amend the references to Veterinary Services-approved tattoos, everywhere they appear in parts 71 and 78, to refer instead to "Official swine tattoos." We believe it is necessary to add the word "swine" when referring to these tattoos to eliminate confusion between the swine tattoo and another type of tattoo used to identify brucellosis calfhood vaccinated animals. We would refer to official swine tattoos, rather than to Veterinary Services-approved tattoos, because, although the regulations contain certain requirements regarding the form and use of such tattoos, they do not contain criteria for Veterinary Services approval of the tattoos themselves.

Also, we are proposing to clarify the regulations by making consistent the provisions in parts 71 and 78 regarding Veterinary Services-approved tattoos (proposed to be changed to "official swine tattoos," as noted above). Current § 78.33(a)(3) sets forth the conditions under which these tattoos may be used on sows and boars. Under the regulations, the tattoos must be authorized in writing by APHIS, based on a determination by APHIS that they will provide a means of tracing the movement of the sows and boars in interstate commerce. In contrast, current § 71.19(b)(3), while listing such tattoos as an approved means of identification of swine moving to slaughter, does not include the conditions under which the tattoos will be issued. Therefore, we are proposing to clarify the conditions in § 78.33(a)(3) and to add such conditions to § 71.19(b)(3). They would be the same, except that § 71.19(b)(3) would apply to all swine moving to slaughter and § 78.33(a)(3) would continue to apply specifically to sows and boars. Both § 71.19(b)(3) and § 78.33(a)(3) would provide that the Administrator will authorize the use of official swine tattoos when he or she determines that such tattoos will be retained and visible on the carcass of the animal after slaughter, so as to provide identification of the swine. We are also proposing to amend the regulations to set forth consistent definitions of "Official swine tattoo" in parts 71 and 78.

Tattoos of At Least Four Characters

Also listed in § 71.19(b)(3) as an approved means of identification for swine moving to slaughter, except for sows and boars as provided in § 78.33, are four-character tattoos. The requirement that the tattoos be of four characters was based on the fact that a four-character tattoo is customarily used by industry packing plants in the United States. However, we did not intend to preclude the use of tattoos that are more than four characters. Because we recognize that, in certain cases, tattoos of more than four characters are used by the industry, and because these tattoos are at least as effective in identifying swine as four-character tattoos, we are proposing to amend the regulations to provide that tattoos of at least four characters may be used as an approved means of identification on swine moving to slaughter. Additionally, to make clear the difference between these tattoos and APHIS-approved swine tattoos, we are proposing to move the provisions regarding tattoos other than APHIS-approved tattoos from § 71.19(b)(3) to a new § 71.19(b)(4).

Department Backtags

Among the devices listed as approved means of swine identification in § 71.19(b) are "United States Department of Agriculture swine backtags, when used on swine moving to slaughter." Section 78.33, regarding sows and boars, also refers to "United States Department of Agriculture swine backtags." We are proposing to change these references, and their corresponding definitions in §§ 71.1 and 78.1, to "United States Department of Agriculture backtags." Backtags specifically for swine have been in use only since 1986. Prior to that time, cattle backtags could be used on swine. The identification systems used on swine and cattle backtags are similar. Both have eight characters. The only differences between the two are that (1) swine backtags use two letters to identify the State, and cattle backtags use two digits to identify the State; and (2) cattle backtags are ovals made of platic coated paper, and swine backtags are round disks of vinyl. We believe, based on experience, that swine can be identified effectively by USDA cattle backtags, and that it is therefore unnecessary to require that backtags used on swine be "swine" backtags.

Definitions

We are also proposing to add to the regulations definitions of "commingling" and "livestock market" to clarify the meaning of these terms as used in proposed § 71.19(a)(1). We would define "commingling" to mean the mixing or assembling of swine from one premises with swine from any other premises, including, but not limited to, loading swine from more than one premises on the same truck, trailer, vessel, or railroad car. We would define "livestock market" to mean a stockyard, buying station, concentration point, or any other premises where swine are assembled for sale or sale purposes.

Deletion of Definition

Current § 71.1 contains a definition of "premises of origin." However, because the term "premises of origin" is not otherwise used in Part 71, we are proposing to remove that definition.

Miscellaneous

The regulations in part 71 and part 78 indicate that the Deputy Administrator, Veterinary Services, is the official responsible for various decisions under these regulations. We are proposing to revise part 71, § 78.33, and certain definitions in § 78.1, to indicate that primary responsibility for various decisions under these regulations belongs to the Administrator of the agency. We are proposing to change only § 78.33 and portions of § 78.1 in part 78 at this time, because they are the only sections in that part affected by the substantive changes we are proposing to make in part 71. We are proposing to replace references to "Deputy Administrator"with references to "Administrator," and are proposing to replace references to "Veterinary Services" with references to "Animal and Plant Health Inspection Service." We are making similar changes in all other APHIS regulations, including the remainder of part 78, in separate Federal Register documents.

With these changes, the terms "Veterinary Services," "Veterinary Services approved tattoo," and "Veterinary Services inspector" would no longer appear in part 71, and the term "Veterinary Services approved tattoo" would no longer appear in part 78. Therefore we are proposing to remove the definitions of those terms. We are proposing to add definitions of "Administrator," "Animal and Plant Health Inspection Service," "Official swine tattoo" (discussed further in this document under the heading "Swine Tattoos"), and "APHIS inspector" to part 71. We are also proposing to add definitions of "Animal and Plant Health Inspection Service" and "Official swine tattoo" to part 78.

Executive Order 12291 and Regulatory Flexibility Act

We are proposing this rule in conformance with Executive Order 12291, and have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

Under the current regulations, swine in interstate commerce must be identified. In many cases, this places the responsibility for identification initially on the producer. Under the proposed regulations, swine in interstate commerce would have to be identified at whichever of the following comes first: (1) The point of first commingling of the swine in interstate commerce with swine from any other source; (2) upon unloading of the swine in interstate commerce at any livestock market; (3) upon the transfer of ownership of the swine in interstate commerce; or (4) upon arrival of the swine in interstate commerce at their final destination. Under these proposed provisions, the responsbiility for identification of swine in interstate commerce at the producer's premises would in many cases be transferred to the premises of meat packing plants, selling and buying firms and dealers.

In 1987, producers received approximately $117 per hog. Based on Government estimates, the costs of complying with identification requirements under the regulations are $.25 per animal for applying the identification and $.24-$.33 per lot of 30 animals for recordkeeping.

According to Department information, most of the hogs purchased by packing firms are purchased directly from producers. The remaining hogs are purchased at auction and terminal markets and from independent dealers. This proposed rule would have little or no economic impact on the large majority of these entities, because packing firms and most buying and selling facilities are already equipped to apply swine identification and are already employing means of swine identification, for their own purposes, that would satisfy the proposed requirements. no added recordkeeping would be required under the proposed regulations.

The provisions in this proposed rule concerning the types of permissible identification devices would neither increase nor decrease the cost to the public for their application.

Under these circumstances, the Administrator of the Aminal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

These programs/activities under 9 CFR parts 71 and 78 are listed in the Catalog of Federal Domestic Assistance under No. 10.025 and are subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*), the information collection provisions that are included in this proposed rule have been approved by the Office of Management and Budget (OMB) and have been given OMB control number 0579–0047.

List of Subjects

9 CFR Part 71

Animal diseases, Livestock and livestock products, Poultry and poultry products, Quarantine, Transportation.

9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation.

Accordingly, we are proposing to amend 9 CFR parts 71 and 78 as follows:

PART 71—GENERAL PROVISIONS

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

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

2. In § 71.1, the definitions of "Premises of origin", "United States Department of Agriculture swine backtag", "Veterinary Services", "Veterinary Services approved tattoo" and "Veterinary Services inspector" would be removed; and new definitions of "Administrator", "Animal and Plant Health Inspection Service", "APHIS inspector", "Commingling", "Livestock market", "Official swine tattoo", and "United States Department of Agriculture backtag" would be added, in alphabetical order, to read as follows:

§ 71.1 Definitions.

* * * * *

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

APHIS inspector. An inspector of the Animal and Plant Health Inspection Service.

* * * * *

Commingling. The mixing or assembling of swine from one premises with swine from any other premises, including, but not limited to, loading swine from more than one premises on the same truck, trailer, vessel, or railroad car.

* * * * *

Livestock market. A stockyard, buying station, concentration point, or any other premises where swine are assembled for sale or sale purposes.

* * * * *

Official swine tattoo. A tattoo, conforming to the six-character alpha-numeric National Tatto System, that provides unique identification for each herd or lot of swine.

* * * * *

United States Department of Agriculture backtag. A backtag issued by APHIS that conforms to the eight-character alpha-numeric National Backstagging System, and that provides unique identification for each animal.

3. In § 71.19, paragraph (a)(2) would be redesignated as paragraph (a)(3); paragraph (a)(1) would be revised; and new paragraph (a)(2) would be added, to read as follows:

§ 71.19 Identification of swine in interstate commerce.

(a)(1) Except as provided in paragraph (c) of this section, no swine may be sold, transported, received for transportation, or offered for sale or transportation, in interstate commerce, unless they are individually identified at whichever of the following comes first:

(i) The point of first commingling of the swine in interstate commerce with swine from any other source;

(ii) Upon unloading of the swine in interstate commerce at any livestock market;

(iii) Upon transfer of ownership of the swine in interstate commerce; or

(iv) Upon arrival of the swine in interstate commerce at their final destination.

(2) The identification shall be by means of identificaiton approved by the Administrator and listed in paragraph (b) of this section. All swine shall remain so identified while they are in interstate commerce.

* * * * *

4. In § 71.19, paragraphs (b) (4) and (5) would be redesignated as paragraphs (b) (5) and (6) respectively; a new paragraph (b)(4) would be added; and paragraphs (b) (2) and (3), and paragraph (d), would be revised, to read as follows:

§ 71.19 Identification of swine in interstate commerce.

* * * * *

(b) * * *

(2) United States Department of Agriculture backtags, when used on swine moving to slaughter;

(3) Official swin tattoos, when used on swine moving to slaughter, when the use of the official swine tattoo has been requested by a user or the State animal health official, and the Administrator authorizes its use in writing based on a determination that the tattoo will be retained and visible on the carcass of the swine after slaughter, so as to provide identification of the swine;

(4) Tattoos of at least 4-characters when used on swine moving to slaughter, except sows and boars as provided in § 78.33 of this chapter;

* * * * *

(d) Serial numbers of United States Department of Agriculture backtags and official swine tattoos will be assigned to each person who applies to the State animal health official or the Area Veterinarian in Charge for the State in which that person maintains his/her or its place of business. Serial numbers of official eartags will be assigned to each accredited veterinarian or State or Federal representative who requests official eartags from the State animal health official or the Area Veterinarian in Charge, whoever is responsible for issuing official eartags in that State. Persons assigned serial numbers of United States Department of Agriculture backtags, official swine tattoos, and official eartags must:

* * * * *

5. In § 71.6, paragraph (c), the words "the Veterinary Services" would be removed, and the words "the Animal and Plant Health Inspection Service" would be added in their place.

§ 71.1, 71.6, 71.10, 71.13 [Amended]

6. In addition to the amendments set forth above, in 9 CFR part 71, the words "Veterinary Services" would be removed, and the word "APHIS" would be added in their place in the following places:

(a) Section 71.1, definitions of "Accredited herd", "Area Veterinarian in Charge", and "Official eartag".

(b) Section 71.6, paragraph (a), both times they appear; and paragraph (c);

(c) Section 71.10, paragraph (b)(1); and

(d) Section 71.13, heading.

§§ 71.3, 71.4, 71.5, 71.6, 71.13, 71.16 [Amended]

7. In addition to the amendments set forth above, in 9 CFR part 71, the words "a Veterinary Services" would be removed, and the words "an APHIS" would be added in their place in the following places:

(a) Section 71.3, paragraph (d), introductory text; and paragraph (d)(5);

(b) Section 71.7, paragraphs (a) and (b);

(c) Section 71.5, both times they appear;

(d) Section 71.6, paragraph (b);

(e) Section 71.13, both times they appear; and

(f) Section 71.16, paragraph (a).

§§ 71.3, 71.10, 71.18 [Amended]

8. In addition to the amendments set forth above, in 9 CFR part 71, the words "Deputy Administrator, Veterinary Services" would be removed, and the word "Administrator" would be added to their place in the following places:

(a) Section 71.3, paragraph (d)(6), both times they appear;

(b) Section 71.3, paragraph (e);

(c) Section 71.10, paragraph (a)(5) and (b)(3); and

(d) Section 71.18, paragraph (a)(1)(i) and (a)(4), both times it appears.

PART 78—BRUCELLOSIS

9. The authority citation for part 78 would contined to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 136b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

10. In § 78.1, the terms "Animal and Plant Health Inspection Service", "Official swine tattoo", and "United States Department of Agriculture backtag" would be added, in alphabetical order, to the list of terms defined in § 78.1; the definitions of "United States Department of Agriculture swine backtag" and "Veterinary Service approved tattoo" would be removed; and definitions of "Animal and Plant Health Inspection Service", "Official swine tattoo", and "United States Department of Agriculture backtag" would be added, in alphabetical order, to read as follows:

§ 78.1 Definitions.

The following terms are defined in this section.

* * * * *

Animal and Plant Health Inspection Service.

* * * * *

Official swine tattoo.

* * * * *

United States Department of Agriculture backtag.

* * * * *

Animal and Plant Health Inspection Service (APHIS). The Aminal and Plant Health Inspection Service of the United States Department of Agriculture.

* * * * *

Official swine tattoo. A tattoo, conforming to the six-character alpha-numberic National Tattoo System, that provides a unique identification for each herd or lot of swine.

* * * * *

United States Department of Agriculture backtag. A backtag issued by APHIS that conforms to the eight-character alpha-numberic National Backtagging System, and that provides unique identification for each animal.

* * * * *

11. In § 78.33, paragraph (a)(3) would be revised to read as follows:

§ 78.33 Sows and boars.

(a) * * *

(3) Individually identified by an official swine tattoo when the use of the official swine tattoo has been requested by a user or the State animal health official, and the Administrator authorizes its use in writing based on a determination that the tattoo will be retained and visible on the carcass of the swine after slaughter, so as to provide identification of the swine.

* * * * *

12. In § 76.33, paragraph (d) would be revised to read as follows:

§ 78.33 Sows and boars.

* * * * *

(d) Serial numbers of the United States Department of Agriculture backtags and official swine tattoos will be assigned to each person who applies to the State animal health official or the Area Veterinarian in Charge for the State in which that person maintains his or her place of business. Serial numbers of official eartags will be assigned to each accredited veterinarian or State or Federal representative who requests official eartags from the State animal health official or the Area Veterinarian in Charge, whoever is responsible for issuing official eartags in that State. Persons assigned serial numbers of United States Department of Agriculture backtags, official swine tattoos, and official eartags:

* * * * *

Done in Washington, DC, this 16th day of October 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-24848 Filed 10-19-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-202-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 certain Airbus Industrie Model A300 series airplanes, which would require modification of the ram air turbine system. This proposal is prompted by reports that, during ground and flight tests of the ram air turbine, the blades remained in the feathered pitch of initial spin-up, instead of progressively moving to the operating pitch, due to corrosion in the blade bearing and operating pin assembly. This condition, if not corrected, could lead to failure of the ram air turbine system to provide hydraulic power in an emergency situation.

DATE: Comments must be received no later than December 11, 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-202-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-202-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority of France, 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. The manufacturer reported that, during some ground and flight tests of the ram air turbine system, the blades remained in the feathered pitch of initial spin-up, instead of progressively moving to the operating pitch. Further investigation revealed this was due to corrosion in the blade bearing and operating pin assembly. This condition, if not corrected, could result in failure of the ram air turbine system to provide hydraulic power in an emergency situation.

Airbus Industrie has issued Service Bulletin A300-29-088, Revision 1, dated December 27, 1985, which describes a revised greasing procedure and a new sealing compound application in the ram air turbine system. This modification

improves corrosion resistance inside the ram air turbine blade pitch regulating system. (The service bulletin references Dowty Rotol Service Bulletin 29–125 for additional instructions.) The DGAC has classified the Airbus Service Bulletin as mandatory, and has issued Airworthiness Directive 85–146–IMP(B) addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 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 modification of the ram air turbine system in accordance with the service bulletin previously described.

It is estimated that 66 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for required parts is $210. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $21,780.

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 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, Serial Numbers 001 through 305, certificated in any category. Compliance is required within 90 days after the effective date of this AD, unless previously accomplished.

To prevent failure of the ram air turbine system to provide hydraulic power in an emergency situation, accomplish the following:

A. Modify the ram air turbine system in accordance with Airbus Industrie Service Bulletin A300–29–088, Revision 1, dated December 27, 1985.

Note: Airbus Industrie Service Bulletin A300–29–088 references Dowty Rotol Service Bulletin 29–125 for additional instructions.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to 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, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 11, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–24797 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 89–NM–184–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 certain Airbus Industrie Model A300 series airplanes, which would require repetitive inspections for cracks in certain areas of the center spar sealing angles and bottom skin, the rear spar bottom boom, the front spar bottom boom, the outer wing front and rear spar, and top boom; and repair, if necessary. This proposal is prompted by full-scale fatigue testing by the manufacturer, which identified certain structural components associated with the wing that are prone to fatigue cracking. This condition, if not corrected, could result in reduced structural capability of the wings.

DATES: Comments must be received no later than December 5, 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–184–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-184-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Airbus Industrie Model A300 series airplanes. Full-scale fatigue testing by the manufacturer has revealed (1) cracks in the vertical web of a center spar sealing angle adjacent to Rib 8; (2) cracks originating from bolt holes in the rear spar bottom boom between Rib 1 and Rib 9; (3) cracks in the front spar bottom boom between Ribs 6 and 7, and Ribs 8 and 9; and (4) cracks emanating from bolt holes in the front spar top boom inboard and outboard of Rib 9. This condition, if not corrected, could lead to reduced structural integrity of the wings.

Airbus Industrie Has Issued

1. Service Bulletin A300-57-146, dated December 30, 1988, which describes procedures for repetitive X-ray examinations to detect cracks in the center spar sealing angles and replacement, if necessary; and repetitive high frequency eddy current inspections or close visual inspections of the wing bottom skins, and repair, if necessary;

2. Service Bulletin A300-57-147, dated December 30, 1988, which describes procedures for repetitive ultrasonic inspections to detect cracks in the rear spar bottom boom between Ribs 1 and 9, in the inboard and outboard areas of the main landing gear reinforcing plate, and repair, if necessary;

3. Service Bulletin A300-57-149, dated January 30, 1989, which describes procedures for repetitive ultrasonic inspections to detect cracks in the front spar boom between Ribs 6 and 7, and Ribs 8 and 9, and repair, if necessary; and

4. Service Bulletin A300-57-155, dated December 30, 1988, which describes procedures for repetitive high frequency eddy current inspections to detect cracks in the outer wing front and rear spar top boom inboard and outboard of Rib 9, and repair, if necessary.

The French DGAC has classified these service bulletins as mandatory, and has issued Airworthiness Directive 89-109-097(B), dated July 19, 1989, addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 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 inspections to detect fatigue cracking in certain structural components associated with the wing, and repair, if necessary, 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 80 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 $211,200.

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

For 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 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 certain Model A300 series airplanes, as identified in Airbus Industrie Service Bulletins A300-57-146, A300-57-147, A300-57-155, dated December 30, 1988, and A300-57-149, dated January 30, 1989, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural capability of the wings, accomplish the following:

A. Perform X-ray inspections of the center spar sealing angles, and perform high frequency eddy current (HFEC) inspections of the wing bottom skins adjacent to the pylon rear attachment fitting, in accordance with Airbus Industrie Service Bulletin A300-57-146, dated December 30, 1988, as follows:

1. Perform the initial inspection as follows:

a. Model B2 series airplanes:

(1) For airplanes that have accumulated less than 18,000 landings, perform the initial inspection prior to the accumulation of 20,000 landings.

(2) For airplanes that have accumulated 18,000 or more landings but less than 23,000 landings, perform the initial inspection within 2,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 23,000 or more landings, perform the initial inspection within 1,000 landings after the effective date of this AD.

b. Model B4-2C and B4-100 series airplanes:

(1) For airplanes that have accumulated less than 15,000 landings, perform the initial inspection prior to the accumulation of 17,000 landings.

(2) For airplanes that have accumulated 15,000 or more landings but less than 19,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 19,000 or more landings, perform the initial

inspection within 750 landings after the effective date of this AD.

c. Model B4–200 series airplanes:

(1) For airplanes that have accumulated less than 10,000 landings, perform the initial inspection prior to the accumulation of 12,000 landings.

(2) For airplanes that have accumulated 10,000 or more landings but less than 14,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 14,000 or more landings, perform the initial inspection within 750 landings after the effective date of this AD.

2. If no cracks are found as a result of the inspections required by paragraph A.1., above, repeat the inspections as follows:

a. Repeat the X-ray and HFEC inspections at intervals not to exceed 12,000 landings.

b. In lieu of repetitive HFEC inspections of the wing bottom skin, close visual inspections may be performed at intervals as follows:

(1) For Model B2 series airplanes: at intervals not to exceed 7,900 landings;

(2) For Model B4–2C and B4–100 series airplanes: At intervals not to exceed 6,700 landings;

(3) For Model B4–200 series airplanes: At intervals not to exceed 6,200 landings.

3. If cracks are found during any inspection required by paragraph A.1. or A.2. above, repair prior to further flight in accordance with the service bulletin. Repetitive inspections must be conducted thereafter in accordance with paragraph A.2., above.

B. Perform ultrasonic inspections of the rear spar bottom boom between Ribs 1 and 9 in the inboard and outboard areas of the main landing gear (MLG) reinforcing plate on all aircraft where Modifications 1868 and 1869 have *not* been accomplished. On all aircraft where Modification 1868 has been accomplished but where Modification 1869 has *not* been accomplished, perform an ultrasonic inspection of the rear spar bottom boom between Ribs 1 and 9 in the areas inboard of the main landing gear reinforcing plate. Inspections are to be performed after paint removal in accordance with Airbus Industrie Service Bulletin A300–57–147, dated December 30, 1988, as follows:

1. Perform the initial inspection as follows:

a. Model B2 series airplanes:

(1) For airplanes that have accumulated less than 21,000 landings, perform the initial inspection prior to the accumulation of 23,000 landings.

(2) For airplanes that have accumulated 21,000 or more landings but less than 26,000 landings, perform the initial inspection within 2,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 26,000 or more landings, perform the initial inspection within 1,000 landings after the effective date of this AD.

b. Model B4–2C and B4–100 series airplanes:

(1) For airplanes that have accumulated less than 17,000 landings, perform the initial inspection prior to the accumulation of 19,000 landings.

(2) For airplanes that have accumulated 17,000 or more landings but less than 21,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 21,000 or more landings, perform the initial inspection within 750 landings after the effective date of this AD.

c. Model B4–200 series airplanes:

(1) For airplanes that have accumulated less than 14,000 landings, perform the initial inspection prior to the accumulation of 16,000 landings.

(2) For airplanes that have accumulated 14,000 or more landings but less than 18,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 18,000 or more landings, perform the initial inspection within 750 landings after the effective date of this AD.

2. If no cracks are found as a result of the inspections required by paragraph B.1., above, repeat the ultrasonic inspections as follows:

a. For Model B2 series airplanes: At intervals not to exceed 5,300 landings;

b. For Model B4–2C and B4–100 series airplanes: At intervals not to exceed 4,500 landings;

c. For Model B4–200 series airplanes: At intervals not to exceed 3,900 landings.

3. If cracks are found during any inspection required by paragraph B.1. or B.2. above, repair prior to further flight, in accordance with the service bulletin. Repetitive inspections must be conducted thereafter in accordance with paragraph B.2., above.

C. Perform ultrasonic inspections of the front spar bottom boom between Ribs 6 and 7, and Ribs 8 and 9, in accordance with Airbus Industrie Service Bulletin A300–57–149, dated January 30, 1989, as follows:

1. Perform the initial inspection as follows:

a. Model B2 series airplanes:

(1) For airplanes that have accumulated less than 21,000 landings, perform the initial inspection prior to the accumulation of 23,000 landings.

(2) For airplanes that have accumulated 21,000 or more landings but less than 26,000 landings, perform the initial inspection within 2,000 landings after the effective date of this AD.

(3) For airplanes that have accumulated 26,000 or more landings, perform the initial inspection within 1,000 landings after the effective date of this AD.

b. Model B4–2C and B4–100 series airplanes:

(1) For airplanes that have accumulated less than 18,000 landings, perform the initial inspection prior to the accumulation of 20,000 landings.

(2) For airplanes that have accumulated 18,000 or more landings but less than 22,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 22,000 or more landings, perform the initial inspection within 750 landings after the effective date of this AD.

c. Model B4–200 series airplanes:

(1) For airplanes that have accumulated less than 14,000 landings, perform the initial inspection prior to the accumulation of 16,000 landings.

(2) For airplanes that have accumulated 14,000 or more landings but less than 18,000 landings, perform the initial inspection within 1,500 landings after the effective date of this AD.

(3) For airplanes that have accumulated 18,000 or more landings, perform the initial inspection within 750 landings after the effective date of this AD.

2. If no cracks are found as a result of the inspections required by paragraph C.1., above, repeat the ultrasonic inspections as follows:

a. For Model B2 series airplanes at intervals not to exceed 7,100 landings;

b. For Model B4–2C and B4–100 series airplanes at intervals not to exceed 6,100 landings;

c. For Model B4–200 series airplanes at intervals not to exceed 4,700 landings.

3. If cracks are found during any inspection required by paragraph C.1. or C.2., above, repair prior to further flight in accordance with the service bulletin. Repetitive inspections must be conducted thereafter in accordance with paragraph C.2., above.

D. For Model B2 and B4 series airplanes only: Perform high frequency eddy current (HFEC) inspections of the front and rear spar top boom inboard and outboard of Rib 9, in accordance with Airbus Industrie Service Bulletin A300–57–155, dated December 30, 1988, as follows, at the following intervals:

1. Perform the initial inspection as follows:

a. For airplanes that have accumulated less than 18,000 landings, perform the initial inspection prior to the accumulation of 20,000 landings.

b. For airplanes that have accumulated 18,000 or more landings but less than 23,000 landings, perform the initial inspection within 2,000 landings after the effective date of this AD.

c. For airplanes that have accumulated 23,000 or more landings, perform the initial inspections within 1,000 landings after the effective date of this AD.

2. If no cracks are found as a result of the inspections required by paragraph D.1., above, repeat the HFEC inspections at intervals not to exceed 9,300 landings.

3. If cracks are found during any inspection required by paragraph D., above, repair prior to further flight in accordance with the service bulletin. Repetitive inspections must be conducted thereafter in accordance with paragraph D.2., 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 may add any comments 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 for the accomplishment of 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, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on October 6, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24793 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-CE-25-AD]

Airworthiness Directives; Commander (Gulfstream Aerospace) Models 112, 112B, 112TC, 112TCA, 114, and 114A 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 Commander (Gulfstream Aerospace) 112 and 114 series airplanes which would supersede AD 87-14-03, Amendment No. 39-5671. The FAA has reevaluated the repairs specified in AD 87-14-03, and has determined that the existing repairs are insufficient. Therefore, the FAA is proposing to supersede AD 87-14-03 with a new AD that would require inspections and repair as necessary of the forward wing spar and replacement of the previous repair with a repair of a new design.

DATE: Comments must be received on or before November 20, 1989.

ADDRESSES: Gulfstream Aerospace Service Bulletin (S/B) Nos. SB-112-71C and SB-114-22C, both dated November, 1988, applicable to this AD, may be obtained from the Commander Aircraft Company, 7200 NW. 63rd Street, Hangar 8, Wiley Post Airport, Bethany, Oklahoma 73008. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region Office of the Assistant Chief Counsel. *Attention:* Rules Docket 89-CE-25-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: Tom Dragset, Airplane Certification Office, Southwest Region, FAA, Fort Worth, Texas 76193-0150; Telephone (817) 624-5155.

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 the light of 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 NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Rules Docket No. 89-CE-25-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Subsequent to the issuance of AD 87-14-03, Amendment 39-5671 (52 FR 26472) applicable to Gulfstream Aerospace 112 and 114 series airplanes, a Petition for Reconsideration was received from the law firm of Mackey, Rozanski, and Friedland, seeking to modify AD 87-14-03 to require a permanent fix if cracks are found in the forward wing spar. The petition contends that the repair required by the AD is inadequate and is not a permanent fix. The Petition for Reconsideration was published for public comment on September 9, 1987 (52 FR 33952). There were 358 comments received in support of the petition and one comment was received which did not support the petition. As a result, Gulfstream Aerospace reevaluated the repairs specified in AD 87-14-03.

The analysis of the forces acting on the side brace fitting, the resultant fitting and bolt forces acting on the spar, and stresses in the spar cap that result from these forces revealed that there are significant out-of-plane forces acting on the spar cap through the side brace fitting and its attach bolts. These forces are due to two causes:

(1) The main landing gear side brace does not lie exactly in the wing spar plane, and thus when loaded, has force components out-of-plane; and

(2) Inherently, the clevis center line of the side brace fitting is displaced from the spar. Because of this design, bending moments and attaching bolt tensile loads are produced whenever the clevis is loaded by either the actuator or side brace.

This member force analysis was done not only for the modified structure but for the original structure as well. A comparison of the results obtained, specifically the out-of-plane forces that tend to produce spar cap flange cracking of the sort observed in service, indicates that the existing modifications per AD 87-14-03 will not preclude this cracking. Even though the ultimate strength of the original configuration was demonstrated by static tests, the FAA has determined that high spar cap flange bending stresses are produced locally by these out-of-plane forces. In the original configuration, the out-of-plane forces were sufficient to cause cracking at relatively short in-service times, and the modification per AD 87-14-03 cannot be expected to preclude such in-service cracking. Despite the modifications of AD 87-14-03, it has been reported that three airplanes have experienced deformation of the side brace support assembly tubes, deformation of the bolts, and fatigue cracks in the wing spars.

Therefore, a new repair modification has been developed which involves a new type fitting. This design beams these out-of-plane forces directly to the spar cap horizontal flanges, where the forces are transferred by shear connections. By preventing out-of-plane loading of the upper spar cap vertical flange and spar web, the fore and aft bending of the cap vertical flange is eliminated and cracking is precluded. This design needs no auxiliary links or brackets to perform its function and is relatively simple to install. Therefore, the proposed AD would supersede AD 87-14-03 and require inspections and repair as necessary of the forward wing spar in accordance with Gulfstream Aerospace Service Bulletin Nos. SB-112-71C or SB-114-22C as applicable. The FAA has determined there are

approximately 1,064 airplanes affected by this proposal. The cost of the inspection portion of the AD would be $175 per airplane for a total estimated cost of $186,200. If cracks are found in either or both wings, repairs must be made at the owner's expense. The manufacturer has agreed to accomplish the modifications to the wings (the subject of this NPRM), the seats (AD 85-03-04R2) and vertical tail (AD 88-05-06), in accordance with the latest applicable service bulletins, for a total owner contribution of $2,000 per airplane. In addition, the owner will be reimbursed for reasonable costs of installing the earlier kit at the time the new repair is installed. The reimbursement amount per airplane will be based upon the retail price for the parts purchased and the documented reasonable labor rate paid by each owner for the installation. This is not considered a regulatory cost of the AD since owners/operators are required by other regulations to maintain their airplane to specific safety and airworthiness standards. The FAA views the economic impact of this proposed AD to be negligible and concludes that a full regulatory evaluation is not warranted. 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 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA proposes to amend § 39.13 of part 39 of the FAR as follows:

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.

PART 39—[AMENDED]

§ 39.13 [Amended]

2. By superseding AD 87-14-03, Amendment No. 39-5671, with the following new AD:

Commander (Gulfstream Aerospace, Rockwell): Applies to Models 112 and 112B (S/N's 1 through 544, and 13000); 112TC and 112TCA (S/N's 13001 through 13309); and 114 and 114A (S/N's 14000 through 14540) airplanes certificated in any category.

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

To prevent failure of the forward wing spar in the area of the main landing gear side brace fitting attachment, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the left and right forward wing spars in the area of the main landing gear side brace fitting in accordance with the instructions specified in part I of Gulfstream Aerospace Service Bulletin (SB) Nos. SB-112-71C or SB-114-22C, both dated November, 1988, as applicable.

(1) If cracks are found in the left or right forward wing spar as noted in paragraph 8d, part I, of the above referenced service instructions, prior to further flight repair in accordance with part II of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November, 1988, as applicable.

(2) If cracks are found in the left or right forward wing spar as noted in paragraph 8a, part I, of the above referenced service instructions, prior to further flight repair in accordance with part IV of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November, 1988, as applicable.

(3) If cracks are found in the left or right forward wing spar as noted in paragraph 8b or 8e, part I of the above referenced service instructions, prior to further flight repair in accordance with part V of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November, 1988, as applicable.

(4) If cracks are found in the left or right forward wing spar as noted in paragraph 8c, part I of the above referenced service instructions, prior to further flight modify the airplane in accordance with instructions obtained from the Manager, Airplane Certification Branch, FAA, at the address listed in paragraph (e) of this AD.

(5) If no cracks are found, reinspect the spars thereafter at intervals not to exceed 100 hours TIS, and within the next 300 hours TIS, modify the airplane in accordance with the instructions in part II of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November, 1988, as applicable. The repetitive inspection may be discontinued once the airplane is so modified.

(b) If the airplane has been modified either in accordance with part II of Gulfstream Aerospace SB No. SB-112-71, or part II of SB No. SB-112-71A, or part II or part V of SB No. SB-112-71B, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 100 hours TIS after the initial inspection, and within the next 300 hours TIS, modify the airplane in accordance with the instructions in part III of Gulfstream Aerospace SB No. SB-112-71C. The repetitive inspection may be discontinued once the airplane is so modified.

(c) If the airplane has been modified either in accordance with part II of Gulfstream Aerospace SB No. SB-114-22, or Part II of SB No. SB-114-22A, or part II or part V of SB-114-22B, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 100 hours TIS after the initial inspection, and within the next 300 hours TIS, modify the airplane in accordance with the instructions in part III of Gulfstream Aerospace SB No. SB-114-22C. The repetitive inspection may be discontinued once the airplane is so modified.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where the repair can be performed, provided all of the following conditions are met:

(1) Existing cracks have not propagated together (in the event there are cracks above each bracket attachment bolts) and the cracks have not propagated beyond the limits stated in the service bulletin (as noted in paragraph 8c, part I of Accomplishment Instructions of Gulfstream Aerospace Service Bulletin Nos. SB-112-71C or SB-114-22C, both dated November 1988, as applicable).

(2) The landing gear side brace and bracket are firmly attached such that proper extension and retraction of the gear will occur.

(3) Pilot only on board.

(4) Day VFR only, avoiding all rough weather possible, and with no intentional abrupt maneuvers.

(e) 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, Airplane Certification Branch, FAA Southwest Region, Fort Worth, Texas 76193-0150; Telephone (817) 624-5150.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Airplane Certification Office, Southwest Region.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Commander Aircraft Company, 7200 NW. 63rd Street, Hangar 8, Wiley Post Airport, Bethany, Oklahoma 73008; or may examine these documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This supersedes Amendment 39-5671 (52 FR 26472), AD 87-14-03.

Issued in Kansas City, Missouri, on October 2, 1989.

Earsa L. Tankesley,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24791 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 89-CE-28-AD]

Airworthiness Directives; Bellanca Models 14-19-3, 14-19-3A, 17-30, 17-31, 17-31TC, 17-30A, 17-31A, and 17-31ATC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to a adopt a new Airworthiness Directive (AD), applicable to Bellanca Models 14-19-3, 14-19-3A, 17-30, 17-31, 17-31TC, 17-30A, 17-31A, and 17-31ATC airplanes, which would require repetitive inspections and, if necessary, replacement of the drag strut landing gear assembly fitting. The FAA has received reports that these fitting assemblies are cracking and deforming. The actions proposed herein will detect and correct these conditions and preclude collapse of the landing gear.

DATE: Comments must be received on or before November 20, 1989.

ADDRESSES: Bellanca Service Letter B-106, dated March 30, 1989, applicable to this AD may be obtained from Bellanca, Inc., P.O Box 964, Alexandria, Minnesota 56308; Telephone (612) 762-1501. This information may also be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 89-CE-28-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. Steven J. Rosenfeld, Chicago Aircraft Certification Office, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; Telephone (312) 694-7030.

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 FAA, Central Region, Office of Counsel, Attention: Rules Docket No 89-CE-28-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports that the two drag strut landing gear fitting assemblies, Part Number (P/N) 194153-10, on Bellanca Models 14-19-3, 14-19-3A, 17-30, 17-31, 17-31TC, 17-30A, 17-31A, and 17-31ATC airplanes, are cracking on the face near the landing gear strut attachment weld. The FAA has determined that these cracks can be initiated by hard landings at high speeds, heavy braking, or improper tightening of the fitting-to-spar attach bolts. These conditions cause local deformations of the fitting assembly around the weld, causing cracks to occur. These cracks grow with normal usage and this condition reduces the main landing gear down lock overcenter. Eventually, the main landing gear can collapse because the overcenter down lock is lost, or the fitting assembly itself fails. Since the condition described is likely to exist or develop in other Bellanca Models 14-19-3, 14-19-3A, 17-30, 17-31; 17-31TC, 17-30A, 17-31A, and 17-31ATC airplanes of the same design, the proposed AD would require repetitive inspections and replacement of any fitting assemblies which have cracked, are deformed, or have failed. The FAA has determined there are approximately 1,200 airplanes effected by the proposed AD. The cost of inspecting and replacing the fitting assemblies according to the proposed AD is estimated to be $230 per airplane. The total cost is estimated to be $276,000. The cost of compliance with this proposed AD is so small that the expense of compliance will not have a significant financial 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 section (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, it 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

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Bellanca, Incorporated. Applies to Models 14-19-3, 14-19-3A, 17-30, 17-31, 17-31TC, (all serial numbers (S/N)), 17-30A (S/N 30263 through 89-301007), 17-31A (S/N 32-15 through S/N 78-32-172), and 17-31ACT (S/N 31004 through S/N 79-31155) airplanes certificated in any category.

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

To prevent the collapse of the main landing gear which could result in subatantial airframe damage, accomplish the following:

(a) Upon the accumulation of 500 hours total time-in-service (TIS), or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, and each 100 hours TIS thereafter, inspect the left and right drag strut landing gear fitting assemblies, Part Number (P/N) 194153–10, for cracks, deformations, or failures as follows:

Note 1: This information is also contained in Bellanca Service Letter B–106, dated March 30, 1989. Penetrant inspection techniques are described in FAA Advisory Circular (AC) 43–3, "Nondestructive Testing in Aircraft." These inspections can be conducted with the fitting assemblies installed on the airplane. Do not apply loads to the landing gear components, particularly the drag strut, as it is possible to move the drag strut to overcenter and cause the landing gear to collapse.

(1) Place jacks or other workstands under the airplane at locations specified in the Bellanca Service Manual to prevent accidental landing gear collapse during this inspection.

(2) Figure 1 to this AD describes the 194153–10 fitting assembly. Clean the aft face of the–1 fitting with Stoddart solvent and a brush.

(3) Inspect for cracks adjacent to the welds which join the –1 fitting to the –2 fitting and –3 brace near the lower aft attachment bolt holes using liquid penetrant inspection techniques and a magnifying glass. If any crack is found, prior to further flight replace the assembly with a new fitting assembly, P/N 194153–30 or P/N 194153–40, as applicable.

(4) Lay a straight-edge along side the lower aft attachment bolts, in accordance with Figure 2 and, using a feeler gage or wire gage of .030 inch thickness, look for any evidence of local deformation (dimpling) in the–1 fitting. If any deformation greater than .030 inches is found, prior to further flight replace the assembly with a new fitting assembly, P/N 194153–30 or P/N 194153–40, as applicable.

Note 2: The –30, –40 assemblies can be distinguished from assembly by measuring the –1, –2, fitting and –3 brace part thickness: –10 part thickness is 0.062 inches, –30, –40 parts thickness is 0.100 inches. A 0.040 Shim (P/N 194167–2 Shim Spar Bracket) is available to provide proper fit between the 194153 fitting assembly and the forward spar.

(5) Check and adjust, as required, the drag strut for correct overcenter using the appropriate procedures in the Bellanca Service Manual.

(6) If the inspections specified above do not indicate any evidence of cracks or local deformation in the –1 fitting, apply zinc chromate or Epibond primer, as necessary, to protect the part and repeat these inspections as specified above.

(7) The repetitive inspections specified above are not required on the P/N 194153–30 or P/N 194153–40 assemblies.

(b) Airplanes with cracked or deformed fittings may be flown with a special flight permit in accordance with FAR 21.197 to a location where this AD may be accomplished providing that no crack is found during the inspection of paragraph (a)(3) that exceeds ⅜ in. length, or no deformation is found during the inspection of paragraph (a)(4) that is great enough to cause the overcenter of the drag strut to be out of tolerance. In these cases, no special flight permit is allowed.

(c) An alternate method of compliance or adjustment of the initial and repetitive compliance times, which provides an equivalent level of safety, may be approved by the Manager, Chicago Aircraft Certification Office, 2300 E Devon Avenue, Des Plaines, Illinois 60018.

Note 3: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Chicago Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Bellanca, Inc.; P.O. Box 964, Alexandria, Minnesota 56308; Telephone (612) 762–1501; or may examine these documents at the FAA, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 6, 1989.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

BILLING CODE 4910–13–M

FIGURE 1

FRONT SPAR DRAG STRUT FITTING ASSEMBLY
BELLANCA P/N 194153-10

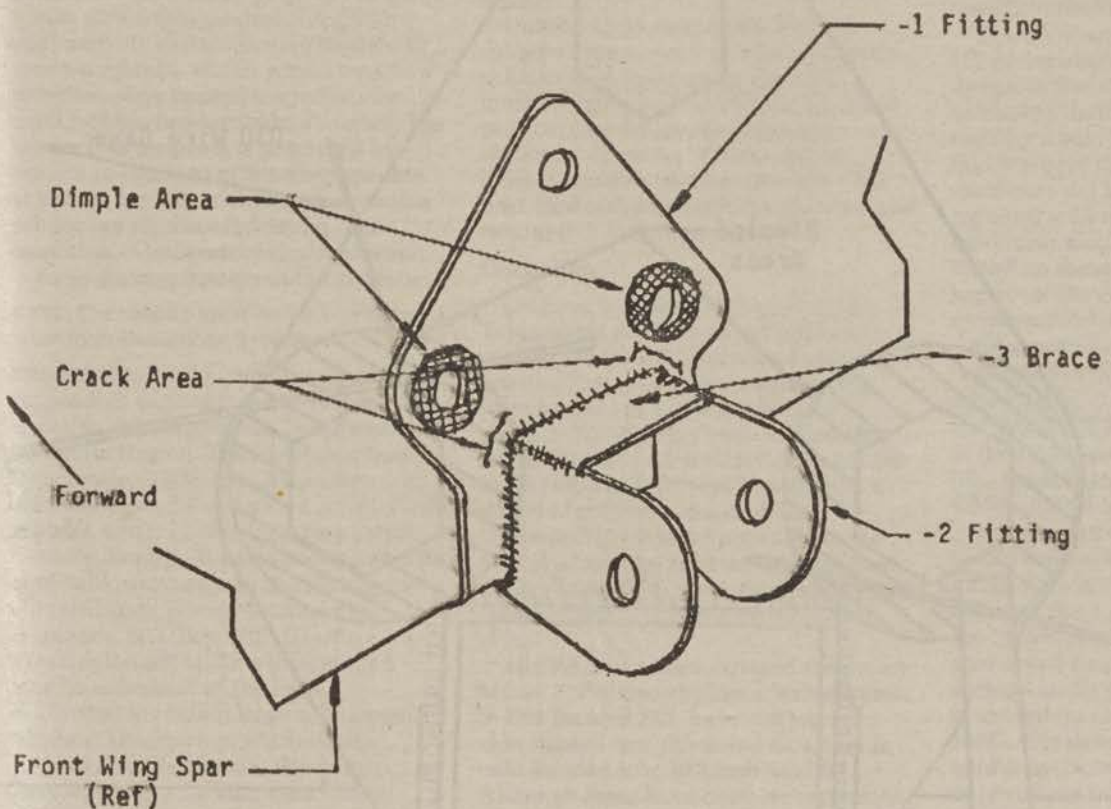
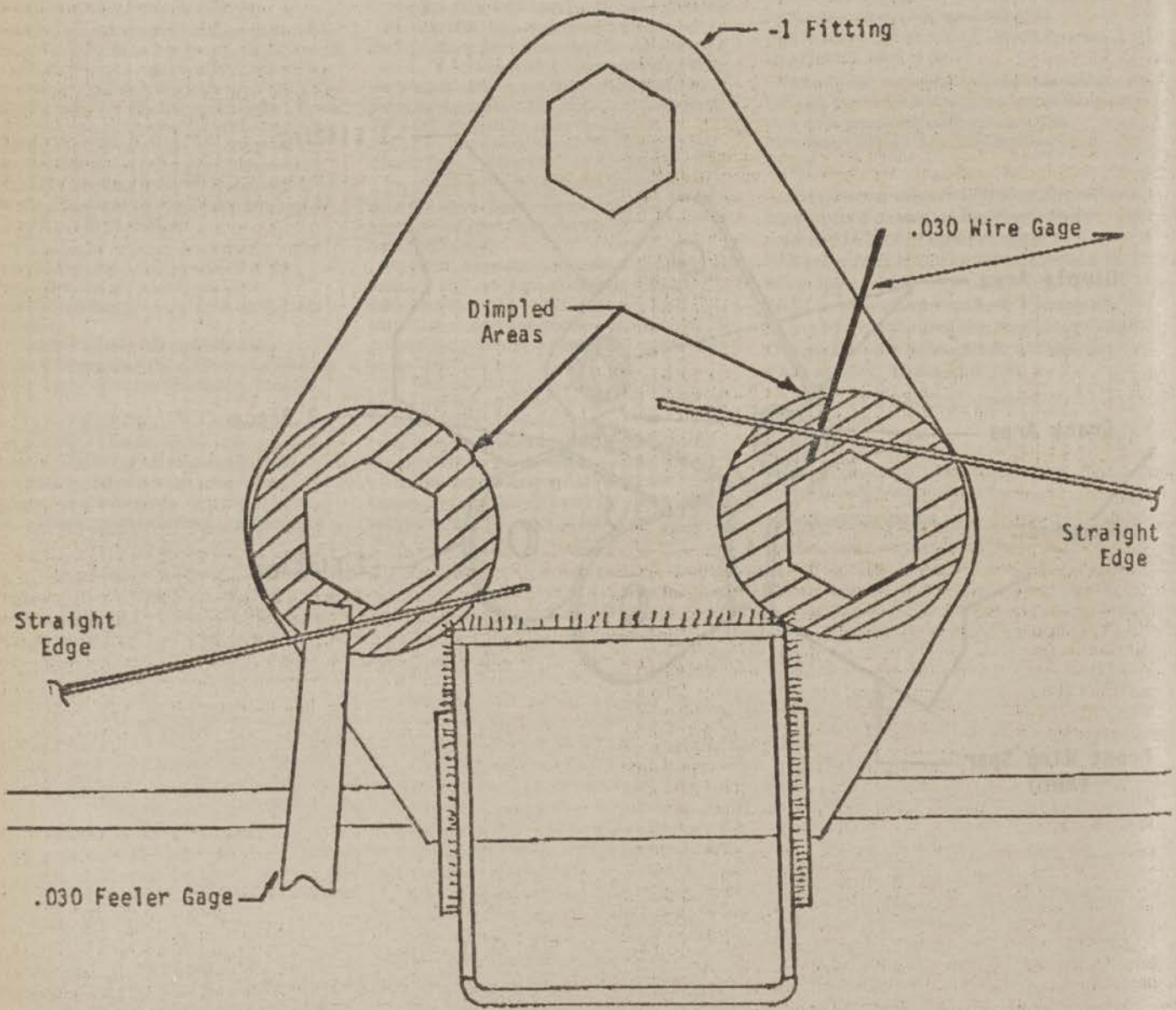


FIGURE 2

EXAMPLES OF MEASURING DEPTH OF DIMPLED AREAS



[FR Doc. 89-24792 Filed 10-19-89; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 89-NM-190-AD]

Airworthiness Directives; Boeing Model 727 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 727 series airplanes, which would require a one-time eddy current inspection for cracks of the fuselage skin at certain lap joints. This proposal is prompted by reports of cracking of the fuselage skin at certain lap joints on airplanes with a similar lap joint configuration. This condition, if not corrected, could result in rapid decompression of the airplane.

DATE: Comments must be received no later than December 5, 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-190-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: Stanton R. Wood, Airframe Branch, ANM-120S; telephone (206) 431-1924. 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-190-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On June 30, 1989, the FAA issued Telegraphic AD T89-14-51, applicable to certain Model 727 airplanes, to require a one-time inspection for cracks of the fuselage skin at lap joints located at stringer (S) 14L from body station (BS) 440 to BS 720, and at S-14R from BS 440 to BS 540. That AD was based upon a report of a 20-inch crack on one airplane. That AD is applicable to the first 47 airplanes produced, which have a thick (.080 inch) outer skin riveted and cold bonded to a thin (.040 inch) inner skin.

The FAA has been advised that some Model 727 series airplanes, subsequent to line number 047, have a thick outer skin riveted to a thin inner skin that is cold bonded to a .020 inch doubler. Although there have been no reports of cracking on airplanes so configured, the FAA has determined that the potential exists for cracking to occur in the thin inner skin if there is disbonding of the skin from the doubler. This cracking may not be detected by visual inspection. Failure to detect and repair cracks in the S-14 lap splice could lead to rapid depressurization of the airplane.

During the production cycle, the .040 inch inner skin with the .020 inch doubler was replaced with .060 inch machined inner skin on some airplanes. This configuration, with a thicker inner skin, would be less susceptible to cracking. However, records do not indicate when this configuration change was madein production, or on what 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 an eddy current inspection of airplanes, line numbers 048 through 453, to determine if the configuration of the fuselage skin located between S-14 and S-19 is a .020 inch bonded doubler added to a .040 inch inner skin. If this configuration is present, a one-time eddy current inspection of the inner skin at the S-14 lap splice would then be required to determine if cracks are present. Any cracks identified would be required to be repaired prior to further flight. Additionally, operators would be required to report their inspection results to the FAA.

There are approximately 370 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 280 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 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 $22,400.

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

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 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 727 series airplanes, line numbers 048 through 453, certificated in any category. Compliance required within the next 600 landings after the effective date of this AD, unless previously accomplished.

To detect cracking and prevent rapid depressurization, accomplish the following:

A. Conduct an eddy current inspection in accordance with the 727 Non-Destructive Testing Manual (NDT), D6–48875, Part 6, 53–30–27, Figure 7, or an ultrasonic inspection in accordance with the 727 NDT Manual, D6–48875, Part 4, 53–30–27, Figure 2, to determine the configuration of the fuselage skins located between stringer (S) 14 and S–19. If the skin has the .020 inch bonded doubler added to the .040 inch skin, conduct the inspection described in paragraph B., below; otherwise, no further action is required.

B. If the fuselage skins are determined to have the .040 inch skin with the .020 inch bonded doubler, conduct a one-time eddy current inspection for cracks of the overlapped skin in accordance with the 727 NDT Manual D6–48875, Part 6, 53–30–27, Figure 8 or 9, near the bottom row of fasteners in the lower skin of the longitudinal lap splices located at S–14L from body station (BS) 440 to BS 720 and at S–14R from BS 440 to BS 540. Prior to further flight, repair any cracks found in accordance with a method approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Within 10 days after completion of the inspections required by paragraph B., above, submit a report of findings, positive or negative, for airplanes with the bonded doubler, to the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. The report must include the line number of the airplane inspected, the number of cycles, and, if cracks were found, the size and locations of the cracks.

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

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

Issued in Seattle, Washington, on October 6, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–24794 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–207–AD]

Airworthiness Directives; Boeing of Canada, Ltd., de Havilland Division, Model DHC–8 (Pre-Modification No. 8/1098), Equipped With Main Gear Uplock Actuator Part Numbers 10800–103, –105, –107, –109, and –111

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 de Havilland Model DHC–8 series airplanes, which would require inspection of the main landing gear (MLG) uplock actuator to assess the position of the sensor bracket, and reworking or replacement of parts, if necessary. This proposal is prompted by reports that trapping of the MLG uplock actuator target lever can occur under adverse tolerance conditions, combined with a failed target lever return spring. This condition, if not corrected, could result in failure of the MLG to extend for landing.

DATE: Comments must be received no later than December 11, 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–207–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Boeing of Canada, Ltd., de Havilland Division, Garrett Boulevard, Downsview, Ontario M3K 1Y5, Canada.

This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. C. Kallis, New York Aircraft Certification Office, ANE–173; telephone (516) 791–6427. Mailing address: FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

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–207–AD. The post card will be date/time stamped and returned to the commenter.

Discussion

Transport Canada, which is the airworthiness authority of Canada, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain de Havilland Model DHC–8 series airplanes. There have been reports that trapping of the main landing gear (MLG) uplock

actuator can occur under adverse tolerance conditions, combined with a failed target lever return spring. A trapped lever will prevent rotation of the MLG uplock latch and, thus, prevent the release of the retracted MLG. This condition, if not corrected, could lead to failure of the MLG to extend for landing.

Boeing of Canada, Ltd., de Havilland Division, has issued Service Bulletin No. 8–32–79, Revision A, dated February 3, 1989, which describes procedures for inspection of the MLG uplock actuator to assess the position of the sensor bracket, and reworking and replacement of parts, if necessary. This service bulletin references Dowty Alert Service Bulletin DHC8–32–50, dated December 16, 1988, for additional instructions. Transport Canada has classified the de Havilland service bulletin as mandatory, and has issued Airworthiness Directive CF–89–03 addressing this subject.

This airplane model is manufactured in Canada and type certificated in the United States under the provisions of § 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 inspection of the MLG uplock actuator to assess the position of the sensor bracket, and reworking or replacement of parts, if necessary, in accordance with the service bulletin previously described.

It is estimated that 59 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2.5 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 $5,900.

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 of Canada, Ltd., De Havilland Division: Applies to Model DHC–8–100 series airplanes, serial numbers 3 through 144 inclusive; certificated in any category; equipped with main landing-gear uplock actuator, Part Numbers 10800–103, –105, –107, –109, –111; and which do not have Modification 8/1098 incorporated. Compliance is required as indicated, unless previously accomplished.

To prevent failure of the main landing gear (MLG) to extend, accomplish the following:

A. Within 50 hours time-in-service after the effective date of this AD, inspect the MLG uplock installation in accordance with the compliance section of de Havilland Service Bulletin No. 8–32–79, Revision A, dated February 3, 1989. If the sensor bracket is under flush, and there are no spacers fitted, prior to further flight, rework the actuator in accordance with the service bulletin.

B. Whenever the proximity sensor and/or the proximity sensor mounting bracket on an uplock actuator has been reset or replaced, prior to further flight, perform the inspection and any necessary repair as required by paragraph A., above.

C. Within one year after the effective date of this AD, rework and reidentify all uplock actuators in accordance with Dowty Alert Service Bulletin (part of de Havilland Service Bulletin No. 8–32–79) paragraph 2.E., "Rework" instructions. After rework is accomplished, the inspections required in paragraphs A. and B., above, may be terminated.

D. 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, New York Aircraft Certification Office, FAA, New England 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, New York Aircraft Certification Office.

E. Special flight permits may be issued in accordance with FARs 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 of Canada, Ltd., de Havilland Division, Garrett Boulevard, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

Issued in Seattle, Washington, on October 11, 1989.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89–24795 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 89–NM–199–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9, C–9 (Military), and DC–9–80 (MD–80) Series Airplanes, and Model MD–88 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 McDonnell Douglas Model DC–9, C–9 (Military), and DC–9–80 (MD–80) series airplanes, and Model MD–88 airplanes, which currently requires a check of the aft accessory compartment for fuel, installation of placards, and revision to the Airplane Flight Manual. This action would require inspection, modification, and repair of the auxiliary power unit (APU) exhaust system; trimming of the ends of the APU forward lower frame; and modification of the insulation blanket on the aft pressure bulkhead. This proposal is prompted by the discovery of a new fuel leak path, and the development of a new modification which improves the aft accessory compartment drainage and minimizes the possibility of fuel being absorbed by the aft pressure bulkhead

insulation blanket. This condition, if not corrected, could result in a fire in the aft accessory compartment.

DATE: Comments must be received no later than December 11, 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-199-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. 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 the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Baitoo, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Transport Airplane Directorate, Aircraft Certification Service, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5245.

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-199-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On November 2, 1988, the FAA issued AD 88-24-04, Amendment 39-6066 (53 FR 46441; November 17, 1988), to require a check of the aft accessory compartment for fuel, installation of placards, and revision to the Airplane Flight Manual (APM). That action was prompted by a report of a fire in the aft accessory compartment. This condition, if not corrected, could result in a fire in the aft accessory compartment.

Since issuance of AD 88-24-04, an operator discovered an additional fuel leak path at the APU exhaust duct outer elbow to baffle faying surface. This leak path was not addressed in McDonnell Douglas DC-9 Service Bulletin A49-40, dated September 26, 1988 (the service bulletin referenced in the existing AD). Furthermore, investigation has revealed that if fuel leaks into the aft accessory compartment, for whatever reason, the fuel may not properly drain overboard and may be absorbed by the aft pressure bulkhead insulation blanket. This condition, if not corrected, could present the same unsafe condition, fire in the aft accessory compartment, as was addressed in the existing AD.

The FAA has reviewed and approved McDonnell Douglas DC-9 Service Bulletin A49-40, Revision 1, dated May 16, 1989, which describes procedures for inspection, modification, and repair of the APU exhaust duct assembly (including procedures addressing the recently identified leak path); and McDonnell Douglas DC-9 Service Bulletin 53-229, dated July 6, 1989, which describes procedures for trimming the ends of the APU forward lower frame and modification of the aft pressure bulkhead insulation blanket. The latter modification will ensure proper drainage of fuel away from the aft accessory compartment and insulation blanket.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would revise AD 88-24-04 to require inspection, modification, and repair of the APU exhaust duct assembly, trimming the ends of the APU forward lower frame, and modification of the aft pressure bulkhead insulation blanket, in accordance with the service bulletins previously described.

This proposal would also redefine the terminating action provisions of the existing AD. This proposal specifies that accomplishment of the inspection, modification, and repair of the APU exhaust system, trimming of the ends of the APU forward lower frame, and modification of the aft pressure bulkhead insulation blanket would constitute terminating action for the inspection, placard, and AFM revision requirements of the AD.

There are approximately 1,525 McDonnell Douglas Model DC-9, C-9 (Military), and DC-9-80 (MD-80) series airplanes and Model MD-88 airplanes of the affected design in the worldwide fleet. It is estimated that 936 airplanes of U.S. registry would be affected by this AD, that it would take approximately 90 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 $3,369,600.

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 revising AD 88-24-04, Amendment 39-6066 (53 FR 46441; November 17, 1988), by requiring modification of the APU exhaust duct assembly, the APU forward lower frame, and the aft pressure bulkhead blanket as follows:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9, C-9 (Military), and DC-9-80 (MD-80) series airplanes, and Model MD-88 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent fire in the aft accessory compartment, accomplish the following:

A. Within 30 days or 300 flight hours time-in-service after December 2, 1988 (the effective date of AD 88-24-04, Amendment 39-6066), whichever occurs first, or upon the accumulation of 3,000 flight hours time-in-service since new, whichever occurs later, accomplish the following:

1. Check for evidence of fuel on the APU exhaust ducting and in the surrounding area in the aft accessory compartment, including the insulation blankets. Remove any fuel before the next APU start attempt.

2. Install a placard on or above the center instrument panel in a location that allows it to be in full view of both pilot and co-pilot, and on the aircraft logbook, stating the following: "Do not attempt to restart APU after a false start until check of aft accessory compartment for fuel is accomplished."

3. Add the following to the Limitations Section of the FAA approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD in the AFM: "Do not attempt to restart APU after a false start until check of aft accessory compartment for fuel is accomplished."

B. Within 36 months from the effective date of this amendment, inspect, modify, and repair the APU exhaust duct assembly in accordance with procedures described in Figures 3, 4, and 5 of McDonnell Douglas DC-9 Service Bulletin A49-40, Revision 1, dated May 16, 1989.

C. Within 36 months from the effective date of this amendment, trim the ends of the APU forward lower frame and modify the aft pressure bulkhead insulation blanket, in accordance with procedures described in McDonnell Douglas DC-9 Service Bulletin 53-229, dated July 6, 1989.

D. Accomplishment of the inspection, modification, and repair of the APU exhaust system in accordance with procedures described in Figures 3, 4, and 5 of McDonnell Douglas DC-9 Service Bulletin A49-40, Revision 1, dated May 16, 1989; and trimming of the ends of the APU forward lower frame and modification of the aft pressure bulkhead insulation blanket in accordance with procedures described in McDonnell Douglas DC-9 Service Bulletin 53-229, dated July 6, 1989; constitutes terminating action for the requirements of this AD. Once those actions are accomplished, the placard and AFM change required by paragraph A., above, may be removed.

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, 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, FAA, Northwest Mountain Region.

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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director of Publications, C1-L00 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Seattle, Washington, on October 11, 1989.

Darrell, M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 89-24796 Filed 10-19-89; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3672-7]

Approval and Promulgation of State Implementation Plans, Montana; PM-10 Committal SIP for Group II Areas, New Source Review, SIP for Group III Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve revisions to the Montana State Implementation Plan (SIP) submitted on April 25, 1988, by the Governor of Montana. The revisions include: (1) The adoption of the PM-10 national ambient air quality standards (NAAQS); (2) deletion of the total suspended particulate (TSP) ambient air quality standard; (3) amendments to the new source review program to include protection of the PM-10 standard and assure consistency with EPA requirements; (4) commitments to monitor and develop plans if PM-10 violations are found in Group II PM-10 areas; (5) a revised emergency episode plan for PM-10; (6) a listing of the control measures in the SIP which will be relied on to maintain the PM-10 NAAQS, including a new measure—the Montana Smoke Management Plan; and (7) a request to redesignate TSP nonattainment areas which are classified as Group III PM-10 areas to unclassified for TSP. Item (7) will be addressed in another Federal Register Notice. The State has also reserved the right to request a two-year extension in attaining the PM-10 standard in any area where such an extension is found to be appropriate.

DATES: Comments must be received on or before November 20, 1989.

ADDRESSES: Written comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202-2405.

Copies of the State submittal are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202-2405

Air Quality Bureau, Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Dale M. Wells, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202-2405, (303) 293-1773, FTS 564-1773.

SUPPLEMENTARY INFORMATION: The 1977 amendments to the Clean Air Act require EPA to review periodically and, if appropriate, revise the criteria on which each NAAQS is based along with the NAAQS themselves. In response to these requirements, EPA published a notice to promulgate revised NAAQS for particulate matter under ten microns in size (known as PM-10) on July 1, 1987, (52 FR 24634). As a result, States must revise their State Implementation Plans (SIPs) to attain and maintain the new NAAQS.

To implement the new SIP requirements, all areas in the country were divided into three groups. Group I areas have violated the PM-10 NAAQS or have air quality data showing high probabilities (greater than 95%) of violating the NAAQS. For these areas, states must submit full SIPs including control strategies and attainment demonstrations. Group II areas are estimated to have a moderate probability (between 20 and 95%) of violating the PM-10 NAAQS, and for these areas, the states must commit to monitor for PM-10 and submit a full SIP

if a violation occurs. Group III areas are estimated to have a low probability (less than 20%) of violating the PM–10 NAAQS, and no new control strategy requirements apply. PM–10 areas in Montana are as follows: Group I: Butte, Kalispell, Lame Deer, Libby, Missoula and Polson/Ronan; Group II: Anaconda, Columbia Falls, Eureka, Hays, Helena/East Helena and Thompson Falls; Group III: the rest of the State. The Group I areas of Lame Deer and Polson/Ronan and the Group II area of Hays are located on Indian reservations and are not under the jurisdiction of the State of Montana.

The submittal does not address those areas on Indian reservations. The submittal also does not address attainment of the PM–10 NAAQS in the Group I areas. Attainment plans for the Group I areas are still being developed by the State.

EPA PM–10 SIP Requirements

The following SIP requirements apply to all areas, regardless of their grouping:

(1) All SIPs should provide for the attainment and maintenance of the PM–10 standards, and PM–10 should be regulated as a criteria pollutant.

(2) Since the SIP must protect both the PM–10 standard and the total suspended particulate (TSP) prevention of significant deterioration (PSD) increments, it must trigger preconstruction review for a major new or modified source which would emit significant amounts of either TSP or PM–10.

(3) The significant harm level for particulate matter was revised in 40 CFR 51.151 to 600 ug/m3 measured as PM–10, and the combined sulfur dioxide-particulate matter significant harm level was deleted. In addition, the example alert, warning, and emergency levels of particulate matter in Appendix L to Part 51 were also revised to PM–10 concentrations. Therefore, State emergency episode plans must be revised to reflect these changes.

(4) Revisions to 40 CFR 58 set forth the requirements for design of national, State and local PM–10 air monitoring networks. The revised monitoring networks must be submitted for EPA approval. The required monitoring frequency varies with area grouping; Group I areas are required to monitor daily at least one site representative of the expected maximum concentration, Group II areas are required to monitor every other day at such a site, and Group III areas are required to monitor every sixth day at such a site. Monitoring frequency can be reduced after the first year of data collection depending on the values monitored.

In addition, Committal SIPs for Group II areas must contain enforceable commitments to:

(5) Gather ambient PM–10 data, at least to an extent consistent with minimum EPA requirements and guidance.

(6) Analyze and verify the ambient PM–10 data and report 24-hour PM–10 NAAQS exceedances to the appropriate Regional Office within 45 days of each exceedance.

(7) When an appropriate number of verifiable 24-hour NAAQS exceedances becomes available (see Section 2.0 of the PM–10 SIP Development Guideline) or when an annual arithmetic mean (AAM) above the level of the annual PM–10 NAAQS becomes available, acknowledge that a nonattainment problem exists and immediately notify the appropriate Regional Office.

(8) Within 30 days of the notification referred to in (7) above, or within 37 months of promulgation of the PM–10 NAAQS, whichever comes first, determine whether the measures in the existing SIP will assure timely attainment and maintenance of the primary PM–10 standards, and immediately notify the appropriate Regional Office.

(9) Within 6 months of the notification referred to in (8) above, adopt and submit to EPA a PM–10 control strategy that assures attainment as expeditiously as practicable, but no later than three years from approval of the committal SIP.

Committal SIPs must include an enforceable schedule with appropriate milestones or checkpoints.

Montana SIP

The Montana submittal addresses EPA's requirements as follows:

(1) *PM–10 air quality standards.* The State has adopted ambient air quality standards for PM–10 in revisions to ARM 16.8.821 which are part of the submittal.

(2) *Preconstruction review of stationary sources of PM–10.* The State administers a New Source Review (NSR) program for major stationary sources and modifications, which was approved by EPA on September 23, 1980 (45 FR 62982). By adopting ambient air quality standards for PM–10 in ARM 16.8.821, the State has triggered a requirement (under the State regulations) for preconstruction review of all sources of PM–10. The State also administers a PSD program which was originally approved by EPA on May 5, 1983 (48 FR 20231). The submittal contains revisions to these regulations which are proposed for approval with this notice. The State did not amend (in ARM 16.8.941(a)) the maximum allowable increase in Class I areas receiving a variance to the increment from "particulate matter" to "particulate matter: TSP" as in 40 CFR 51.166(p)(4). This leaves the maximum allowable increase somewhat ambiguous since "particulate matter" is defined as either PM–10 or TSP. The State has submitted a SIP revision on September 5, 1989, which should correct this oversight. EPA will address the September 5, 1989, revision in a separate notice. This regulation is proposed for approval because it is clear that in all other instances, the increments are in terms of TSP.

(3) *Revised emergency episode plans.* In its submittal, the State has revised its emergency episode plans in Chapter 7 of its SIP to reflect the changes in the federal regulations due to PM–10.

(4) *PM–10 monitoring networks.* EPA approved the PM–10 monitoring network as meeting 40 CFR Part 58 criteria on March 30, 1989; however, EPA is completing a reanalysis of the network which may require modification of the network. The quality assurance (QA) plan for PM–10 monitoring has not yet been submitted in final form by the State and was not part of the March 30, 1989, approval. An acceptable QA plan and any required network modifications must be submitted to EPA prior to final approval of the Group II and III SIPs.

(5) *Collection of ambient PM–10 data.* The State has begun monitoring for PM–10 in all Group I and II areas. The State has continued to monitor for TSP as a surrogate for PM–10 in Group III areas and has committed to implement PM–10 monitoring if a TSP monitor being used as a surrogate PM–10 monitor records an exceedance of the PM–10 NAAQS. The State has committed to continue monitoring in the Committal SIP.

(6) *Reporting exceedances to EPA within 45 days.* This commitment is contained in the Committal SIP.

(7) *Immediate notification of EPA if the area moves into nonattainment.* This commitment is contained in the Committal SIP.

(8) *Determination of adequacy of the existing SIP.* The State has determined that the existing SIP as amended is adequate to maintain the PM–10 standards in areas currently in attainment. The standards will be maintained by continuing surrogate TSP monitoring, instituting PM–10 monitoring when excursions above the PM–10 standards occur, developing a full SIP revision if actual PM–10 standard violations occur, enforcing the control measures listed below (items 1–18), and

continuing to enforce the PSD/NSR program.

(9) *Submittal of a revised control strategy for PM–10 if the area moves into nonattainment.* This commitment is contained in the Committal SIP.

The Committal SIP also contains commitments to submit a PM–10 emissions inventory for all Group II areas by August 31, 1990.

The State submittal lists the control measures which are being relied on to maintain the PM–10 standards. These measures and their SIP approval status are listed below:

(1) Ambient Air Quality Standards for PM–10 (ARM 16.8.821)—proposed approval by EPA with this notice.

(2) Prevention of Significant Deterioration of Air Quality (ARM 16.8.921–16.8.943)—originally approved by EPA on May 5, 1983 (48 FR 20231)—approval of revisions submitted on August 21, 1985, and May 27, 1987, and September 5, 1989, will be addressed in separate **Federal Register** notices. Revisions to include PM–10 in the program and other minor revisions consistent with EPA requirements are proposed for approval by EPA with this notice.

(3) Visibility Impact Assessment (ARM 16.8.1001–16.8.1118)—approved by EPA on June 6, 1986 (51 FR 20646).

(4) Permits, Construction and Operation of Air Contaminant Sources (ARM 16.8.1101–16.8.1118)—originally approved by EPA on September 23, 1980 (45 FR 62982)—EPA is approving revisions to this regulation in a separate FR action.

(5) Stack Height and Dispersion Techniques (ARM 16.8.1204–16.8.1206)—approved by EPA on June 7, 1989 (54 FR 24334).

(6) Open Burning (ARM 16.8.1301–16.8.1308)—approved by EPA on July 15, 1982 (47 FR 30762).

(7) Particulate Matter, Airborne (ARM 16.8.1401)—approved by EPA on March 4, 1980 (44 FR 14036).

(8) Particulate Matter, Fuel Burning Equipment (ARM 16.8.1402)—approved by EPA on March 4, 1980 (44 FR 14036). On December 2, 1988 (53 FR 48643) EPA approved revisions submitted by the Governor on March 9, 1988, which exempt residential combustion units from this rule.

(9) Particulate Matter, Industrial Process (ARM 16.8.1403)—approved by EPA on March 4, 1980 (44 FR 14036).

(10) Visible Air Contaminants (ARM 16.8.1404)—EPA has not acted on this revision.

(11) Incinerators (ARM 16.8.1406)—approved by EPA on March 4, 1980 (44 FR 14036).

(12) Wood Waste Burners (ARM 16.8.1407)—approved by EPA on March 4, 1980 (44 FR 14036).

(13) Fluoride Emissions—Phosphate Processing (ARM 16.8.1419)—approved by EPA on March 4, 1980 (44 FR 14036).

(14) Standard of Performance of New Stationary Sources (NSPS) (ARM 16.8.1423)—incorporates by reference 40 CFR Part 60, effective July 1, 1987. Enforcement of the federal NSPS has been delegated to Montana.

15. Prohibited Materials for Wood or Coal Residential Stoves or Coal Residential Stoves (ARM 16.8.1428)—EPA has not acted on this revision.

(16) Emission Standards for Existing Aluminum Plants (ARM 16.8.1501–16.8.1505)—EPA has not acted on this revision.

(17) Combustion Device Tax Credit (ARM 16.8.1601–16.8.1602)—EPA has not acted on this revision.

(18) Montana Smoke Management Plan (SMP) (Memorandum of Agreement effective 7/31/78)—EPA is proposing to approve this measure as helpful in attaining and maintaining the PM–10 NAAQS with this notice. The SMP is a memorandum of agreement between the State Department of Health and Environmental Sciences, the U.S. Forest Service, the State Division of Forestry, the Bureau of Indian Affairs, the Bureau of Land Management, Burlington Northern, St. Regis Paper, Champion Timberlands, the National Weather Service, the State Department of Fish and Game, Wickes Forest Industries, the National Park Service, the U.S. Fish and Wildlife Service, and the Missoula City-County Air Pollution Control Board. The SMP requires prescribed burning for land management purposes to be carried out only when meteorological conditions are found to allow the dispersion of emissions and requires the burning to be curtailed when air quality or meteorological conditions so warrant.

Although items 10, 15, 16, and 17 have not been previously acted on by EPA because they were not previously submitted, EPA has reviewed these provisions and finds that they will be helpful in attaining and maintaining the standards. EPA, therefore, proposes that all of the requirements listed above in items 1 through 18 be included in the PM–10 SIP for Montana. EPA finds that the above provisions will be adequate to maintain the PM–10 standards in areas which are now in attainment of the standards (Group III areas).

The submittal also contains a request to extend the attainment date for the PM–10 NAAQS for up to two years should such an extension later be demonstrated to be necessary. A two-year extension is allowed by 40 CFR 51.340, but such a request must be submitted with a plan demonstrating that at least one or more emission sources or class of sources will be unable to comply with the control strategy. Since the attainment plans for Group I areas (and Group II areas later found to be exceeding the standards) will not be submitted until late in 1989 at the earliest, the State is asking to reserve the right to request the extension at the time actual attainment plans are submitted.

The State has satisfied EPA requirements for administrative procedures, adequate legal authority to implement the SIP, and intergovernmental relations. These procedures have been approved as part of the State SIP in previous **Federal Register** notices; see 40 CFR 52.1370 et seq.

Proposed Action

EPA proposes to approve the revisions to the Montana State Implementation Plan (SIP) submitted on April 25, 1988, by the Governor of Montana. The revisions include the adoption of the PM–10 national ambient air quality standards, deletion of the total suspended particulate (TSP) ambient air quality standard, amendments to the new source review program, commitments to monitor and develop plans if necessary in Group II PM–10 areas, a revised emergency episode plan for PM–10, a listing of the control measures in the SIP which will be relied on to maintain the PM–10 NAAQS, and the Montana Smoke Management Plan. EPA also proposes to allow the State to request a two-year extension in attaining the PM–10 standard should the State later determine that such an extension is necessary. The State's request to redesignate the TSP nonattainment areas to unclassified for TSP is being addressed in a separate notice.

Interested parties are invited to comment on all aspects of these proposed actions.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Particulate matter.

Authority: 42 U.S.C. 7401—7642.

Dated: September 29, 1989.

James J. Scherer,

Regional Administrator.

[FR Doc. 89–24849 Filed 10–19–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–453, RM–6851]

Radio Broadcasting Services; Hampton, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Southern Arkansas Radio, licensee of Station KKOL(FM), Hampton, Arkansas, seeking the substitution of FM Channel 293C3 for Channel 296A and modification of its license accordingly. Coordinates for this proposal are 33–35–00 and 92–16–00.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Southern Arkansas Radio, Attn: Wayne F. Brewis, P.O. Box 1066, Hampton, AR 71744.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–453, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24742 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–454, RM–6839]

Radio Broadcasting Services; El Dorado, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by William J. Wynne, permittee of Station KLTW(FM), El Dorado, Arkansas, seeking the substitution of FM Channel 227C3 for Channel 227A and modification of his permit accordingly. Coordinates for this proposal are 33–09–30 and 92–45–20.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitoner, as follows: William J. Wynne, Esq., Crumpler O'Connor & Wynne, Suite 308, NBC Plaza, El Dorado, AR 71730.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–545, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24745 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–450, RM–6806]

Radio Broadcasting Services; Rogers, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of R & R Broadcasting, Inc., licensee of Station KAMO–FM, Rogers, Arkansas, seeking the substitution of FM Channel 232C3 for Channel 232A and modification of its license accordingly. Coordinates for this proposal are 36–24–00 and 94–04–00.

DATES: Comments must be filed on or before December 4, 1989, and reply

comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James A. Koerner, Esq., Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street NW., Suite 700, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–450, adopted September 19, 1989, and released October 12, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24748 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 88–519, RM–6379]

Radio Broadcasting Services; Beaumont and Big Bear Lake, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed by Eastland Broadcasting Corporation, proposing the allotment of Channel 269A to Beaumont, California, as its first local FM service. See 53 FR 45523, November 10, 1988. With this action, the proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 88–519, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24744 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–457, RM–6831]

Radio Broadcasting Services; Vero Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Treasure Coast Media, Inc. requesting the substitution of Channel 269C3 for Channel 269A at Vero Beach, Florida, and modification of its license for Station WCXL (FM) to specify the higher powered channel. Channel 269C3 can be allotted in Vero Beach in compliance with the Commission's minimum distance separation requirements. The coordinates for this allotment are North Latitude 27–38–18 and West Longitude 80–23–54. In accordance with § 1.420(g) of the Commission's Rules, competing expressions of interest in use of Channel 269C3 at Vero Beach will not be considered and the petitioner will not be required to demonstrate the availability of an additional equivalent channel for use by such interested parties.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Ann C. Farhat, Bechtel, Borsari, Cole & Paxson, 2101 L Street, NW., Suite 502, Washington, DC 20037 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–456, adopted September 26, 1989, and released October 12, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24746 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 89–455, RM–6915]

Radio Broadcasting Services; Murdock, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Murdock Broadcasting, proposing the allotment of Channel 255A to Murdock, Florida, as that community's first local FM service. The coordinates for the proposal are North Latitude 27–00–42 and West Longitude 82–08–42.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Vincent A. Pepper, Neal J. Friedman, Pepper & Corazzini, 200 Montgomery Building, 1776 K Street, NW., Washington, DC 20006, (Attorneys for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–455, adopted September 26, 1989, and released October 13, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24743 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–451, RM–6628]

Radio Broadcasting Services; Keokuk and Washington, IA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by W. Russell Withers, Jr., licensee of Station KOKX(FM), Channel 237A at Keokuk, Iowa, proposing the substitution of Channel 237C1 for Channel 237A at Keokuk, and the modification of his license to specify operation on the higher class channel, as a wide coverage area FM service. The site coordinates are 40–24–38 and 91–25–57. This proposal requires the deletion of vacant Channel 290C2 at Keokuk, the substitution of Channel 291A for Channel 237A at Washington, Iowa, and modification of the license of Station KCII(FM), licensed to Washington Radio, Inc., to accommodate its proposal. This document also directs Washington Radio to show cause why its license should not be modified to specify operation on Channel 291A at Washington.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William P. Bernton, Esq., 1875 Eye Street, NW., Suite 1050, Washington, DC, 20006.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 89–451, adopted September 19, 1989, and released October 12, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24749 Filed 10–19–89; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89–457, RM–6857]

Radio Broadcasting Services; Carthage, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Carthage Broadcasters proposing the allotment of Channel 282A to Carthage, Texas, as that community's second local FM service. The channel allotment can be made consistent with the Commission's minimum separation requirements at the city reference coordinates, which are 32–09–24 and 94–20–18.

DATES: Comments must be filed on or before December 4, 1989, and reply comments on or before December 19, 1989.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's, or their counsel or consultant, as follows: Jerrold Miller, Esquire, Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89–457, adopted September 26, 1989, and released October 12, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC

Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89–24747 Filed 10–19–89; 8:45 am]

BILLING CODE 6712-01-M

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1602, 1615, 1616, 1622, 1632, and 1652

RIN: 3206–AD78

Federal Employees Health Benefits Acquisition Regulation; Revision of Contract Clauses and Community Rating Practices

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations which would recognize the increasing diversity in community rating practices within the insurance industry and, specifically, within the Federal Employees Health Benefits Program (FEHBP). The regulations would also expand and clarify OPM's FEHBP price negotiation policy. At the same time, OPM is taking the opportunity to amend some of the required contract clauses found in section 1652 of the Federal Employees Health Benefits Acquisition Regulation (FEHBAR) to better reflect the specific needs of the FEHBP, to add a new Federal Acquisition Regulation (FAR) clause requiring carriers to maintain a drugfree workplace, and to delete unnecessary or inappropriate FAR clauses.

DATE: Comments must be submitted on or before December 19, 1989.

ADDRESS: Written comments may be sent to Reginald M. Jones, Jr., Assistant Director, Office of Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, (202) 632–4634.

SUPPLEMENTARY INFORMATION: Public Law 100–517, the Health Maintenance Organization Amendments of 1988, expanded the community rating methodology options available to federally qualified health maintenance organizations, also known as comprehensive medical plans or CMPs. Accordingly, OPM is proposing to modify its regulations to recognize the increasing diversity in community rating practices.

The proposed definition of "community rating" has been revised to focus on the basic per member per month (PMPM) capitation or revenue requirement that is common to a variety of community rating practices and to identify the resulting rate of payment as a market price under the FAR. The definition no longer assumes that a single community rate or market price will be applicable to all of a CMP's subscriber groups.

The definition of "experience rating" has been revised to broaden the composition of actual claims costs to include any legitimate benefit payment made, such as non-group specific capitation, per diems, and diagnostic related group (DRG) payments. This change will enable more CMPs to experience-rate the FEHBP contract.

A definition of "similar sized subscriber groups" has been added to clarify OPM's price negotiation policy. Simply stated, that policy is to obtain the market price, including applicable discounts, accorded to the two subscriber groups arithmetically closest in size to the FEHBP group for the same basic benefit package and same contract year.

OPM's statement of price negotiation policy has been expanded and clarified. The objective of obtaining the same prices accorded to similarly sized groups has been made explicit, including the potential for adjustments necessary to achieve that objective in a subsequent contract year. The statement of price negotiation policy also provides for the use of the FAR form SF–1412, Claim for Exemption from Submission of Certified Cost or Pricing Data, by small CMPs (those with an FEHBP enrollment of less than 1,500). OPM will require larger plans to submit additional pricing, utilization and/or demographic data about their proposed prices which will be subject to OPM review and analysis. The distinction between small and large plans is based on the revenue produced by the plans. Large plans collectively produce approximately 80 percent of all revenue produced by community rated plans. While OPM's price negotiation policy is the same for all plans, we will apply the majority of our negotiation resources to the largest contracts. Nevertheless, the proposed FEHBP rates, as well as the market price (capitation) on which they are based, will be subject to review and audit.

In subpart 1602.1, the term "subcontractor," which was redesignated as § 1602.170–11 by the letter of credit regulations published December 23, 1988, has now been redesignated as § 1602.170–12 and the new definition for "similarly sized subscriber groups" has been inserted as § 1602.170–11.

FEHBAR 1615.804–70, previously entitled "Certificate of community rating," has been amended and retitled "Certificate of accurate pricing for community rated plans." Similarly, FEHBAR 1615.804–71 has been renumbered as 1615.804–72 and retitled "Rate reduction for defective pricing or for defective cost or pricing data," and the corresponding contract clause, 1652.215–70, has been amended. The amendments make these sections consistent with OPM's price negotiation policy and will form the basis for the resolution of audit findings or other contract disputes relating to the market prices which OPM accepts from community rated CMPs. Note that a distinction is made between rate reductions for defective data, which include adjustments from the capitation or market price, and the normal accounting and price adjustments (see FEHBAR 1652.216–70) which are based on differences between an estimated and actual market price.

A new 1615.804–71 entitled "Supplemental Representation for Standard Form 1412" has been added which permits carriers with less than 1,500 subscribers to request an exemption from submission of certified cost and pricing data. The carrier must provide OPM with a representation that all statements made on or attached to the SF 1412 are correct.

In reviewing the FEHBAR during the preparation of the proposed standard contract between OPM and carriers participating in the FEHBP, a number of clauses were identified as requiring revision to meet the specific needs of the Program. Other clauses were deemed unnecessary or inappropriate; and the passage of the Drug-Free Workplace Act of 1988 necessitated the addition of a new FAR clause to the list of required FAR clauses. The changes we have made are of three types: (1) Modification in the language of certain FEHBAR clauses; (2) addition of FAR clauses; and (3) deletion of certain optional use FAR clauses which were required in the original FEHBAR but which are no longer necessary. Descriptions of the changes follow.

The Misleading, Deceptive or Unfair Advertising clause [1652.203–70] has been changed to provide additional guidance about types of actions that would constitute misleading, deceptive or unfair advertising, to make failure to conform to the clause a material breach of the contract, and to provide a series of remedies available to the Government in the event of a breach.

The Coordination of Benefits (COB) clause [1652.204–71] has been modified to clarify that the rules carriers are to follow in coordinating benefits are those published by the National Association of Insurance Commissioners (NAIC) and specified by OPM. Also, the clause has been clarified so that only the order of benefit determination of the NAIC guidelines apply to this COB clause.

Other changes tighten the accounting for benefits which should not have been paid under the COB provisions. New paragraphs (d) and (e), respectively, require the carrier to attempt to recover COB overpayments before they can be charged as allowable costs to the contract and to report to OPM all COB savings to the contract.

The Investment Income clause [1652.215–71] has been modified in paragraph (a) to require that the carrier give "prudent" consideration rather than "due" consideration to the safety and liquidity of investments. The clause is also modified to add that maturity dates of investments usually should not exceed 1 year and under no circumstances should they exceed 3 years.

FEHB contracts require that the Carrier invest and reinvest excess FEHB funds and credit investment income earned to the Special Reserve on behalf of the FEHB Program. When a carrier fails to invest those funds or to credit income earned, it must make the contract whole as provided in 1652.215–71(f) by crediting lost investment income to the Special Reserve. OPM differentiates between lost investment income due the FEHB Fund before a Contracting Officer's Final Decision is issued and interest due the FEHB Fund following a Final Decision. The carrier's contractual obligation to credit lost investment income before the Contracting Officer issues the Final Decision is governed by the provisions of the Investment Income clause in the contract. Thus, the Interest clause at FAR 52.232–17 does not apply. After the Final Decision is issued, interest due the FEHB Fund is governed by the provisions of the Contract Disputes Act, and the Interest provision at FAR 52.232–17 is applicable.

The proposed regulations also distinguish between lost investment income due on disallowed charges and lost investment income due for failure to invest FEHB funds or credit income due the contract. Lost investment income due on disallowed charges will be assessed from the lst day of the calendar year following the year in which the charge occurred to the date the funds are credited to the Special Reserve, the date specified by the Contracting Officer, or the date of the Contracting Officer's Final Decision, whichever is earlier. Lost investment income due for failure to credit income due the contract or failure to place excess funds in income producing investments and accounts will be assessed from the date the funds should have been invested to the date the funds are credited to the Special Reserve or the date of the Contracting Officer's Final Decision, whichever is earlier.

The Accounting and Price Adjustment clause [1652.216–70] used in the community rated contracts has been substantially changed to reflect OPM's treatment of the new HMO amendments contained in Public Law 100–517. The subscription rate now focuses on the basic PMPM capitation or revenue requirement and is considered to be a market price under the FAR. OPM recognizes that the actual market price for the following contract year may not be available at the time of the carrier's rate submission. Proposed rates must be developed by starting from a current market price and adjusting that price to project to January 1. If the projection is later revised downward for the similarly sized subscriber groups, adjustments must be made to the following year's FEHB proposal to reflect the revision. If the trend adjustment for the similarly sized subscriber groups is increased over the estimate, the carrier may propose an addition to the following year's capitation. This is equivalent to the annual reconciliation currently requested by OPM.

The Accounting and Allowable Cost clause [1652.216–71] used in experience rated contracts has been revised to better control unacceptable accounting practices. Specifically, the clause now requires a CPA certification of the plan's Summary Statement of FEHBP Financial Operations and balance sheet. In addition, a new paragraph (c) has been added to require the carrier's chief executive officer and chief financial officer and the authorized agent for the plan's underwriter to certify that, to the best of their knowledge and belief, the amounts charged are allowable and allocable in accordance with the FAR cost principles, that they do not include any unallowable costs, and that OPM has been given credit for all income, refunds, rebates and allowances due.

The Notice of Significant Events clause [1652.222–70] has been modified to add two additional events which require notification to OPM. These are: (1) Fraud, embezzlement or misappropriation of FEHBP funds and (2) any qualification, exception or reservation made by a CPA in its audit opinion or management letter to the Plan. The application of the clause has also been broadened to include not only Comprehensive Medical Plans but all FEHBP plans.

The Subcontracts clause [1652.244–70] has been modified to require FEHBP approval of the subcontract only where the amount charged the FEHBP exceeds 25 percent of the total cost of the subcontract. Approval of subcontracts is generally necessary to make sure that the Government's interests are protected. Where a large majority of the plan's business is in the commercial sector and the FEHBP is being charged only its pro rata share, the Government can rely on the competitive marketplace to make sure that the subcontract price is fair and reasonable. Therefore, even if the amount charged the FEHBP for the subcontract exceeds $100,000, the subcontract will not be reviewed unless more than 25 percent of the total cost of the subcontract is charged to the FEHBP.

The Renewal and Withdrawal of Approval clause [1652.249–70] has been revised to make certain that carriers understand that in the event the carrier fails to fulfill the requirements of the FEHBP contract, OPM does not have to wait until the contract is terminated before taking remedial action to protect enrollees.

In addition to the above amendments, technical corrections have been made to 1652.232–70 (now 1652.232–72), Non-Commingling of Funds, and 1652.246–70,

FEHB Inspection. Further, the clauses have been redated to January 1990 to reflect the date they would become effective.

FEHBAR Subpart 1652.3 sets forth a matrix of FAR and FEHBAR clauses to be used in connection with the FEHB contracts. Two FAR clauses have been added to the matrix. FAR 52.203–7, Anti-Kickback Procedures, had previously been omitted from the FEHBP clause matrix and 52.223–6 has been added to implement the Drug-Free Workplace Act of 1988. The two FEHBAR clauses concerning FEHBP payments, 1652.232–70 and 1652.232–71, which were included in the letter of credit regulations published on December 23, 1988, are also now incorporated into the matrix. Technical corrections have been made to the line items for FAR 52.215–25, FAR 52.215–30, 1652.222–70, FAR 52.223–2, FAR 52.230–3, FAR 52.230–4, FAR 52.230–5, and FAR 52.232–23. In addition, we have changed the "R" ("reference") wherever it appears in the last two columns of the Matrix to "T" (full text) because the proposed model contract which will be in place for contract year 1990 contains the full text of these clauses. Further, we have determined that several clauses are inappropriate in the FEHBP contracts and are deleting them from the FEHBAR's list of applicable FAR clauses, as follows.

The Consistency in Cost Accounting Practices clause [FAR 52.230–6] is to be used in contracts performed substantially in the United Kingdom. Since OPM does not contract for health insurance or services to be performed substantially in the United Kingdom, the clause will not be included in FEHB contracts.

The Payments clause [FAR 52.232–1] is not a mandatory use clause of the FAR but is to be used as appropriate and as modified with respect to payment due dates. Because of the Program's unique method of payment, the modifications necessary to comport with the FEHBP requirements rendered the clause so different that it no longer resembled the original FAR clause. On December 23, 1988, OPM published FEHB-specific payments clauses in its letter of credit regulations which take the place of the FAR Payments clause. We are now deleting the FAR Payments clause from the FEHBAR's list of applicable FAR clauses.

The Extras clause [FAR 52.232–11] is used to prevent a contractor from providing and billing the Government for an extra or additional quantity of contracted for supplies or services without the authorization of the contracting officer. This concept has no relevance to the FEHBP. First, the Government does not contract for any quantity of memberships. Second, individual employees and annuitants sign up during an open season or at other times throughout the year as various events allowing them to change enrollment occur. As a consequence, the number of memberships in a plan continually changes. The carrier is entitled to be paid if there are additional or extra enrollments during the year. Therefore, in accordance with FEHBAR 1601.301, the practical realities associated with the unique nature of health care procurements warrant the deletion of the Extras clause from the proposed standard contract.

The Prohibition on Assignment of Claims clause [FAR 52.232–24] has been deleted. The Assignment of Claims Act gives contractors the right to assign payments by the Government to a third party, i.e., to a bank, as collateral for a loan. The Act also allows the Government to prohibit assignment. Most Government contracts are of short term of 1 or 2 years. The decision to assign or prohibit assignment lasts only for that short period. If the same item is again purchased from the contractor, a new decision can be made to allow or prohibit assignment based on the new contract.

FEHB contracts, however, extend over many years; some are almost 30 years old. A decision made when the contract is first executed to either allow or prohibit assignment may not be the correct decision for the circumstances 10 years later. In order to provide flexibility without modifying the contract every time a carrier wants to make an assignment, we have replaced the FAR Prohibition on Assignment of Claims clause with a separate Approval for the Assignment of Claims clause [1652.232–73] which requires the carrier to obtain the written approval of the Contracting Officer before he or she can assign the contract. To be consistent, we have added the Approval for the Assignment of Claims clause to the FEHBP Clause Matrix and have amended the Matrix to show the use status for the Assignment of Claims clause as "A," that is, the clause is to be used only when the applicable conditions are met. This decision is dictated by the practical realities of the long-term nature of FEHB contracts.

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 Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant impact on a substantial number of small entities because it provides the opportunity for many smaller contractors to submit less documentation than previously required of them and, also, simply makes changes to reflect current practices within the FEHBP.

List of Subjects in 48 CFR Parts 1602, 1615, 1616, 1622, 1632, and 1652

Administrative practice and procedure, Government contracts, Health insurance.

U.S. Office of Personnel Management.

Constance B. Newman,

Director.

Accordingly, OPM proposes to amend 48 CFR chapter 16 as follows:

1. The authority citations for parts 1602, 1615, 1616, 1622, 1632, and 1652 continue to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

PART 1602—DEFINITION OF WORDS AND TERMS

2. In Subpart 1602.1, sections 1602.170–2 and 1602.170–6 are revised, section 1602.170–11 is redesignated as section 1602.170–12 and a new section 1602.170–11 is added to read as follows:

1602.170–2 Community rate.

(a) "Community rate" means a rate of payment which is based on a per member per month capitation or revenue requirement that applies to a combination of the subscriber groups for a comprehensive medical plan. The capitation rate is a market price consistent with FAR 15.804–3. References in this subchapter to "price analysis" or "established market price" relating to the applicability of policy and contract clauses refer to comprehensive medical plans using community rates.

(b) "Adjusted community rate" means a community rate which has been adjusted for expected medical utilization of the FEHBP group. An adjusted community rate is a prospective rate and can not be retroactively revised to reflect actual experience, utilization, or costs of the FEHBP group.

1602.170–6 Experience rate.

"Experience rate" means a rate for a given group that is the result of that group's actual paid claims, administrative expenses, retentions, and *estimated* claims incurred but not reported, adjusted for benefit modifications, utilization trends, and trends in the economy. Actual paid claims includes any legitimate benefit payment made to providers of medical

services, such as non-group specific capitation, per diems, and Diagnostic Related Group (DRG) payments.

1602.170–11 Similarly sized subscriber groups.

"Similarly sized subscriber groups" means a comprehensive medical plan's two non-governmental employer groups which: (1) purchase substantially the same basic benefit package proposed for the Federal group; (2) renew in January or during the effective period of the January community rates; and (3) have total subscriber enrollment at the time of the rate proposal arithmetically closest in size to the previous September's FEHB subscriber enrollment, as determined by OPM. Contracts with a governmental authority or program or any health benefits program for employees of states, political subdivisions of states and other public entities are excluded.

PART 1615—CONTRACTING BY NEGOTIATION

3. In subpart 1615.8, section 1615.802(b) is revised; sections 1615.804–70 and 1615.804–71 are retitled and revised; a new section 1615.804–72 is added; section 1615.805–70(c) is renumbered as (d); and a new paragraph (c) is added to read as follows:

1615.802 Policy.

* * * * *

(b) (1) Price analysis for contracts where premiums and subscription income are based on community rates (market prices). For contracts with fewer than 1,500 FEHBP subscribers, OPM may rely on a basic reasonableness test in combination with a carrier's representation that the market price submitted on SF–1412, Claim for Exemption from Submission of Certified Cost or Pricing Data, is based on the price offered to its similarly sized subscriber groups (see FEHBAR 1602.170–10).

(2) For contracts with 1,500 FEHBP subscribers or more and for contracts with fewer than 1,500 FEHBP subscribers that do not use the SF 1412, OPM shall require additional price or cost data relating to the community rate, including the submission and analysis of specified data relating to the prices offered to similarly sized subscriber groups and the demographic and utilization characteristics of those groups.

(3) Contracts will also be subject to a price adjustment if it is determined subsequently that different market prices were actually used for the similarly sized subscriber groups as defined in 1602.170–10. Such adjustments will normally be identified by the carrier and applied against its community rate for the subsequent year.

* * * * *

1615.804–70 Certificate of accurate pricing for community rated plans.

When a carrier proposes a community rate as defined by FEHBAR 1602.170–2, the Contracting Officer shall require the carrier to execute the Certificate of Accurate Pricing for Community Rated Plans contained in this section unless the carrier has been exempt from filing certified cost or pricing data. The Certificate shall be executed each time a proposal is made.

Certificate of Accurate Pricing for Community Rated Plans

This is to certify that, to the best of my knowledge and belief, the cost or pricing data submitted, either actually or by specific identification in writing, to the Contracting Officer or the Contracting Officer's representative in support of _____ *FEHBP rates are accurate and complete for the current year; the FEHBP rates were developed in a manner consistent with the rating methodology and structure used to rate the Carrier's similarly sized subscriber groups (see FEHBAR 1602.170–10) and approved by OPM, except where the Carrier has elected to use the alternative methodology for adjusted community rating specified by OPM or other methodology approved by OPM; and the FEHBP rates were developed in accordance with the requirements of 48 CFR Chapter 16 and the FEHBP contract.

Firm _____

Name _____

Title _____

Date of execution _____

*Identify the time period to which the rates apply.

(End of certificate)

1615.804–71 Supplemental representation for SF 1412.

Carriers with less than 1,500 FEHBP subscribers may request an exemption from submission of certified cost and pricing data. The request for exemption is made on SF 1412, Claim for Exemption from Submission of Certified Cost or Pricing Data [see FAR 53.301.1412], which contains a representation that all the statements made on or attached to the SF 1412 are correct. In addition to the representation made on the SF 1412, the Contracting Officer shall require the carrier to execute the Supplemental Representation for SF 1412 shown below. The carrier shall attach the supplemental representation to the SF 1412.

Supplemental Representation for SF 1412

The Carrier represents that the FEHBP market price, per member per month capitation for _____ * FEHBP rates is no greater than the capitation quoted to similarly sized subscriber groups (see FEHBAR 1602.170–11); that adjustments made to the market price, per member per month capitation were developed in a manner consistent with the rating methodology and structure used to rate the carrier's similarly sized subscriber groups; and that the adjustments were developed in accordance with the requirements of 48 CFR Chapter 16 and the FEHBP contract.

*Identify the time period to which the rates apply. The rate must be either the actual rate in effect for the current year or a quoted rate for the next year.

1615.804–72 Rate reduction for defective pricing or defective cost or pricing data.

The clause set forth in 1652.215–70 shall be inserted in all FEHBP contracts based on established market price.

1615.805–70 Carrier investment of FEHB funds.

* * * * *

(c) The carrier is required to credit income earned from its investment of FEHB funds to the special reserve on behalf of the FEHB Program. If a carrier fails to invest excess FEHB funds or to credit any income due the contract, for whatever reason, it shall credit any investment income lost to the special reserve.

* * * * *

PART 1616—TYPES OF CONTRACTS

Subparts 1616.1 and 1616.2 [Amended]

4. In part 1616, the words "catalog, or" are removed wherever they appear in the table of contents and text of subparts 1616.1 and 1616.2.

PART 1622—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

5. In part 1622, section 1622.103–70 is revised to read as follows:

1622.103–70 Contract clause.

The clause at 1652.222–70 shall be inserted in all FEHBP contracts.

PART 1632—CONTRACT FINANCING

6. In part 1632, a new subpart 1632.8 and section 1632.806–70 are added to read as follows:

Subpart 1632.8—Assignment of Claims

1632.806–70 Contract clause.

The clause set forth in 1652.232–73 shall be inserted in all FEHBP contracts.

PART 1652—CONTRACT CLAUSES

7. Section 1652.203–70 is revised to read as follows:

1652.203-70 Misleading, deceptive, or unfair advertising.

As prescribed in 1603.703, the following clause shall be inserted in all FEHBP contracts:

Misleading, Deceptive, or Unfair Advertising (Jan. 1990)

(a) The Carrier agrees that any advertising material, including promotional material, marketing material, or supplemental literature for its Plan(s), shall adhere to the "Rules Governing Advertisement of Accident and Sickness Insurance with Interpretive Guidelines" and the additional Supplemental Literature Guidelines which are both set forth in Appendix D.

(b) Failure to conform to this requirement shall be a material breach of the contract to be corrected at the carrier's expense and may result in a reduction in the service charge. In order to protect the interest of Federal employees, annuitants and their dependents, OPM shall have the right to:

(1) Direct the Carrier to cease and desist distribution, publication or broadcast of the misleading material;

(2) Direct the Carrier to issue corrections in the same manner and media as the original material was made;

(3) Direct the Carrier to provide the correction in writing by certified mail to all enrollees of the Plan(s) that was the subject of the original material;

(4) Suspend new enrollments in the Carrier's Plan(s);

(5) Provide Enrollees an opportunity to transfer to another carrier; and

(6) Terminate the contract in accordance with Section 1.15, Renewal and Withdrawal of Approval, paragraph (b).

(c) The Carrier shall incorporate this clause in all subcontracts that exceed $25,000 and shall substitute "contractor" or other appropriate reference for the term "Carrier."

(End of Clause)

8. Section 1652.204—70 is amended by revising the clause heading and the opening to the first sentence of the clause and by revising 1652.204–71 to read as follows:

1652.204-70 Contractor records retention.

* * * * *

Contractor Records Retention (Jan. 1990)

Notwithstanding the provisions of Section 5.7 [FAR 52.215–2(d)] "Audit-Negotiation," * * *

1652.204-71 Coordination of Benefits.

As prescribed in 1604.7001, the following clause shall be inserted in all FEHBP contracts:

Coordination of Benefits (Jan. 1990)

(a) The Carrier shall coordinate on a primary-secondary basis the payment of benefits under this contract with the payment of benefits under Medicare, other group health benefits coverages, and the payment of medical and hospital costs under no-fault or other automobile insurance that pays benefits without regard to fault.

(b) The Carrier shall not pay benefits under this contract until it has determined whether it is the primary or secondary carrier or unless permitted to do so by the Contracting Officer.

(c) In coordinating benefits between plans, the Carrier shall follow the order of precedence established by the Model Guidelines for Coordination of Benefits (COB) and specified by OPM.

(d) Where (1) the Carrier makes payments under this contract which are subject to COB provisions; (2) the payments are erroneous, not in accordance with the terms of the contract, or in excess of the limitations applicable under this contract; and (3) the Carrier is unable to recover such COB overpayments from the Member or the providers of services or supplies, the Contracting Officer may allow such amounts to be charged to the contract providing the Carrier demonstrates that it has made a diligent effort to recover such COB overpayments.

(e) COB savings shall be reported each year along with the Carrier's annual accounting statement in a form specified by OPM.

(End of clause)

9. Sections 1652.215–70 and 1652.215–71 are revised to read as follows:

1652.215-70 Rate reduction for defective pricing or defective cost or pricing data.

As prescribed in 1615.804–72, the following clause shall be inserted in contracts based on established market price:

Rate Reduction for Defective Pricing or Defective Cost or Pricing Data (Jan 1990)

If any rate established in connection with this contract was increased because of defective data or information—(1) the Carrier furnished cost or pricing data that was not complete, accurate, or current as certified in the Certificate of Accurate Pricing for Community Rated Plans (FEHBAR 1615.804–70); (2) the Carrier furnished pricing data that was not accurate as represented on the Claim for Exemption from Submission of Certified Cost or Pricing Data (SF 1412); (3) the Carrier developed FEHBP rates with a rating methodology and structure inconsistent with that used to develop rates for similarly sized subscriber groups (see FEHBAR 1602.170–11) as certified in the Certificate of Accurate Pricing for Community Rated Plans or represented in the Supplemental Representation for SF 1412; or (4) the Carrier furnished data or information of any description that were not complete, accurate, and current—then, the rate shall be reduced in the amount by which the price was increased because of the defective data or information.

(End of clause)

1652.215-71 Investment Income.

As prescribed in 1615.805–71, the following clause shall be inserted in all FEHBP contracts based on cost analysis:

Investment Income (Jan 1990)

(a) The Carrier shall invest and reinvest all FEHBP funds on hand that are in excess of the funds needed to promptly discharge the obligations incurred under this contract. The Carrier shall seek to maximize investment income with prudent consideration to the safety and liquidity of investments. Maturities usually should not exceed 1 year's duration and should under no circumstances exceed 3 years' duration.

(b) All investment income earned on FEHBP funds shall be credited to the Special Reserve on behalf of the FEHBP.

(c) When the Contracting Officer concludes that the Carrier failed to comply with paragraph (a) or (b) of this clause, the Carrier shall credit the Special Reserve with investment income that would have been earned, at the rate(s) specified in paragraph (f), had it not been for the Carrier's noncompliance. "Failed to comply with paragraph (a) or (b)" means: (1) making any charges against the contract which are not allowable, allocable, or reasonable; or (2) failing to credit any income due the contract and/or failing to place excess funds, including subscription income and payments from OPM not needed to discharge promptly the obligations incurred under the contract, refunds, credits, payments, deposits, investment income earned, uncashed checks, or other amounts owed the Special Reserve, in income producing investments and accounts.

(d) Investment income lost as a result of unallowable, unallocable, or unreasonable charges against the contract shall be paid from the first day of the calendar year following the year in which the unallowable charge was made and shall end on the earlier of: (1) the date the amounts are returned to the Special Reserve (or the Office of Personnel Management); (2) the date specified by the Contracting Officer; or, (3) the date of the Contracting Officer's Final Decision.

(e) Investment income lost as a result of failure to credit income due the contract or failure to place excess funds in income producing investments and accounts shall be paid from the date the funds should have been invested or appropriate income was not credited and shall end on the earlier of: (1) the date the amounts are returned to the Special Reserve (or the Office of Personnel Management); (2) the date specified by the Contracting Officer; or, (3) the date of the Contracting Officer's Final Decision.

(f) The Carrier shall credit the Special Reserve for income due in accordance with this clause. All amounts payable shall bear lost investment income compounded semiannually at the rate established by the Secretary of the Treasury as provided in Section 12 of the Contract Disputes Act of 1978 (Public Law 95–563), which is applicable to the period in which the amount becomes due, as provided in paragraphs (d) and (e) of this clause. Thereafter, the rate shall be the rate applicable for each six-month period as fixed by the Secretary until the amount is paid.

(g) The Carrier shall incorporate this clause into agreements with underwriters of the

Carrier's FEHB plan and shall substitute "underwriter" or other appropriate reference for the term "Carrier."

(End of clause)

10. The introductory text in section 1652.216–70 is revised, paragraphs (b)(2) through (b)(4) of the clause therein are revised and new paragraphs (b)(5) and (b)(6) are added, and section 1652.216–71 is revised to read as follows:

1652.216–70 Accounting and price adjustment.

As prescribed in 1616.270, the following clause shall be inserted in all FEHBP contracts based on established market price:

Accounting and Price Adjustment (Jan 1990)

(a) * * *

(b) * * *

(2) The subscription rate agreed to in this contract is derived from the market price, per member per month (PMPM) capitation or revenue requirement that applies to a combination of subscriber groups. The PMPM capitation established in this contract may be an estimate of the Carrier's actual market price PMPM capitation that will be in effect during the contract period.

(3) If, for the contract period, the Carrier establishes an actual PMPM capitation higher than the PMPM capitation established for this contract and the higher capitation is actually paid by similarly sized subscriber groups (see FEHBAR 1602.170–11), the Carrier may include an adjustment to next year's PMPM capitation to recover the difference between the estimated PMPM capitation and the actual PMPM capitation.

(4) If for the contract period, the Carrier establishes an actual PMPM capitation lower than the PMPM capitation established for this contract and the lower capitation is actually paid by similarly sized subscriber groups, the Carrier shall reduce next year's PMPM capitation to reflect the difference between the estimated PMPM capitation and the lowest actual PMPM capitation.

(5) No upward adjustment in the rate established for this contract will be allowed or considered by the Government or will be made by the Carrier in this or in any other contract year on the basis of actual costs incurred, actual benefits provided, or actual size or composition of the FEHBP group during this contract period.

(6) In the event this contract is not renewed, neither the Government nor the Carrier shall be entitled to any adjustment or claim for the difference between the estimated and the actual market price, PMPM capitation or revenue requirement.

(End of clause)

1652.216–71 Accounting and allowable cost.

As prescribed in 1616.271, the following clause shall be inserted in all FEHBP contracts based on cost analysis:

Accounting and Allowable Cost (Jan 1990)

(a) *Annual Accounting Statement.* (1) The Carrier, not later than 90 days after the end of each contract period, shall furnish to OPM for that contract period an accounting of its operations under the contract. The accounting shall be in the form prescribed by OPM and shall include, among other things, a Balance Sheet and a Summary Statement of FEHBP Financial Operations. The Summary Statement of FEHBP Financial Operations shall include the following items for each option provided by the contract:

(i) Subscription income received and accrued (including amounts received from the Contingency Reserve);

(ii) Health benefits charges made and accrued;

(iii) Administrative expenses and other charges made and accrued;

(iv) Income on investments;

(v) Other adjustments;

(vi) Sum of items (i) minus (ii) minus (iii) plus (iv) plus or minus (v).

(2) The Carrier shall have the Plan's Summary Statement of FEHBP Financial Operations and Balance Sheet audited by a Certified Public Accounting (CPA) firm. The CPA report shall be submitted to OPM not later than 180 days after the end of the contract period.

(3) Based on the results of either the CPA audit or a Government audit, the Carrier's annual accounting statements may be (i) reduced by amounts found not to constitute allowable costs; or (ii) adjusted for prior overpayments or underpayments.

(b) *Definition of costs.* (1) The allowable costs chargeable to the contract for a contract period shall be the actual, necessary and reasonable amounts incurred with proper justification and accounting support, determined in accordance with the terms of this contract, subpart 31.2 of the Federal Acquisition Regulation (FAR) and subpart 1631.2 of the Federal Employees Health Benefits Acquisition Regulation (FEHBAR) applicable on the first day of the contract period.

(2) In the absence of specific contract terms to the contrary, contract costs shall be classified in accordance with the following criteria:

(i) *Benefits.* Benefit costs consist of payments made and liabilities incurred for covered health care services on behalf of FEHBP subscribers, less any refunds, rebates, allowances or other credits received.

(ii) *Administrative expenses.* Administrative expenses consist of all allocable, allowable and reasonable expenses incurred in the adjudication of subscriber benefit claims or incurred in the Carrier's overall operation of the business. Unless otherwise stated in the contract, administrative expenses include, in part: all taxes including premium taxes, insurance and reinsurance premiums, medical and dental consultants used in the adjudication process, concurrent or managed care review when not billed by a health care provider and other forms of utilization review, the cost of maintaining eligibility files, legal expenses incurred in the litigation of benefit payments and bank charges for letters of credit. Administrative expenses exclude the cost of carrier personnel, equipment, and facilities directly used in the delivery of health care services, which are benefit costs, and the expense of managing the FEHBP investment program which is a reduction of investment income earned.

(iii) *Investment income.* The Carrier is required to invest and reinvest all funds on hand, including any in the Special Reserve or any attributable to the reserve for incurred but unpaid claims, which are in excess of the funds needed to discharge promptly the obligations incurred under the contract. Investment income represents the net amount earned by the Carrier after deducting investment expenses as a result of investing the FEHBP funds. The direct or allocable indirect expenses incurred in managing the investment program, such as consultant or management fees are chargeable against the investment income earned.

(iv) *Other charges.* (A) *Mandatory statutory reserves.* Charges for mandatory statutory reserves are not allowable unless specifically provided for in the contract. When the term "mandatory statutory reserve" is specifically identified as an allowable contract charge without further definition or explanation, it means a requirement imposed by State law upon the Carrier to set aside a specific amount or rate of funds into a restricted reserve that is accounted for separately from all other reserves and surpluses of the Carrier and which may be used only with the specific approval of the State official designated by law to make such approvals. The amount chargeable to the contract may not exceed an allocable portion of the amount actually set aside. If the statutory reserve is no longer required for the purpose for which it was created, and these funds become available for the general use of the Carrier, a pro rata share based upon FEHBP's contribution to the total Carrier's set aside shall be returned to the FEHBP in accordance with FAR 31.201–5.

(B) *Premium taxes.* When the term "premium taxes" is used in the contract without further definition or explanation, it means a tax imposed by State or local statutes upon the Carrier's gross or net premiums received.

(c) *Certification of Accounting Statement Accuracy.*

(1) The Carrier shall certify the annual accounting statement in the form set forth in paragraph (c)(3) of this clause. The certificate shall be signed by the chief executive officer and the chief financial officer of the Carrier.

(2) The Carrier shall require an authorized agent of its underwriter, if any, also to certify the annual accounting statement.

(3) The certificate required shall be in the following form:

Certification of Accounting Statement Accuracy

This is to certify that I have reviewed the amounts charged or credited in this accounting statement and to the best of my knowledge and belief:

1. All costs included in the statement are allowable in accordance with the terms of the contract and with the cost principles of the Federal Employees Health Benefits Acquisition Regulation and the Federal Acquisition Regulation;

2. This statement does not include any costs which are unallowable under the terms of the contract and the applicable cost principles;

3. All costs included in the statement are properly allocable to the contract on the basis of a beneficial or causal relationship between the expenses incurred and this contract in accordance with the terms of the contract and the applicable cost principles; and

4. All income, rebates, allowances, refunds and other credits made or owed in accordance with the terms of the contract and applicable cost principles have been included in the statement.

Carrier Name: _____

_____

Name of Chief Executive Officer (Type or Print)

_____

Name of Chief Financial Officer (Type or Print)

_____

Signature of Chief Executive Officer

_____

Signature of Chief Financial Officer

_____

Date Signed

_____

Date Signed
Underwriter _____

Name and Title of Responsible Corporate Official (Type or Print):

_____

Sidnature of Responsible Corporate Official:

_____

Date Signed: _____

(End of certificate)

(End of clause)

11. In section 1652.222–70, the introductory text is revised, paragraphs (a)(12) and (a)(13) are added to the clause, and paragraphs (b) and (c) are revised to read as follows:

1652.222–70 Notice of significant events.

As prescribed in 1622.103–70, the following clause shall be inserted in all FEHBP contracts.

Notice of Significent Events (Jan 1990)

(a) * * *

(12) Any fraud, embezzlement or misappropriation of FEHB funds; or

(13) Any written exceptions, reservations or qualifications expressed by a CPA as a result of the CPA's examination of the Carrier's financial statements.

(b) Upon learning of a Significant Event, OPM may institute action as it deems necessary to protect the interest of Members, including, but not limited to—

(1) Directing the Carrier to take corrective action;

(2) Suspending new enrollments under this contract;

(3) Advising Enrollees of the Significant Event and providing them an opportunity to transfer to another Carrier;

(4) Withholding payment of subscription income;

(5) Terminating the enrollment of those enrollees who, in the judgment of OPM, would be adversely affected by the Significant Event; or

(6) Terminating this contract pursuant to Section 1.15, RENEWAL AND WITHDRAWAL OF APPROVAL.

(c) The Carrier shall insert this clause in all subcontracts and provider agreements over $25,000 and shall substitute "contractor" or other appropriate reference for the term "Carrier."

(End of clause)

12. In § 1652.224–70, paragraph (b)(3) of the clause is revised to read as follows:

1652.224–70 Confidentiality of Records.

* * * * *

As prescribed in § 1624.104, the following clause shall be inserted in all FEHBP contracts:

Coafidentiality of Records (Jan 1990)

(b) * * *

(3) As disclosure is necessary to permit Government officials having authority to investigate and prosecute alleged civil or criminal actions;

* * * * *

13. In section 1652.232–72, paragraphs (a) and (c) of the clause are revised and a new section 1652.232–73 is added to read as follows:

1652.232–72 Non-commingling of FEHBP funds.

* * * * *

Non-Commingling of Funds (Jan 1990)

(a) The Carrier and/or its underwriter shall keep all FEHBP funds for this contract (cash and investments) physically separate from funds obtained from other sources. Accounting for such FEHBP funds shall not be based on allocations or other sharing mechanisms and shall agree with the Carrier's accounting records.

(b) * * *

(c) The Carrier shall incorporate this clause in all subcontracts that exceed $25,000 and shall substitute "contractor" or other appropriate reference for "Carrier and/or its underwriter."

(End of clause)

1652.232–73 Approval for the assignnent of claims.

As prescribed in 1632.806–70, the following clause shall be inserted in all FEHBP contracts:

Approval for Assignment of Claims (Jan 1990)

(a) Notwithstanding the provisions of section 5.34 (FAR 52.232–23), Assignment of Claims, the Carrier shall not make any assignment under the Assignment of Claims Act without the prior written approval of the Contracting Officer.

(b) Unless a different period is specified in the Contracting Officer's written approval, an assignment shall be in force only for a period of 1 year from the date of the Contracting Officer's approval. However, assignments may be renewed upon their expiration.

(End of clause)

14. In section 1652.244–70, paragraphs (a) and (f) of the clause and the clause heading are revised to read as follows:

1652.244 70 Subcontracts.

* * * * *

Subcontracts (Jan 1990)

(a) The Carrier shall notify the Contracting Officer reasonably in advance of entering into any subcontract or subcontract modification, or as otherwise specified by this contract, if both the amount of the subcontract or modification charged to the FEHB Program exceeds $100,000, and the amount of the subcontract to be charged to the FEHB Program exceeds 25 percent of the total cost of the subcontract.

* * * * *

(f) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis. Any fee payable under cost reimbursement type subcontracts shall not exceed the fee limitations in FAR 15.903(d). Any profit or fee payable under a subcontract shall be in accordance with the provision of section 3.7, SERVICE CHARGE.

* * * * *

15. Section 1652.246–70 is revised to read as follows:

1652.246–70 FEHBP inspection.

As prescribed in 1646.301, the following clause shall be inserted in all FEHBP contracts:

FEHB Inspection (Jan 1990)

(a) The Government or its agent has the right to inspect and evaluate the work performed or being performed under the contract, and the premises where the work is being performed, at all reasonable times and in a manner that will not unduly delay the work. If the Government or its agent performs inspection or evaluation on the premises of the Carrier or a subcontractor, the Carrier shall furnish and require the subcontractor to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

(b) The Carrier shall insert this clause in all subcontracts over $25,000 and shall substitute "contractor" or other appropriate reference for the term "Carrier."

(End of clause)

16. In section 1652.249–70, the clause heading, the introductory text to paragraph (b), and paragraphs (b)(3) and (c) are revised to read as follows:

1652.249–70 Renewal and withdrawal of approval.

* * * * *

Renewal and Withdrawal of Approval (Jan 1990)

* * * * *

(b) This contract also may be terminated at other times by order of OPM pursuant to 5 U.S.C. 8902(e). After OPM notifies the Carrier of its intent to terminate the contract, OPM

may take action as it deems necessary to protect the interests of members, including but not limited to—

(1) * * *

(2) * * *

(3) Providing enrollees an opportunity to transfer to another Plan.

(c) OPM may, after proper notice, terminate the contract at the end of the contract term if it finds that the Carrier did not have at least 300 enrollees enrolled in its plan at any time during the two preceding contract periods.

(End of clause)

17. Section 1652.370 is revised to read as follows:

1652.370 Use of the matrix.

* * * * *

FEHBP CLAUSE MATRIX

Clause No.	Text Reference	Title	Use with contracts based on		
			Use Status	Cost analysis	Price analysis
FAR 52.202-1	FAR 2.2	Definitions	M	T	T
FAR 52.203-1	FAR 3.102-2	Officials Not to Benefit	M	T	T
FAR 52.203-3	FAR 3.202	Gratuities	M	T	T
FAR 52.203-5	FAR 3.404(c)	Covenant Against Contingent Fees	M	T	T
FAR 52.203-7	FAR 3.502-3	Anti-Kickback Procedures	M	T	T
1652.203-70	1603-703	Misleading, Deceptive, or Unfair Advertising	M	T	T
1652.204-70	1604.705	Contractor Records Retention	M	T	T
1652.204-71	1604.7001	Coordination of Benefits	M	T	T
FAR 52.215-1	FAR 15.106-1(b)	Examination of Records by Comptroller General	M	T	T
FAR 52.215-2	FAR 15.106-2(b)	Audit-Negotiation	M	T	T
FAR 52.215-22	FAR 15.804-8(a)	Price Reduction for Defective Cost or Pricing Data	M	T	
FAR 52.215-23	FAR 15.804-8(b)	Price Reduction for Defective Cost or Pricing Data—Modifications.	M		T
FAR 52.215-24	FAR 15.804-8(c)	Subcontractor Cost or Pricing Data	M	T	
FAR 52.215-25	FAR 15.804-8(d)	Subcontractor Cost or Pricing Data-Modifications	M		T
FAR 52.215-30	FAR 15.904	Facilities Capital Cost of Money	M	T	
FAR 52.215-31	FAR 15.904	Waiver of Facilities Capital Cost of Money	A	T	
1652.215-70	1615.804-72	Rate Reduction for Defective Pricing or Defective Cost or Pricing Data.	M		T
1652.215-71	1615.805-71	Investment Income	M	T	
1652.216-70	1616.270	Accounting and Price Adjustment	M		T
1652.216-71	1616.271	Accounting and Allowable Cost	M	T	
FAR 52.219-8	FAR FAR 19.708(a)	Utilization of Small Business Concerns and Small Disadvantaged Business Concerns.	M	T	T
FAR 52.219-13	FAR 19.902	Utilization of Women-Owned Small Businesses	M	T	T
FAR 52.220-3	FAR 20.302(a)	Utilization of Labor Surplus Area concerns	M	T	T
FAR 52.222-3	FAR 22.202	Convict Labor	M	T	T
FAR 52.222-4	FAR 22.305(a)	Contract Work Hours and Safety Standards Act—Overtime Compensation—General.	M	T	T
FAR 52.222-6	FAR 22.810(e)	Equal Opportunity	M	T	T
FAR 52.222-28	FAR 22.810(g)	Equal Opportunity Preaward Clearance of Subcontracts.	M	T	T
FAR 52.222-29	FAR 22.810(h)	Notification of Visa Denial	A	T	T
FAR 52.222-35	FAR 22.1308(a)	Affirmative Action for Special Disabled and Vietnam Era Veterans.	M	T	T
FAR 52.222-36	FAR 22.1408(a)	Affirmative Action for Handicapped Workers	M	T	T
1652.222-70	1622.103-70	Notice of Significant Events	M	T	T
FAR 52.223-2	FAR 23.105(b)	Clean Air and Water	A	T	T
FAR 52.223-6	FAR 23.505(c)	Drug-Free Workplace	A	T	T
1652.224-70	1624.104	Confidentiality of Records	M	T	T
FAR 52.229-3	FAR 29.401-3	Federal, State and Local Taxes	M		T
FAR 52.229-4	FAR 29.401-4	Federal, State and Local Taxes (Noncompetitive Contract).	M	T	
FAR 52.229-5	FAR 29.401-5	Taxes-Contracts Performed in U.S. Possessions or Puerto Rico.	A	T	T
FAR 52.229-6	FAR 29.402-1(a)	Taxes-Foreign Fixed Price Contracts	A	T	T
FAR 52.230-3	FAR 30.201-4(a)	Cost Accounting Standards	A	T	T
FAR 52.230-4	FAR 30.201-4(b)(1)	Administration of Cost Accounting Standards	A	T	T
FAR 52.230-5	FAR 30.201-4(c)(1)	Disclosure and Consistency of Cost Accounting Practices.	A	T	T
FAR 52.232-8	FAR 32.111(c)(1)	Discounts for Prompt Payment	M	T	T
FAR 52.232-17	FAR 32.617(a) Modification: 1632.617.	Interest	M		T
FAR 52.232-23	FAR 32.806(a)(1)	Assignment of Claims	A	T	T
1652.232-70	1632.171	Payments—contracts without letter of credit payment arrangements.	A	T	T
1652.232-71	1632.172	Payments—contracts with letter of credit payment arrangements.	A	T	T
1652.232-72	1632.772	Non-Commingling of FEHBP Funds	M	T	
1652.232-73	1632.806-70	Approval for Assignment of Claims	M	T	T
FAR 52.233-1	FAR 33.214	Disputes	M	T	T
FAR 52.242-1	FAR 42.802	Notice of Intent to Disallow Costs	M	T	
FAR 52.243-1	FAR 43.205(a)(1)	Changes—Fixed Price—Alternate I	M	T	T
1652.244-70	1644.270	Subcontracts	M	T	T
FAR 52.244-5	FAR 44.204(e)	Competition in Subcontracting	M	T	T
FAR 52.245-2	FAR 45.106(b)(1)	Government Property (Fixed-Price Contracts)	M	T	T
FAR 52.246-25	FAR 46.805(a)(4)	Limitation of Liability—Services	M	T	
1652.246-70	1646.301	FEHBP Inspection	M	T	T

FEHBP CLAUSE MATRIX—Continued

Clause No.	Text Reference	Title	Use with contracts based on		
			Use Status	Cost analysis	Price analysis
FAR 52.247-63	FAR 47.405	Preference for U.S.-Flag Air Carriers	M	T	T
1652.249-70	1649.101-70	Renewal and Withdrawal of Approval	M	T	T
FAR 52.251-1	FAR 51.107	Government Supply Sources	A	T	
FAR 52.252-2	FAR 52.107(b)	Clauses Incorporated by Reference	M	T	T
FAR 52.252-4	FAR 52.107(d)	Alterations in Contract	M	T	T
FAR 52.252-6	FAR 52.107(f)	Authorized Deviations in Clauses	M	T	T

[FR Doc. 89-24685 Filed 10-19-89; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

Injurious Wildlife; Importation of Fish or Fish Eggs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of public comment period.

SUMMARY: Notice of intent to revise 50 CFR 16.13 was published in the **Federal Register** on August 17, 1989, 54 FR 33947. The previously established public comment period of August 17 to October 16, 1989, is extended 30 days to close on November 15, 1989.

DATE: Comments, statements of effects, and suggestions pertaining to the intended revisions of 50 CFR 16.13 must be received on or before November 15, 1989.

ADDRESSES: Comments, statements, and suggestions pertaining to the intended revisions of 50 CFR 16. 13 must be sent to: Chief, Division of Fish Hatcheries, 820 ARLSQ, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington. DC 20240. Telephone: 703/358-1878

FOR FURTHER INFORMATION CONTACT: Dr. John G. Nickum, Division of Fish Hatcheries, 820 ARLSQ, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington. DC 20240 Telephone: 703/358-1878.

List of Subjects in 50 CFR Part 16

Animal diseases, Fish, Freight, Imports, Transportation, Wildlife.

Dated: October 12, 1989.

Richard N. Smith,

Acting Director.

[FR Doc. 89-24821 Filed 10-19-89; 8:45 am]
BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 54, No. 202
Friday, October 20, 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

Farmers Home Administration

Farmers Home Administration (FmHA) Programs and Activities Excluded Under Executive Order 12372

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform State and local governments and other interested persons of USDA programs and activities proposed for exclusion from the scope of Executive Order (E.O.) 12371, "Intergovernmental Review of Federal Programs. The Department of Agriculture rules on the requirements for intergovernmental review of agency programs and activities are published in 7 CFR Part 3015, Subpart V.

DATE: Comments must be received on or before November 20, 1989.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Directives and Forms Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this Notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Clayman, Environmental Protection Specialists, Program Support Staff, FmHA, Room 6309, South Building, Washington, DC 20250 (Telephone 202–382–9619).

SUPPLEMENTARY INFORMATION: The programs listed below by Catalog of Federal Domestic Assistance (CFDA) numbers are being proposed for exclusion from coverage under E.O. 12372 on the basis that they do not affect State and local governments:

10.437 Interest Rate Reduction Program
10.438 Demonstration Project for Purchase of Certain Farm Credit System Acquired Farmland (FCS Demonstration Project)
10.429 Guaranteed Rural Housing Loan Demonstration Program

10.437 Interest Rate Reduction Program (IRRP)

FmHA has authorized under the Food Security Act of 1985 (Pub. Law 99–298) to temporarily make payments to lenders to reduce borrower interest rates on guaranteed loans to eligible applicants and borrowers under three existing FmHA programs. The Interest Rate Reduction Program provides lenders with a tool to enable them to continue to provide credit to family farm operators who are temporarily unable to project a positive cash flow on all income and expenses, including debt service, without a reduction in the interest rate. In order to be eligible for the IRRP, the applicant *must* be an applicant or an existing borrower under one of the following FmHA programs:

10.406 Farm Operating Loans
10.407 Fram Ownership Loans
10.416 Soil and Water Loans

When an applicant is approved for an interest rate reduction under one of these programs, the application continues to follow the processing requirements specified in the respective program regulations. Executive Order coverage for IRRP applications will be dependent upon the EO program coverage that already exists for the programs referenced above. Therefore, the IRRP itself is being proposed for exclusion from the EO.

10.438 Demonstration Project for Purchase of Certain Farm Credit System Acquired Farm-land (FCS Demonstration Project)

The primary objective of the FCS Demonstration Project is to assist applicants of FmHA's existing guaranteed Farm Ownership (FO) loan drogram (10.407) to purchase acquired farm land owned by FCS member institutions certified to issue preferred stock under section 6.27 of the Farm Credit Act of 1971 by reducing the interest rate for 5 years.

In order to qualify for the FCS Demonstration Project, an applicant must provide a downpayment of 15 percent of the land purchase price using personal funds, have a need for the interest rate reduction in order to cash flow, and meet the requirements of the regular guaranteed FO program.

The FO Loan Program is excluded from coverage under the EO with the exception of "non-farm enterprise activity." Because the principal purpose of the FCS Demonstration Project is to assist applicants in purchasing acquired farm land owned by FCS member institutions in an attempt to preserve the family-size farm, no loans will be made for non-farm enterprise purposes. Therefore, the FCS Demonstration Project is being proposed for exclusion from the EO in its entirety.

10.429 Guaranteed Rural Housing Load Demonstration Program

The basic project of the Rural Housing Guaranteed Loan Program is to assist eligible households in obtaining adequate but modest, decent, safe, and sanitary dwellings and related facilities for their own use in rural areas by guaranteeing sound rural housing loans which would not be made without a guarantee.

This program, therefore, is being proposed for exclusion from the provisions of the EO except when an application involves a loan or loans in a subdivision in which FmHA has not previously made, insured, or guaranteed a housing loan. Therefore, the requirements of EO 12372 will be complied with by those applicants seeking subdivision assistance. Proposed subdivision developements must comply with established criteria to be suitable for FmHA housing programs. One of the processes is the submittal of subdivision developments to state an local governments for intergovernmental review prior to requesting FmHA review and approval.

Dated: October 2, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–24714 Filed 10–19–89; 8:45 am]

BILLING CODE 3410–07–M

ARMS CONTROL AND DISARMAMENT AGENCY

William C. Foster Fellows Visiting Scholars Program

The U.S. Arms Control and Disarmament Agency (ACDA) will

conduct a competition for selection of visiting scholars to participate in ACDA's activities during the 1990–91 academic year.

Section 28 of the Arms Control and Disarmament Act (22 U.S.C. 2568) provides that "A program for visiting scholars in the field of arms control and disarmament shall be established by the Director of the U.S. Arms Control and Disarmament Agency in order to obtain the services of scholars from the faculties of recognized institutions of higher learning."

The law states that "The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. * * * Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency." In honor of the first Director of ACDA, William C. Foster, who served from the inception of ACDA in 1961 to 1969 and died on October 15, 1984, scholars are known as William C. Foster Fellows.

ACDA began this program by competitively selecting six visiting scholars for the 1984–85 academic year. The competition has continued each subsequent academic year until the present. One-year assignments will begin at a mutually agreeable time between July 1990 and mid September 1991 for the positions in ACDA's four bureaus described in the Appendix. The emphasis is on the expertise and service which the visiting scholars can provide rather than on general interest in arms control and the pursuit of the scholars' own research.

It is planned that the visiting scholars will be assigned by detail and compensated in accordance with the Intergovernmental Personnel Act and within Agency limitations. In addition to pay based on their regular salary rates, the visting scholars will receive travel to and from the Washington, D.C. area for their one-year assignment and either per diem allowance during the one-year assignment or relocation costs.

Visiting scholars must be citizens or nationals of the United States and on the faculty of a recognized institution of higher learning. Prior to appointment they will be subject to full-field background security and loyalty investigation for a top secret security clearance including access to Restricted Data, as required by Section 45 of the Arms Control and Disarmament Act. Visiting scholars also will be subject to applicable Federal conflict of interest laws and standards of conduct.

Selections will be made without regard to race, color, religion, sex, national origin, age, or physical handicap which does not interfere with performance of duties, and all qualified persons are encouraged to apply. Applications should be in the form of a letter indicating the position(s) in which the applicant is interested and the perspective and expertise which the applicant offers. The letter should be accompanied by a curriculum vitae, and any other materials such as letters of reference and samples of published articles which the applicant believes should be considered in the selection process. (If published materials are submitted, it is requested that they be provided in *twelve* copies, if possible.)

Applications, and any requests for additional information, should be sent to: Visiting Scholars Program, Attention: Personnel Office, Room 5722, U.S. Arms Control and Disarmament Agency, Washington, DC 20451. The application deadline for assignments for the 1990–91 academic year is December 31, 1989, subject to extension at ACDA's option. Announcement of selection, subject to security clearance procedures, is expected early spring 1990.

Dated: October 6, 1989.

William J. Montgomery,

Administrative Director.

Appendix

A. Visiting Scholar Assignments to the Bureau of Multilateral Affairs of ACDA

1. Description of the BUREAU of MULTILATERAL AFFAIRS

The Bureau of Multilateral Affairs (MA) has primary responsibility within ACDA for arms control issues dealt with in multilateral forums. MA provides both technical backstopping and diplomatic support to the US Delegations to the Conference on Disarmament in Geneva, where negotiations on a chemical weapons ban takes place, to the various negotiating forums dealing with conventional arms control in Europe, the United Nations, and on a variety of issues as they arise, such as multilateral arms control treaty reviews.

2. Nature of Assignment

The European Security Negotiations (ESN) Division of the Bureau of Multilateral Affairs has responsibility for supporting two negotiations concerning conventional forces in Europe. The negotiations on Conventional Armed Forces in Europe is taking place in Vienna, Austria, among the 23 members of NATO and the Warsaw Treaty Organization, and is addressing conventional force reductions and associated stability and verification measures. The Confidence- and Security-Building Measures negotiations is taking place in Vienna, Austria, among the 35 states participating in the Conference on Security and Cooperation in Europe (CSCE). These negotiations are considering further confidence-and security-building measures (CSBMs), building on the Stockholm Document of 1986.

Conventional arms control in Europe will be gaining increased attention in coming years, as a result of the progress made in US-Soviet bilateral negotiations on nuclear reductions, represented in particular by the INF Treaty. At the same time, NATO will be in the process of determining its post-INF nuclear and conventional force requirements for the next decade. While these two conventional forces negotiations are independent forums, their substance is clearly related. The interactions of the two negotiations and NATO force planning requirements will require careful analysis in the ESN Division.

3. Candidate Qualifications

Specific useful background for a candidate would include knowledge of European political and military issues and familiarity with NATO defense doctrine. Previous experience and research on arms control and national security issues would be valuable.

B. Visiting Scholar Assignments to the Bureau of Verification and Intelligence of ACDA

1. Description of the BUREAU of VERIFICATION and INTELLIGENCE

The Bureau of Verification and Intelligence (VI) has responsibility for ACDA's work in verification, compliance, intelligence, operations analysis, and computer support. VI provides the support in these subject areas for the strategic and theater nuclear arms control negotiations; the Standing Consultative Commission; the Anti-Ballistic Missile, SALT I and SALT II Treaties, the Limited Test Ban Treaty and Threshold Test Ban Treaty, INF, START, CFE, Defense In Space, Nuclear Testing and the agreements on chemical and biological weapons.

2. Nature of the Assignment

VI develops verification requirements for arms control agreements being negotiated; reviews compliance with existing arms control agreements; conducts operations analysis of relevant arms control issues and Soviet views thereof; and evaluates the potential of various collection technologies for monitoring compliance with provisions of arms control agreements. A Visiting Scholar would be expected to participate in one or more of these activities by performing studies, drafting policy papers, and/or performing analyses both for use within ACDA and for coordination with other agencies. In some cases, the Visiting Scholar would represent ACDA on interagency working groups and would be called upon to exercise a relatively high degree of individual judgment.

Subject areas where a Visiting Scholar might contribute include: verification of a treaty on chemical weapons, verification of limits on space-based weapons and weapons which can attack spacebased military assets, compliance with existing—and verification of proposed—treaty limitations on ballistic missiles and nuclear testing, or analysis of

Soviet views on stability and their impact on verification.

3. Candidate Qualifications

Because of the complex technical and analytical content in these areas, VI seeks a physical scientist, operations analyst, or expert in Soviet strategy and doctrine with a broad background. Specific useful background for a candidate would include: knowledge of basic physics, chemistry, aerospace systems, operations research, or Soviet strategic studies. The Visiting Scholar should have facility in analytical writing and general communication and a proven ability to innovate. Specific background in the areas of VI responsibility would be a value, but is not a requirement.

C. Visiting Scholar Assignments to the Bureau of Strategic Programs of ACDA

1. Description of the BUREAU OF STRATEGIC PROGRAMS

The Bureau of Strategic Programs (SP) has responsibility for support of the Director of ACDA on arms control matters concerning limitations on U.S. and Soviet strategic and theater nuclear offensive forces and defensive and space forces. This includes providing technical and policy guidance to the Director in these areas and participating in the policy deliberation of Interagency Groups responsible for these areas. SP also has responsibility for ACDA's participation in the Nuclear and Space Talks (NST) in Geneva, other bilateral U.S.–USSR nuclear arms control negotiations, and other defense related matters including ACDA participation in US decisions regarding research on ballistic missile defenses. NST includes strategic and theater nuclear arms control and defense and space issues. Other bilateral discussions include meetings of the Standing Consultative Commission (SCC) and preparation for the periodic Anti-Ballistic Missile (ABM) Treaty reviews as well as meetings of the Special Verification Commission (SVC) on INF implementation and compliance. SP also has interagency responsibility for backstopping of the NST negotiations, the SVC, the SCC, and ABM Treaty reviews. SP has three divisions: Strategic Affairs, Theater Affairs, and Defense and Space.

2. Nature of the Assignment

A visiting scholar assigned to SP would assist in policy formation in one or more of the areas cited above. Because of the high technical content in these areas, SP seeks a physical scientist with a broad theoretical or applied background.

The visiting scholar's responsibilities would include drafting position papers, background studies, and policy analyses, both for use within ACDA and for coordination with other agencies such as the Central Intelligence Agency, the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Department of State, and Interagency Groups. In some cases, the individual would represent ACDA on interagency working groups. The visiting scholar would be called upon to exercise a relatively high degree of individual judgment in developing policy recommendations. There may be an opportunity to volunteer to serve on the staff of U.S. delegations to arms control negotiations. The most likely areas of concentration for the visiting scholar would be strategic arms reduction policy, but this could vary according to the scholar's background and the needs of ACDA/SP.

3. Candidate Qualifications

Specific useful background for a candidate would include: knowledge of basic physics, facility in concise writing, general communication skills, and proven ability to innovate. Background in areas of SP responsibility would be of value but is not a requirement.

D. Visiting Scholar Assignment to the Bureau of Nuclear and Weapons Control of ACDA

1. Description of the BUREAU OF NUCLEAR AND WEAPONS CONTROL

The Bureau of Nuclear and Weapons Control (NWC) has responsibility for proliferation issues, including nuclear and chemical weapons, missiles, and conventional armaments. Functions include the review of nuclear exports, support of the international safeguards system, and the promotion of the Nuclear Non-Proliferation Treaty and the Treaty of Tlatelolco. NWC also assesses the arms control implications of proposed arms transfers and technology transfers, prepares arms control impact statements on U.S. programs and prepares arms control policy assessments and proposals. The Bureau participates in missile and chemical weapon nonproliferation policy development and associated multilateral arrangements such as Missile Technology Control Regime and the Australia Group. In addition, NWC is responsible for ACDA's economic analysis work and coordinates publication of *World Military Expenditures and Arms Transfers*.

2. Nature of the Assignement

A visiting scholar assigned to NWC would work on selected topics within that Bureau's responsibility, with emphasis on issues raised by the interrelationships among U.S. policies on nuclear nonproliferation, the transfer of conventional arms, and the export of missile technology. The visiting scholar's responsibilities would include the preparation of analyses of these issues and recommendations on their implications for arms control.

The position would involve close coordination with officials in the Departments of State and Defense and other concerned agencies. In carrying out assigned duties, the individual would need to exercise initiative and function effectively with minimum direct guidance and supervision.

3. Candidate Qualifications

Desirable attributes for a candidate from the physical sciences would include expertise in nuclear, chemical or military technologies, industrial development, and science policy. Candidates from other disciplines relevant to NWC's activities ideally should have some understanding of the role of arms control in national security planning, familiarity with weapons characteristics and capabilities, and knowledge of political-military conditions in developing regions. Because of the complex political, technology and military issues involved, a good background in national security studies or international relations is also important.

[FR Doc 89–24723 Filed 10–16–89; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 91035–9235]

Service Annual Survey; Determination

In accordance with title 13, United States Code, sections 182, 224, and 225, I have determined that 1989 data on receipts and revenues for selected service industries are needed to provide a sound statistical basis for the formation of policy by various governmental agencies and that these data also apply to a variety of public and business needs. Selected service industries include hotels and motels; personal, business, automotive, and repair services; real estate services; arrangement of passenger transportation; and selected social services. This survey will yield 1989 estimates of receipts/revenues for these service industries, in addition to sources of receipts/revenues for nursing and personal care facilities, temporary help supply services, and arrangement of passenger transportation. Also, information on number of beds, discharges, and average length of stay per discharge from nursing and personal care facilities will be provided, along with annual payroll and operating expenses for arrangers of passenger transportation.

The Census Bureau will require a probability sample of service firms in the United States to report in the 1989 Service Annual Survey. The sample will provide, with measurable reliability, statistics on the above items for these service industries. We will furnish report forms to the firms covered by this survey and will require their submission within 30 days after receipt. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, DC 20233.

I have directed, therefore, that an annual survey be conducted for the purpose of collecting these data.

Dated: October 16, 1989.

C. Louis Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 89–24817 Filed 10–19–89; 8:45 am]

BILLING CODE 3510-07-M

National Institute of Standards and Technology

Malcolm Baldrige National Quality Award Program, Board of Overseers; Meeting.

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that there will be a meeting of the Board of Overseers of the Malcolm Baldrige National Quality Award on Wednesday, November 15, 1989, from 8:00 a.m. to 4:30 p.m. The Board of Overseers is composed of seven members appointed by the Secretary of Commerce. The purpose of this meeting is to review the activities of the Malcolm Baldrige National Quality Award Program in order to assist the Board of Overseers in reporting to the Secretary of Commerce and Director of the National Institute of Standards and Technology as required by law.

DATES: The meeting will convene November 15, 1989, at 8:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESS: The meeting will be held in Room 6029, Department of Commerce, Herbert Hoover Building, 14th Street and Constitution Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Curt W. Reimann, Associate Director for Quality Programs, National Institute for Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2036.

Dated: October 13, 1989.

Raymond G. Kammer,

Acting Director.

[FR Doc. 89–24806 Filed 10–19–89; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

October 16, 1989.

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

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

EFFECTIVE DATE: October 23, 1989.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, 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) 535–6736. 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).

At the request of the Government of Singapore, the current designated consultation levels are being increased for Categories 351/651 and 636 in Group II.

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 50440, published on December 15, 1988.

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

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1989.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 12, 1988 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1989 and extends through December 31, 1989.

Effective on October 23, 1989, the limits are being increased for cotton and man-made fiber textile products in the following categories:

Category	Amended 12-Month Limit[1]
Sublevels in Group II	
351/651	45,000 dozen.
636	150,000 dozen.

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

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89–24784 Filed 10–19–89; 8:45 am]

BILLING CODE 3510–DR–M

Amending the Coverage of Certain Part-Categories for Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Various Countries

October 16, 1989.

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

ACTION: Issuing a directive to the Commissioner of Customs amending coverage of certain part-categories.

EFFECTIVE DATE: October 23, 1989.

FOR FURTHER INFORMATION CONTACT: Brian Fennessy, Commodity Industry Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

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).

To facilitate the implementation of bilateral textile agreements and export visa arrangements based upon the Harmonized Tariff Schedule (HTS), for goods exported on and after January 1, 1989 and imported on and after July 1, 1989, the coverage is being amended on all import limits and visa and certification arrangements for countries with part-Categories 338–S, 338–O, 338 (excluding 338–S), 369–D, 438–W, 438–O, 659–C and 659–O.

The attached directive contains HTS numbers which were published in the fourth supplement to the Harmonized Tariff Schedule.

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).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1989.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, all import control directives issued to you by the Chairman, Committee for the Implementation of Textile Agreements, which include cotton, wool and man-made fiber textile products in part-Categories 338–S, 338–O, 338 (excluding 338–S), 369–D, 438–W, 438–O, 659–C and 659–H, produced or manufactured in various countries and exported to the United States on and after January 1, 1989.

Also, this directive amends further, but does not cancel, the directive of December 22, 1988 which amended visa requirements for all countries for which visa arrangements are in place with the United States Government.

Effective on Oct. 23, 1989, you are directed to make the changes shown below in the aforementioned import control directives. These changes also shall be made for all countries with part-Categories 338–S, 338–O, 338 (excluding 338–S), 369–D, 438–W, 438–O, 659–C (or 659(1) in the case of Hong Kong) and 659–H included in their visa and certification arrangement. These changes are effective for goods exported on and after January 1, 1989 and imported into the United States on and after July 1, 1989.

Category	Delete	Add
338–S	6109.10.0035	6109.10.0009
		6109.10.0027
338–O	6109.10.0010	6109.10.0012
	6109.10.0015	6109.10.0014
	6109.10.0025	6109.10.0018
	6109.10.0030	6109.10.0023
338 (excluding 338–S)	6109.10.0010	6109.10.0012
	6109.10.0015	6109.10.0014
	6109.10.0025	6109.10.0018
	6109.10.0030	6109.10.0023
338/339(1)	6109.10.0025	6109.10.0018
	6109.10.0030	6109.10.0023
369–D	6302.91.0020	6302.91.0005
		6302.91.0045
438–W	6110.10.0060	
438–O	6110.10.0050	
659–C	6210.10.4020	6210.10.4015
659–H	6505.90.8075	6505.90.6060

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89–24785 Filed 10–19–89; 8:45 am]

BILLING CODE 3510–DR–M

Extending Coverage of Export Visa Requirements for Certain Wool Textile Products Produced or Manufactured in the Hungarian People's Republic

October 16, 1989.

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

ACTION: Issuing a directive to the Commissioner of Customs extending coverage of export visa requirements.

EFFECTIVE DATE: October 23, 1989.

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

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).

Pursuant to the terms of the export visa arrangement established under the terms of the current bilateral textile agreement between the Governments of the United States and the Hungarian People's Republic, export visas will be required for wool textile products in Categories 445/446.

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 49 FR 6659, published on March 8, 1984.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 16, 1989.

Commissioner of Customs
Department of the Treasury Washington, DC.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. This directive, as amended, directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Hungary which were not properly visaed by the Government of the Hungarian People's Republic.

Effective on October 23, 1989, you are directed to amend further the March 5, 1984 directive to require export visas for wool textile products in Categories 445/446, produced or manufactured in Hungary and exported from Hungary on or after October 23, 1989. Merchandise, Categories 445/446 which have been exported prior to October 23, 1989 shall not be denied entry for lack of a visa.

Shipments entered or withdrawn from warehouse on and after October 23, 1989 which are not accompanied by an appropriate export visa, and which are exported from Hungary on or after October 23, 1989, shall be denied entry and a new visa or visa waiver must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs, exceptioon to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89–24786 Filed 10–26–89; 8:45 am]

BILLING CODE 3501–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 a commodity to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: November 20, 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 28, August 18 and September 1, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 31357, 34213 and 36369) of proposed additions to Procurement List 1989, which was published on November 15, 1988 (53 FR 46018).

No comments were received in direct response to the proposed addition to the Procurement List. However, during the early development stage, the most recent contractor for the brassard claimed in a letter to the Committee that its addition to the Procurement List would adversely affect his firm. He indicated that inconsistencies of bids and contracts make it difficult to determine the amount of business which will be received from year to year. He commented that the loss of the contract

for the brassard would definitely constitute severe adverse impact. Based on data provided by the firm, the value of the firm's contract for the brassard represents approximately 5.4 percent of its total annual sales. This is not considered to be severe adverse impact.

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodity and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity and services 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 commodity and services listed.

c. The actions will result in authorizing small entities to produce the commodity and provide the services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1989:

Commodity

Brassard, Army, Military, 8455–01–236–1174

Services

Commissary Shelf Stocking & Custodial, Fort Bragg and Malonee Village, Fayetteville, North Carolina

Janitorial/Custodial, Federal Building, 600 Church Street, Flint, Michigan.

E. R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 89–24856 Filed 10–19–89; 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 1989 services to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before November 20, 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 services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1989, which was published on November 15, 1988 (53 FR 46018):

Commissary Shelf Stocking, Custodial and Warehousing, Charleston Air Force Base, South Carolina

Fast Pack/Carton Recycling and Pallet Repair, Sacramento Army Depot, Sacramento, California

Janitorial/Custodial, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, California

Janitorial/Custodial, Hoffman I Building, 2461 Eisenhower Avenue, Alexandria, Virginia.

E. R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 89–24857 Filed 10–19–89; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition Policy, (202) 523–3775.

SUPPLEMENTARY INFORMATION:

A. Purpose

Contracting officers terminate contracts, for default or convenience, only when it is in the best interest of the Government to do so. After receipt of the notice of termination, contractors are required to terminate subcontracts, advise the contracting officer of any special circumstances, submit any requests for an equitable adjustment, submit a settlement proposal, and take other action as directed. Records regarding the terminated contract must be maintained for 3 years.

The information submitted or retained in connection with contract termination is used to reach an equitable settlement with firms and to protect the interests of the Government and the terminated contractor.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 2,920; responses per respondent, 1; total annual responses, 2,920; hours per response, 3; total reporting hours, 8,760; and total recordkeeping hours, 2,920.

Obtaining Copies of Proposals: Requester may obtain copies from the, FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0028, Termination Requirements.

Dated: October 6, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–24724 Filed 10–19–89; 8:45 am]

BILLING CODE 6820–JC–M

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning OMB Report Control Number 9000–0026, Change Order Accounting.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition Policy, (202) 523–3775.

SUPPLEMENTARY INFORMATION:

a. Purpose

FAR clause 52.243–6, Change Order Accounting, requires that, wherever the estimated cost of a change or series of related changes exceed $100,000, the contracting officer may require the contractor to maintain separate accounts for each change or series of related changes. The account shall record all incurred segregable, direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts are to be maintained until the parties agree to an equitable adjustment for the changes or until the matter is conclusively disposed of under the Disputes clause. This requirement is necessary in order to be able to account properly for costs associated with changes in supply and research and development contracts that are technically complex and incur numerous changes.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 8,750; responses per respondent, 18; total reporting hours, 13,230. The annual recordkeeping burden is estimated as follows: recordkeepers 8,750; hours per recordkeeper 1.5; total recordkeeping hours, 13,125. Total burden hours 26,355.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0026, Change Order Accounting.

Dated: October 12, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–24729 Filed 10–19–89; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Priority Model; Defense Environmental Restoration Program

ACTION: Notice of plans to implement.

SUMMARY: The Department of Defense has developed a Defense Priority Model (DPM) which will be used to prioritize remedial actions at hazardous waste sites identified in the DoD Installation Restoration Program (IRP). The IRP is DoD's program to implement its responsibilities for addressing contamination associated with past activities under 10 USC 2701–2707, the Comprehensive Evironmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended the Resource Conservation and Recovery Act, and counterpart State programs. DoD proposed to use the new prioritization method in a **Federal Register** Notice (52 FR 44204–44206, November 18, 1987) and solicited comments from interested parties. Comments were received from three States and the U.S. Environmental Protection Agency (EPA). This notice summarizes the major comments, advises that the DoD has revised the model in response to the States' and EPA's concerns and discusses DoD plans to use the model.

FOR FURTHER INFORMATION CONTACT: Ms Marcia W. Read, Office of the Deputy Assistant Secretary of Defense (Environment), 206 N. Washington, St., Suite 100, Alexandria, VA 22314–2528, telephone (202) 325–2211.

SUPPLEMENTARY INFORMATION: The Defense Priority Model (DPM) is a waste site scoring model that evaluates relative risk based on information gathered during the Preliminary Assessment/Site Inspection (PA/SI) and the Remedial Investigation/Feasibility Study (RI/FS). DoD will use the scores to assist in identifying those sites on its installations which should receive priority for Remedial Design/Remedial Action (RD/RA). The DPM will help assure that sites are addressed on a "worst first" basis nationwide with funding available from the Defense Environmental Restoration Account.

I. Discussion

In 1976, the DoD realized that contamination from industrial activities and past waste disposal practices existed on some of its installations. In order to determine the extent of this problem and to control contamination, the DoD initiated the Installation Restoration Program (IRP). The IRP provides for evaluation of all DoD installations to identify contamination and to remediate potential threats to human health and the environment resulting from contamination. Because of the large number of sites DoD–wide and extensive investigations and planning that precede cleanup, it is not technically or economically feasible to undertake remedial actions at all sites simultaneously. The DoD does, however, upon discovery, immediately initiate response actions at sites which pose an imminent and subtantial endangerment to public health or the environment. DoD policy is to remediate those sites which pose the greatest potential for damage first.

To assist DoD and individual military service program managers in assessing the relative risk presented by sites on DoD installations, the DoD has developed the DPM. Technical personnel in the military services will apply the DPM to site data to produce a score. This score, along with other pertinent information such as regulatory considerations, community impacts, and programs efficiencies will be used to detemine the relative priority of a site for RD/RA.

II. Comments on the Defense Priority Model

Comments on the DPM were received from the U.S. EPA and three States. Specific responses have been provided directly to each commentor. The major comments and a summary of DoD's reply are presented below.

All commentors expressed concern that the DPM, as structured, did not account for two important exposure pathways, those involving air releases and those involving direct contact with contaminated soils. DoD responded to these concerns by incorporating an air/soil pathway into the DPM. This new pathway is explained in the following section (III. Pathway Subscores).

The U.S. EPA commented that the DPM may not discriminate well among sites with observed releases. DoD believes that the DPM does discriminate between sites with observed releases with respect to their contaminant hazard and receptor subscores. That is, the type and concentration of contaminants (the hazard subscore) and the population potentially at risk (receptor subscore) aid in discriminating among releasing sites. Also, if containment features have been added to the site since the observed release occurred, the pathways subscore can be reduced to account for the assessed effectiveness of the containment feature in preventing future releases.

The U.S. EPA commented that the DPM does not take full advantage of data generated during the Remedial

Investigation/Feasibility Study (RI/FS), including documented evidence of human exposure, waste quantity and contaminant mobility. DoD believes that the ground water pathway scoring does require extensive use of RI/FS findings. Data items such as depth to seasonal high ground water table from the base of the waste, infiltration potential and permeability of the unsaturated zone are scored. Regarding documented evidence of human exposure, DoD advised that the DPM is intended to be applied to any DoD contaminated site where remedial action is planned. For many of these sites (the non-National Priorities List sites), no formal risk assessments are not required, so detailed risk exposure information will not necessarily be available for use in DPM scoring. The DPM was designed accordingly.

Regarding the issues of waste quantity and contaminant mobility, DoD responded that the DPM was designed with simplicity and conservatism in mind. Waste quantity was deliberately excluded from the model because an informal analysis revealed that scores were very sensitive to waste quantity and that individual scorers differed greatly in their estimates of quantity. Accurate quantity estimates are very difficult to make at most sites and for that reason we believe a better approach is to utilize measured contaminant concentration levels. Each site is scored as an infinite source.

Contaminant mobility is not directly included as a scoring factor because DoD believes that currently available estimators of contaminant mobility are not appropriate for universal application. Mobility in hydrologic media is highly dependent on the chemical form of the contaminant and on the geochemical environment. Contaminant mobility is considered indirectly in the DPM, in that the pathways subscore is highest where contaminants have actually been detected. This demonstrates that contaminants are, in fact, mobile in those media.

EPA commented that the model's three mile maximum distance for receptor evaluation for the surface water pathway may not be sufficient, since significant contamination has been found more than three miles downstream of Superfund sites. DoD responded by extending the receptor evaluation distance to five miles downstream of a site.

EPA commented that they were concerned that the DPM does not consider ground water use of deep aquifers. DoD responded that one scoring item (Ground Water Use of the Uppermost Aquifer) *is* concerned only with uses of the uppermost aquifer. This is justified because the uppermost aquifer is usually more susceptible than other aquifers to ground water contamination. However, all potentially susceptible aquifers are considered, regardless of depth, in the scoring items concerned with ground water travel time to water supply wells and with the population potentially at risk from ground water contamination. These latter items receive more weight in the scoring than does the item concerned solely with the uppermost aquifer.

One State expressed a concern that use of the DPM was inconsistent with CERCLA, the Superfund Amendments and Reauthorization Act (SARA) and EPA guidelines and that the EPA Hazard Ranking System (HRS) should be utilized instead of the DPM. DoD responded that the Department recognizes that the DPM cannot supplant any legal obligation under CERCLA or the Defense Environmental Restoration Program, and that DoD intends to meet SARA mandated schedules at its National Priorities List (NPL) sites. However, with hundreds of installations and thousands of sites nationwide, DoD must have a systematic process to insure its worst sites receive priority attention. This is the purpose for the development of the DPM.

DoD further responded that the purposes of the DPM and HRS are different and that the DPM will not be used as a substitute for the HRS. The DoD anticipates that EPA will continue to apply the HRS to DoD facilities in order to determine whether sites should be proposed for the NPL. In general, the HRS is applied to sites for which relatively little information is available, e.g., after a PA/SI is conducted. The DPM, however, will be applied to a site after an RI/FS has been conducted and a large amount of data are available to characterize conditions at the site. DoD believes the relative priority of IRP sites planned for cleanup can best be assessed with RI/FS data in hand. In addition, in the event that resource constraints prohibit DoD from funding all required Remedial Actions in a given year, DoD will have a rational system for identifying those sites which should be funded first based on public health and environmental needs.

Another State commentor questioned the rationale for applying the model after RI/FS work has been completed. The commentator pointed out that the RI/FS process provides the decision on whether or not to proceed with site cleanup and what cleanup process and degree of cleanup will be used. DoD responded that the DPM is not intended to be used as a yes/no decision tool but will assist in prioritizing required cleanups.

III. Pathway Subscores

The pathway subscores used in the DPM were explained in the initital **Federal Register** Notice (52 FR 44204–44206, November 18, 1987). Subsequent to that notice and in response to concerns raised by certain States and EPA, DoD has incorporated an air/soil pathway into the model. An explanation of the pathways currently in the model follows:

The pathway subscore of DPM rates the potential for contaminants from a waste site to enter surface water, ground water and air or soil. If contaminants from a site have already been detected in one of these pathways, a maximum score of 100 is assigned to that pathway. If no contamination has been detected, the potential for contamination from the site is calculated separately for the surface water, ground water and air/soil pathways.

The surface water pathway subscore calculation starts as a weighted sum of pathway characteristics based on:

—Distance to nearest surface water
—Net precipitation
—Surface erosion potential
—Rainfall intensity
—Surface permeability
—Flooding potential

The ground water pathway subscore calculation is parallel to the surface water subscore calculation, but different characteristics are summed before the containment factor multiplier is applied. The characteristics are:

—Depth to seasonal high ground water from the waste or contaminated zone
—Permeability of the unsaturated zone
—Potential for discrete features in the unsaturated zone to "short-circuit" the pathway to the watertable.
—Infiltration potential based on net precipitation and physical state of the waste

The newly added air/soil pathway calculation is similar to the ground water and surface water calculation. The air/soil pathway characteristics are:

—Average soil temperature
—Net precipitation
—Wind velocity
—Soil porosity
—Days per year with greater than 2.5 mm precipitation
—Site activity

For each pathway, the characteristics are summed and a containment effectiveness factor which characterizes

present waste containment is then applied.

IV. Future DoD Actions

The Department of Defense has responded to the major concerns of the U.S. EPA and the States and has modified the model by incorporating an air/soil pathway and extending receptor distances. DoD plans to utilize the DPM to assist in prioritizing sites for Remedial Design/Remedial Action starting in Fiscal Year 1990.

Copies of the revised DPM User's Manual can be obtained by writing to Ms. Marcia Read, Office of the Deputy Assistant Secretary of Defense (Environment), 206 N. Washington St., Suite 100, Alexandria, VA 22314–2528. The Department also plans to continue to work closely with the U.S. EPA and the States to periodically review and improve the model's capability to rank sites based on their impact on public health and environment.

Dated: October 17, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89–24347 Filed 10–19–89; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Educational Research and Improvement National Advisory Council; Meeting

AGENCY: National Advisory Council on Educational Research and Improvement.

ACTION: Full council meeting of the National Advisory Council on Educational Research and Improvement.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming meeting of the National Advisory Council on Educational Research and Improvement. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: November 9 and 10, 1989.

ADDRESS: The Council will meet on November 9 from 11:00 a.m. to 5:00 p.m. at the Elliott Lyman Room, Longfellow Hall, Harvard Graduate School of Education, Appian Way, Cambridge, Massachusetts. The Council will continue its meeting on November 10 in University Room A, Royal Sonesta Hotel, 5 Cambridge Parkway, Cambridge, Mass. from 10:30 a.m. to 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Executive Director, National Advisory Council on Educational Research and Improvement, 330 C Street, SW., Room 4076, Washington, DC 20202–7579, (202) 732–4504.

SUPPLEMENTARY INFORMATION: The Council is authorized by Section 405 of the 1972 Education Amendments, Public Law 92–318, as amended by the Higher Education Amendments of 1986 (Pub. L. 99–498, 20 U.S.C. 1221e). The Council advises the President, the Secretary of Education, and the Congress on policies and activities carried out by the Office of Educational Research and Improvement.

Meetings of the Council are open to the public. The agenda for November 9 includes briefings by representatives of the Harvard Graduate School of Education, the Center for Educational Leadership and the Harvard Libraries. On November 10, reports will be delivered on school restructuring, choice initiatives and standardized testing.

Records are kept of all Council Proceedings and are available for public inspection at the Office of the National Advisory Council on Educational Research and Improvement, 330 C Street, SW., room 4076, Washington, DC 20202–7579, from 9:00 a.m. to 5:00 p.m. Monday through Friday.

Dated: October 17, 1989.

Mary Grace Lucier,

Executive Director.

[FR Doc. 89–24819 Filed 10–19–89; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Writing Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: November 7, 1989.

Time: 10:00 a.m. (e.s.t.) until adjournment.

Location: U.S. Department of Education, National Assessment Governing Board, Suite 7322, 1100 L Street, NW., Washington, DC 20202–7583.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Director, National Assessment Governing Board, U.S. Department of Education, Suite 7322, 1100 L Street, NW., Washington, DC 20202–7583. Telephone: (202) 523–3523.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provision Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), Title 2111–C of the Augustus F. Hawkins—Robert T. Stafford Elementary and Secondary Improvement Amendments of 21988 (Pub. L. 100–297); (20 U.S.C. 1221E–1).

The Board is established to advise the Commissioner for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons.

The Writing Committee of the National Assessment Governing Board will meet via teleconference in Washington, DC on November 7, 1989 from 10:00 a.m. (e.s.t.) until the completion of business. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberation. The proposed agenda includes a discussion of the writing consensus process for establishing goals and objectives for the 1992 assessment; and other matters.

Records are kept of all Board proceedings, and are available for public inspection at the National Assessment Governing Board office, U.S. Department of Education, Suite 7322, 1100 L Street, NW., Washington, DC, 20202–7583, 8:30 a.m. to 5:00 p.m.

Christopher T. Cross,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 89–24773 Filed 10–19–89; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Meeting Amendment

AGENCY: National Assessment Governing Board, Education.

ACTION: Notice of meeting.

SUMMARY: This notice amends the location of the meeting to be held on October 23, 1989, announced in the

Federal Register of Tuesday, October 10, 1989 (54 FR 41497).

Location: U.S. Department of Education, National Assessment Governing Board, Office of Educational Research and Improvement, Room 600 B, 555 New Jersey Avenue, Washington, DC 20208.

Dated: October 16, 1989.

Christopher T. Cross,

Assistant Secretary for Education Research and Improvement.

[FR Doc. 89-24774 Filed 10-19-89; 8:45 am]

BILLING CODE 4000-01-M

National Commission on Drug-Free Schools; Regional Hearings

AGENCY: National Commission on Drug-Free Schools.

ACTION: Notice of regional hearings.

SUMMARY: This notice sets forth the schedule and proposed agenda for a series of forthcoming regional hearings of the National Commission on Drug-Free Schools. This notice also describes the functions of the Commission. Notice of these hearings is offered pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix 2.

DATES: *Locations, Times:* November 6-7, 1989, Portland, Oregon; November 13-14, Boston, Massachusetts; December 14-15, Detroit, Michigan; January 11-12, Miami, Florida; February 19-20, San Diego, California; February 27-28, Salt Lake City, Utah. All meetings will occur between the hours of 8:30 a.m.-5:30 p.m. A more detailed agenda follows.

Agenda: For each of the regional hearings, the following format shall be utilized: the opening morning session will consist of testimony to be presented by local and statewide groups with a recognized expertise or involvement in specific issues identified by the Commission. The afternoon session will consist of discussions by Commission members with students and education officials. The concluding day's session will consist of extended and in-depth coverage of certain issues discussed at the opening session.

The issues to be addressed at the regional hearings are as follows: Portland, Oregon—curricula and research/evaluation; Boston, Massachusetts—high risk and other special youth groups, and parental involvement; Detroit, Michigan—community school partnerships and parental involvement; Miami, Florida—school policy and programs, and community school partnerships; San Diego, California—budgetary considerations, and methods to overcome community resistance; Salt Lake City, Utah—post secondary education issues, and staff level training for drug education programs.

FOR FURTHER INFORMATION CONTACT: William Modzeleski, Executive Director, National Commission on Drug-Free Schools, Washington, DC 20202-7584; (202) 732-6140. Specific information relating to addresses for individual hearings may be obtained two weeks prior to the established hearing date.

SUPPLEMENTARY INFORMATION: The National Commission on Drug-Free Schools was established pursuant to section 5051 of Public Law 100-690, the Anti Drug Abuse Act of 1988. Co-chaired by the Secretary of Education and the Director of the Office of National Drug Control Policy, the Commission membership consists of selected members of the Senate and House of Representatives, and other appropriate individuals representing various areas of drug abuse prevention and education. The legislative mandate of the Commission is to develop recommendations of criteria for identifying drug-free schools and campuses; develop recommendations for identifying model programs to meet such criteria; and to make such other findings, recommendations, and proposals as the Commission deems necessary to carry out its purpose. In accordance with the provisions of 20 U.S.C. 3172(i), the Commission is required to prepare and submit a final report on its findings and recommendations.

In accordance with applicable provisions of the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, the hearings are open to the public. Records of Commission proceedings are available for public inspection at the Office of the Commission, 330 C Street SW., Washington, DC from the hours of 9:00 a.m. to 5:00 p.m. during Federal Government working days.

Dated: October 16, 1989.

Ted Sanders,

Under Secretary.

[FR Doc. 89-24772 Filed 10-19-89; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Alaska Power Administration

Snettisham Project—Order Confirming and Approving an Extension of Power Rate on an Interim Basis

AGENCY: Alaska Power Administration, DOE.

ACTION: Notice of an extension of power rate—Snettisham project, rate schedule SN-F-3.

SUMMARY: Notice is given that the Deputy Secretary approved on September 28, 1989, Rate Order No. APA-9 which extends the power rate for the Snettisham Project. This is an interim rate action effective October 1, 1989, for a period of 12 months subject to review and approval by the Federal Energy Regulatory Commission of a proposed two-year extension.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon J. Hallum, Chief, Power Division, Alaska Power Administration, P.O. Box 020050, Juneau, AK 99802, (907) 586-7405.

SUPPLEMENTARY INFORMATION: On July 28, 1989, the Alaska Power Administration (APA) published a Federal Register notice of its intention to seek a two-year extension of the present power rate for the Snettisham Project and included comments on the proposal. The present rate is 2.88 cents a kilowatt hour for firm energy. The rate as approved by the FERC Order, Docket No. EF87-1021-000, issued March 5, 1987, for the period November 1, 1986 through September 30, 1989. The Federal Register notice also indicated APA's intention to seek an interim approval of the extension by the Deputy Secretary of Energy pending review and approval of the 2-year extension by FERC.

APA and DOE continue to pursue the sale of Snettisham. A legislative proposal to authorize the sale is expected to be ready for Congressional approval soon. The proposed rate extension reflects a continuation of present rate policies under existing law pending a Congressional decision on the divestiture. The rate extension is consistent with the proposed sale terms which are to be presented to the Congress.

Following review of APA's proposal within the Department of Energy, I approved on September 28, 1989, Rate Order No. APA-9 which extends the present Snettisham rate for 12 months beginning October 1, 1989, subject to review and approval by FERC of the proposed 2 year extension.

W. Henson Moore,

Deputy Secretary.

[Rate Order No. APA-9]

Order Confirming and Approving Power Rate Extension on an Interim Basis

This is an interim rate action subject to review and approval of the Federal Energy Regulatory Commission. It is made pursuant to the authorities

delegated in Delegation Order No. 0204–108, Amendment No. 1 to that order, and DOE Notice No. 1100.29 dated October 27, 1988.

Background

The Snettisham Project was authorized by section 204 of the Flood Control Act of 1962, Public Law 82 Stat. 875, and the Department of Energy Organization Act (Pub. L. 95–91). The authorization of the project consisted of two phases: The Long Lake phase, the initial phase of the project was completed December 1, 1973 and the Crater Lake phase was completed May 1989. Both phases were constructed by the U.S. Army Corps of Engineers (Corps). The Crater Lake phase has not been transferred from the Corps to APA. Long Lake phase of the project was constructed by the Corps in accordance with the Army-Interior Agreement of March 14, 1962. After the Long Lake construction was completed the operation and maintenance was tansferred from the Corps to Alaska Power Administration. However, because of serious transmission problems, full commercial production of power did not start until October 30, 1975. The transmission problems were corrected and Alaska Power Administration has operated and maintained the project since 1975.

The Snettisham Powerplant is located at the head of Speel Arm about 28 air miles south of Juneau. It is an underground plant currently housing two turbine-generator sets, each with a rated capacity of 23,580 kilowatts. A third turbine and a 34,500 KVA generator is part of the Crater Lake phase of the project.

Power is transmitted to Juneau over a 44-mile long 138,000 volt transmission line. Included are three miles of underwater cable crossing at Taku Inlet and the balance is overhead line supported on steel and aluminum towers.

Snettisham Project provides approximately 70 percent of the Juneau area energy requirements. As a major side benefit, the Alaska Department of Fish and Game has a fishery development program which consists of a salmon and trout hatchery and rearing facility located at the powerplant site.

The Alaska Power Administration has wholesale power contracts with Alaska Electric Light and Power Company and Alaska Department of Fish and Game.

Rate Schedule SN–F–3 is 28.8 mills a kilowatt hour for wholesale firm power for Senttisham Project. The rate schedule was confirmed and approved by the Federal Energy Regulatory Commission, Docket No. EF87–1021–000 issued March 5, 1987, for the period November 1, 1986 through September 30, 1989.

Studies prepared by the Alaska Power Administration as required by DOE Order No. RA 6120.2 demonstrate that the present rate will be sufficient to meet the revenue requirements for the next two years.

Public Notice and Comment

Opportunity for public review and comment on the rate extension was announced by notice in the **Federal Register** on July 28, 1989. Comment period is the 30-day period following the FR Notice.

Environmental Impact

Alaska Power has concluded that this rate extension will have no significant environmental impact to affect the quality of the human environment within the meaning of the Environmental Policy Act of 1969. The proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding this rate extension, including studies, comments, and other supporting material, is available for public review in the offices of the Alaska Power Administration, Room 825, Federal Building, 709 West Ninth Street, Juneau, Alaska 99802.

Submission to the Federal Energy Regulatory Commission (FEC)

The rate herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis Rate Schedule SN–F–3. This interim approval is effective October 1, 1989, for a maximum period of 12 months, or until confirmed and approved by the Federal Energy Regulatory Commission on a final basis.

Issued at Washington, DC, the 28th day of September 1989.

W. Henson Moore,

Deputy Secretary.

[FR Doc. 89–24838 Filed 10–19–89; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. CP90–14–000, et al.]

Transwestern Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Transwestern Pipeline Company

[Docket No. CP90–14–000]

October 6, 1989.

Take notice that on October 4, 1988, Transwestern Pipeline Company (Transwestern) 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP90–14–000 a petition pursuant to section 7(c) of the Natural Gas Act to amend the orders issued May 11, 1988, and July 29, 1988, in Docket Nos. CP88–99–000 and CP88–99–001, respectively, so as to authorize Transwestern to unbundle the sales and transportation services rendered under its Rate Schedule IS, all as more fully set forth in the petition to amend which is on file and open to public inspection.

Transwestern states that by orders issued May 11, 1988, and July 29, 1988, in Docket Nos. CP88–99–000 and CP88–99–001 the Commission authorized Transwestern to establish an on and off-system interruptible sales service under new Rate Schedule IS–1. Transwestern explains that the purpose of the service was to permit it to market on a flexible and interruptible basis any system supply gas which was in excess of the requirements of Transwestern's firm sales customers. It is stated that the Commission conditioned authorization of the interruptible sales service on Transwestern charging a maximum rate equal to the 100 percent load factor rate for Transwestern's CDQ–1 Rate Schedule and a minimum rate equal to Transwestern's weighted average cost of gas (WACOG) plus variable costs included in Transwestern's Rate Schedule SG.

Transwestern states that conditions on its system have changed markedly since the Commission authorized the IS service. Transwestern explains that as of October 1, 1989, it no longer has any firm sales customers under Rate Schedule CDQ, leaving service under Rate Schedule IS–1 and Rate Schedule SG (small cutomers representing minor volumes relative to total Transwestern throughput) as Transwestern's only merchant service.

Transwestern states that its IS sales service as currently structured is inflexible. Specifically, Transwestern asserts that the bundling of interruptible sales services with transportation

services may prevent Transwestern from fully responding to actual market conditions and competitive forces which exist in the markets served by Transwestern. As a consequence, Transwestern proposes to unbundle its interruptible sales service under Rate Schedule IS–1 from all transportation services. Transwestern states that at a buyer's request, Transwestern could make sales at any receipt point on its system. Transwestern insists that its unbundling proposal is consistent with the Commission's goals as stated in Order No. 436.

Transwestern notes that in conjunction with the subject petition to amend, it has filed tariff sheets in Docket No. RP89–48–000 to change the basis of the maximum and minimum rates which it is required to charge under Rate Schedule IS–1. Therein, Transwestern asserts that the modifications are required because the Rate Schedule IS–1 maximum and minimum rates are not competitive and are predicated on Transwestern's CDQ Rate Schedule and its GIC which are no longer relevant, given the fact that Transwestern now has no CDQ customers.

Comment date: October 23, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Algonquin Gas Transmission Company

[Docket No. CP89–2165–000]

October 6, 1989.

Take notice that on September 26, 1989, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP89–2165–000 and application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Algonquin to transport, under the existing provisions of Rate Schedule T–1, gas that T–1 customers cause to be delivered to Algonquin by Texas Eastern Transmission Corporation (Texas Eastern) or Tennessee Gas Pipeline Company (Tennessee) under Rate Schedules that succeed or are derived from Rate Schedules DCQ–D or CD–5, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Algonquin requests authority to expand its existing transportation authorization under Rate Schedule T–1 to permit the receipt, transportation and delivery by Algonquin to existing Rate Schedule T–1 customers of natural gas supplies:

(1) Currently authorized for purchase by Rate Schedule T–1 customers pursuant to existing Texas Eastern Rate Schedule DCQ–D and Tennessee Rate Schedule CD–5; or

(2) Purchased by Rate Schedule T–1 customers in replacement of authorized supply referred to in item (1) and pursuant to rate schedules approved to replace the rate schedules referred to in item (1), or

(3) Purchased by Rate Schedule T–1 customers as a replacement for authorized supplies referred to in item (1) by virtue of conversion to transportation rate schedules, wholly or in part, of the sales rate schedules referred to in items (1) and/or (2); or

(4) Purchased by Rate Schedule T–1 customers as a replacement for authorized supplies referred to in item (1) by virtue of operation of authorized standby provisions set forth in Texas Eastern's and Tennessee's effective FERC Gas Tariffs.

Algonquin alleges that currently Rate Schedule T–1 service involves the transportation of up to 27,173 MMBtu per day of supply purchased by Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (ConEd) and Orange and Rockland Utilities, Inc. (Orange and Rockland) or collectively (T–1 Customers) from Texas Eastern under Rate Schedule DCQ–D and Tennessee under Rate Schedule CD–5. Algonquin contends that sales services such as those currently underlying Algonquin's Rate Schedule T–1 are changing to reflect new market demands.

It is averred that Texas Eastern has received authority to implement service under Rate Schedule CD–1. Algonquin states that Rate Schedule CD–1 provides for standby sales service options as well as permanent conversion from sales to transportation. Algonquin contends that Rate Schedule CD–1 service replaces DCQ service which is the authorized source of supply to Orange and Rockland and Central Hudson underlying Rate Schedule T–1.

It is asserted that Texas Eastern has also received authority to implement service under Rate Schedule FT–1f. Rate Schedule FT–1 involves firm transportation service which is available to any party that has made an election to convert to have gas transported which is subject to standby service under Rate Schedule CD–1 or has made an election to convert from firm sales under Rate Schedule DCQ pursuant to § 284.10 of the Commission's regulations or pursuant to the contractual provision under Rate Schedule CD–1.

Algonquin states that T–1 Customers purchasing gas from Texas Eastern pursuant to Rate Schedule FT–1 would have the option to purchase gas from any source and to transport that gas subject to Rate Schedule FT–1 provisions. It is further stated that current authorization does not allow for transportaton of those quantities under Rate Schedule T–1 despite the fact that, in total, gas delivered under Rate Schedule FT–1 and Rate Schedule CD–1 would not exceed the total quantities Algonquin is currently authorized to receive under Rate Schedule DCQ for Rate Schedule FT–1 and Rate Schedule CD–1 would not exceed the total quantities Algonquin is currently authorized to receive under Rate Schedule DCQ for Rate Schedule T–1 transportation.

Algonquin requests that its transportation authorization be expanded to allow transportation of natural gas, under the provision of Rate Schedule T–1, that would be received pursuant to Texas Eastern's Rate Schedules CD–1 and FT–1 and new rate schedules derived from Tennessee's Rate Schedule GD–5 when those new rate schedules are implemented.

Comment date: October 27, 1989, in accordance with Standard Paragraph F at the end of this notice.

3. Tennessee Gas Pipeline Company

[Docket No. CP89–2171–000]

October 6, 1989.

Take notice that on September 27, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–2171–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 2.86 miles of 20-inch pipeline loop on its Kinder-Sabine pipeline near its compressor station No. 823 in Jefferson Davis Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that the proposed pipeline loop would provide it with additional operating flexibility and enable it to receive additional gas supplies located along the Kinder-Sabine pipeline. Tennessee asserts that the pipeline loop would therefore afford shippers and producers along the pipeline access to additional capacity and provide them access to additional markets.

Tennessee estimates the cost of the proposed facilities to be $1,659,000

which would be financed with internally generated funds.

Comment date: October 27, 1989 in accordance with Standard Paragraph F at the end of the notice.

4. Tennessee Gas Pipeline Company

[Docket No. CP90–9–000]

October 10, 1989.

Take notice that on October 3, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–9–000 a request pursuant to § 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP87–115–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to transport natural gas on a firm basis for Columbia Gas Development Corporation (CGDC). Tennessee explains that service commenced September 2, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–4845. Tennessee further explains that the peak day quantity would be 17,278 dekatherms, the average daily quantity would be 17,278 dekatherms, and that the annual quantity would be 6,306,470 dekatherms. Tennessee explains that it would receive natural gas for the account of CGDC at receipt points offshore Louisiana and in the state of Louisiana for redelivery to Columbia Gas Transmission Corporation at Broadrun Cobb, Kanawha County, West Virginia.

Comment date: November 24, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP90–32–000]

October 11, 1989.

Take notice that on October 6, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–32–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Wintershall Corporation (Wintershall), a producer, under the blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated June 21, 1988, as amended, under its Rate Schedule ITS, it proposes to transport up to 25,750 MMBtu per day equivalent of natural gas for Wintershall. United states that it would transport the gas from receipt points as shown in Exhibit "A" of the amended transportation agreement and would deliver the gas to delivery points shown in Exhibit "B" of the agreement.

United advises that service under § 284.223(a) commenced September 1, 1989, as reported in Docket No. ST89–4841 (filed September 28, 1989). United further advises that it would transport 25,750 MMBtu on an average day and 9,398,750 MMBtu annually.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. El Paso Natural Gas Company

[Docket No. CP90–4–000]

October 11, 1989.

Take notice that on October 3, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request for authorization at Docket No. CP90–4–000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act, and El Paso's blanket certificate issued in Docket No. CP82–433–000 for authorization to provide interruptible transportation service for Meridian Oil Trading Inc. (Shipper), all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso requests authority to transport up to 10,550 MMBtu of natural gas per day for Shipper from any point of receipt on El Paso's system to delivery points in the State of Arizona. El Paso states that the estimated daily and annual quantities would be 2,110 MMBtu and 770,150 MMBtu, respectively. El Paso further states that transportation service under § 284.223(a) commenced on September 1, 1989, as reported at Docket No. ST89–4769–000.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Tarpon Transmission Company

[Docket No. CP90–17–000]

October 11, 1989.

Take notice that on October 4, 1989, Tarpon Transmission Company (Tarpon), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–17–000 a request pursuant to Section 157.205 of the Commission's Regulations for authorization to transport natural gas for UniCorp Energy Inc. (UniCorp), a marketer of natural gas, under Tarpon's blanket certificate issued by the Commission's Order No. 509, pursuant to Section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP88–29–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tarpon proposes to transport on an interruptible basis up to 51,100 MMBtu of natural gas on a peak day, 3,548 MMBtu on an average day and 1,295,020 MMBtu on an annual basis for UniCorp. Tarpon indicates that it would receive the gas at four points in the Eugene Island Block 381, offshore Louisiana, and deliver the gas at a point in Block 274 of the Ship Shoal Area, South Addition, offshore Louisiana. Tarpon indicates that it would transport the gas for UniCorp pursuant to Tarpon's Rate Schedule ITS for a primary term of one year and on a monthly basis thereafter.

It is explained that the service commenced August 2, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–39. Tarpon indicates that no new facilities would be necessary to provide the subject service.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Natural Gas Pipeline Company of America

[Docket No. CP90–3–000]

October 11, 1989.

Take notice that on October 3, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP90–3–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Rangeline Corporation (Rangeline), under Natural's blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural requests authorization to transport, on an interruptible basis, up to a maximum of 200,000 MMBtu of natural gas per day (plus any additional volumes accepted pursuant to the overrun provision's of Natural's Rate Schedule ITS) for Rangeline from receipt points located in Louisiana, offshore Louisiana, Oklahoma, Illinois, Kansas, Texas, offshore Texas, Arkansas and Iowa to delivery points located in Texas, offshore Texas, Oklahoma, offshore Louisiana, Michigan, Kansas, Iowa and Illinois. Natural anticipates

transporting, on an average day 5,000 MMBtu and an annual volume of 1,825,000 MMBtu.

Natural states that the transportation of natural gas for Rangeline commenced August 4, 1989, as reported in Docket No. ST90–16–000, for a 120-day period pursuant to § 284.223(a) issued to Natural in Docket No. CP86–582–000.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP90–26–000]

October 11, 1989.

Take notice that on October 5, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–26–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Graham Energy Marketing Corp. (Graham), a marketer, under the blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated November 9, 1988, as amended, under its Rate Schedule ITS, it proposes to transport up to 123,600 MMBtu per day equivalent of natural gas for Graham. United states that it would transport the gas from receipt points as shown in Exhibit "A" of the amended transportation agreement and would deliver the gas to a delivery point shown in Exhibit "B" of the agreement.

United advises that service under § 284.223(a) commenced August 3, 1989, as reported in Docket No. ST89–4794 (filed September 25, 1989). United further advises that it would transport 123,600 MMBtu on an average day and 45,114,000 MMBtu annually.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Texas Gas Transmission Corporation

[Docket No. CP90–20–000]

October 11, 1989.

Take notice that on October 5, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–20–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Stand Energy Corporation (Stand), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis up to 2,000 MMBtu of natural gas on a peak day, 1,000 MMBtu on an average day and 365,000 MMBtu on an annual basis for Stand. Texas Gas states that it would perform the transportation service for Stand under Texas Gas' Rate Schedule IT. Texas Gas indicates that it would transport the gas from numerous specified receipt points to a delivery point located in Warren County, Ohio.

It is explained that the service commenced August 23, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–4687. Texas Gas indicates that no new facilities would be necessary to provide the subject service.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. The Inland Gas Company, Inc.

[Docket No. CP90–44–000]

October 12, 1989.

Take notice that on October 10, 1989, The Inland Gas Company, Inc. (Inland), 336–338 Fourteenth Street, Ashland, Kentucky 41101, filed in Docket No. CP90–44–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of Energy Marketing Services, Inc. (Energy Marketing) under Inland's blanket certificate issued in Docket No. CP89–779–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Inland proposes to transport on an interruptible basis up to 4,000 MMBtu equivalent of natural gas per day for Energy Marketing under a transportation service agreement dated August 21, 1989. Projected average day and annual quantities are 3,500 MMBtu and 1,277,500 MMBtu, respectively.

Inland states that no facilities would be constructed to provide the service, and that receipt points would be at various points and delivery points would be in Kentucky. It is stated that gas has been flowing pursuant to the service agreement since September 1, 1989 under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–4749–000.

Inland further states that to its knowledge no agency relationship exists under which a local distribution company or affiliate of Energy Marketing will receive gas on behalf of Energy Marketing under the transportation agreement.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

12. The Inland Gas Company, Inc.

[Docket No. CP90–42–000]

October 12, 1989.

Take notice that on October 10, 1989, The Inland Gas Company, Inc. (Inland), P.O. Box 1180, Ashland, Kentucky 41105–3171, filed in Docket No. CP90–42–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to perform an interruptible transportation service for King's Daughters' Medical Center (King's Daughters), an end-user, under Inland's blanket certificate issued in Docket No. CP89–779–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Inland states that pursuant to a transportation agreement dated September 2, 1989, it proposes to receive up to 400 Mcf per day from King's Daughters from two specified points located in Boyd and Ashland Counties, Kentucky and redeliver the gas at a specified point located in Ashland, Kentucky. Inland estimates that the peak day average day, annual volumes would be 400 million Btu, 212 million Btu, and 77,500 million Btu, respectively. It is stated that on September 2, 1989, Inland commenced a 120-day transportation service for King's Daughters under § 284.223(a) as reported in Docket No. ST89–4536–000.

Inland further states that no facilities need be constructed to implement the service. Inland indicates that primary term of the transportation agreement expires on September 1, 1989, but that the service would continue on a month-to-month basis until terminated by either party on 30 days written notice. Inland proposes to charge the rates and abide by the terms and conditions of its Rate Schedule ITS.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

13. Algonquin Gas Transmission Company

[Docket No. CP89-2101-000]

October 12, 1989.

Take notice that on September 14, 1989 Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field, Soldiers Field Road, Boston, Massachusetts 02135, filed an application in Docket No. CP89-2101-000 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point, on behalf of its proposed customer New York State Electric and Gas Company (NYSEG), in the town of Southeast in Putnam County, New York, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that NYSEG has requested that Algonquin construct and operate a new meter station at the proposed Southeast, New York delivery point, permitting NYSEG to take delivery of up to 17,000 MMBtu per day of natural gas. NYSEG has indicated that it plans to use the new delivery point to provide the town of Southeast and village of Brewster, New York with gas service commencing late summer in 1990. NYSEG will reimburse Algonquin for costs to design and construct the proposed facilities which are estimates to cost $315,000 based on 1989 dollars.

NYSEG provides natural gas service to various cities, towns and villages witin New York and is currently awaiting New York Public Service Commission (NYPSC) approval to exercise its gas franchises in the town of Southeast and village of Brewster. In March 1988, NYSEG entered into a natural gas purchase and sale contract with ProvEnergy Investments Ltd. to supply gas for Southeast and Brewster for a primary contract term of five years with provisions to extennd the contract to October 31, 2003. Southeast and Brewster market requirements at the end of five years is estimated to be 6,300 MMBtu per day and 739,563 MMBtu per year based on forecasted customers. As part of the regulatory process in the state of New York, the Environmental Impact Statement for the project has been accepted by the town of Southeast and has been distributed for comment.

Initial deliveries to NYSEG at the new delivery point would involve transportation service on a self-implementing basis pursuant to Algonquin's currently effective Rate Schedules AFT-1 and AIT-1. In addition, NYSEG has elected to receive service pursuant to the proposed Iroquois/Tennessee Pipeline Project pending Commission approval in Docket No. CP89-634, et al. In conjunction with that proceeding, Algonquin has filed with the Commission in Docket No. CP89-661 an application for a certification of public convenience and necessity which requests, among other things, authorization to provide NYSEG with firm transportation of 6000 MMBtu per day commencing October 31, 1991 and an additional 11,000 MMBtu per day commencing October 31, 1992 pursuant to proposed Rate Schedule AFT-2.

Comment date: November 2, 1989, in accordance with Standard Paragraph F at the end of this notice.

14. Williston Basin Interstate Pipeline Company

[Docket No. CP90-24-000]

October 12, 1989.

Take notice that on October 5, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP90-24-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to add additional metering and appurtenant facilities under the certificate issued in Docket No. CP82-487-000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williston Basin seeks authorization to add additional metering to its existing metering capabilities to more accurately measure the volumes being delivered to Montana-Dakota Utilities Co. (Montana-Dakota), a local distribution company sales customer of Williston Basin. It is stated that the seasonability of the requirements of the Montana-Dakota customer load being served has strained Williston Basin's existing metering and appurtenant facilities located at its St. Marie meter station. Williston Basin states that it proposed to install an additional meter and a larger relief valve parallel to the existing meter. It is stated that the new meter will be larger than the existing meter and will be used in conjunction with the smaller meter to measure winter load deliveries. It is stated that the existing meter will then be used alone to serve the summer load requirements.

Williston Basin states that the additional facilities to be constructed at the St. Marie meter station will consist of a Roots 7m Rotary meter and a 2-inch relief valve and associated piping necessitated by the above-ground installation. It is stated that the proposed meter station additions will be located on existing pipeline right-of-way in Valley County, Montana. Williston Basin estimates the cost of the proposed facilities to be $10,147. Williston Basin states that the installation of the additional metering and appurtenant facilities will have no significant effect on its peak day or annual requirements. In addition, Williston Basin states that the additional volumes to be delivered are within the certificated entitlement of Montana-Dakota.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

15. Williston Basin Interstate Pipeline Company

[Docket No. CP90-25-000]

October 12, 1989.

Take notice that on October 5, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP90-25-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to add metering and appurtenant facilities under the certificate issued in Docket No. CP82-487-000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williston Basin seeks authorization to construct and operate metering and appurtenant facilities for use in providing service to Montana-Dakota Utilities Co. (Montana-Dakota), a local distribution company. It is stated that Williston Basin is currently providing natural gas service for ultimate consumption by 111 Montana-Dakota end-use customers utilizing an existing tap located on pipeline right-of-way. Williston Basin states that as part of an ongoing program to create more distinct delivery points to Montana-Dakota, it proposes to install a master (custody transfer) meter in order to measure the amount of total natural gas sold to Montana-Dakota for use by its customers instead of relying on individual Montana-Dakota customer meter readings.

Williston Basin states that the facilities to be constructed at the proposed meter station will consist of a security fence, a large capacity meter, a pressure recording instrument and miscellaneous regulators, gauges and valves. It is stated that the proposed meter station will be located on existing right-of-way in Williams County, North

Dakota. Williston Basin estimates the cost of the proposed facilities to be $13,494. Williston Basin states that the installation of the proposed facility will have no significant effect on its peak day or annual requirements. In addition, Williston Basin states that the volumes to be delivered are within the certificated entitlement of Montana-Dakota.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

16. Southern Natural Gas Company

[Docket No. CP89-2206-000]

October 12, 1989.

Take notice that on September 29, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP89-2206-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation service for Florida Gas Transmission Company (Florida), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Southern states that it requests approval to abandon the transportation of natural gas authorized by the Commission in Docket No. CP76-76 on November 19, 1979. The Commission authorized Southern to transport on a firm basis up to 37,500 Mcf of gas per day purchased by Florida from the Grand Isle Block 76 Field, offshore Louisiana, from a delivery point in West Delta Block 133, offshore Louisiana, to the redelivery point at the pipeline's interconnection near Franklinton, Washington Parish, Louisiana. Florida has given Southern a termination notice pursuant to the terms of the transportation agreement and has requested abandonment of the service, it is stated. Southern requests authority to abandon its transportation service for Florida on the date the Commission issues an order authorizing the abandonment. Southern further states that it does not propose to abandon any facilities in conjunction with the abandonment of this transportation service.

Comment date: November 2, 1989 in accordance with Standard Paragraph F at the end of the notice.

17. Texas Gas Transmission Corporation

[Docket No. CP90-19-000]

October 12, 1989.

Take notice that on October 5, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90-19-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Brooklyn Interstate), under the blanket certificate issued in Docket No. CP88-686-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a Transportation Agreement dated February 7, 1989, it proposes to transport, on an interruptible basis, up to a maximum of 100,000 MMbtu of natural gas for Brooklyn Interstate under Rate Schedule IT.

Texas Gas also states that it will transport approximately 300,000 MMbtu on an average day and approximately 10,950,000 on an annual basis.

Texas Gas further states that it commenced this service on October 23, 1989, as reported in Docket No. ST89-4689-000.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

18. United Gas Pipe Line Company

[Docket No. CP89-2192-000]

October 12, 1989.

Take notice that on September 28, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP89-2192-000, as supplemented October 10, 1989, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide interruptible transportation service on behalf of Tenngasco Corporation, a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, as set forth in the request on file with the Commission and open for public inspection.

United states that the interruptible gas transportation agreement, dated January 30, 1989, as amended May 1989, would transport a maximum daily quantity of 432,600 MMBtu, and that service commenced July 7, 1989, as reported in Docket No. ST89-4309, pursuant to § 284.223(a) of the Commission's Regulations.

It is further stated that the estimated daily and estimated annual quantities would be 432,600 MMBtu and 157,899,000 MMBtu, respectively. United states that it would be using existing facilities to provide transportation service. United further states that the agreement provides for United to receive gas from various receipt points and redelivered subject gas to Champlin Plant Tailgate, Panola County, Texas.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

19. Tennessee Gas Pipeline Company

[Docket No. CP90-30-000]

October 12, 1989.

Take notice that on October 6, 1989, Tennessee Gas Pipeline Company (Tennessee) filed in Docket No. CP90-30-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP87-115-000 on behalf of North Atlantic Gas Utilities, Inc. (North Atlantic), a marketer, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee proposes to transport up to 10,000 Dt of natural gas for North Atlantic from receipt points located Offshore Louisiana, and in the states of Louisiana, Texas and New York, for redelivery to points off Tennessee's system located in the states of New York, Ohio, Pennsylvania and West Virginia. The peak day and average daily volumes are estimated to be 10,000 Dt and the annual volumes are estimated to be 3,650,000 Dt.

Tennessee explains that the service commenced September 1, 1989, as reported in Docket No. ST90-21. Tennessee also states that no new facilities are to be constructed.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

20. El Paso Natural Gas Company

[Docket No. CP90-34-000]

October 12, 1989.

Take notice that on October 10, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90-34-000 a request pursuant to §157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for TXO Gas Ventures Corp. (TXO), under the blanket certificate issued in Docket No. CP88-433-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that pursuant to a transportation service agreement dated April 27, 1989, under its rate Schedule T-1, it proposes to transport up to 52,750

MMBtu per day equivalent of natural gas for TXO. El Paso states that it would transport the gas from any receipt point on its system, as provided in Exhibit "A" of the transportation agreement, and would deliver the gas to delivery points at the borderline between the States of Arizona and California, and in the States of Colorado, New Mexico, Oklahoma and Texas, as shown in Exhibit "B" of the agreement.

El Paso advises that service under § 284.223(a) commenced August 20, 1989, as reported in docket No. ST89–4573. El Paso further advises that it would transport 10,550 MMBtu on an average day and 3,850,750 MMBtu annually.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

21. El Paso Natural Gas Company

[Docket No. CP90–5–000]

October 12, 1989.

Take notice that on October 3, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request with the Commission in docket No. CP90–5–000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas for Meridian Oil Trading Inc. (Meridian), a natural gas shipper, under its blanket certificate issued in Docket No. CP88–433–000, all as more fully set forth in the request which is open for public inspection.

El Paso proposes an interruptible transportation service for Meridian of 6,330 MMBtu equivalent of natural gas per peak day, 2,110 MMBtu equivalent per average day, and 770,150 MMBtu equivalent per year. El Paso would transport gas for Meridian from any receipt point on its system to an Arizona delivery point. MMBtu commenced its transportation service for Meridian on August 31, 1989, under the 120-day automatic authorization provisions of § 284.223(a) of the Regulations, as reported in Docket No. ST89–4752.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

22. United Gas Pipe Line Company

[Docket No. CP90–27–000]

October 12, 1989.

Take notice that on October 5, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77252–1478, filed a request with the Commission in Docket No. CP90–27–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas for LaSer Marketing Company (LaSer), a natural gas marketer, under United's blanket certificate issued in Docket No. CP88–60–000, pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

United proposes an interruptible transportation service for Laser of 626,240 MMBtu equivalent of natural gas on peak and average days, and 228,577,600 MMBtu equivalent on an annual basis. United commenced its transportation service for LaSer on August 28, 1989, under the 120-day automatic authorization provisions of § 284.223(a) of the Regulatons, as reported in Docket No. CPST89–4818.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

23. Texas Gas Transmission Corporation

[Docket No. CP90–22–000]

October 12, 1989.

Take notice that on October 5, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–22–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to transport natural gas for Sun Operating Limited Partnership (Sun), a marketer of natural gas, under Texas Gas' blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis up to 4,000 MMBtu equivalent of natural gas on a peak day, 4,000 MMBtu equivalent on an average day, and 1,460,000 MMBtu equivalent on an annual basis for Sun. It is stated that Texas Gas would receive the gas for Sun's account at designated points on Texas Gas' system in the High Island area of offshore Texas, and would deliver equivalent volumes at an interconnection between Texas Gas' facilities and those of The Natural Gas Pipeline Company of America in the High Island area of offshore Texas. It is asserted that existing facilities would be used for the transportation service and that no construction of additional facilities would be required. It is explained that the transportation service commenced September 1, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST–4686.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

24. Panhandle Eastern Pipe Line Company

[Docket No. CP89–2203–000]

October 12, 1989.

Take notice that on September 29, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP89–2203–000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas on an interruptible basis, under its blanket certificate issued in Docket No. CP86–585–000, a maximum of 100 Dt. per day on behalf of Amarillo Natural Gas Company, Inc. (Amarillo), a shipper, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle indicates that service commenced August 14, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–4740 and estimates the volumes transported to be 6,000 Dt. on peak day, 50 Dt. on an average day and 18,250 Dt. on an annual basis. It is asserted that Panhandle would receive gas from various existing points of receipt in Colorado, Kansas, Michigan, Ohio, Oklahoma, and Texas, and would transport and redeliver the gas, less fuel and unaccounted line loss gas, to Caprock Archer—Irrigation in Hansford County, Texas.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

25. El Paso Natural Gas Company

[Docket No. CP90–36–000]

October 12, 1989.

Take notice that on October 10, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–36–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Phelps Dodge Corporation (Phelps), under the blanket certificate issued in Docket No. CP88–433–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that pursuant to a transportation service agreement dated February 1, 1986, as amended and restated as of January 1, 1989, under its

Rate Schedule T–1, it proposes to transport up to 158,250 MMBtu per day equivalent of natural gas for Phelps. El Paso states that it would transport the gas from any receipt point on its system, as provided in Exhibit "A" of the transportation agreement, and would deliver the gas to delivery points in Arizona and New Mexico, as shown in Exhibit "B" of the agreement. El Paso further states that it would transport 20,045 MMBtu on an average day and 7,316,425 MMBtu annually.

El Paso advises that service under part 284, subpart B, commenced February 1, 1986, as reported in Docket No. ST86–1035. It is stated that the parties have decided to continue the transportation pursuant to subpart G of the regulations.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

26. El Paso Natural Gas Company

[Docket No. CP90–33–000]

October 13, 1989.

Take notice that on October 6, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–33–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Apache Powder Company (Apache), an end user of natural gas, under El Paso's blanket certificate issued in Docket No. CP88–433–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that transportation service for Meridian Oil Hydrocarbons, Inc. (MOHI) began on February 1, 1986, under part 284, subpart B of the Commission's Regulations, as reported in Docket No. ST86–1026–000, pursuant to a transportation agreement dated February 1, 1986. El Paso asserts that the transportation agreement provides for MOHI to assign its rights to the agreement to Apache when El Paso receives and accepts its open-access certificate. El Paso accepted its blanket certificate on December 1, 1988. MOHI has assigned its rights to the transportation agreement to Apache. El Paso and Apache now desire to continue the transportation service under part 284, subpart G of the Commission's Regulations.

El Paso proposes to transport up to 4,200 MMBtu of natural gas equivalent per day on an interruptible basis for Apache pursuant to a transportation agreement dated January 1, 1989, between El Paso and Apache. El Paso would receive the gas at any point of receipt on its system and redeliver equivalent volumes to a delivery point in Cochise County, Arizona.

El Paso states that the estimated daily and annual quantities would be 2,110 MMBtu and 770,150 MMBtu, respectively.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

27. Tarpon Transmission Company

[Docket No. CP90–16–000]

October 13, 1989.

Take notice that on October 4, 1989, Tarpon Transmission Company (Tarpon), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–16–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Enron Gas Marketing, Inc. (Enron), under Tarpon's blanket certificate issued in Docket No. CP88–89–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tarpon proposes to transport, on an interruptible basis, up to 51,000 MMBtu per day for Enron. Tarpon states that construction of facilities would not be required to provide the proposed service.

Tarpon further states that the maximum day, average day, and annual transportation volumes would be approximately 51,000 MMBtu, 1,100 MMBtu and 401,500 MMBtu respectively.

Tarpon advises that service under § 284.223(a) commenced October 1, 1989, as reported in Docket No. ST90–38.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

28. United Gas Pipe Line Company

[Docket No. CP90–31–000]

October 13, 1989.

Take notice that on October 6, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, made a prior notice filing pursuant to §§ 157.205 and 284.223 in Docket No. CP90–31–000, to provide interruptible transportation service on behalf of Texaco Gas Marketing, Inc., a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88–6–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the Interruptible Gas Transportation Agreement T1–21–1804, dated August 22, 1988, proposes to transport a maximum daily quantity of 103,000 MMBtu, and that service commenced August 11, 1989, as reported in Docket No. ST89–4837–000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

29. Williams Natural Gas Company

[Docket No. CP90–46–000]

October 13, 1989.

Take notice that on October 10, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–46–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Coastal Gas Marketing Company (Coastal), a marketer of natural gas, under WNG's blanket certificate issued in Docket No. CP86–631–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG requests authorization to transport, on an interruptible basis, up to a maximum of 20,000 dekatherms of natural gas per day for Coastal from receipt points located in Colorado, Kansas, Missouri, Oklahoma, Texas and Wyoming to delivery points located in Kansas, Missouri and Wyoming. WNG anticipates transporting an annual volume of 7,300,000 dekatherms.

WNG states that the transportation of natural gas for Coastal commenced September 1, 1989, as reported in Docket No. ST90–27–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to WNG in Docket No. CP86–631–000.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

30. United Gas Pipe Line Company

[Docket No. CP90–40–000]

October 13, 1989.

Take notice that on October 10, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed a request with the Commission in Docket No. CP90–40–000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to transport natural gas

for Reliance Gas Marketing Company (Reliance), a natural gas marketer, under United's blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

United proposes an interruptible transportation service for Reliance of 5,150 MMBtu equivalent of natural gas on peak and average days, and 1,879,750 MMBtu equivalent on an annual basis. United commenced its transportation service for Reliance on August 19, 1989, under the 120-day automatic authorization provisions of § 284.223(a) of the Regulations, as reported in Docket No. ST89–4840.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

31. Northern Natural Gas Company Division of Enron, Corp.

[Docket No. CP90–39–000]

October 13, 1989.

Take notice that on October 10, 1989, Northern Natural Gas Company Division on Enron Corp. (Northern) 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–39–000 a request pursuant to § 157.205 and 284.223 (18 CFR 157.205 and 284.223) of the Commission's Regulations under the Natural Gas Act for authorization to provide transportation service for Meridian Oil Trading Inc. (Meridian) a gas marketer, under Northern's blanket transportation certificate issued in Docket No. CP86–435–000 on December 22, 1986, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes, pursuant to an agreement dated September 1, 1989, to transport natural gas for Meridian from various receipt points in Texas, and deliver the gas, for the account of Meridian, in Douglas and Sarpy Counties, Nebraska. Northern states that it proposes to transport tup to 50,000 MMBtu of gas on a peak day and approximately 37,500 MMBtu and 18,250,000 MMBtu of gas on an average day and annually, respectively. Northern states that transportation service under § 284.223(a) commenced on September 1, 1989, as reported in Docket No. ST89–4825–000 on September 27, 1989.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

32. United Gas Pipe Line Company

[Docket No. CP90–28–000]

October 13, 1989.

Take notice that on October 5, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77152–1478, filed in Docket No. CP90–28–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of MidCon Marketing Corp. (MidCon), a marketer of natural gas, under United's blanet certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United proposes to transport, on an interruptible basis, up to 721,000 MMBtu per day day for MidCon. United States that construction of facilities would not be required to provide the proposed service.

United further states that the maximum day, average day, and annual transportation volumes would be approximately 721,000 MMBtu, 721,000 MMBtu and 263,165,000 MMBtu respectively.

United advises that service under § 284.223(a) commenced September 4, 1989, as reported in Docket No. ST89–4819.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

33. Inland Gas Company, Inc.

[Docket No. CP90–43–000]

October 13, 1989.

Take notice that on October 10, 1989, Inland Gas Company, Inc. (Inland), 336–338 Fourteenth Street, Ashland, Kentucky 41101, filed in Docket No. CP90–43–000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of A. C. Lawrence Leather Company, Inc. (Lawrence), under Inland's blanket certificate issued in Docket No. CP89–779–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Inland proposes to transport, on an interruptible basis, up to 400 MMBtu per day for Lawrence. Inland states that construction of facilities would not be required to provide proposed service.

Inland further states that the maximum per day, average day, and annual transportation volumes would be approximately 400 MMBtu, 275 MMBtu and 100,400 MMBtu respectively.

Inland advises that service under § 284.223(a) commenced September 2, 1989, as reported in Docket No. ST89–4751.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

35. Williams Natural Gas Company

[Docket No. CP90–45–000]

October 13, 1989.

Take notice that on October 10, 1989, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–45–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act for Coastal Marketing Company (Coastal), all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams proposes to transport natural gas for Coastal, a marketer, on an interruptible basis, pursuant to a transportation agreement dated June 1, 1989. Williams explains that service commenced September 1, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90–28–000. Williams further explains that the peak day and average day quantity would be 50,000 Dth and that the annual quantity would be 18,250,000 Dth. Williams explains that it would receive natural gas for the account of Coastal at receipt points located in Kansas, Colorado, Oklahoma, Texas, Wyoming and Missouri and would redeliver the gas at various delivery points in Kansas and Wyoming.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

36. Tennessee Pipeline Company

[Docket No. CP90–10–000]

October 13, 1989.

Take notice that on October 3, 1989, Tennessee Gas Pipeline Company (Tennessee) P.O. Box 2511, Houston, Texas 77253, filed in Docket No. CP90–10–000, a request pursuant to section 284–223 of the Commission's Regulations for authorization to provide a transportation service for Alcan Aluminum Corporation (Alcan), an end-user, under Tennessee's blanket certificate issued in Docket No. CP87–115–000, allas more fully set forth in the

request on file with the Commission and open to public inspection.

Tennessee proposes to transport up to 5,000 Dt of natural gas for Alcan from multiple receipt points located Offshore Louisiana, Mississippi, New York, New Jersey and Pennsylvania to Delta Natural Gas Company in Berea, Madison County, Kentucky. Tennessee expects the peak day and average daily volumes to be 5,000 Dt each. The annual volumes are estimated to be 1,825,000.

Additionally, Tennessee explains that the service commenced September 13, 1989 as reported in Docket No. ST89–4847. Tennessee also states that no new facilities are to be constructed.

Comment date: November 27, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–24754 Filed 10–19–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES90–2–000]

Baltimore Gas & Electric Co.; Application

October 13, 1989.

Take notice that on October 11, 1989, Baltimore Gas and Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue from time to time no later than December 31, 1990 (a) not more than $450 million outstanding at any one time of short-term unsecured promissory notes and commercial paper with final maturities no later than December 31, 1991, and (b) not more than $100 million outstanding at any one time of unsecured medium-term promissory notes with final maturities no later than December 31, 1991.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before November 10, 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. Any persons 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. 24755 Filed 10–19–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI80–40–002, et al.]

Chevron U.S.A. Inc.; Application

October 13, 1989.

Take notice that on July 11, 1989, Chevron U.S.A. Inc. (Chevron) of P.O. Box 2100, Houston, Texas 77252, filed an application pursuant to section 7 of the Natural Gas Act and parts 154 and 157 of the Federal Energy Regulatory Commission's (Commission) regulations thereunder for certificates of public convenience and necessity to continue sales of natural gas previously made by Tenneco Oil Company (Tenneco) under the certificates listed in the appendix hereto. Chevron also requests that Tenneco's rate schedules listed in the Appendix hereto be redesignated as those Chevron, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that effective June 30, 1988, Tenneco assigned all of its interests in all of the properties subject to Tenneco's FERC Gas Rate Schedules listed in the appendix hereto to TOC-Gulf of Mexico Inc. and that TOC-Gulf of Mexico Inc. merged into Chevron U.S.A. Inc. effective December 31, 1988.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Chevron to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

APPENDIX

Tennessee Oil Co. FERC gas rate schedule No.	Certificate docket No.	Purchaser
536	CI80-40	Columbia Gas Transmission Corporation.
533	CI79-284	Columbia Gas Transmission Corporation.
285	CI73-841	Southern Natural Gas Company.
482	CI84-175	UGI Corporation.
483	CI84-180	Lynchburg Gas Company.
484	CI84-181	Carolina Pipeline Company.
485	CI84-182	Public Service Company of North Carolina, Inc.
486	CI84-183	North Carolina Natural Gas Corporation.
487	CI84-185	City of Alexander City.
488	CI84-196	Bayou Interstate Pipeline Corp.
489	CI84-198	Entex, Inc.
490	CI84-235	South Jersey Gas Company.
491	CI84-236	Citizens Energy Corporation.
494	CI84-379	City of Kings Mountain.
495	CI84-380	Virginia Natural Gas.
496	CI84-335	Eastern Shore Natural Gas Company.
497	CI84-89	Piedmont Natural Gas Company.
447	CI83-249	Louisiana Industrial Gas.

[FR Doc. 89-24762 Filed 10-19-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-50-000, CP68-179-013, CP89-555-000, and CP89-556-000]

Florida Gas Transmission Co.; Rescheduling of Settlement Conference

October 13, 1989.

Take notice that the informal settlement conference scheduled for October 18-20, 1989, in the above-captioned proceeding has been cancelled at the request of Florida Gas Transmission Company. Instead, the informal settlement conference will be convened on November 7, 1989, at 1:30 p.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE. (8th floor), Washington, DC. The conference will continue on November 8 and 9, 1989, if necessary.

Any participant, as defined by 18 CFR 385.102(b), is invited to attend.

For additional information, contact Donald A. Heydt (202) 357-5248 or John J. Keating (202) 357-5762.

Lois D. Cashell,

Secretary.

[FR Doc. 89-24756 Filed 10-19-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-37-000 and RP89-82-000]

High Island Offshore System; Change of Date for Informal Settlement Conference

October 13, 1989.

Take notice that the informal settlement conference scheduled for October 17, 1989, at 10:00 a.m. in a hearing room of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426 is cancelled.

Counsel for HIOS informed Staff Counsel on October 12, 1989, that it will not have a settlement proposal ready for consideration by the parties and Staff in time for the October 17 settlement conference.

HIOS has represented that it will make available to all parties a copy of its settlement proposal by close of business on Wednesday, October 18, 1989. In anticipation of a meaningful settlement offer from HIOS, the previously scheduled settlement conference is rescheduled to convene in a hearing room of the Commission located at 810 First Street, NE., Washington, DC 20426 beginning at 10:00 a.m. on Friday, October 20, 1989. Parties who desire a copy of the proposal in advance of the settlement conference should contact Christopher Boland, counsel for HIOS, at (202) 289-7200.

If there are any questions, please contact Staff Counsel Robert L. Woods at (202) 357-8549.

Lois D. Cashell,

Secretary.

[FR Doc. 89-24757 Filed 10-19-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-1-46-020]

Kentucky West Virginia Gas Co.; Third Amendment To Compliance Filing

October 12, 1989.

Take notice that on October 12, 1989, Kentucky West Virginia Gas Company (Kentucky West) filed a third amendment to its March 30, 1989 compliance filing so as to extend the proposed effective date for the proposed tariff sheets to December 1, 1989.

Kentucky West states that the tariff sheets filed March 30, 1989, were filed in compliance with the Commission's "Order Rejecting Compliance Filing" issued in the referenced proceedings on March 15, 1989, and in accordance with the mandate of the United States Court of Appeals of the Fifth Circuit, issued in *Kentucky West Virginia Gas Co.* v. *FERC*, 780 F.2d 1231 (5th Cir. 1986).

Kentucky West states that, under the tariff sheets filed March 30, 1989, it would bill its customers directly for the difference between: (1) The amounts each such customer paid during the period in which Kentucky West was required to price certain of its company production at cost of service rather than Natural Gas Policy Act (NGPA) rates; and (2) the amounts each such customer would have paid if Kentucky West, during such time period, had not been denied the right to price its pipeline production at NGPA prices, plus interest calculated in accordance with the Commission's regulations. Kentucky West states further that its customers are given the option of paying the direct billing amounts either: (1) By a lump-sum payment to be made by May 1, 1989; (2) in monthly installments of direct billing amounts, plus interest, to be paid over a period not to exceed 84 months; or (3) by a lump-sum payment during the installment period.

Kentucky West states that, by notice issued April 5, 1989, the Commission set April 14, 1989 as the deadline for motions to intervene or protests. However, on April 13, 1989, based on preliminary settlement discussions, Kentucky West filed an amendment to its March 30, 1989 filing, changing the proposed effective date to September 1, 1989, and extending the deadline for interventions or protests until August 14, 1989. Subsequently, based upon further progress in settlement discussions, Kentucky West amended its filing so as to extend the effective date of the filing until November 1, 1989, and the date for filing interventions or protests until October 16, 1989.

Kentucky West states that during the past few months it has made substantial progress in settlement discussions, but that if settlement is to be achieved, it will require further negotiations. Therefore, Kentucky West is amending its filing a third time so as to extend the proposed effective date of the tariff sheets filed to December 1, 1989, and that the deadline for interventions or protest be extended to November 16, 1989. In this regard, Kentucky West asks that the provisions of § 154.22 of the Commission's Regulations be waived to the extent necessary to permit such extension.

Kentucky West states that it has contacted all parties to these proceedings and the Commission Staff, and no party nor the Commission Staff have any objection to this extension.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 16, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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. 89-24758 Filed 10-19-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-203-002]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

October 13, 1989.

Take notice that on October 6, 1989, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Second Revised Sheet No. 8B.1
Second Revised Sheet No. 11H.2
Second Revised Sheet No. 15A.2
Second Revised Sheet No. 26A.2

Southern states that these tariff sheets reflect the revision required by the Director, Office of Pipeline and Producer Regulation, in his letter order of September 22, 1989 in the above-captioned proceeding. In accordance with the aforesaid order, Southern has revised its D-2 overrun penalty provisions to specify that customers' requests for authorization of deliveries in excess of their respective D-2 determinants are not required to be made more than twenty-four hours in advance of such deliveries.

Copies of Southern's filing were served upon all of Southern's jurisdictional purchasers and 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 Rules 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214, 385.211). All such protests should be filed on or before October 20, 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. 89-24759 Filed 10-19-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-8-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 13, 1989.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on October 10, 1989, tendered for filing certain tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately $112.4 million annually based upon the 12-month period ended June 30, 1986, as adjusted. The proposed effective date of the instant filing is November 10, 1989. However, Transco anticipates that the Commission will suspend this filing and permit it to become effective on April 1, 1990, which suspension period would be ten days less than the full five-month period provided in section 4(c) of the Natural Gas Act. In that regard, Transco requests that the Commission not suspend the instant filing for the full period because an April 1, 1990 effective date: (1) Coincides with the commencement of the pipeline summer period; (2) would avoid the administrative burden on Transco and its customers of a rate change becoming effective in the middle of a billing month; and (3) coincides with the termination of the 36-month period under the PGA regulations at 18 CFR 154.303(e).

Transco states that the principal causes of the rate increase are: (1) Increases in operating and maintenance expenses and depreciation expenses; (2) a reduction in projected pipeline throughput; and (3) a change in the mix of contracts and services purchased by Transco's customers.

Transco states as background to the instant filing that on September 29, 1989 the Commission approved in Docket Nos. RP88-68 *et al.* a comprehensive settlement on the Transco system which establishes certain rate and tariff provisions which affect the instant filing. Specifically, in its September 29 order the Commission approved, among other things, an Interim Firm Service (IFS) Rate Schedule. Transco expects that to the extent that its traditional sales customers purchase gas from Transco, the gas will be purchased under the IFS Rate Schedule rather than as traditional CD or G/OG sales service. As further background, Transco states that it has pending in Docket No. RP87-7-000 a proposal for cost allocation and rate design for Transco's transportation services. Transco states that such proposal addresses the issues raised by the Commission in its May 30, 1989 Policy Statement on Rate Design in Docket No. PL89-1-000. Transco has incorporated into the instant filing some, but not all, of the cost allocation and rate design changes which Transco has proposed in the pending Docket No. RP87-7-00 proceeding. Transco submits that the changes proposed here are largely unrelated to the issues discussed in the Rate Design Policy Statement. Once the Docket No. RP87-7-000 proceeding is resolved, Transco states that the instant filing will be superseded on a prospective basis by the cost allocation and rate design methodologies determined in Docket No. RP87-7-000.

Transco states that tariff modifications contained in the revised tariff sheets submitted in appendix A to the filing include the following:

(a) Tariff sheets setting forth a proposal to retain fuel under Rate Schedules GSS, WSS, LSS, SS-1, LG-S and LGA.

(b) Redesign of the X-11, X-42, X-52, and X-56 rates to make reference to Transco's FT rather than CD rates and to provide for retention of fuel rather than sale of fuel.

(c) Tariff sheets setting forth a Fuel Recovery Provision which would allow Transco to make prospective adjustments to the fuel retention percentage applicable to transportation and storage services based upon actual fuel usage in a prior period. This Fuel Retention Adjustment is being filed pursuant to the undertaking set forth in Article III, section 7 of Transco's August 7, 1989 Revised Stipulation and Agreement in Docket Nos. RP88-68, *et al.*, approved by Commission order issued September 29, 1989. 48 FERC ¶ 61,—(1989). The Settling Parties thereto agreed to support, in concept, a fuel

adjustment mechanism in the instant proceeding.

(d) A redefinition of the "production area" on Transco's system and the creation of three rate zones within such production area (resulting in a total of six rate zones).

(e) Revisions to the provisions whereby shippers under the FT Rate Schedule shall have firm transportation capacity entitlements within the production area.

(f) The inclusion of new Rate Schedules FT–MB and IT–MB for firm and interruptible transportation service on Transco's Mobile Bay pipeline system.

(g) A redesign of rates for services on the Leidy Line based upon aggregating the facilities costs of recent expansions; the redesign of rates included, for certain seasonal Leidy Line services, alternate tariff sheets reflecting such modification on a Fixed-Variable rate design (the primary sheets reflect the currently effective Modified Fixed Variable rate design).

(h) The separation of the currently effective gathering charge (after refunctionalization of certain facilities to transmission plant) into two components; (i) a Tilden Plant charge, (based on the costs associated with the Tilden Plant) and (ii) a purification/dehydration charge (based on the costs of the remaining purification/dehydration plant). Transco will file if deemed necessary by the Commission for section 7(c) authority for any uncertificated gathering facilities for which refunctionalization is proposed. If the refunctionalization is approved, Transco will request authority from FERC's Chief Accountant to reflect such refunctionlization on Transco's books.

In Statement Q, attached to the filing, Transco states that it has included *pro forma* tariff sheets which contain storage tracking provisions which would allow Transco to track future storage cost increases by Consolidated Gas Supply Corporation (Con Gas) from whom Transco acquires storage service in order to render storage service to its customers under Rate Schedule GSS. The *pro forma* tariff provisions in Statement Q shall be placed into effect only after approval by the Commission.

Copies of the filing were served upon the Company's customers and interested State Commissions. In accordance with the provisions of §154.16 of the Commission's Regulations, copies of this filing are available to public inspection during regular business hours, in a convenient form and place at Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

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 and 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 October 20, 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. 89–24760 Filed 10–19–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP89–302–002]

Williston Basin Interstate Pipeline Co.; Compliance

October 12, 1989.

Take notice that on August 15, 1989, Williston Basin Interstate Pipeline Company (Williston Basin) filed revised tariff sheets to First Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, to be effective June 1, 1989. Williston Basin states that these tariff sheets, which implement an Authorized Overrun Service for its Rate Schedules G–1 and SGS–1 customers, are filed in compliance with the Commission's Order of July 20, 1989, in Docket No. CP89–302–000.

Williston Basin states that copies of this filing were served on its jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before October 19, 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. 89–24761 Filed 10–19–89; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders Issued During the Week of August 14 Through August 18, 1989

During the week of August 14 through August 18, 1989, the decisions and orders summarized below were issued with respect to appeals and applications for refund filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

Atlantic Richfield Company/K.E. David, Ltd., et al., 8/18/89, RF304–2842, et al.

The DOE issued a Decision and Order concerning 37 Applications for Refund from a consent order fund made available by Atlantic Richfield Company. All the applications were granted under an appropriate presumption of injury. The refunds granted totaled $151,784 representing $115,444 in principal and $36,340 in accrued interest.

Atlantic Richfield Company/Post Arco Service, et al., 8/16/89, RF304–7401, et al.

The DOE issued a Decision and Order approving 28 Applications for Refund filed in the Atlantic Richfield Company special refund proceeding. All refunds were granted under the small claims injury presumption. The refunds granted in this decision totalled $48,926, including $11,717 in accrued interest.

Atlantic Richfield Company/Weis Markets, Inc., et al., 8/18/89, RF304–7200, et al.

The DOE issued a Decision and Order concerning 56 Applications for Refund filed by end users, reseller retailers of refined petroleum products covered by a Consent Order that the DOE entered into with Atlantic Richfield Company. Each claimant was granted a refund based on an applicable presumption of injury. The sum of the refunds approved in this Decision is $84,485, representing $64,260 in principal and $20,225 in accrued interest.

Boardman Ranch, et al., 8/15/89, RF272–40000, et al.

The DOE issued a Decision and Order concerning 59 Applications for Refund in the Subpart V crude oil overcharge proceeding. Each applicant was an end user of the refined petroleum products on which its application was based and was therefore presumed injured by the alleged crude oil overcharges. The sum of the refunds granted is $25,915.

Clarkson Construction Co., et al., 8/18/89, RF272–32194, et al.

The DOE issued a Decision and Order granting refunds in the Subpart V crude oil refund proceeding to 22 applicants based on their purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each applicant was an end-user presumed to have been injured by the alleged crude oil overcharges. The sum of the refunds granted in this Decision is $106,356.

Crown Central Petroleum Corporation/Paster Fuel Oil, Inc., et al., 8/18/89, RF313–137, et al.

The DOE issued a Decision and Order considering applications filed by 16 purchasers of Crown refined petroleum products in the Crown Central Petroleum Corporation special refund proceeding. The refund applications were granted using an appropriate presumption of injury. The total amount of refunds approved in this Decision was $78,199, representing $65,770 in principal plus $12,429 in accrued interest.

Crown Paper Board Company, Inc., et al., 8/16/89, RF272–8579, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to six pulp and paper manufacturers. In reaching its determination, the DOE rejected the objections to the applicants' claims submitted by a group of States and denied the States' Motions for Discovery. Specifically, the DOE restated its position that the type of industry-wide data submitted by the States is insufficient to rebut the presumption that end-users outside of the petroleum industry were injured by crude oil overcharges. The DOE also determined that the States' showing of sustained growth and profitability of a particular industry or firm does not rebut the end-user presumption. The total refund granted the six claimants was $832,099.

Exxon Corporation/Paul Rollings Esso, et al., 8/16/89, RF307–1101, et al.

The DOE issued a Decision and Order concerning 34 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants was a retailer of Exxon products whose allocable share is less than $5,000 or an end-user. The DOE determined that each applicant was eligible to receive a refund equal to it, full allocable share. The sum of the refunds granted in this Decision is $24,350 ($19,996 principal plus $4,354 interest).

Exxon Corporation/Rental Uniform Service Inc., et al., 8/16/89, RF307–604, et al.

The DOE issued a Decision and Order concerning 31 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased directly from Exxon and was either an end-user or a reseller whose allocable share is less than $5,000. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $29,420, including $5,069 in interest.

Farmers Cooperative Company, et al., 8/15/89, RF272–71325, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to eight agricultural cooperatives, based on their purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each of the applicants established its volumes of petroleum products either by actual purchase records or by reasonable estimates. The total refund granted in this Decision is $71,920

Gulf Oil Corporation/Alton C. Laccheo, et al., 8/18/89, RF300–9522, et al.

The DOE issued a Decision and Order concerning 10 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each applicant was approved using a presumption of injury. The sum of the refunds granted in this Decision is $25,412, including accrued interest.

Gulf Oil Corporation/Moises Aruj Gulf, 8/18/89, RF300–5164

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. Although the DOE was able to corroborate that applicant purchased refined petroleum products from Gulf, the applicant was unable to document the level of its Gulf purchases. The DOE therefore utilized the gallonage figures of the station's subsequent owner in arriving at a conservative estimate of the applicant's gallonage. The total refund granted in this Decision is $3,210.

Gulf Oil Corporation/Powers Gulf Service, et al., 8/15/89, RF300–8885, et al.

The DOE issued a Decision and Order concerning eight Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including interest, is $23,122.

Gulf Oil Corporation/Ronald C. Ellison, et al., 8/16/89, RF300–901, et al.

The DOE issued a Decision and Order concerning 10 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $19,781.

Gulf Oil Corporation/Wingert Oil Company, 8/15/89, RF300–10861

The DOE rescinded a refund granted to a past owner Wingert Oil Company in the Gulf Oil Corporation refund proceeding. The rescission was based upon the fact that the current owner of Wingert has also claimed the Gulf refund. The DOE stated that no refund would be issued for Wingert's claim until the appropriate recipient had been determined.

International Paper Company, 8/18/89, RF272–6446, RD272–6446

The DOE issued a Decision and Order concerning an Application for Refund filed by International Paper Company (IPC) from the crude oil funds being disbursed by the DOE under 10 C.F.R. part 205, subpart V. The DOE determined that IPC's refund claim was meritorious and granted the firm a refund of $2,840,746. The DOE also denied a Motion for Discovery field by a consortium of States and rejected their challenge to the IPC claim. The DOE denied the States' objections, finding that the industry-wide econometric data submitted by the States did not rebut the presumption that IPC was injured by the crude oil overcharges.

Liedtka Trucking, Inc., 8/15/89, RF272–15999, RD272–15999

The DOE issued a Decision and Order concerning an application for refund filed by Liedtka Trucking, Inc. in the subpart V crude oil proceeding. A group of States and Territories (the States) objected to Liedtka's application on the grounds that certain Interstate Commerce Commission fuel surcharge regulations may have enabled Liedtka, a

trucking company, to pass through increased petroleum costs to consumers during the petroleum price controls period. The States argued that this evidence was sufficient to rebut the end-user presumption relied upon by Liedtka and therefore that the DOE should deny Liedtka's application. The DOE granted Liedtka's refund application, determining that the States had failed to show that Liedtka itself actually passed through increased fuel costs. The DOE also denied the States' Motion for Discovery, determining that it was not appropriate where the States had not presented relevant evidence to rebut Liedtka's presumption of injury.

Murphy Oil Corporation/Trade, Inc., et al., 8/18/89, RF309–635, et al.

The DOE issued a Decision and Order granting Applications for Refund filed by 12 applicants in the Murphy Oil Corporation special refund proceeding. Each applicant was granted a refund based on an appropriate presumption of injury. The total of the refunds granted in this Decision was $75,122, representing $62,835 in principal and $12,287 in accrued interest.

Shell Oil Company/Hanover Park Shell, et al., 8/15/89, RF315–4801, et al.

The DOE issued a Decision and Order granting 109 Applications for Refund filed in the Shell Oil Company special refund proceeding. Each of the Applicants purchased directly from Shell and was either a reseller whose allocable share was less than $5,000 or an end-user of Shell products. Accordingly, each applicant was granted a refund equal to its full allocable share plus a proportionate share of the interest that has accrued on the Shell escrow account. The sum of the refunds granted in the Decision was $91,396 ($78,295 principal plus $13,101 interest).

Standard Oil Co. (Indiana)/West Virginia, 8/15/89, RM251–158

The DOE issued a Decision and Order granting a Motion for Modification filed by the State of West Virginia in the Standard Oil Co. (Indiana) (Amoco II) special refund proceeding. The State wished to transfer $18,500 remaining from a previously approved program to a traffic light synchronization project in the City of Charleston. The OHA found that the plan would provide restitution to injured consumers of motor gasoline by helping them to conserve fuel through smoother flows of traffic. Accordingly, the plan was approved.

Total Petroleum/Bill's Apco Service Station, 8/15/89, RF310–343

The DOE issued a Decision and Order concerning an Application for Refund filed by a motor gasoline retailer, Bill's Apco Service Station, in the Total Petroleum, Inc. special refund proceeding. The DOE determined that it was unlikely that the applicant was injured because the claim arose from transactions which occurred nearly six years prior to the applicant's purchase of the outlet in question. The DOE also pointed out that the current owner of Bill's had failed to establish that the right to the refund was assigned to him by the prior owner of the firm. Accordingly, the application was denied.

Versailles Realty Company, 8/18/89, RC272–67

The DOE issued a Supplemental Order rescinding a duplicate crude oil refund of $360 inadvertently issued to Versailles Realty Company.

Crude Oil End-Users

The Office of Hearings and Appeals granted crude oil overcharge refunds to end-user applicants in the following Decisions and Orders:

Name	Case No.	Date	No. of applicants	Total refund
Allen G. Stroucker *et al*	RF272-26239	8/15/89	5	$829
Central Rural Electric Coop *et al*	RF272-57000	8/16/89	64	40,334
Forester Apartments *et al*	RF272-62549	8/16/89	83	48,334
Greenville Central School *et al*	RF272-67528	8/15/89	51	30,442
Grenadier Realty Corp. *et al*	RF272-65512	8/15/89	16	10,968
I&M Truck Lines *et al*	RF272-52512	8/16/89	75	34,042
M.F. Miller *et al*	RF272-47087	8/16/89	19	6,014
Mike Kuper *et al*	RF272-75000	8/16/89	77	9,752
National Jet Co., Inc. *et al*	RF272-75400	8/16/89	41	5,893
St. Patrick's Church *et al*	RF272-74001	8/16/89	52	30,186

Dismissals

The following submissions were dismissed.

Name	Case No.
Acree Oil Company	RF313-156
Charles A. Dugger/Holiday Gulf	RF300-9543
Energy Exchange Company, Inc.	HRO-0191
Griffin's Arco	RF304-7434
MacMillan's Mobil	RF307-7382
MacMillan's Mobil	RF307-7292
McClure Oil Company	KEF-0009
Northwest Service Station	RF309-1352

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 13, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 89–24839 Filed 10–19–89; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Salt Lake City Area Integrated Projects Proposed Power Rate

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of proposed power rate—Salt Lake City Area Integrated Projects.

SUMMARY: The Western Area Power Administration (Western) is proposing a rate increase for firm power from the Salt Lake City Area Integrated Projects (Integrated Projects), which consist of the Collbran, Rio Grande, and Colorado River Storage Projects integrated for marketing and ratesetting purposes. A rate increase will be needed to cover increased annual operating expenses and to repay Federal investment in the Integrated Projects.

In this proposal, an objective is to achieve an equal increase in both the capacity and energy components of the existing rate. The proposed rate consists of a capacity charge of $2.82 per

kilowatt-month (kW-month) and an energy charge of 6.64 mils per kilowatthour (mils/kWh), which results in a proposed combined rate of 13.4 mils/kWh at a 58.2-percent load factor. This results in approximately a 35-percent increase over the present rate of $2.09/kW-month capacity charge and a 5.0 mils/kWh energy charge, or an existing combined rate of 9.92 mils/kWh.

A brochure explaining the need for a rate increase and outlining the methodology used in developing the proposed rate will be distributed to Integrated Projects customers and other interested parties.

Customers and other interested parties are invited to comment on the proposed rate and the methodology used in its development.

According to the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions (10 CFR part 903), the proposed Integrated Projects firm power rate adjustment would be a major rate adjustment because annual Integrated Projects sales are normally more than 100 million kilowatthours. Therefore, a public information forum and a public comment forum will be held. After review of public comments, Western will recommend a final proposed rate.

DATES: The consultation and comment period will begin with publication of this notice in the **Federal Register** and will end February 9, 1990.

A public information forum, at which Western will outline the methodology used in developing the proposed rate, will be held at the Red Lion Inn, 255 South West Temple, Salt Lake City, Utah, at 8:30 a.m., on November 21, 1989. Western will answer questions at this forum. A public comment forum, at which Western will receive oral and written comments, will be held at 1:30 p.m. on January 25, 1990, also at the Red Lion Inn, Salt Lake City, Utah. Written comments should be received by the end of the consultation and comment period to be assured of consideration and may be sent to the address below.

FOR FURTHER INFORMATION CONTACT: Mr. Lloyd Greiner, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524–5493.

SUPPLEMENTARY INFORMATION: Power rates for the Integrated Projects are established pursuant to the Department of Energy Organization Act of August 4, 1977, 42 U.S.C. 7101, *et seq.*; the Reclamation Act of 1902, ch. 1093, 372 Stat. 388 (1902), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c); and the acts specifically applicable to the projects involved.

By Delegation Order No. 0204–108, effective December 14, 1983 (48 FR 55664), as amended May 30, 1986 (51 FR 19744), the Secretary of Energy delegated the authority to develop long-term power and transmission rates to the Administrator of Western; the authority to confirm, approve, and place such rates in effect on an interim basis to the Under Secretary of the Department of Energy; and the authority to confirm, approve, and place in effect on a final basis, to remand or to disapprove such rates to the Federal Energy Regulatory Commission. On September 20, 1989, the Secretary issued a notice, SEN–10A–89, which has the effect of amending Delegation Order No. 0204–108 by transferring authority to place rates into effect on an interim basis from the Under Secretary of the Department of Energy to the Deputy Secretary of the Department of Energy.

The procedures for public participation in rate adjustments for power marketed by Western at 10 CFR part 903 were published in the **Federal Register** at 50 FR 37835 on September 18, 1985.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed Integrated Projects rate are and will be available for inspection and copying at the Salt Lake City Area Office, 257 East 200 South, Suite 475, Salt Lake City, Utah.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the initiation of the proposed rate relates to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rules of particular applicability relating to rates or services are not considered rules within the meaning of the Act. Because the proposed rate is of limited applicability, no flexibility analysis is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). In addition, Western has an exemption from sections 3, 4, and 7 of Executive Order 12291, and therefore, will not prepare a regulatory impact statement.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), Council of Environmental Quality Regulations (40 CFR parts 1500 and 1508), and Department of Energy guidelines (52 FR 47662), Western will conduct an environmental evaluation of the rate action and develop the appropriate level of environmental documentation prior to the implementation of any rate increase.

Issued at Golden, Colorado, September 28, 1989.

William H. Clagett,

Administrator.

[FR Doc. 89–24875 Filed 10–19–89; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3673–4]

Stratospheric Ozone Protection Advisory Committee Meeting; Correction

ACTION: Correction-location of advisory committee meeting.

SUMMARY: On Wednesday, October 11, 1989, the U.S. Environmental Protection Agency (EPA) announced the time and location of the first meeting of the Stratospheric Ozone Protection Agency Committee, (54 FR 41677). The specific address of the meeting location was omitted in that announcement. This notice serves to announce that the meeting, scheduled for October 26, 1989, will take place at the Holiday Inn Capitol, 550 C St. SW., Washington, DC. The meeting will be held from 8:30 a.m. to 1 p.m., and is open to the general public.

FOR FURTHER INFORMATION CONTRACT: Karla Perri, at (202) 382–7750 or write to the Division of Global Change, Office of

Air and Radiation, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Dated: October 16, 1989.

Eileen B. Claussen,

Director, Office of Atmospheric and Indoor Air Programs.

[FR Doc. 89-24852 Filed 10-19-89; 8:45 am]

BILLING CODE 6560-50-M

[AD-FRL-3673-1]

Analysis of Particulate Matter Benefits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comment.

SUMMARY: The EPA has completed some reports assessing the benefits of controlling particulate matter emissions from several categories of fossil-fuel combustion and is requesting public review of these reports.

ADDRESS: Copies of these reports are available in Docket No. A-89-16. The docket is located in the Central Docket Section of the U.S. Environmental Protection Agency, room M-1500 Waterside Mall, 401 M Street, SW., Washington, DC 20460. The docket may be inspected between 8:30 a.m. and 3:30 p.m. on weekdays, and a reasonable fee may be charged for copying. Comments on these reports should be sent in duplicate to the same address. Attn: Docket No. A-89-16.

FOR FURTHER INFORMATION CONTACT: Mr. Allen C. Basala, Air Quality Management Division (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-5622 (FTS 629-5622).

SUPPLEMENTARY INFORMATION: Particulate matter is the generic term for a broad class of chemically and physically diverse substances that exist as discrete particles over a wide range of sizes. Particles originate from a variety of stationary and mobile sources. They may be emitted directly or formed in the atmosphere by transformations of gaseous emissions such as sulfur oxides, nitrogen oxides, and volatile organic substances. Particulate matter is one of six criteria pollutants for which national ambient air quality standards are establisted to protect public health and welfare. Particulate matter can aggravate existing respiratory disease, produce acute reductions in lung function and increase the incidence of respiratory disease in children, and increase the risk of premature mortality in elderly and ill persons. The principal welfare effects associated with particulate matter include effects on visibility and climate, man-made materials, and soiling and nuisance.

The major sources of particulate matter include fugitive dusts from roads, construction, industrial activity, residential wood combustion, and diesel-powered motor vehicles. Because the major chemical and physical properties of particulate matter vary greatly with time, region, meteorology, and source type, the quantitative assessment of the health and welfare benefits associated with particulate matter emission reduction programs is a complex undertaking. These analyses require a combination of quantitative data an assumptions to define the source and emission characteristics, the dispersion process, and health and welfare responses associated with the ambient particulate matter concentrations achieved as a result of the emission reduction program being examined.

As part of its effort to examine the benefits associated with particulate matter reduction programs, EPA has recently completed an assessment of the benefits associated with controlling particulate matter from several categories of fossil-fuel combustion. These methodologies and approaches used in preparing this assessment are contained in two reports. The first, "PM Emission Characterization and Exposure Analysis for Selected Commercial Coal-Fired Boilers," describes the information used to characterize the boiler emissions and locations for the particulate matter exposure analysis. The second, "Methodology Report for Benefits Associated with PM Reductions Resulting from Regulating Small Boiler Emissions," describes the benefits analysis, the data used, the exposure and risk assessments, and valuation of effects. Through this notice, EPA is requesting public comment on the technical adequacy of the analytical and methodological approaches described in these reports for assessing the health and welfare benefits associated with reducing particulate matter emissions from these source categories.

Comments should be submitted no later than November 20, 1989.

Dated: October 12, 1989.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 89-24851 Filed 10-19-89; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3669-5]

Water Quality Act of 1987 Implementation: Final Guidance Document Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability fo a final document which describes EPA's "Sewage Sludge Interim Permitting Strategy."

DATE: Copies of this document will be available form EPA Office of Water for a period of 60 calendar days, beginning October 20, 1989.

ADDRESS: Copies of this document can be obtained by writing to Mrs. Adelaide Webb, Permits Division, EN-336, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 or by telephoning her at (202) 475-9537.

FOR FURTHER INFORMATION CONTACT: Catherine C. Crane, telephone (202) 475-9522.

SUPPLEMENTARY INFORMATION: The Water Quality Act (WQA) establishes an aggressive new program by EPA and States for the control of toxic pollutants found in sewage sludge which may adversely affect public health or the environment. EPA is to promulgate technical standards for sludge use and disposal to control these pollutants and to implement the technical standards Through permits issued to publicly-owned treatment works (POTWs) and other treatment works treating domestic sewage. The technical standards were proposed on February 6, 1989 in the **Federal Register** (54 FR 5937). In a related rulemaking, EPA has promulgated regulations for including sludge requirements in NPDES permits and for approving State sludge management programs [54 FR 18716, May 2, 1989].

In the interim before promulgation of the technical standards for sewage sludge use and disposal, section 405(d)(4) of the Clean Water Act, as amended by the WQA, directs EPA to include sludge requirements in NPDES permits issued to POTWs or to take other measures to protect public health and the environmenmt. In response, EPA has developed an Interim Permitting Strategy which sets forth procedures for including sludge requirements in permits (re)issued to POTWs. A Notice of Availability of the draft Strategy for public comment was published in the **Federal Register** in May 31, 1988 [53 FR 19817]. The Strategy was then revised in response to comments received.

The Strategy: (1) Discusses the identification of permitting priorities for sludge; (2) establishes minimum sludge permit requirements; (3) discusses the purpose and content of the forthcoming permit writers' guidance for writing interim sludge conditions, "Guidance for Writing Case-by-Case Permit Requirements for Municipal Sewage Sludge" draft 1988; (4) decribes State and EPA coordination on interim permitting; and (5) provides model documents for use in interim implementation.

Dated: September 18, 1989.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 89-24688 Filed 10-19-89; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3673-5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5076 or (202) 382-5073. Availability of Environmental Impact Statements Filed October 9, 1989 Through October 13, 1989 Pursuant to 40 CFR 1506.9:

EIS No. 890277, FSuppl, COE, IA, West Des Moines and Des Moines Local Flood Control Protection, Polk County, IA, Due: November 20, 1989, Contact: Bob Vanderjack (309) 788-6361.

EIS No. 890278, Final, SCS, MS, Long Beach Watershed Plan, Flood Damage Reduction, Funding, Harrison County, MS, Due: November 20, 1989, Contact: L. Peter Heard (601) 965-5205.

EIS No. 890279, Final, BLM, OR, ID, NV, Owyhee Canyonlands Wilderness Study Areas, Suitability for Wilderness Designation, Legislative Action, Owyhee River, Malheur County, OR, Owyhee County, ID, and Elko County, Nevada, Due: November 20, 1989, Contact: J. David Brunner (208) 334-1582.

EIS No. 890280, FSuppl, NRC, PA, Three Mile Island Nuclear Power Station, Unit 2, Decontamination and Disposal of Radioactive Waste Resulting from the March 28, 1979 Accident, Londonderry Township, Dauphin County, PA, Due: November 20, 1989, Contact: Dr. Michael T. Masnik (301) 492-1373.

EIS No. 890281, Draft, OSM, IN, Flat Fork and Mud Creek Watershed Surface Coal Mining Operations, Unsuitable Land Designation, Approval, Morgan County, TN, Due: December 4, 1989, Contact: Joe B. Maddox (615) 673-4356.

EIS No. 890282, Final, BOP, CA, Taft Federal Correctional Institution, Construction and Operation, Kern County, CA, Due: November 21, 1989, Contact: William J. Patrick (202) 272-6871.

EIS No. 890283, Draft, AFS, MT, Badger-Two Medicine Area Exploratory Oil and Gas Wells Drilling, Leasing and Permit, Lewis and Clark National Forest, Rocky Mountain Ranger District, Pondera and Glacier Counties, MT, Due: December 15, 1989, Contact: Norman Yogerst (406) 329-3634.

Dated: October 17, 1989.

Anne N. Miller,

Director, SPAD, Office of Federal Activities.

[FR Doc. 89-24858 Filed 10-19-89; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3673-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 2, 1989 through October 6, 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 FR dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D-COE-E50286-NC, Rating LO, Core Creek Bridge Replacement, Atlantic Intercoastal Waterway Bridge, Implementation, Carteret County, NC.

Summary: EPA finds the perturbations associated with upgrading this bridge have been modified to minimize losses and those unavoidable impacts have been appropriately mitigated.

Final EISs

ERP No. F1-COE-E32069-FL, Miami Harbor Channel Navigation Improvements, Implementation, Dade County, FL.

Summary: EPA's previous objections to the revised project design centered around the increased losses to valuable seagrasses caused by the shifted alignment of the turning basin; this alternative was discarded and the initial alignment was reinstated.

ERP No. F-MMS-A02228-00,

Central and Western Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas Lease Sales Nos. 123 and 125, Offshore AL, MS, TX, and LA.

Summary: EPA continues to be concerned that this document does not adopt the protective stipulations described in the draft EIS. EPA also strongly recommends a comprehensive ozone modeling effort in order to gauge impacts of offshore emissions on ozone levels onshore.

Dated: October 17, 1989.

Anne N. Miller,

Director, SPAD, Office of Federal Activities.

[FR Doc. 89-24859 Filed 10-19-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

October 13, 1989.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-3785.

OMB Number: 3060-0374.

Title: Section 73.1690, Modification of Transmission Systems.

Action: Extension.

Respondents: Businesses (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 715 Recordkeepers; 1,108 Hours.

Needs and Uses: Section 73.1690 requires AM, FM and TV station licensees to prepare an informal statement or diagram describing any electrical and mechanical modifications to authorized transmitting equipment that can be made without prior Commission approval provided that equipment performance measurements are made to ensure compliance with FCC rules. This informal statement or diagram is to be retained at the transmitter site as long as the equipment is in use. The data are used by broadcast licensees to provide

prospective users of the modified equipment with necessary information. If no such information exists, any future problems could prove difficult to solve and could result in electronic frequency interference for long periods of time.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-24803 Filed 10-19-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows:

Type of review: Extension without any change in the substance or in the method of collection.
Title: Procedures for Monitoring Bank Secrecy Act Compliance.
Form number: None.
OMB number: 3064-0087.
Expiration date of current OMB clearance: January 31, 1990.
Frequency of response: On occasion.
Respondents: All insured nonmember banks.
Number of respondents: 8,400.
Number of responses per respondent: 1.
Total annual responses: 8,400.
Average number of hours per response: .5.
Total annual burden hours: 4,200.
OMB reviewer: Gary Waxman, (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.
FDIC contact: John Keiper, (202) 898-3810, Assistant Executive Secretary, Room 6096, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
Comments: Comments on this collection of information are welcome and should be submitted on or before December 19, 1989.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to extend the expiration date of the collection of information contained in § 326.8 of FDIC's regulation 12 CFR part 326. Section 326.8 requires all insured nonmember banks to establish and maintain procedures designed to assure and monitor their compliance with the requirements of the Bank Secrecy Act (31 U.S.C. 5311 *et seq.*) and the implementing regulations promulgated thereunder by the Department of the Treasury at 31 CFR part 103. The Bank Secrecy Act requires certain reports or records on monetary instruments transactions where they have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

Dated: October 16, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-24766 Filed 10-19-89; 8:45 am]

BILLING CODE 6714-01-M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows:

Type of review: Extension of the expiration date without any change in the substance or in the method of collection.
Title: Asset Marketing Survey—Loans and Real Estate.
Form number: FDIC 7240/01.
OMB number: 3064-0089.
Expiration date of current OMB clearance: January 31, 1990.
Frequency of response: On occasion.
Respondents: Individuals and organizations that have indicated an interest in purchasing loans or real estate held by the FDIC as a result of bank failures.
Number of respondents: 5,000.
Number of responses per respondent: 1.
Total annual responses: 5,000.
Average number of hours per response: One quarter of an hour.
Total annual burden hours: 1,250.
OMB reviewer: Gary Waxman, (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.
FDIC contact: John Keiper, (202) 898-3810, Assistant Executive Secretary, Room 6096, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
Comments: Comments on this collection of information are welcome and should be submitted on or before December 19, 1989.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed. Comments regarding the submission should be addressed to the OMB reviewer listed. The FDIC contact would be interested in receiving a copy of the comments.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to extend the collection of information from qualified propective investors who are interested in purchasing loans and real estate held by the FDIC as a result of bank failures. The information is collected on survey form FDIC 7240/01 which the FDIC sends to qualified individuals and organizations that have indicated an interest by responding to FDIC announcements in the media, word of mouth or other means. The FDIC has established a nationwide automated asset marketing system whereby a file containing information about investors interested in buying loans or real estate held by the FDIC as a result of bank failures can be matched with a file containing data about specific loan portfolios or real estate available for sale by the FDIC. This information collection is designed to enable the FDIC to more efficiently sell loans and real estate held by the Corporation, nationwide.

Dated: October 13, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-24767 Filed 10-19-89; 8:45 am]

BILLING CODE 6714-01-M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows:

Type of Review: Renewal without any change in substance or method of collection.
Title: Contract and Procurement Information Requirements.
Form Number: FDIC 3320/11, 3320/13, 3320/14, 3320/19.

OMB Number: 3064–0072.
Expiration Date of Current OMB Clearance: December 31, 1989.
Frequency of Response: On occasion.
Respondents: Contractors and vendors who wish to do business with the FDIC.
Number of Respondents: 3,000.
Number of Responses per Respondent: 1.
Total Annual Responses: 3,000.
Average Number of Hours per Response: .75.
Total Annual Burden Hours: 2,250.
OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.
FDIC Contact: John Keiper, (202) 898–3810, Assistant Executive Secretary, Room 6096, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
Comments: Comments on this collection of information are welcome and should be submitted on or before December 19, 1989.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to extend the expiration date of the information collection required by the FDIC in conducting its procurement activities. The information is used to evaluate bids and proposals from offerors, to award contracts, and to make purchases of goods and services in support of FDIC's mission. It is also used for contract monitoring.

Dated: October 17, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89–24830 Filed 10–19–89; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation, Issuance of Certificate (Performance) to Princess Cruises Inc.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR part 540):

Princess Cruises Inc. (California) and Astramar S.P.A., 10100 Santa Monica Blvd., Los Angeles, CA 90067–4189
Vessel: Crown Princess

Dated: October 16, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–24736 Filed 10–19–89; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

East Texas Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 9, 1989.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. East Texas Financial Corporation, Kilgore, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank, Kilgore, Texas.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. First Southern Bancorp, Inc., Stanford, Kentucky; to acquire 62.98 percent of the voting shares of The National Bank of Houstonville, Kentucky, Houstonville, Kentucky.

Board of Governors of the Federal Reserve System, October 16, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–24778 Filed 10–19–89; 8:45 am]

BILLING CODE 6210–01–M

First Commercial Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has 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. section 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 9, 1989.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Commercial Corporation, Little Rock Arkansas; to engage *de novo* through its subsidiary, Baker and Hill, Incorporated, Little rock, Arkansas, in providing management consulting advice to nonaffiliate banks and nonbank depository institutions, including commercial banks, savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks and industrial loan companies pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 16, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24779 Filed 10-19-89; 8:45 am]

BILLING CODE 6210-01-M

John T. Newton, et al.; 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. section 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 nust be received not later than November 3, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. John T. Newton, Griffin, Georgia; Virginia C. Newton, Griffin, Georgia; John T. Newton, Jr., Griffin, Georgia; and David G. Newton, Griffin, Georgia; Victoria Newton Mooney, Atlanta, Georgia; and Jan Newton Bevilagva, Atlanta, Georgia; together as the Newton Family Partnership, to retain 15.57 percent and acquire an additional 1.25 percent of the voting shares of FNB Banking Company, Griffin, Georgia, for a total of 16.82 percent, and thereby indirectly acquire First National Bank of Griffin, Griffin, Georgia.

Board of Governors of the Federal Reserve System, October 16, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-24780 Filed 10-19-89; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

[File No. 851 0149]

Cleveland Oldsmobile Connection et al.; Proposed Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, nine consent agreements, accepted subject to final Commission approval, would prohibit, among other things, eight Cleveland area Oldsmobile dealers and their association from entering into any agreement to restrict the advertising of prices, terms or conditions of sale or lease of motor vehicles in the future.

DATE: Comments must be received on or before December 19, 1989.

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

FOR FURTHER INFORMATION CONTACT: Mark Kindt, Cleveland Regional Office, Federal Trade Commission, 668 Euclid Ave., Suite 520-A, Cleveland, Ohio 44114. (216) 522-4210.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that nine consent agreements, each containing a consent order to cease and desist, have been filed with the accepted, subject to final approval, by the Commission, and have been placed on the public record for a period of sixty (60) days. The consent agreements are with Cleveland Oldsmobile Connection, an association, and eight Oldsmobile dealers: Dowd Oldsmobile, Inc.; Earl Oldsmobile, Inc.; Fred Stecker Oldsmobile, Inc.; Ganley Oldsmobile, Inc.; Gener Norris Oldsmobile-GMC, Inc.; Hern Oldsmobile-GMC Truck, Inc.; Reliable Oldsmobile, Inc.; and Zalud Oldsmobile, Inc. The agreement containing consent order with Cleveland Oldsmobile Connection and the agreement containing consent order with Dowd Oldsmobile, Inc. are reproduced herein. The agreements with the other seven dealers are substantively identical to the Dowd agreement, and are therefore not reproduced herein. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii).

Agreement Containing Consent Order to Cease and Desist

In the matter of Cleveland Oldsmobile Connection, an association.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Cleveland Oldsmobile Connection, an association, and it now appearing that Cleveland Oldsmobile Connection, an association, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Cleveland Oldsmobile Connection, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Cleveland Oldsmobile Connection is an unincorporated association composed entirely of Oldsmobile dealers and existing for their mutual benefit with its office and principal place of business located at 424 Broadway Avenue, Bedford, Ohio 44146.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

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

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider

appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

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

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

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

Order

I

It is ordered, That, for purposes of this order, the following definitions apply:

A. "Cleveland Oldsmobile Connection" means Cleveland Oldsmobile Connection, an association, as well as its officers, directors, committees, employees, agents, successors and assigns.

B. "Dealer" means any person, corporation, partnership, association, joint venture, trust, or any other organization or entity, but not governmental entities, that receives on consignment or purchases motor vehicles for sale or lease to the public, and any director, officer, employee, representative or agent of any such entity.

It is further ordered, That Cleveland Oldsmobile Connection, directly or indirectly, or through any corporate or other device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, *as amended,* cease and desist from:

A. Entering into, organizing, encouraging, carrying out or enforcing any agreement or understanding, either express or implied, between or among dealers which has the purpose or effect of restricting, regulating, or impeding the advertising or publishing by any dealer of any price, term or condition of sale or lease of any motor vehicle, including, but not limited to, maintaining, adopting or implementing any policy, act or practice that restricts, regulates or impedes the advertising or publishing by any dealer of any price, term or condition of sale or lease of any motor vehicle.

B. Requesting, recommending, coercing, influencing, encouraging or persuading or attempting to coerce, influence, encourage or persuade any dealer to maintain, adopt or adhere to any policy or practice that restricts, regulates or impedes the advertising or publishing of any price, term or condition of sale or lease of any motor vehicle.

C. Communicating with any dealer member of Cleveland Oldsmobile Connection concerning the policies, practices or decisions of any other dealer with respect to the advertising or publishing of any price, term or condition of sale of any motor vehicle or whether the advertising or publishing of prices of motor vehicles by dealers is effective, advisable or desirable, except to the extent that such communication is necessary for the purpose of engaging in joint advertising.

D. Continuing a meeting of Cleveland Oldsmobile Connection, or any committee or board thereof, at which any dealer makes any statement to any such meeting concerning one or more dealers' policies, practices or decisions relating to the advertising or publishing of prices of motor vehicles or whether the advertising or publishing of prices of motor vehicles by dealers is effective, advisable or desirable, except to the extent that such statements are necessary for the purpose of engaging in lawful joint advertising.

III

It is further ordered, That nothing contained in Paragraph II above shall be construed to prohibit Cleveland Oldsmobile Connection from formulating, adopting, disseminating and enforcing lawful guidelines concerning advertisements that Cleveland Oldsmobile Connection reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

IV

It is further ordered, That Cleveland Oldsmobile Connection:

A. Mail a copy of this order to each of its members within thirty (30) days after the date this order becomes final; and

B. Provide each new Cleveland Oldsmobile Connection member with a copy of this order at the time the member is accepted into membership.

C. File with the Commission within sixty (60) days after this order becomes final and annually on the anniversary date of the original report for each of the three (3) years thereafter, a report, in writing, signed by the respondent, setting forth in detail the manner and form in which it has complied and is complying with this order; and

D. Notify the Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, change of name, or other action resulting in the emergence of the successor association or any other change in respondent that may affect compliance obligations arising out of this order.

Agreement Containing Consent Order to Cease and Desist

In the matter of Dowd Oldsmobile, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Dowd Oldsmobile, Inc., a corporation, and it now appearing that Dowd Oldsmobile, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is Hereby Agreed by and between Dowd Oldsmobile, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Dowd Oldsmobile, Inc., is a corporation

organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at 2958 Mayfield Road, Cleveland Heights, Ohio 44118.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

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

(d) Any claim under the Equal Access to Justice Act.

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

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

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

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

Order

I

It is Ordered, That, for purposes of this order, the following definitions apply:

A. "Dowd Oldsmobile" means Dowd Oldsmobile, Inc., as well as its officers, directors, employees, agents, subsidiaries, divisions, successors and assigns.

B. "Dealer" means any person, corporation, partnership, association, joint venture, trust, or any other organization or entity, but not governmental entities, that receives on consignment or purchases motor vehicles for sale or lease to the public, and any director, officer, employee, representative or agent of any such entity.

C. "Other dealer" means any dealer not affiliated by total or partial [ten (10) percent or more] common ownership with Dowd Oldsmobile, Inc.

D. "Dealer association" means any group, organization or entity, whether incorporated or unincorporated, composed of dealers and existing for their mutual benefit.

E. "Metropolitan Cleveland area" means the Cleveland, Ohio metropolitan area, comprising Cuyahoga County, Geauga County, Lake County and Medina County, in the State of Ohio.

II

It is further ordered, That Dowd Oldsmobile, directly or indirectly, or through any corporate or other device, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, cease and desist from:

A. Entering into, organizing, encouraging, carrying out, continuing or enforcing any agreement or understanding, either express or implied, with any other dealer or with any dealer association which has the purpose or effect of:

1. Restricting, regulating or impeding the advertising or publishing by any dealer of any price, term or condition of sale or lease of any motor vehicle.

2. Coercing, influencing, encouraging or persuading any dealer or dealer association to maintain, adopt or adhere to any policy or practice that restricts, regulates or impedes the advertising or publishing by any dealer of any price, term or condition of sale or lease of any motor vehicle.

3. Coercing, influencing, encouraging or persuading any dealer or dealer association to change its advertised or published prices.

B. For a period of five (5) years after the date this order becomes final, communicating with any Oldsmobile dealer in the metropolitan Cleveland area any information concerning any intention or decision of Dowd Oldsmobile relating to the advertising or publishing of prices of motor vehicles or the effectiveness, advisability, or desirability of advertising or publishing prices of motor vehicles, except to the extent that such action is necessary for the purpose of engaging in joint advertising.

III

It is further ordered, That nothing contained in Paragraph II above shall be construed to prohibit Dowd Oldsmobile from participating in the formulation, adoption, dissemination and enforcement by a dealer association of lawful guidelines concerning advertisements that the dealer association reasonably believes would be false or deceptive within the meaning of Section 5 of the Federal Trade Commission Act.

IV

It is further ordered, That respondent shall:

A. File with the Commission within sixty (60) days after this order becomes final and annually on the anniversary date of the original report for each of the three (3) years thereafter, a report, in writing, signed by the respondent, setting forth in detail the manner and form in which it has complied and is complying with this order; and

B. Notify the Commission at least thirty (30) days prior to any proposed

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

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted agreements to proposed consent orders from Dowd Oldsmobile, Inc.; Earl Oldsmobile, Inc.; Fred Stecker Oldsmobile, Inc.; Ganley Oldsmobile, Inc.; Gene Norris Oldsmobile-GMC, Inc.; Hern Oldsmobile-GMC Truck, Inc.; Reliable Oldsmobile, Inc.; Zalud Oldsmobile, Inc. ("proposed dealer respondents"); and Cleveland Oldsmobile Connection. The agreements would settle charges by the Commission that the proposed dealer respondents and Cleveland Oldsmobile Connection violated Section 5 of the Federal Trade Commission Act by conspiring to refrain from advertising the prices of new Oldsmobiles.

The proposed consent orders have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements or make final the agreements' proposed orders.

The Complaint

A complaint prepared for issuance by the Commission along with the proposed consent orders alleges that Cleveland Oldsmobile Connection organized a conspiracy among proposed dealer respondents to refrain from advertising the prices of new Oldsmobiles.

The complaint alleges the following facts, among others. Cleveland Oldsmobile Connection is an unincorporated association composed entirely of Oldsmobile dealers and existing for their mutual benefit. During the period 1980–85, proposed dealer respondents were members of Cleveland Oldsmobile Connection, formerly called North Coast Nine. From as early as 1980, and continuing until at least May 1985, proposed dealer respondents placed few price advertisements for new Oldsmobiles. During the same time period, dealers of automobiles other than Oldsmobiles frequently advertised the prices of new automobiles.

The complaint alleges that the conspiracy unreasonably restrained competition among Oldsmobile dealers in the metropolitan Cleveland, Ohio, area and injured consumers. The complaint alleges the conspiracy constitutes an unfair method of competition in violation of Section 5 of the Federal Trade Commission Act.

The Proposed Consent Orders

Cleveland Oldsmobile Connection

Part I of the proposed consent order contains definitions of terms used in the order.

Part II.A prohibits Cleveland Oldsmobile Connection from entering into any agreement to restrict the advertising of any price, term or condition of sale or lease of any motor vehicle. Part II.B prohibits Cleveland Oldsmobile Connection from encouraging or attempting to encourage any dealer to adopt or adhere to any policy that restricts such advertising. Part II.C prohibits Cleveland Oldsmobile Connection from communicating with any dealer member about the policies or practices of any other dealer with respect to such advertising or whether advertising motor vehicle prices is advisable, except to the extent that such communication is necessary for the purpose of engaging in joint advertising. Part II.D prohibits Cleveland Oldsmobile Connection from continuing a meeting at which any dealer makes any statement concerning policies relating to the advertising of prices of motor vehicles or the advisability of such advertising, except to the extent necessary for the purpose of engaging in joint advertising.

Part III provides that nothing contained in Part II of the order shall be construed to prohibit Cleveland Oldsmobile Connection from formulating, adopting, disseminating or enforcing lawful guidelines concerning advertisements that the association reasonably believes would be false or deceptive under Section 5 of the Federal Trade Commission Act.

Part IV requires that Cleveland Oldsmobile Connection mail a copy of the order to each of its members, and provide each new member with a copy of the order, file periodic compliance reports; and notify the Commission thirty (30) days prior to any proposed change in Cleveland Oldsmobile Connection.

Proposed Dealer Respondents

Part I of the proposal consent order contains definitions of terms used in the order.

Part II.A prohibits each dealer from entering into any agreement to restrict the advertising of any price, term or condition of sale or lease of any motor vehicle, to encourage any dealer to adopt any practice that restricts such advertising, or to encouarge any dealer or dealer association to change its advertised prices.

Part II.B prohibits each dealer from communicating with any Oldsmobile dealer in the metropolitan Cleveland area about their intentions relating to the advertising of prices or about the advisability of advertising automobile prices for a period of five (5) years, except to the extent necessary for the purpose of engaging in joint advertising.

Part III provides that nothing contained in Part II of the order shall be construed to prohibit the dealers from participating in a dealer association's activities relating to lawful guidelines concerning advertisements that the association reasonably believes would be false or deceptive under Section 5 of the Federal Trade Commission Act.

Part IV requires that each dealer provide the Commission with compliance reports sixty (60) days after the order becomes final and annually for three (3) years thereafter, and that the Commission be notified thirty (30) days prior to any proposed change in any dealer.

The purpose of this analysis is to facilitate public comment on the proposed orders, and it is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 89–24854 Filed 10–19–89; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. C–3262]

Pepsico, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Pepsico to allow General Cinema Corp. (GCC) to continue distributing non-Pepsi brands in Broward County, Fla. and the Staunton, Va. area, and requires Pepsico to obtain prior Commission approval, for five years, for any carbonated soft drink asset acquisition in those two areas and to notify the Commission of any acquisition that would create substantial overlaps.

DATE: Complaint and Order issued June 29, 1989.[1]

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

SUPPLEMENTARY INFORMATION: On Thursday, March 30, 1989, there was published in the **Federal Register**, 54 FR 13073, a proposed consent agreement with analysis in the Matter of Pepsico, Inc., et al. for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 89–24855 Filed 10–19–89; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement 004]

Project Grants for Preventive Health Services Sexually Transmitted Diseases Prevention

Introduction: The Centers for Disease Control (CDC) announces that grant applications are to be accepted for the prevention and control of Sexually Transmitted Diseases (STD).

Authority: This program is authorized under section 318(c) of the Public Health Service Act (42 U.S.C. 247c) as amended. Public and professional education activities authorized under sections 318 (b) (3) and (4) of the Act and integral to State control programs are also a part of these grants. Regulations governing the implementation of this legislation are covered under 42 CFR part 51b, subparts A and D.

Eligible Applicants: Eligible applicants for this program are the official public health agencies who are current recipients of Project Grants for Preventive Health Services Sexually Transmitted Diseases Prevention.

Availability of Funds: Based on the President's budget, approximately $60,600,000 is expected to be available in Fiscal Year 1990 to award 64 competing continuation grants.

The average award is expected to be $940,000, ranging from $89,000 to $5,500,000. Awards are usually funded for 12-month budget periods within a 3 year project period. No new grants are expected to be made in 1990 since current grantees are conducting activities in all political jurisdictions in the United States. Funding estimates outlined above may vary and are subject to change.

Purpose: Project Grants for the Prevention and Control of Sexually Transmitted Diseases are awarded to State and local governments to assist them in carrying out disease prevention activities. These funds are intended to supplement State and local funds and to insure that nationwide, coordinated efforts are undertaken to control STD of highest national significance.

Program Requirements: Based on priorities established each applicant should carry out the following program activities:

1. Surveillance

Develop and implement a comprehensive active surveillance system for adult and pediatric STD, specifically syphilis, gonorrhea, and chlamydia.

2. Health Education and Risk Reduction

In conjunction with the State/local HIV prevention program, each project should develop targeted knowledge, attitudes, beliefs, and behaviors (KABB) surveys specific to the population of STD patients seen in their high incidence areas. Survey results should be used to develop education programs.

3. Case Prevention and Containment

Preventable cases of STD, specifically syphilis, gonorrhea, and chlamydia, continue to occur in the United States. By definition, preventable cases of these STD include all cases occurring in persons for whom one or more of the currently recommended interventions should have been utilized but were not. interventions should include:

A. Conducting routine screening in populations at increased risk which can result in the early identification and treatment of infected individuals. Screening among populations at low risk is not cost effective.

B. Providing recommended treatment to patients and their sexual partners consistent with the "CDC STD Treatment Guidelines for STD" and within time frames to prevent disease transmission.

C. Routinely providing, at a minimum, partner notification services to all persons infected with primary or secondary syphilis or early latent syphilis under 1 year duration. Similar services should be provided to persons with gonorrhea or chlamydia based on local priorities and the availability of funds.

4. Coordination with HIV Prevention Activities

Special emphasis should be placed on coordinating efforts with the HIV prevention program to ensure prevention of HIV infection as well as STD prevention and control. Activities should be coordinated with existing HIV prevention activities, especially HIV counseling/testing services, drug treatment initiatives, clinic-based assessments (KABB surveys), public information, and outreach to racial/ethnic minority and drug using populations.

5. Training and Education

Prevention of both STD and HIV infection must begin with quality education and training programs. School-based and provider-based education and training programs should be an integral part of all STD programs.

6. Laboratory Services

Applicants should ensure that laboratory services necessary to support STD programs are readily available and accessible.

7. Information Systems

Applicants should ensure that management information systems are established to provide timely information and to monitor and describe problems and their distribution in time, place, and person.

8. Evaluation and Quality Assurance

STD prevention and control programs should routinely assess program activities to:

A. Quantify activities and services provided;

B. Assess efficiency and effectiveness of the program or its components;

C. Assess quality of services; and

D. Determine the health benefits for target populations.

Evaluation Criteria

1. Competing Applications

Competing applications will be reviewed and evaluated according to the following criteria:

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

A. The need for program support, as evidenced by a needs assessment, that identifies specific areas for targeting disease specific interventions;

B. The extent to which those applicants receiving assistance in the previous budget period satisfactorily document progress in meeting prior year project objectives and reporting requirements;

C. The extent to which the proposed objectives are specific, measurable, time-phrased, and related to the priority national program objectives;

D. The extent to which applicants provide a plan for reducing early and congenital syphilis, particularly applicants serving in the 34 geographic areas which have the highest number of cases of early syphilis as reported to CDC during FY 1988;

E. For applicants requesting support for gonorrhea or chlamydia control, the extent to which the size of the problem has been established and the proposed activities are likely to impact on disease transmission;

F. The potential success of the methods of operation in meeting the proposed objectives;

G. The extent to which the applicant utilizes STD surveillance data to target and evaluate program activities;

H. The extent to which the applicant intends to collaborate with other organizations (e.g., community health centers, community groups, churches, AIDS service organizations, schools, State/local drug abuse authorities) involved in HIV/STD prevention and education programs;

I. The extent to which the applicant addresses coordination with HIV prevention activities, especially in counseling testing/partner notification activities, drug treatment initiatives, public information, and minority outreach;

J. The extent to which each program element is addressed by the applicant and will result in a balanced program of service delivery, active surveillance of disease, assessment, disease intervention, public and professional education, and STD counseling and partner notification;

K. The extent to which groups disproportionately affected by STD including racial/ethnic minority and other affected populations, have been involved in an assessment of program needs and in program planning; and the extent to which the applicant proposes, as evidenced by letters of support, to involve racial/ethnic minority and other community groups in implementing and evaluating all program activities; and

L. The quality of the applicant's evaluation plan in measuring the accomplishment objectives.

In addition, consideration will be given to the appropriateness and reasonableness of the budget request and the proposed use of project funds.

2. Noncompeting Continuation Applications

Noncompeting continuation applications within an approved project period will be evaluated on the basis of satisfactory progress in meeting project objectives; the extent to which objectives for the new budget period are specific, quantifiable, time-phased, realistic, and consistent with the priority national program objectives; the extent to which changes in methods of operation and evaluation plans are likely to enhance the success of the project; and the availability of funds.

Funding Priorities

Priority will be given to support interventions to reduce cases of early and cogenital syphilis in all areas of the country. Federal funds will be targeted to those eligible areas which reported to CDC in calendar year 1988 the largest number of cases of early syphilis.

E.O. 12372 Review

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs, (Ref: 45 CFR part 100).

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 13.977, Preventive Health Services-Sexually Transmitted Diseases Control.

Application Submission and Deadline

The original and two copies of the application (Form PHS 5161–1) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 300, Atlanta, GA 30305, on or before October 23, 1989.

1. Deadline

Applications shall be considered as meeting the deadline if they are either:

A. Received on or before the deadline date, or

B. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications

Applications which do not meet the criteria in 1. A. or B. above are considered late applications. Late applications will not be considered in the current funding cycle and will be returned to the applicant.

Where to Obtain Additional Information: Information on application procedures, copies of application forms, and other material may be obtained from Marsha A. Jones, or Gordon R. Clapp, Grants Management Specialists, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 300, Atlanta, GA 30305, (404) 842–6640 or FTS 236–6640.

Announcement Number 004, "Project Grants for Preventive Health Services Sexually Transmitted Disease Prevention," must be referenced in all requests for information pertaining to these projects.

Technical assistance may be obtained from Jack Kirby, Division of Sexually Transmitted Diseases, Center for Prevention Services, Centers for Disease Control, Atlanta, GA 3033, telephone (404) 639–1286 or FTS 236–1286. Technical assistance may also be obtained from the Director, Division of Preventive Health Services, in the appropriate HHS Regional Office.

Dated: October 16, 1989.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 89–24782 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–18–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 29, 1989.

(For a copy of package, call the FSA, Reports Clearance Officer on 202–252–5604.)

Carryover and Reallotment Report—0970–0060—The information collected is used to determine the amount of funds to be held available for the following

fiscal year and the amount, if any, available for reallotment. The information is also included in a report to the Senate Appropriations Committee and in an Annual Report to Congress, as required in section 2610 of the LIHEAP statute.

Respondents: State or local governments and Tribes,

Number of Respondents: 177;

Frequency of Response: 1;

Average Burden per Response: 3 hours;

Estimated Burden: 531 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 OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3201, 725 17th Street NW., Washington, DC 20503.

Dated: October 12, 1989.

Naomi B. Marr,

Associate Administrator, Office of Management and Information Systems, FSA.

[FR Doc. 89-24750 Filed 10-19-89; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 89M-0407]

Johnson & Johnson Patient Care, Inc.; Premarket Approval of INTERCEED™ (TC7) Absorbable Adhesion Barrier

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Johnson & Johnson Patient Care, Inc., New Brunswick, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the INTERCEED ™ (TC7) Absorbable Adhesion Barrier. After reviewing the recommendation of the Obstetrics-Gynecology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 15, 1989, of the approval of the application.

DATE: Petitions for administrative review by November 20, 1989.

ADDRESS: Written request for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raju G. Kammula, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1180.

SUPPLEMENTARY INFORMATION: On December 19, 1988, Johnson & Johnson Patient Care, Inc., New Brunswick, NJ 08903, submitted to CDRH an application for premarket approval of the INTERCEED ™ (TC7) Absorbable Adhesion Barrier, a sterile absorbable off-white knitted fabric prepared by the controlled oxidation of regenerated cellulose and indicated as an adjuvant in gynecologic pelvic surgery for reducing the incidence of postoperative pelvic adhesions after hemostasis is achieved consistent with microsurgical principles.

On April 10, 1989, the Obstetrics-Gynescology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 15, 1989, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Raju G. Kammula (HFZ-470), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 20, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 306e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 12, 1989.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 89-24813 Filed 10-19-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89M-0388]

Menicon Co., Ltd.; Premarket Approval of Menicon SF-P (Melafocon A) Rigid Gas Permeable Contact Lens (Clear and Blue Tinted)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Menicon Co., Ltd., Naka-Ku, Nagoya, Japan, for premarket approval, under the Medical Device Amendments of 1976, of the spherical Menicon SF-P (melafocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted). After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 1, 1989, of the approval of the application.

DATE: Petitions for administrative review by November 20, 1989.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management

Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1080.

SUPPLEMENTARY INFORMATION: On December 16, 1988, Menicon Co., Ltd., Naka-Ku, Nagoya, Japan, submitted to CDRH an application for premarket approval of the Menicon SF–P (melafocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted). The spherical lens is indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who exhibit astigmatism of 3.00 diopters (D) or less that does not interfere with visual acuity. The spherical lens ranges in powers from −25.00 D to +9.75 D and is to be disinfected using the chemical lens care system recommended in the approved labeling. The blue tinted lens contains the color additive D&C Green No. 6 in accordance with the color additive listing provisions of 21 CFR 74.3206.

On April 14, 1989, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 1, 1989, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above. The labeling of the Menicon SF–P (melafocon A) Rigid Gas Permeable Contact Lens (clear and blue tinted) states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 20, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 12, 1989.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 89–24814 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89M–0408]

Pharmacia Ophthalmics, Inc.; Premarket Approval of Model UV65 Ultraviolet-Absorbing Anterior Chamber Intraocular Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Pharmacia Ophthalmics, Inc., Monrovia, CA, for premarket approval under the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), of the Model UV65 Ultraviolet-Absorbing Anterior Chamber Intraocular Lens. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 20, 1989, of the approval of the application.

DATE: Petitions for administrative review by November 20, 1989.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Drive, Rockville, MD 20850, 301–427–1212.

SUPPLEMENTARY INFORMATION: On September 30, 1988, Pharmacia Ophthalmics, Inc., Monrovia, CA 91017–7136, submitted to CDRH an application for premarket approval of the Model UV65 Ultraviolet-Absorbing Anterior Chamber Intraocular Lens. The device is indicated for use in the anterior chamber for the visual correction of aphakia in patients 60 years of age or older who are undergoing: (1) A primary intracapsular cataract extraction or (2) a primary extracapsular cataract extraction provided that this be performed after the physician has compared the published results or his/her own results from the anterior chamber lens with data from posterior chamber lenses or (3) a primary extracapsular cataract extraction where there is a structural reason that the UV65 is preferred (secondary intent) or (4) a secondary procedure in an aphakic patient. The device is available in a range of powers from 6 diopters (D) through 30 D in 0.5 D increments.

On January 26, 1989, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 20, 1989, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

Under the amendments, intraocular lenses are regulated as class III devices (premarket approval).

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ–460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 20, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 12, 1989.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 89–24815 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89N–0431]

Open Public Meeting; Educational Materials for Users of Central Venous Catheters

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a 1-day open public meeting to discuss the development of educational materials for clinical practitioners that can lead to a reduction in the incidence of catheter-related complications. FDA is inviting interested persons, including device manufacturers, health professional organizations, industry, consumer groups, and health educators to attend the meeting. Because of space constraints, attendance will be allowed only for those persons who make telephone reservations.

DATES: The meeting will be held Monday, October 23, 1989, 9 a.m. to 5:30 p.m. Telephone reservations regarding attendance should be made with the contact person listed below by October 20, 1989. Interested persons, whether or not they are able to attend, may submit written comments on the issues described in this notice by November 30, 1989.

ADDRESSES: The meeting will be held at the Twinbrook Bldg. No. 4, Rms. 416–418, 12720 Twinbrook Pkwy., Rockville, MD 20857. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, referencing the docket number found in brackets in the heading of this notice.

FOR FURTHER INFORMATION CONTACT: Walter L. Scott, Center for Devices and Radiological Health (HFZ–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1002.

SUPPLEMENTARY INFORMATION: Medical device reporting data submitted to FDA under 21 CFR part 803 has indicated an appreciable and recurring number of device complication reports associated with the use of central venous catheters (CVC's). In response to this, FDA is developing an educational program to elevate the awareness of the practitioner to the complications associated with the use of CVC's. For example, FDA has published an article for practitioners, presenting recommendations for the safe placement of CVC's, in the FDA Drug Bulletin (July 1989), as well as in professional organization media. The agency is considering recommendations to the industry that catheter labeling indicate the danger of placing the catheter tip in a cardiac chamber. Additionally, the agency is engaged in the development of an educational video directed to CVC complications and in developing educational materials on CVC maintenance.

Summary minutes of the meeting will be made available from the Dockets Management Branch (address above). Interested persons who will be unable to attend the meeting may submit written comments that set forth their view on the issues outlined in this notice to the Dockets Management Branch. Submission of written comments is encouraged. Any comments will be carefully considered before the educational materials are approved for use.

Dated: October 13, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory affairs.

[FR Doc. 89–24816 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–01–M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) a request for approval of an information collection for the State Plan for the Basic State Grant Program under the Developmental Disabilities Assistance and Bill of Rights Act.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245–6275.

Written comments and questions regarding the requested approval for information collection should be sent

directly to Justin Kopca, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3208, 725 17th Street, NW., Washington, DC 20503 (202) 395–7316.

Information on Document

Title: State Plan for the Basic State Grant Program
OMB No.: 0980–0162
Description: The Developmental Disabilities State Plan provides information on the developmentally disabled population of each State and a description of the service needs of the population. The State Plan sets forth the goals and specific objectives to be achieved by the State in meeting the service needs of the developmentally disabled population and describes the State priorities, strategies, actions, and the allocation of funds to meet these goals and objectives.
Annual Number of Respondents: 56
Annual Frequency: 1
Average Burden Hours Per Response: 100
Total Burden Hours: 5,600

Dated: October 16, 1989.

Donna Givens,

Deputy Assistant Secretary for Human Development Services.

[FR Doc. 89–24751 Filed 10–19–89; 8:45 am]

BILLING CODE 4130–01–M

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting of the National Digestive Diseases Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on November 5–6, 1989. The meeting will begin at approximately 5:30 p.m. November 5, 1989, with a dinner and informal colloquy. The Board will reconvene at 8:30 a.m. November 6, 1989, and adjourn by 3:30 p.m. The meeting, which will be open to the public, will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22032. The Board is meeting to discuss its activities and to continue evaluation of the implementation of the long-range digestive diseases plan. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 496–6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: October 13, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89–24809 Filed 10–19–89; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages 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 requests have been submitted to OMB since the list was last published on Friday, October 13, 1989.

(Call PHS Reports Clearance Officer on 202–245–2100 for copies of package)

1. Infant Formula Recall Regulations—21 CFR part 107—0910–0188—The subject regulations establish certain reporting procedures and mandatory recordkeeping requirements necessary to perform an effective recall. Respondents are those infant formula manufacturers who decide to initiate a recall of their infant formula products. Respondents: Businesses or other for-profit; non-profit institutions, small businesses or organizations.

	Number of respond-ents	Number of hours per re-sponse	Number of re-sponses per respond-ent
Infant formula recall elements/ strategy Reporting 107.230, 240, 250, and 260	1	6,752	1
Records Retention Recordkeeping 107.280	4	370	1

Estimated Annual Burden..... 8,232 hours

2. 1990 National Health Interview Survey—0920–0214—The National Health Interview Survey, an ongoing survey of the civilian, noninstitutionalized population, monitors the Nation's health. The 1990 NHIS will include supplements on "Assistive Devices", "Podiatry", "Health Promotion and Disease Prevention", "AIDS Knowledge and Attitudes", "Hearing", and "Income". Respondents: Individuals or households; Number of Respondents: 48,500; Number of Responses per Respondent: 1; Average Burden per Response: 1.49 hours; Estimated Annual Burden: 72,274 hours.

3. National Disease Surveillance Program—1. Case Reports—020–0009—Case reports on notifiable diseases furnished by State and Territorial health departments provide information on epidemiological characteristics (age, sex, geographic location, etc.) that contribute toward resolving public health problems. Data are used to detect epidemiologic trends or locate cases requiring control efforts. Respondents: State or local government; Number of Respondents: 55; Number of Responses per Respondent: 1,744.5; Averge Burden per Response: .287 hours; Estimated Annual Burden: 27, 598 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Written comments and recommendations for the proposed information collections 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.

Dated: October 16, 1989.

James M. Friedman,

Acting Deputy Assistant Secretary for Health (Planning and Evaluation).

[FR Doc. 89–24872 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Benzyl Alcohol

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of benzyl alcohol, used primarily as a co-additive in the textile dyeing industry. This chemical is also used in the manufacture of other benzyl compounds and as a solvent for gelatin, casein, cellulose acetate and shellac. It is an ingredient in perfumes and food flavorings, is used as an embedding material in microscopy and as a bacteriostat in pharmaceuticals.

Toxicology and carcinogenesis studies were conducted by administering doses of 0, 200, or 400 mg/kg benzyl alcohol in corn oil by gavage, 5 days per week for 103 weeks, to groups of 50 rats of each sex. Groups of 50 mice of each sex were

administered 0, 100, or 200 mg/kg according to the same schedule.

Under the conditions of these 2-year gavage studies, there was no evidence of carcinogenic activity [1] of benzyl alcohol for male or female F344/N rats dosed with 200 or 400 mg/kg. Survival in both dose groups of female rats was 50% that of vehicle controls, primarily due to an increased number of gavage-related deaths. There was no evidence of carcinogenic activity of benzyl alcohol for male or female B6C3F1 mice dosed with 100 or 200 mg/kg for 2 years.

The study scientist for these studies is Dr. Michael P. Dieter. Questions or comments about the conduct of this Technical Report should be directed to Dr. Dieter at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3368.

Copies of Toxicology and Carcinogenesis Studies of Benzyl Alcohol in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR 343) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3991; FTS: 629–3991.

Dated: October 17, 1989.

David P. Rall,

Director.

[FR Doc. 89–24810 Filed 10–19–89; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Hydrochlorothiazide

The HHS' National Toxicology Program announces the availability of the NTR Technical Report on the toxicology and carcinogenesis studies of hydrochlorothiazide, used primarily as a diuretic.

Toxicology and carcinogenesis studies were conducted by feeding diets containing 0, 250, 500 or 2,000 ppm hydrochlorothiazide to groups of 50 male and 50 female rats for 105–106 weeks. Diets containing 0, 2,500, or 5,000 ppm hydrochlorothiazide were fed to groups of 50 male and 50 female mice for 103–104 weeks.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity [1] of hydrochlorothiazide for male or female F344/N rats given feed containing 250, 500, or 2,000 ppm hydrochlorothiazide. There was equivocal evidence of carcinogenic activity of hydrochlorothiazide for male B6C3F1 mice, based on increased incidences of hepatocellular neoplasms. There was no evidence of carcinogenic activity for female B6C3F1 mice given diets containing 2,500 or 5,000 ppm hydrochlorothiazide.

Chronic renal disease was more severe in rats administered hydrochlorothiazide, and increased incidences of secondary lesions (parathyroid hyperplasia, fibrous osteodystrophy, and mineralization in multiple organs) occurred in dosed rats.

The study scientist for these studies is Dr. John R. Bucher. Questions or comments about the conduct of this Technical Report should be directed to Dr. Bucher at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–4532.

Copies of Toxicology and Carcinogenesis Studies of Hydrochlorothiazide in F344/N Rats and B6C3F1 Mice (Feed Studies) (TR 357) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3991; FTS: 629–3991.

Dated: October 17, 1989.

David P. Rall,

Director.

[FR Doc. 89–24811 Filed 10–19–89; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of 8-Methoxypsoralen

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of 8-methoxypsoralen, used in the treatment of vitiligo and psoriasis.

Toxicology and carcinogenesis studies were conducted by administering 0, 37.5, or 75 mg/kg 8-methoxypsoralen in corn oil by gavage, 5 days per week for 103 weeks, to groups of 50 F344/N rats of each sex.

Under the conditions of these 2-year gavage studies, there was clear evidence of carcinogenic activity [1] of 8-methoxypsoralen (without ultraviolet radiation) for male F344/N rats, as shown by increased incidences of tubular cell hyperplasia, adenomas, and adenocarcinomas of the kidney and carcinomas of the Zymbal gland. Subcutaneous tissue fibromas and alveolar-bronchiolar adenomas of the lung in male F344/N rats may have been related to chemical administration. Dose-related nonneoplastic lesions in male F344/N rats included increased severity of nephropathy and mineralization of the kidney and forestomach lesions. There was no evidence of carcinogenic activity of 8-methoxypsoralen for female F344/N rats given the chemical at 37.5 or 75 mg/kg per day for two years.

The study scientist for these studies is Dr. June K. Dunnick. Questions or comments about the conduct of this Technical Report should be directed to Dr. Dunnick at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–4811.

Copies of Toxicology and Carcinogenesis Studies of 8-Methoxypsoralen in F344/N Rats (Gavage Studies) (TR 359) are available without charge from the NTP Public Information Office, MD B2–04, P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3991; FTS: 629–3991.

Dated: October 17, 1989.

David P. Rall,

Director.

[FR Doc. 89–24812 Filed 10–19–89; 8:45 am]

BILLING CODE 4140–01–M

Secretary's Council on Health Promotion and Disease Prevention; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting of the Secretary's Council on Health Promotion and Disease Prevention, scheduled to meet Wednesday, November 15, 1989.

Name: Secretary's Council on Health Promotion and Disease Prevention

[1] The NTP uses five categories of evidence of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); and one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

[1] The NTP uses five categories of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); and one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

[1] The NTP uses five categories of carcinogenic activity to summarize the strength of the evidence observed in each experiment: two categories for positive results ("clear evidence" and "some evidence"); one category for uncertain findings ("equivocal evidence"); one category for no observable effects ("no evidence"); and one category for experiments that because of major flaws cannot be evaluated ("inadequate study").

Date and Time: November 15, 1989, 9:00 am to 4:30 pm

Place: National Library of Medicine, Board Room, 8600 Rockville Pike, Rockville, Maryland 20892.

Open, except for working lunch, 12:00–1:30 pm

Purpose: The Secretary's Council on Health Promotion and Disease Prevention is charged to provide advice to the Secretary and to the Assistant Secretary for Health on national goals and strategies to achieve those goals for improving the health of the Nation through disease prevention and health promotion.

Agenda: This will be the fifth meeting of the Secretary's Council. The theme of this meeting is "Building and Serving Community Health Promotion Programs for Low-Income and Minority People." Speakers will include Dr. Alvin Tarlov, President of the Kaiser Family Foundation, and Dr. Donald Lindberg, Director, National Library of Medicine.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Linda M. Harris, Ph.D., Staff Director for the Council, Office of Disease Prevention and Health Promotion, Public Health Service, U.S. Department of Health and Human Services, Washington, DC 20201, Telephone (202) 472–5370.

Agenda items are subject to change as priorities dictate.

Dated: October 13, 1989.

J.M. McGinnis,

Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 89–24737 Filed 10–19–89; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–89–1917; FR–2606–42–N]

Underutilized and Unutilized Federal Buildings and Real Property Determined To Be Suitable for Use for Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, 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: October 20, 1989.

ADDRESS: For further information, contact James Forsberg, room 7228, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755–6300; TDD number for the hearing- and speech-impaired (202) 755–5965. (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 is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess of surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the **Federal Register** identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency with respect to any property of such agency that has been idenified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Finally, in lieu of declaring any particular property as excess, the landholding agency may decide to make the property available to the homeless for use on an interim basis.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, Room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's **Federal Register** Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: James Folliard, Federal Property Resources Services, GSA, 18th and F Streets, NW, Washington, DC 20405 (202) 535–7067; U.S. Air Force: Bill Kimball, HQ–USAF/LEER, Washington, DC 20332–0500 (202) 767–4384.

Dated: October 13, 1989.

Stephen A. Glaude,

Deputy Assistant Secretary for Program Management.

Suitable Building (by State)

(Number of Properties [ ])

Texas

NS Pistol Range [2]
Hudson Road, Old Ft. McIntosh
Laredo, TX

Landholding Agency: GSA
Location: GSA #7–J–TX–517–M (excess)
Comment: 1200/64 sq. ft., 7.3 acres; shooting range and storage bldg., not all util.
LBJ Hospital [1]
10th St. and Avenue G
Johnson City, TX
Landholding Agency: GSA
Location: GSA #7–H–TX–1001 (excess), Blanco County
Comment: two story; 25,000 sq. ft.; environmental info unavailable

Unsuitable Building (by State)

(Number of Properties [ ])

Arizona

Luke AFB Bldg. 436 [1]
Luke Air Force Base
Litchfield Park, AZ
Landholding Agency: Air Force
Location: Buidling #436
Reason: Secured area
Comment: Possible Asbestos

Note.—Luke AFB Bldg. 246 was inadvertently listed twice in the **Federal Register** Notice of September 29, 1989 and Bldg. 436 was ommitted.

[FR Doc. 89–24710 Filed 10–19–89; 8:45 am]
BILLING CODE 4210–29–M

Office of Community Planning and Development

[Docket No. N–89–2070]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Community Planning and Development; HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

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

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for emergency processing, an information collection package with respect to the Emergency Shelter Grants Program.

The information collection requirements in this package are the result of amendments to the Emergency Shelter Grants Program contained in the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, P.L. 100–620 (approved November 7, 1988). The Department is requesting emergency review by October 27, 1989 so that HUD can meet the Noyember 7, 1989 statutory deadline established under the McKinney Amendments Act. The public is invited to submit comments on the information collection requirements contained in this rule by October 27, 1989 to the address listed above. Any control number issued by OMB to cover this emergency situation would be valid for no more than 90 days.

To ensure that the public has an adequate opportunity to comment on these information collection requirements, HUD also intends to submit the Emergency Shelter Grants Program notice to OMB for regular paperwork review. The public will then have an additional 60-day period in which to comment on the paperwork requirements.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 17, 1989.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

Proposal: Emergency Shelter Grants Program (FR–2562).

Office: Community Planning and Development.

Description: The information collection requirements contained in this paperwork package are necessasry to allow HUD to determine the eligibility of private nonprofit organizations or governmental entities to receiving funding under the Emergency Shelter Grants program, to assess the relative capability of these organizations to operate innovate programs for the homeless population, and to determine whether any adverse impact to the environment will result.

Form Number: None.

Respondents: State or Local Governments, tribes, and Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	Frequency of response	Hours per response	Burden hours
Application to HUD	375	1	1.00	375.00
Waiver requests to HUD	50	1	1.00	50.00
State certification that nonprofit applicant will provide local government certification of approval	50	1	.25	12.50
Homeless prevention non-supplanting certification	375	1	.25	93.75
Environmental review certification	375	1	.25	93.75
Uniform Relocation Act certification	375	1	.25	93.75
Assurance that displacement is minimized	375	1	.25	93.75
Drug Free Workplace Act certification	375	1	.25	93.75
Description of revised proposed use of funds	50	1	.50	25.00
Uniform Relocation Act appeals process	4	1	2.00	8.00

Estimated Burden Hours: 93
Status: Revision.
Contact: James N. Forsberg, HUD, (202) 755–6300; John Allison, OMB, (202) 395–6880.

Dated: October 17, 1989.

[FR Doc. 89-24891 Filed 10-19-89; 8:45 am]
BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On August 3, 1989, a notice was published in the **Federal Register** (Vol. 54, No. 148) that an application had been filed with the Fish and Wildlife Service by Envirosphere Company (PRT 740037) for a permit to conduct aerial surveys and vessel observations of walruses in the Chukchi Sea.

Notice is hereby given that on September 27, 1989, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Office of Management Authority, 4401 Fairfax Drive, Room 430, Arlington, Va.

Dated: October 17, 1989.

Susan M. Lawrence,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 89-24823 Filed 10-19-89; 8:45 am]
BILLING CODE 4310-AN-M

Bureau of Land Management

[ID-010-00-4332-08; FES 89-23]

Results of Wilderness Study Concerning Owyhee County, Idaho, Malheur County, Oregon and Elko County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of a final Environmental Impact Statement (EIS) concerning the suitability or nonsuitability for wilderness designation of a total of 446,067 acres of Wilderness Study Area (WSA) lands within eight WSAs and 4,205 acres of adjoining non-WSA lands along the Owyhee River and its tributaries in southwestern Idaho's Owyhee County, southeastern Oregon's Malheur County, and northern Nevada's Elko County.

SUMMARY: This EIS documents the expected effects of managing eight WSAs as wilderness or nonwilderness.

Six alternatives for management are described and analyzed. The six alternatives are (1) manage 377,560 acres of public land as wilderness and 70,782 acres as nonwilderness (Bureau of Land Management's proposed action); (2) manage all of the public land in the study as nonwilderness and expand the existing 65 miles of Owyhee Wild River designation to a total of 131 miles; (3) manage all of the public land in the study as nonwilderness and expand the existing 65 miles of Owyhee Wild River designation to 130 miles, leaving one mile undesignated to allow for expansion of an existing utility corridor; (4) manage 88,900 acres of public land within the river canyons as wilderness and 357,167 acres as nonwilderness; (5) manage 291,910 acres of existing and potential habitat for California bighorn sheep as wilderness, and manage 155,257 acres as nonwilderness; (6) manage all 450,272 acres in the eight WSAs as wilderness.

The names of the WSAs, the total acreage of each, and the proposed action for each are as follows:

Owyhee River Canyon, 224,400 acres in WSA, 185,740 acres recommended suitable;

Little Owyhee River, 24,600 acres in WSA, 8,460 acres recommended suitable;

Owyhee River-Deep Creek, 70,160 acres in WSA, 67,530 acres recommended suitable;

Yatahoney Creek, 9,990 acres in WSA, 9,550 acres recommended suitable; Battle Creek, 31,540 acres in WSA, 31,880 acres recommended suitable (includes acreage outside WSA);

Juniper Creek, 13,150 acres in WSA, 12,950 acres recommended suitable; South Fork Owyhee River, 50,352 acres in WSA, 47,925 acres recommended suitable;

Owyhee Canyon, 21,875 acres in WSA, 13,525 acres recommended suitable. Bureau of Land Management wilderness proposals ultimately will be forwarded by the Secretary of Interior and President to Congress. The decision on wilderness designation rests with Congress.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, District Manager, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, Telephone: (208) 334–1582.

SUPPLEMENTARY INFORMATION: A limited number of copies of this EIS may be obtained from the District Manager, Boise District Office, 3948 Development Avenue, Boise, Idaho, 83705. Copies are avaialble for inspection at the following location: Bureau of Land Management, Office of Public Affairs, Interior Building, 18th & C Street NW., Washington, DC 20240.

Dated: October 6, 1989.

Jonathan P. Deason,

Director, Office of Environmental Project Review.

[FR Doc. 89-24488 Filed 10-19-89; 8:45 am]
BILLING CODE 4310-GG-M

[UT-060-00-4333-09]

Availability of Environmental Assessments; Price River Resource Area; Utah

AGENCY: Bureau of Land Management, Moab, Utah.

ACTION: Notice of availability of two environmental assessments analyzing impacts of implementing the off-road vehicle decisions described in the Price River Management Framework Plan (MFP) September 1983, and analyzing impacts of allowing commercial land-based recreation guide services.

SUMMARY: The ORV implementation plan identifies only those actions essential to implement the ORV related decisions of the MFP. Public meetings were held and public comments were received and incorporated in the 1983 decisions.

The second programmatic environmental assessment has been prepared in response to proposed uses and anticipated applications for commercial special recreation permits to conduct activities such as guided horseback trips, llama-supported hiking trips, and educational tours within the Price River Resource Area.

Four wilderness study areas lie within the Price River Resource Area: Desolation Canyon, UT–060–068A; Jack Canyon, UT–060–068C; Turtle Canyon, UT–060–067; and Mexican Mountain, UT–060–054.

For a period of 30 days from the date of publication of the notice, interested parties may submit comments relating to the adequacy of the ORV environmental assessment (comments relating to the MFP decisions will not be incorporated), and comments for the commercial recreation guide services environmental assessment.

FOR FURTHER INFORMATION, please contact the Price River Resource Area, Bureau of Land Mangement, 900 North 700 East, Price, Utah 84501 (801–637–4584).

Dated: October 10, 1989.

Gene Nodine,

District Manager.

[FR Doc. 89–24808 Filed 10–19–89; 8:45 am]

BILLING CODE 4310–DQ–M

[MT–060–09–4333–11]

Off-Road Vehicle Designation; Valley County, Montana

AGENCY Bureau of Land Management, Interior.

ACTION: Notice to limit off-road vehicle use on public lands.

SUMMARY: Notice is hereby given that effective immediately the use of off-road vehicles (ORVs) is limited on public land within the south Valley block management area. This will be in effect during the bird and big game hunting season as established by Montana Department of Fish, Wildlife and Parks, Valley County, Montana, in accordance with the authority and requirements of regulation 43 CFR 8364.1.

DATE: This designation will only be in effect during the bird and big game hunting season which ends December 17, 1989.

FOR FURTHER INFORMATION CONTACT: Wayne, Zinne, District Manager, Bureau of Land Management (BLM), 80 Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The 27,824 acre south Valley block management area is administered by the BLM, Valley Resource Area, Lewistown District. This designation is the result of a cooperative effort among BLM, Page-Whitham Ranches, and Montana Department of Fish, Wildlife and Parks. The purpose of the desigantion is to prevent damage to soil and vegetative resources to open additional private and state lands for hunting, and to reduce landowner/recreationist conflicts so as to provide a higher quality hunt.

The south Valley block management area is located southwest of Glasgow along the Willow Creek and Stonehouse roads. It includes all lands within the Square Creek pastures in the Carpenter Creek allotment and Etchart farm unit.

Hunting within the described block will be subject to the following restrictions: no travel off of established routes; open firest prohibited; hunters must obtain permission through the block manager at the Willow Creek and Stonehouse road junctions.

Dated: October 11, 1989.

Duane Whitmer,

Acting District Manager.

[FR Doc. 89–24719 Filed 10–19–89; 8:45 am]

BILLING CODE 4310–DN–M

Minerals Management Service

Outer Continental Shelf Oil and Gas Lease Sales; List of Restricted Joint Bidders

Pursuant to the authority vested in the Director of the Minerals Management Service by the joint bidding provisions of 30 CFR 256.41, each entity within one of the following groups shall be restricted from bidding with any entity in any other of the following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period from November 1, 1989, through April 30, 1990. The List of Restricted Joint Bidders published in the **Federal Register** on April 14, 1989, at 54 FR 15029 covered the bidding period of May 1 through October 31, 1989.

Group I. Chevron Corp.; Chevron U.S.A. Inc.

Group II. Exxon Corp.; Exxon San Joaquin Production Co.

Group III. Shell Oil Co.; Shell Offshore Inc.; Shell Western E&P Inc.

Group IV. Mobil Oil Corp.; Mobil Oil Exploration and Producing Southeast Inc.; Mobil Producing Texas and New Mexico Inc.; Mobil Exploration and Producing North America Inc.

Group V. BP America Inc.; The Standard Oil Co.; BP Exploration Inc.; BP Exploration (Alaska) Inc.

Dated: October 13, 1989.

Edward M. Cassidy,

Deputy Director, Minerals Management Service.

[FR Doc. 89–24818 Filed 10–19–89; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Land Management

[MT–930–00–4212–12; MTM 72921]

Notice of Conveyance and Order Providing for Opening of Public Land in Carbon County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. No minerals were transferred in the exchange. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

EFFECTIVE DATE: December 13, 1989.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2941.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to Sec. 206 of FLPMA, the following described surface estate was transferred to the State of Montana:

Principal Meridian, Montana

T. 9 N., R. 12 E.,
Sec. 20, NW¼SE¼;
Sec. 28, S½NW¼;
Sec. 32, SE¼NE¼, NE¼SE¼.
T. 6 N., R. 15 E.,
Sec. 2, lots 11 and 12.
T. 9 N., R. 15 E.,
Sec. 6, SE¼NE¼.
T. 8 N., R. 19 E.,
Sec. 6, lots 4 and 5, SW¼NE¼, SE¼ NW¼.
T. 11 N., R. 19 E.,
Sec. 35, E½E½.
T. 4 N., R. 22 E.,
Sec. 6, SE¼NE¼.
T. 10 N., R. 29 E.,
Sec. 12, N½NW¼.
Aggregating 754.34 acres.

2. In exchange for the above-selected land, the United States acquired the following described surface estate:

Principal Meridian, Montana

T. 8 S., R. 28 E.,
Sec. 16, all.
T. 9 S., R. 27 E.,
Sec. 36, N½, E½SW¼, SE¼.
T. 9 N., R. 28 E.,
Sec. 16, all.
Aggregating 1,840 acres.

3. The values of the Federal public land were appraised at $47,645 and the values of the State land were appraised at $52,800.

Opening Date

4. At 9 a.m. on December 13, 1989, the following described lands that were conveyed to the United States of America will be opened to the operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications under the public land laws received at or prior to 9 a.m. on December 13, 1989, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: October 11, 1989.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 89-24734 Filed 10-19-89; 8:45 am]

BILLING CODE 4310-DN-M

[MT-930-00-4212-13; MTM 76695]

Notice of Conveyance and Order Providing for Opening of Public Land in Teton County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public and interested state and local governmental officials of the completion of a land exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), and the issuance of the conveyance documents. The order will open lands reconveyed to the United States, and certain lands that were segregated but not used in the exchange, to the operation of the public land laws. No minerals were transferred in the exchange.

The purpose of this exchange was to acquire non-Federal lands in Teton County along the Rocky Mountain front which have high public values for public access, recreational opportunities, and improved grazing and wildlife management. The land is valuable for mule deer and bighorn sheep winter range, a bighorn sheep lambing area, grayling and trout fisheries and waterfowl habitat. A number of widely scattered Federal parcels that were difficult to manage were transferred to private parties. The public interest was well served through completion of the exchange.

EFFECTIVE DATE: December 7, 1989.

FOR FURTHER INFORMATION CONTACT: Jim Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2935.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to section 206 of FLPMA, the following described surface estate was transferred to the parties shown:

Principal Meridian, Montana

Frank G. Kiedrowski and Kelly D. Kiedrowski

T. 36 N., R. 22 E.,
Sec. 14, SE¼NE¼. 40 acres

Joseph Francis Kinsella

T. 29 N., R. 17 E.,
Sec. 8, lot 2. 50.36 acres

William Cowan

T. 26 N., R. 17 E.,
Sec. 12, NW¼NW¼;
2Sec. 13, SE¼SW¼.
T. 26 N., R. 18 E.,
Sec. 18, SE¼SW¼.
T. 27 N., R. 18 E.,
Sec. 25, SE¼SE¼. 160 acres

Howard Sivertsen

T. 26 N., R. 18 E.,
Sec. 3, lot 4;
Sec. 9, NE¼SW¼;
Sec. 19, SE¼NE¼;
Sec. 20, NW¼NW¼.
T. 27 N., R. 18 E.,
Sec. 34, SW¼SW¼. 202.37 acres

Maddox Ranch Company

T. 37 N., R. 17 E.,
Sec. 12, SW¼SW¼. 40 acres

IX Ranch Company

T. 28 N., R. 13 E.,
Sec. 34, SE¼SW¼.
T. 26 N., R. 16 E.,
Sec. 34, SE¼NE¼.
T. 26 N., R. 17 E.,
Sec. 32, SW¼NE¼, S½SE¼. 200 acres

Triangle N Farms, Inc

T. 24 N., R. 7 E.,
Sec. 4, SW¼NE¼, SE¼NW¼, SW¼, SW¼. 120 acres

John E. Kelly and William K. Kelly

T. 24 N., R. 7 E.,
Sec. 2, SE¼NE¼.
T. 25 N., R. 7 E.,
Sec. 34, NE¼NW¼. 80 acres

Melvin Hoge or Judith F. Hoge

T. 23 N., R. 16 E.,
Sec. 5, lot 2, S½N½, NE¼SW¼, NW¼ SE¼. 279.96 acres

Edwarsd J. Yirsa

T. 23 N., R. 15 E.,
Sec. 13, NW¼SW¼. 40 acres

Lawrence Jappe

T. 23 N., R. 15 E.,
Sec. 14, NE¼. 160 acres

Worrall Bros. Farms

T. 25 N., R. 10 E.,
Sec. 5, SW¼NW¼. 40 acres.

Paul Verploegen

T. 37 N., R. 15 E.,
Sec. 28, W½SW¼. 80 acres

Turner Colony

T. 34 N., R. 25 E.,
Sec. 4, lot 2; Sec. 9, SE¼NE¼, E½SE¼;
Sec. 10, W½W½.
T. 35 N., R. 25 E.,
Sec. 34, NW¼NE¼. 359.78 acres

Aaron Lacox

T. 34 N., R. 23 E.,
Sec. 11, SW¼NE¼, SW¼NW¼, N½ SW¼, W½SE¼;
Sec. 14, N½NE¼;
Sec. 15, N½NW¼. 400 acres

Richard P. Bergum

T. 22 N., R. 14 E.,
Sec. 28, E½SW¼;
Sec. 33, N½NE¼, SE¼NE¼, NE¼NW¼. 240 acres

William D. Snapp and Hilda M. Snapp

T. 19 N., R. 20 E.,
Sec. 34, NE¼, E½NW¼, N½SE¼. 320 acres

Glen R. Irish and Esther E. Irish

T. 18 N., R. 20 E.,
Sec. 12, E½NE¼, NW¼NE¼, NE¼NW¼, E½SW¼, SE¼. 400 acres

Lund # Ranch, Inc

T. 18 N., R. 24 E.,
Sec. 14, S½S½;
Sec. 15, SW¼NE¼, NW¼NW¼, SE¼ NW¼, SE¼. 440 acres

Richard Hitchcock

T. 17 N., R. 14 E.,
Sec. 13, S½SE¼. 80 acres

Bruce W. Griffith and/or Gracia M. Griffith

T. 15 N., R. 23 E.,
Sec. 17, SE¼SW¼, S½SE¼. 120 acres

Leonard A. Miller and Bernice Bacon Miller

T. 14 N., R. 20 E.,
Sec. 7 E½SW¼, SW¼SE¼;
Sec. 18, NE¼NW¼. 160 acres

Carl A. Lindquist and/or Florence A. Linquist

T. 14 N., R. 23 E.,
Sec. 21, SE¼;
Sec. 28, N½NE¼. 240 acres

Kenneth Abbott

T. 13 N., R. 23 E.,
Sec. 25, S½NW¼, W½SW¼, NE¼SW¼;
Sec. 26, E½, SE¼, NW¼SE¼. 320 acres

Elliott Industries a/b/a/ N-Bar Land and Cattle Company

T. 12 N., R. 23 E.,
Sec. 14, NW¼. 160 acres

Kenneth Abbott

T. 12 N., R. 23 E.,
Sec. 28, SE¼NE¼;
Sec. 34, NW¼SE¼. 80 acres

Darrell Abbott or Ruth Abbott

T. 12 N., R. 24 E.,
Sec. 13, SW¼SW¼;
Sec. 23, SE¼SE¼;
Sec. 26, E½. 400 acres

Kenneth Abbott

T. 12 N., R. 23 E.,
Sec. 29, NE¼NE¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 32, W½NW¼, NW¼SW¼, SW¼ SE¼. 360 acres

Leslie Finkbeiner

T. 13 N., R. 22 E.,
Sec. 12, lots 3, 4, SE¼, SW¼, W½SE¼.
T. 13 N., R. 23 E.,
Sec. 6, SE¼SW¼, SW¼SE¼;
Sec. 7, lots 1, 2, NW¼, NE¼, NE¼NW¼.
43.78 acres

John F. Hill

T. 19 N., R. 11 E.,
Sec. 28, NE¼NE¼;
Sec. 33, SE¼NW¼;
Sec. 34, SE¼NE¼;
Sec. 35, SE¼NE¼. 160 acres

Richard Hitchcock

T. 17 N., R. 14 E.,
Sec. 24, NE¼SW¼. 40 acres

Michael L. Hitchcock

T. 16 N., R. 14 E.,
Sec. 14, NE¼SE¼. 40 acres

Rachell K. Mansfield

T. 19 N., R. 10 E.,
Sec. 15, SW¼NE¼, NW¼NW¼, SE¼NW¼.
120 acres

Bailey Land & Livestock, Inc

T. 24 N., R. 10 E.,
Sec. 20, NE¼SE¼.
T. 25 N., R. 10 E.,
Sec. 34, NE¼SW¼.
80 acres

John A. Diekhans

T. 24 N., R. 9 E.,
Sec. 19, lot 4, SW¼SE¼;
Sec. 30, NE¼SW¼. 112.73 acres

Robert F. Klay, et al

T. 21 N., R. 9 E.,
Sec. 20, SW¼NE¼, E½NW¼, N½S½. 280 acres

Merlin Busenbark and Ruth Busenbark

T. 18 N., R. 25 E.,
Sec. 24, N½SW¼.
T. 18 N., R. 26 E.,
Sec. 19, E½SW¼, NW¼SE¼. 200 acres

Hale Ranch

T. 15 N., R. 26 E.,
Sec. 3, SW¼SW¼.
40 acres

John R. Hughes III, et al

T. 12 N., R. 25 E.,
Sec. 29, SW¼NW¼, W½SW¼;
Sec. 30, lots 1–4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, E½;
Sec. 32, NW¼NW¼, SW¼SW¼. 990.20 acres

Donald E. Kimmel and Jean L. Kimmel

T. 12 N., R. 25 E.,
Sec. 29, SE¼NW¼, E½SW¼;
Sec. 32, NE¼NW¼, SE¼SW¼ less 2.43 ac. R/W. 197.57 acres

Total Federal acres transferred—8,276.75 acres.

2. In exchange for the above selected land, the United States acquired the following described surface estate:

Principal Meridian, Montana

T. 22 N., R. 8 W.,
Sec. 13, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 14, S½N½, NE¼SW¼, W½SW¼;
Sec. 15, all;
Sec. 21, E½NE¼, NE¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼;
Sec. 23, NW¼NW¼;
Sec. 24, W½NE¼, SE¼NE¼, NW¼SE¼.
containing 1,880 acres, more or less.

3. Also, the following described lands were segregated from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange, by the Notice of Realty Action published in the **Federal Register** on May 5, 1989. (54 FR 19466–67). They were not used in the exchange.

Principal Meridian, Montana

T. 12 N., R. 24 E.,
Sec. 4, SW¼SW¼;
Sec. 5, SE¼SE¼;
Sec. 9, SE¼SW¼, S½SE¼;
Sec. 10, SE¼SW¼, NW¼SE½, SE¼SE¼;
Sec. 11, SE¼NE¼, S½S½;
Sec. 12, NW¼, W½SW¼, NE¼SW¼;
Sec. 14, NW¼NE¼, N½NW¼;
Sec. 15, NE¼NE¼.
T. 13 N., R. 21 E.,
Sec. 34, SW¼NW¼, N½SW¼;
Sec. 35, W½NW¼.
T. 13 N., R. 22 E.,
Sec. 13, lots 1–2, W½NE¼, E½NW¼, SW¼NE¼;
Sec. 23, S½NE¼, SE¼NW¼;
Sec. 24, SW¼NW¼;
Sec. 26, SW¼NE¼.
T. 14 N., R. 21 E.,
Sec. 12, SE¼.
T. 16 N., R. 18 E.,
Sec. 4, lot 1.
T. 19 N., R. 22 E.,
Sec. 9, N½N½.
T. 19 N., R. 23 E.,
Sec. 3, lot 2, NW¼SW¼.
T. 22 N., R. 14 E.,
Sec. 6, lots 1–5, S½NE¼, SE¼NW¼.
T. 23 N., R. 14 E.,
Sec. 31, SE¼SW¼, SE¼.
T. 31 N., R. 12 E.,
Sec. 9, W½SE¼.
T. 32 N., R. 21 E.,
Sec. 13, NE¼SW¼, NW¼SE¼.
T. 34 N., R. 22 E.,
Sec. 24, E½;
Sec. 26, NW¼, N½SW¼.
T. 36 N., R. 24 E.,
Sec. 14, N½NW¼, SW¼NW¼.

4. The appraised value of the public lands that were transferred is $414,423 and the private lands were appraised at $413,600. A cash equalization payment in the amount of $823 was made to the United States.

Opening Date

5. At 9 a.m. on December 7, 1989, the lands described in paragraph 2 above that were conveyed to the United States and the lands described in paragraph 3 will be opened to the operation of the public land laws, subject to valid existing rights and the requirements of applicable law. All valid applications under the public land laws received at or prior to 9 a.m. on December 7, 1989, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. The lands described in paragraph 3 above were segregated from location under the mining laws by the Notice of Realty Action. At 9 a.m. on December 7, 1989, those lands will be open to location under the United States mining laws. Appropriation of the lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, vests no rights against the United States. Actions required to establish a mining claim location and to initiate a right of possession are governed by State laws where those laws are not in conflict with Federal law. The Bureau of Land Management does not intervene in disputes between rival locators over possessory rights because Congress has provided for the resolution of these matters in local courts.

Dated: October 13, 1989.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 89–24727 Filed 10–19–89; 8:45 am]

BILLING CODE 4310–DN–M

[ID–050–00–4214–14; IDI–20595]

Competitive Sale of Public Lands in Blaine County, ID

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action.

SUMMARY: The land has been examined, and through the development of land use decisions based upon public input, it has been determined that the sale of this parcel is consistent with section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered at no less than the appraised fair market value.

Parcel	Legal description	Acreage	Fair market value
I–20595	T. 1 N., R. 22 E., B.M., Section 34: Lots 1 and 2	73.32	$2,950.00

When patented, the land will be subject to the following reservations: A right-of-way for ditches and canals constructed by the United States under

the authority of the Act of August 30, 1890, (20 Stat. 291); (43 U.S.C. 945). Oil and gas, and geothermal resource minerals reserved to the United States.

Pursuant to the authority contained in section 3(d) of the Executive Order 11988 of May 24, 1977, the section 203(a)(1) of Public Law 94–579, Federal Land Policy and Management Act, this patent is subject to a restriction which constitutes a covenant running with the land, that any portion of the land lying within the 100-year floodplain may be used only for agricultural purposes, but not for dwellings or buildings.

Pursuant to the authority contained in section 4 of the Executive Order 11990 of May 24, 1977, and section 203(a)(1) of Public Law 94–579, Federal Land Policy and Management Act, this patent is subject to a restriction that constitutes a covenant running with the land, that a portion of the land lying within 100 feet of the exterior limits of Fish Creek containing wetland-riparian habitat must be managed to protect and maintain the wetland-riparian habitat on a continuing basis.

The lands are hereby segregated from appropriation under the public land laws, including the mining laws, as provided by 43 CFR 2711.1–2(d).

DATES: The sale offering will be on Friday, December 15, 1989 at 10:00 a.m. If no qualified bids are received at this offering, the parcel will be made available each Friday, excepting holidays, until March 31, 1990, at which time the sale will be cancelled.

ADDRESS: Sale will be held at the Bureau of Land Management, Shoshone District Office, 400 West F Street, Shoshone, Idaho 83352.

Sale Procedures: Only sealed bids will be accepted. The bid must be sealed in an envelope with the date and the serial number of the parcel being bid upon in the lower left-hand corner on the front of the envelope.

Bids must be received in this office no later than 10:00 a.m. on December 15, 1989. If two or more valid bids are equal and are the high bid, a supplemental oral bid in a minimum of $50.00 increments will be held to determine the successful bidder. Any participants who submitted a valid bid in the sealed bidding may participate in the oral bidding. A valid bid will constitute an application to purchase that portion of the mineral estate of no known value. A thirty percent (30%) deposit of the bid price (not appraised price) must accompany each bid as well as a separate and additional $50.00 to process the mineral purchase application. Fees must be paid by certified check, money order, bank draft or cashier's check only.

Federal law requires that bidders be a U.S. citizen 18 years of age or older, or, in the case of a corporation, subject to the laws of any State of the U.S. Proof of citizenship shall accompany the bid. The remainder of the full price bid shall be paid within 180 days of the date of the sale. Failure to pay the full price within the 180 days shall disqualify the apparent high bidder and cause the bid deposit to be forfeited to the BLM.

SUPPLEMENTARY INFORMATION: Contact the Monument Resource Area Manager or Realty Specialist at the District Office, or phone at (208) 886–2206.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action.

Comments will be evaluated and the proposed action may be vacated, modified or affirmed. In the absence of any objections, this realty action will become the final decision of the Department.

Jon H. Idso,

Associate District Manager.

[FR Doc. 89–24726 Filed 10–19–89; 8:45 am]

BILLING CODE 4310-GG-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–304]

Certain Pressure Transmitters; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and a motion for temporary relief were filed with the U.S. International Trade Commission on September 15, 1989, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Rosemount, Inc., 12001 Technology Drive, Eden Prairie, Minnesota. A supplement to the complaint was filed on October 6, 1989.

The complaint as supplemented alleges a violation of subsection (a)(1)(B)(ii) of section 337 in the importation and sale within the United States of certain pressure transmitters made abroad by a process covered by claims 1, 2, 3, and 4 of U.S. Letters Patent 3,800,413, and that there exists an industry in the United States as required by subsection (a)(2) of section 337. The complainant requests that the Commission institute an investigation and, after a public hearing, issue a permanent exclusion order and permanent cease and desist orders.

The complaint and motion for temporary relief further request that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and sale in the United States during the course of the Commission's investigation of respondents' pressure transmitters made abroad that infringe U.S. Letters Patent 3,800,413.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202–252–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810.

FOR FURTHER INFORMATION CONTACT: Deborah J. Kline, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–252–1576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 17, 1989, Ordered That—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) or subsection (a)(1)(B)(ii) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain pressure transmitters made abroad by a process covered by claims 1, 2, 3 or 4 of U.S. Letters Patent 3,800,413, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to § 210.24(e)(8) of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33061 (Aug. 29, 1988), the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, be provisionally accepted

for referral to an administrative law judge.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Rosemount, Inc., 12001 Technology Drive, Eden Prairie, Minnesota 55344.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

SMAR Equipment, Rua Guilherme Bolte 1422, Sertaozianno, Sao Paulo, Brazil;
SMAR International Corporation, 3505 Veterans Highway, Suite C, Ronkonkoma, New York 11779.

(c) Deborah J. Kline, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Room 401–M, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Reponses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondents in accordance with §§ 210.21 and 210.24 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33059–33063 (Aug. 29, 1988) and 53 FR 49118, 49129–49133 (Dec. 6, 1988). Pursuant to §§ 201.16(d), 210.21(a) and 210.24(e)(9) of the Commission's Rules (19 CFR 201.16(d), 53 FR 33034, 33059 (Aug. 29, 1988), and 53 FR 49118, 49130–49131 (Dec. 6, 1988)), such responses will be considered by the Commission if received not later than ten (10) days after the date of service of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting responses to the complaint, the motion for temporary relief, and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, in the motion for temporary relief, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief, and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, the motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Issued: October 17, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89–24898 Filed 10–19–89; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations; Furst McNess Co. et al.

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 intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

a. 1. Parent corporation and address of principal office: Furst McNess Company, 120 East Clark Street, Freeport, IL 61032.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

i. W.E. Kautenberg Company, An Illinois Corporation
ii. Regal Crown Corporation, An Illinois Corporation
iii. J T Merchandise Services, Inc., An Illinois Corporation

b. 1. Parent corporation and address of principal office: Tyson Foods, Inc., 2210 W. Oakland Drive, Springdale, AR 72764.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: Holly Farms Foods, Inc., State of Incorporation: Delaware

Noreta R. McGee,

Secretary.

[FR Doc. 89–24842 Filed 10–19–89; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 310X)]

CSX Transportation, Inc.—Abandonment in Durham, NC—Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc. of 1.1-miles of rail line between mileposts SB–154.8 and SB–155.9 in Durham, NC, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on November 19, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by October 30, 1989, petitions to stay must be filed by November 6, 1989, and petitions for reconsideration must be filed by November 14, 1989. Requests for a public use condition must be filed by October 30, 1989.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 310X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245; [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pick up in person from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 275–1721.]

Decided: October 11, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89–24843 Filed 10–19–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Notification; Portland Cement Association

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA")

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on September 18, 1989, disclosing that there has been a change in the membership of PCA. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following additional party has become a member of PCA: Cementos Tolteca, S.A.

No other changes have been made in either the membership or planned activities of PCA.

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986, February 3, 1987, April 17, 1987, June 3, 1987, July 29, 1987, August 6, 1987, October 9, 1987, February 18, 1988, March 9, 1988, March 11, 1988, July 7, 1988, August 9, 1988, August 23, 1988, January 23, 1989, February 24, 1989, March 13, 1989, May 25, 1989, July 20, 1989, and August 24, 1989, PCA filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), May 14, 1987 (52 FR 18295), July 10, 1987 (52 FR 28183), August 26, 1987 (52 FR 32185), November 17, 1987 (52 FR 43953), March 28, 1988 (53 FR 9999), August 4, 1988 (53 FR 29397), September 15, 1988 (FR 35935), September 28, 1988 (53 FR 37883), February 23, 1989 (54 FR 7894), March 20, 1989 (54 FR 11455), April 25, 1989 (54 FR 17835), June 28, 1989 (54 FR 27220), August 23, 1989 (54 FR 35092), and September 11, 1989 (54 FR 37513), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-24768 Filed 10-19-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; ARCO Oil and Gas, et al.

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 October 30, 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 October 30, 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 10th day of October 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
Arco Oil & Gas Crane Field (Workers)	Crane, TX	10/10/89	9/15/89	23,457	Oil & Gas.
ARCO Oil & Gas Crane Gas Plant (Workers)	Crane, TX	10/10/89	9/15/89	23,458	Oil & Gas.
BHP Petroleum Mid-Continent Region	Oklahoma City, OK	10/10/89	9/25/89	23,459	Oil & Gas.
BHP Petroleum Rocky Mountain Region	Denver, CO	10/10/89	9/25/89	23,460	Oil & Gas.
BHP Petroleum Southwestern Region	Midland, TX	10/10/89	9/25/89	23,461	Oil & Gas.
BHP Petroleum Gas Processing Plant	Snyder, TX	10/10/89	9/25/89	23,462	Oil & Gas.
Balcron Oil (Company)	Billings, MT	10/10/89	9/19/89	23,463	Oil & Gas.
Burn Security International	Beverly Hills, CA	10/10/89	9/15/89	23,464	Marketing Sales Fragrance.
Car-Mal Sportswear, Inc. (ILGWU)	South Boston, MA	10/10/89	9/21/89	23,465	Women's Sportswear.
Dive-ettes, Inc. (Workers)	Allentown, PA	10/10/89	9/27/89	23,466	Children's Swimwear.
Ethicon, Inc. (ACTWU)	Somerville, NJ	10/10/89	9/29/89	23,467	Sutures & Needles.
ELCO Dress (ILGWU)	Holyoke, MA	10/10/89	9/26/89	23,468	Women's Dresses.
Graphic Interpretations (Workers)	Midland, TX	10/10/89	9/29/89	23,469	Oil & Gas.
Honeywell, Inc. (IUE-AFL)	Ft. Washington, PA	10/10/89	9/20/89	23,470	Electronic Devices.
Joy Knitting (Workers)	Allentown, PA	10/10/89	9/27/89	23,471	Children's Swimwear.
Kalart Victor Corp. (Workers)	Plainville, CT	10/10/89	9/5/89	23,472	Film Equipment.
Kent Knitting Mills, Inc. (ILGWU)	Jersey City, NJ	10/10/89	9/26/89	23,473	Knit Sweaters.
Products Tooling, Inc. (Company)	Corinth, MS	10/10/89	9/25/89	23,474	Organ Parts.
Ringo Drilling Co. (Workers)	Abilene, TX	10/10/89	9/22/89	23,475	Oil & Gas.
Rosta Engineered Components (UAW)	Waterbury, CT	10/10/89	9/15/89	23,476	Couplings, Misc.
Sweco Oilfield Services (Workers)	Casper, WY	10/10/89	9/21/89	23,477	Oilfield Equip.
Sprague Electric Co. (Workers)	Hillsville, VA	10/10/89	9/28/89	23,478	Aluminum Electrolytic Capacitors.
Taylor Diving Inc. (Workers)	Belle Chasse, LA	10/10/89	9/20/89	23,479	Oilfield Service.
Weston Instruments (Workers)	Newark, NY	10/10/89	9/19/89	23,480	Aircraft Instruments.

[FR Doc. 89-24840 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-21,616 Shreveport, Louisiana and TA-W-21,616A All other Locations in Louisiana]

M-I Drilling Fluids; Amended Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 13, 1989 applicable to all workers of M-I Drilling Fluids (formerly Dresser Magcobar) Shreveport, Louisiana. The notice was published in the **Federal Register** on March 27, 1989 (54 FR 12508).

Based on new information from the company, additional workers were separated from the subject firm at other locations in Louisiana. The amended notice applicable to TA-W-21,616 is hereby issued as follows:

All workers of M-1 Drilling Fluids Company in Shreveport, Louisiana and in all other locations in the State of Louisiana who became totally or partially separated from employment on or after October 1, 1985 and before January 1, 1987 are eligible to apply for adjustment assistance under Section 222 of the Trade Act of 1974.

Signed at Washington, DC, this 12th day of October 1989.

Robert O. Deslongchamps,

Director, Office of Legislative and Actuarial Services, UIS.

[FR Doc. 89-24841 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

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 numbers(s).

Volume I

Florida:
FL89-45 ..... p. 206a, pp. 206b-206d

Volume II

Wisconsin:
WI89-17 ..... p. 1223, p. 1224.

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

Florida:
FL89-45 (Oct. 20, 1989 ..... p. 206a, pp. 206b-206d.

Massachusetts:
MA89-1 (Jan. 6, 1989) ..... p. 371, pp. 372-375.
MA89-2(Sept. 29, 1989 ..... p. 387, pp. 388, 390.
MA89-3 (Jan. 6, 1989) ..... p. 401, pp. 402-403.

Mississippi:
MI89-3 (Jan. 6, 1989) ..... p. 475, p. 476.
MI89-20 (Jan. 6, 1989) ..... p. 511, p. 511.

New York:
NY89-3 (Jan. 6, 1989) ..... p. 701, p.705.

Pennsylvania:
PA89-15 (Jan. 6, 1989) ..... p. 957, pp. 959-960.

West Virginia:
WV89-3 (Jan. 6, 1989) ..... p. 1233, pp. 1234, 1236.

Volume II

Iowa:
IA89-1 (Jan. 6, 1989) ..... p. 21, p. 22.

Illinois:
IL 89-8 (Jan. 6, 1989) ..... p. 145, p. 148.
IL89-9 (Jan. 6, 1989) ..... p. 151, p. 153.

Indiana:
IN89-6 (Jan. 6, 1989) ..... p. 313, p. 314.
Michigan:
MI89-1 (Jan. 6, 1989)..... p. 427, pp. 428-430.
MI89-2 (Jan. 6, 1989)..... p. 447, pp. 448-451.
MI89-3 (Jan. 6, 1989)..... p.463, pp. 464-465.
MI89-4 (Jan. 6, 1989)..... p. 475, p. 476.
MI89-7 (Jan. 6, 1989)..... p. 499, pp. 511-512.
Minnesota:
MN89-12 (Jan. 6, 1989)..... p. 609.
Nebraska:
NE89-1 (Jan. 6, 1989) ..... p. 715, p. 716.
Wisconsin:
WI89-10 (Jan. 6, 1989) ..... p. 1187, pp. 1188, 1189.
WI89-17 (Jan. 6, 1989)..... p. 1223, p. 1224.

Volume III

Arizona:
AZ89-2 (Jan. 6, 1989)..... p. 15.
Idaho:
ID89-1 (Jan. 6, 1989)..... p. 145, pp. 146, 149.
Oregon:
OR89-1 (Jan. 6, 1989)..... p. 307, pp. 309-324.
Washington:
WA89-1 (Jan. 6, 1989) ..... p. 363, pp. 369-374.
WA89-2 (Jan. 6, 1989) ..... p. 389, pp. 391-395.
WA89-3 (Jan. 6, 1989) ..... p. 401, pp. 402-403.
WA89-5 (Jan. 6, 1989) ..... p. 411, p. 412.
WA89-8 (Jan. 6, 1989) ..... p. 423, pp. 424-426a.

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 13th day of October 1989.

Ethel P. Miller,

Acting Director, Division of Wage Determinations.

[FR Doc. 89-24660 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

[Docket No. M-89-18-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Incorporated, Box 440, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 49.8(b) (training for mine rescue teams) to its Galena Mine (I.D. No. 10-00082) 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 upon completion of the initial training, all team members are required to receive at least 40 hours of refresher training annually. This training is required to be given at least 4 hours each month, or for a period of 8 hours every two months.

2. Petitioner states that requiring at least 4 hours of refresher training each month or 8 hours every two months would result in a diminution of safety for the underground personnel because most of the experienced mine rescue personnel would resign.

3. In support of this request, petitioner states that—

(a) Most of the rescue team personnel are veterans; and

(b) Adequacy of training cannot be measured in hours spent in training. Performance and knowledge are the only valid criteria.

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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24832 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-147-C]

Cross Mtn. Coal, Inc., Petition for Modification of Application of Mandatory Safety Standard

Cross Mtn. Coal, Inc., 100 Coal Drive, London, Kentucky 40741-8799 has filed a petition to modify the application of 30 CFR 75.1701 (abandoned areas, adjacent mines; drilling of boreholes) to its Mine No. 5 (I.D. No. 40-02970) located in Anderson County, Tennessee and its Mine No. 6 (I.D. No. 40-02971) located in Campbell County, Tennessee. 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 whenever any working place approaches within 50 feet of abandoned areas in the mine, or within 200 feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, boreholes must be drilled to a distance of at least 20 feet in advance of the working face of such working place and be continually maintained to a distance of at least 10 feet in advance of the advancing working face.

2. As an alternate method, petitioner proposes to use probe drills capable of drilling in excess of 400 feet to intersect the abandoned workings prior to mining within 200 feet of the abandoned workings using specific techniques and procedures as outlined in the petition.

3. 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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24833 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-148-C]

Cyprus Empire Corp.; Petition for Modification of Application of Mandatory Safety Standard

Cyprus Empire Corporation, P.O. Box 68, Craig, Colorado 81625 has filed a petition to modify the application of 30 CFR 75.507 (power connection points) to its Eagle No. 5 Mine (I.D. No. 05-01370) located in Moffat County, Colorado. 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 except where permissible power connections units are used, all power-connection points outby the last open crosscut be in intake air.

2. As an alternate method, petitioner proposes to use three non-permissible submersible pumps in boreholes drilled into sump areas of the mine. The petitioner also proposes to install additional pumps in a similar fashion in the future.

3. In support of this request, petitioner states that:

(a) The pump cannot start or operate if water is below the inlet valve of the pump; and

(b) The surface pump control and power circuits would be examined monthly.

4. 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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24834 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-152-C]

Gateway Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Gateway Coal Company, R.D. No. 2, Box 107, Prosperity, Pennsylvania 15329 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Gateway Mine (I.D. No. 36-00906) located in Greene County, Pennsylvania. 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 at least one entry of each intake and return aircourse be examined in its entirety on a weekly basis.

2. Due to an accumulation of water, certain areas of the mine cannot be safely traveled. Rehabilitation of these areas would expose miners to unnecessary hazards.

3. As an alternate method, petitioner proposes the following:

(a) Establish methane monitoring stations at specific locations where certified persons would make weekly examinations for methane and air readings. Access to and from the measuring stations would be kept in a travelable and safe condition;

(b) Methane would not be allowed to accumulate in the return aircourse beyond legal limits;

(c) A date board would be located at each measuring station; and

(d) Date, time, area, velocity, and quantity of air, as well as methane percentages would be recorded in an official book on the surface.

4. 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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24835 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-17-M]

Sunshine Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Sunshine Mining Company, P.O. Box 1080, Kellogg, Idaho has filed a petition to modify the application of 30 CFR 49.8(b) (training for mine rescue teams) 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 upon completion of the initial training, all team members are required to receive at least 40 hours of refresher training annually. This training is required to be given at least 4 hours each month, or for a period of 8 hours every two months.

2. Petitioner states that requiring at least 4 hours of refresher training each month or 8 hours every two months would result in a diminution of safety for the underground personnel because most of the experienced mine rescue personnel would resign.

3. In support of this request, petitioner states that—

(a) Most of the rescue team personnel are veterans; and

(b) Adequacy of training cannot be measured in hours spent in training. Performance and knowledge are the only valid criteria.

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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24836 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-151-C]

Tall Timber Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Tall Timber Coal Company, P.O. Box 702, Matewan, West Virginia 25678 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Mine No. 1 (I.D. No. 15-13720) located in Pike County, Kentucky. 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 seals be examined in their entirety on a weekly basis.

2. Due to roof falls, an area of the mine where seals have been installed cannot be safely traveled. To restore this area to a travelable condition would require prolonged and unnecessary exposure to hazardous conditions.

3. As an alternate method, petitioner proposes to establish evaluation points in a specific area where the air passing the seals would be monitored.

4. 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 November 20, 1989. Copies of the petition are available for inspection at that address.

Dated: October 12, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-24837 Filed 10-19-89; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATE: Requests for copies must be received in writing on or before December 4, 1989. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending:

1. Department of Agriculture, Agricultural Research Service (N1-310-89-1). Employee health, safety, and medical records.

2. Department of Agriculture, Assistant Secretary for Economics (N1-354-89-1). Reference copies of administrative records and background files from which reports and issue papers are developed.

3. Department of Energy, Albuquerque Operations Office (N1-434-89-12). Uranium Mill Tailings Remedial Action project training records.

4. Farm Credit Administration (N1-103-88-3). Vouchers, receipts, cancelled checks, individual loan files, work papers, and administrative records of closed financial institutions.

5. Department of Housing and Urban Development (N1-207-89-5). Routine finance and accounting records created by the Single Family Distributive Shares and One-Time Refunds Automated System (F26).

6. Department of the Interior, Office of Surface Mining and Reclamation Enforcement (N1-471-89-1). Revised comprehensive schedule for textual records.

7. Department of Justice, Foreign Claims Settlement Commission (N1-299-89-6). Reference material and facilitative legal records.

8. Department of the Treasury, Savings Bond Division (N1-56-89-1). Publicity records from the Second Liberty Loan Campaign of World War I determined during archival processing to lack sufficient archival value to

warrant retention by the National Archives.

9. Department of the Treasury, Savings Bond Division (N1–56–89–2). Textual and photographic records of the War Finance Division, 1941–47 determined during archival processing to lack sufficient archival value to warrant retention by the National Archives.

10. Department of the Treasury, Savings Bond Division (N1–56–89–3). Records from the historical and promotional files of the National Director, 1940–60, determined during archival processing to lack sufficient archival value to warrant retention by the National Archives.

11. Department of the Treasury, Savings Bond Division (N1–56–89–5). Bond campaign participation records; promotional and administrative records, 1936–73, determined during archival processing to lack sufficient archival value to warrant retention by the National Archives.

12. Department of the Treasury, Assistant Secretary for Economic Policy (N1–56–89–6). Reduction in retention period for economic briefing files.

Dated: October 12, 1989.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 89–24764 Filed 10–19–89; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Advancement section) to the National Council on the Arts will be held on November 8, 1989, from 9:15 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on November 8, 1989, from 9:15 a.m.–9:30 a.m. The topic for discussion will be general program overview.

The remaining portion of this meeting on November 8, 1989, from 9:30 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: October 13, 1989

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts

[FR Doc. 89–24728 Filed 10–19–89; 8:45 am]

BILLING CODE 7537–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees Health Benefits Program; Medically Underserved Areas for 1990

AGENCY: Office of Personnel Management.

ACTION: Notice of Medically Underserved Areas for 1990.

SUMMARY: The Office of Personnel Management has completed its annual determination of the states that qualify as Medically Underserved Areas under the Federal Employees Health Benefits (FEHB) Program for calendar year 1990. This determination is necessary to comply with a provision of FEHB law that mandates special consideration for enrollees of certain FEHB plans who receive covered health services in states with critical shortages of primary care physicians. Accordingly, for calendar year 1990, OPM has determined that the following states are Medically Underserved Areas under the FEHB Program: Alabama, Louisiana, Mississippi, New Mexico, North Dakota, South Dakota and West Virginia.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Margaret Sears, (202) 632–4634.

SUPPLEMENTARY INFORMATION: FEHB law [5 U.S.C. 8902(m)(2)] mandates special consideration for enrollees of certain FEHB plans who receive covered health services in states with critical shortages of primary care physicians. Such states are designated as Medically Underserved Areas for purposes of the FEHB program and the law requires payment to all qualified providers in these states.

FEHB regulations (5 CFR 890.701) require OPM to make an annual determination of the states that qualify as Medically Underserved Areas for the next calendar year by comparing the latest Department of Health and Human Services state-by-state population counts on primary medical care manpower shortage areas with U.S. Census figures on state resident population.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 89–24861 Filed 10–19–89; 8:45 am]

BILLING CODE 6325–01–M

PRESIDENT'S ADVISORY COMMITTEE ON THE POINTS OF LIGHT INITIATIVE FOUNDATION

Meeting of the Advisory Committee on the Points of Light Foundation

ACTION: Notice of Meeting of President's Advisory Committee on the Points of Light Initiative Foundation.

SUMMARY: This notice announces an upcoming meeting of the President's Advisory Committee on the Points of Light Initiative Foundation. The purpose of the meeting is to begin work on the Committee's assigned task, which is the provision of recommendations to the President with respect to the legal structure of the Points of Light Initiative Foundation and the legislation needed to establish the Foundation. Also included is an explanation of why 15 days notice of the date of this meeting was not provided to the public. Notice is required by the Federal Advisory Committee Act, 5 U.S.C. App. II, and its implementng regulation, 41 CFR part 101.6.

DATE: October 30, 1989, 9 a.m..

ADDRESS: Room 239, Hall of States, 444 North Capitol Street, NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Committee Staff at (202–523–3349).

SUPPLEMENTARY INFORMATION: It was not possible to provide 15 days notice of this meeting due to the scheduling and other considerations.

The meeting, which is open to the press and public, is for the purpose of receiving testimony and discussion issues pertaining to the Committee's

mission. Members of the public who wish to present written statements are invited to send such statements to the Committee at the following address: 730 Jackson Place, NW., Washington, DC 20006.

David B. Rivkin, Jr.,

General Counsel for the Advisory Committee on Points of Light Initiative Foundation.

[FR Doc. 89-25853 Filed 10-19-89; 8:45 am]

BILLING CODE 3195-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be on or before November 20, 1989. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Application for Participation in 8(a) Program.

Form Nos.: SBA Forms 1010A, 1010B, 1010C and 1017

Frequency: On occasion.

Description of respondents: SBA 8(a) program applicants and participants

Annual Responses: 22,000.

Annual Burden Hours: 69,600.

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 89-24829 Filed 10-19-89; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, will hold a public meeting at 9:00 a.m. on Tuesday, November 28, 1989, at the SBA Regional Office Conference Room, 999 18th Street, Suite 701, Denver, Colorado, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Dratin H. Hill, Jr., District Director, U.S. Small Business Administration, 721 19th Street, Room 426, Denver, Colorado 80201-0660, phone (303) 844-3673.

Dated: October 13, 1989.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 89-24827 Filed 10-19-89; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The U.S. Small Business Administration Region II Advisory Council, located in the geographic area of New York City, will hold a public meeting at 9:30 a.m. on Wednesday, November 15, 1989, in the Board Room of Pfizer, Inc., 235 East 42nd Street, New York, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Bert X. Haggerty, District Director, U.S. Small Business Administration, 26 Federal Plaza, Room 3100, New York, New York 10278, phone (212) 264-1318.

Dated: October 13, 1989.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 89-24828 Filed 10-19-89; 8:45 am]

BILLING CODE 8025-07-M

[Application No. 01/01-0349]

Richmond Square Capital Corp.; Application for a Small Business Investment Company License

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661, *et seq.*) has been filed by Richmond Square Capital Corporation (RSCC), 1 Richmond Square, Providence, Rhode Island, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1989).

The proposed officers, directors, and major shareholders of the Applicant are as follows:

Name	Title	Percent of Ownership
Harold I. Schein, 50 Intervale Road, Providence, RI 02906.	President and director.	100
Philip Schein, 50 Intervale Road, Providence, RI 02906.	Treasure and director.	
Leslie Schein, 546 Angell Street, Providence, RI 02906.	Secretary and director.	

The Applicant, RSCC, a Rhode Island corporation, will begin operations with $3,025,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities principally in the State of Rhode Island, but will consider investments in other areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Providence, Rhode Island.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 12, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-24824 Filed 10-19-89; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-5210]

Cactus Capital Co.; Issuance of a Small Business Investment Company License

On April 28, 1989, a notice was published in the **Federal Register** (54 FR 18376) stating that an application has been filed by Cactus Capital Company, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1989)) for a license as a small business investment company.

Interested parties were given until close of business May 29, 1989, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-5210 on September 22, 1989, to Cactus Capital Company to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 12, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-24825 Filed 10-19-89; 8:45 am]

BILLING CODE 8075-01-M

[License No. 09/09-5384]

Vinh An Capital Investment, Inc.; Issuance of a Small Business Investment Company License

On June 13, 1989, a notice was published in the **Federal Register** (54 FR 25197) stating that an application has been filed by Vinh An Capital Investment Inc., with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1989)) for a license as a small business investment company.

Interested parties were given until close of business July 13, 1989 to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-5384 on September 25, 1989, to Vinh An Capital Investment, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 12, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-24826 Filed 10-19-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1317]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Stability and Load Lines and on Fishing Vessels Safety; Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on November 14, 1989 at 9:00 a.m. in Room 4315 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this Working Group meeting is to prepare for the 34th Session of the International Maritime Organization Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF), which is scheduled for February 19 to 23, 1990. Items of discussion will include the following: subdivision and damage stability of dry cargo ships, including Ro-Ro ships; intact stability; subdivision and stability requirements for MODUs; flooding protection and residual stability standards for passenger ships; load lines and stability for timber deck cargo ships; basic principles for future revisions to the 1966 Load Line Convention; safety of fishing vessels, including discussions on external forces caused by fishing gear and development of protocol to the 1977 Torremolinos Convention; the Work Program of SLF 34; and review of reporting requirements on Codes and Assembly resolutions related to the work of the Subcommittee.

Members of the public may attend this meeting up to the seating capacity of the room.

For further information contact Mr. Cojeen or LCDR Anderson at (202) 267-2988, U.S. Coast Guard Headquarters (G-MTH-3/13), 2100 Second Street, SW., Washington, DC 20593-0001.

Dated: October 10, 1989.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 89-24720 Filed 10-19-89; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1318]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea Working Group on Standards of Training and Watchkeeping; Meeting

The Working Group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on November 13, 1989, at 10:00 a.m. in room 2415 at Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

The purpose of the meeting will be a general review of the agenda items for the 21st session of the International Maritime Organization (IMO) Subcommittee on Standards of Training and Watchkeeping, scheduled for January 8-12, 1990, in London. Items of principal interest on the agenda for this session are:

—Consequential work on operator functions in the Global Maritime Distress and Safety System (GMDSS)
—Additional training and qualifications of officers and crews of mobile offshore units
—Officer of the navigational watch acting as sole lookout
—Fatigue factor in manning
—Preparation of amendments to the 1977 Torremolinos International Convention
—Possible training in the use of Electronic Chart Display Systems (ECIDS)

Members of the public may attend up to the seating capacity of the room.

FOR FURTHER INFORMATION CONTACT: Captain F. J. Grady, U.S. Coast Guard Headquarters (G-MVP/12), 2100 Second Street, SW., Washington, DC 20593, or call: (202) 267-0214.

Dated: October 10, 1989.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 89-24721 Filed 10-19-89; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

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

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Public Law 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, Edney Building 4W 13B, Chattanooga, TN 37402; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: TVA Fishing Census.

Frequency of Use: On occasion.

Type of Affected Public: Individuals.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 24,000.

Estimated Total Annual Burden Hours: 2,400.

Estimated Average Burden Hours Per Response: .1.

Need For and Use of Information: Creel surveys are conducted to provide benchmark information for better aquatic resource management and assessment of benefits and impacts on the aquatic resources which result from reservoir operations and shoreline development activities.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 89–24732 Filed 10–19–89; 8:45 am]

BILLING CODE 8120–01–M

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

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99–591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395–3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, Edney Building 4W 13B, Chattanooga, TN 37402; (615) 751–2523.

Type of Request: Regular submission.

Title of Information Collection: Federal Assistance Programs Civil Rights Compliance.

Frequency of Use: On occasion.

Type of Affected Public: State or local governments, farms, businesses or other for-profit, non-profit institutions, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 550.

Estimated Total Annual Burden Hours: 165.

Estimated Average Burden Hours Per Response: 3.

Need For and Use of Information: TVA organizations' compliance officers conduct pre-award reviews of all TVA assistance contracts to ensure compliance with title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the title IX of the Education Amendments of 1972.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 89–24733 Filed 10–19–89; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended October 13, 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: 46547.

Date filed: October 13, 1989.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 13, 1989.

Description: Application of Evergreen International Airlines, Inc. pursuant to section 401 of the Act and subpart Q of the Regulations applies for an amendment of its certificate of public convenience and necessity for Route 567 to authorize foreign air transportation of property and mail between McAllen, Texas, and Miami, Florida, on the one hand, and Guadalajara, Mexico, on the other hand.

Docket Number: 42012.

Date Filed: October 13, 1989.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 13, 1989.

Description: Amendment No. 3 to the Application of Servicios Aereos, S.A. for a foreign air carrier permit to withdraw Aero California's previous request to engage in scheduled foreign air transportation of persons, property and mail between La Paz, Mexico and Los Angeles, California, and Tucson, Arizona; and between Guaymas, Mexico, and Tucson, Arizona. Aero California renews its request for all other scheduled and charter authority previously requested in this docket.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89–24752 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–62–M

Office of Commercial Space Transportation

Amendment to Notice of Intent

AGENCY: Office of Commercial Space Transportation (OCST), DOT.

ACTION: Amendment to OCST Notice of Intent, September 25, 1989.

SUMMARY: OCST is issuing this amendment to its September 25, 1989 Notice of Intent (NOI) to prepare an Environmental Impact Statement to advise the public of: (1) The addition of a fifth scoping meeting, (2) a change in the times of two previously scheduled scoping meetings, (3) a change in the locations of the other two previously scheduled scoping meetings, and (4) the

addition of a closing date for scoping comments.

FOR FURTHER INFORMATION CONTACT: J. Randall Repcheck, Aerospace Engineer, Office of Commercial Space Transportation, Department of Transportation, 400 7th Street SW., Washington, DC 20590, Telephone: (202) 366–2258.

George Mead, Executive Director, Office of Space Industry, Department of Business and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804, Telephone: (808) 548–3451

SUPPLEMENTARY INFORMATION: OCST and the State of Hawaii's Department of Business and Economic Development (DBED) are jointly preparing an Environmental Impact Statement (EIS) for a proposed Hawaii commercial space launch complex. In its NOI of September 25, 1989, OCST announced that four public scoping meetings had been scheduled in Hawaii for the purpose of soliciting comments on significant environmental issues associated with the proposed action. A fifth meeting has been added, the times of the Na'alehu and Honolulu meetings have been changed, and the locations of the Pahala and Hilo meetings have been changed.

The revised specific dates and locations are:

(1) October 25, 1989, 7:30 p.m., Kona Hilton Discovery Room, Kailua-Kona, Hawaii.
(2) October 26, 1989, 1:30 p.m., Na'alehu Community Clubhouse, Na'alehu, Hawaii.
(3) October 26, 1989, 7:30 p.m., Ka'u High School Cafetorium, Pahala, Hawaii.
(4) October 27, 1989, 9:00 a.m., County Building, Hawaii County Council Chambers, Hilo, Hawaii.
(5) October 27, 1989, 4:00 p.m., Hawaii State Capitol Auditorium, Honolulu, Hawaii.

Comments regarding the scope and content of the EIS should be directed to DBED at the address listed above, no later than November 17, 1989.

Issued in Washington, DC, on October 13, 1989.

Stephanie Lee-Miller,

Director, Office of Commercial Space Transportation.

[FR Doc. 89–24753 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement: Hartford County, Connecticut

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Hartford County, Connecticut.

FOR FURTHER INFORMATION CONTACT: Federal Administration, Abraham Ribicoff Federal Building, 450 Main Street, Hartford, Connecticut 06103. Telephone: (203) 240–3685; or Edgar T. Hurle, Dirctor 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 (ConnDOT) will prepare an Environmental Impact Statement (EIS) on a proposal for transportation improvements in the area of Prospect Street in the town of Easton Hartford in Hartford County, Connecticut. Improvements of some form to the area are considered desirable to accommodate existing and projected traffic demands and to reduce traffic congestion on local streets in East Hartford.

Alternatives which will be evaluated and presented in the EIS include the following: (1) A No-Build Alternative with and without a Transit option; (2) A Transportation System Management Alternative consisting of a variety of improvements (additional lanes, traffic control, etc.) to the existing highway network; (3) Build Alternative A which would be a controlled access highway from the vicinity of Governor Street in East Hartford northerly, along the East Hartford Dike, to the vicinity of King Street and Ellington Road in East Hartford, a distance of approximately 1.75 miles; (4) Build Alternative B which would be a controlled access highway from the vicinity of Governor Street in East Hartford traversing northerly with an alignment that would be adjacent to existing Prospect Street and terminate in the vicinity of King Street and Ellington Road in East Hartford, also a distance approximately 1.75 miles; and (5) A Widen Prospect Street Alternative.

This project, which could utilize a portion of the corridor for the formerly proposed Interstate 284, has an extensive history of coordination with Federal, State, local, and regional agencies and organizations. In addition, public informational meetings concerning traffic, engineering, environmental, social, economic, and land uses issues have been held. Information from the coordination effort and meetings has revealed that possible impacts to scenic areas, flood plains and wetlands will occur. Other potential impacts include the relocation of residents and businesses, stream crossings, railroad corssings and/or relocations, dike crossings and/or relocations and impacts on fish and wildlife.

Work on I–284 was halted in February 1983, and a concept program of substitute projects was developed which would be funded by the trade-in of funds stated for I–284. The Prospect Street area project is included as part of this program. It is expected that the project will have substantially less impact than the original I–284 proposal.

The Department will be scheduling a scoping meeting in the near future to discuss the full range of issues relating to this project. The U.S. Fish and Wildlife Service, the Environmental Protection Agency, and the Corps of Engineers and the Connecticut Department of Environmental Protection will be asked to become Cooperating Agencies in the prepartion of this EIS. In addition, appropriate Federal, State and local agencies will be requested to submit comments.

Any agencies, organizations and individuals interested in submitting comments or questions should contact the FHWA or the Connecticut Department of Transportation at the addresses provided above before December 1, 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: October 11, 1989.

Paul E. Toussaint,

Assistant Division Administrator, Hartford, CT.

[FR Doc. 89–24731 Filed 10–19–89; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF VETERANS AFFAIRS

Voluntary Service National Advisory Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report of the VAVS National Advisory Committee for 1988 has been issued.

The report summarizes activities of the Annual Meeting which was held in Albuquerque, NM, October 28–30, 1988.

It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, DC 20540
and
Department of Veterans Affairs, Voluntary Service (135), Room 601, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: October 2, 1989.
By direction of the Secretary

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89-24860 Filed 10-19-89; 8:45 am]

BILLING CODE 8320-01

Sunshine Act Meetings

Federal Register
Vol. 54, No. 202
Friday, October 20, 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).

COMMISSION ON CIVIL RIGHTS

October 13, 1989.

DATE AND TIME: Friday, October 27, 1989, 9:00 a.m.–5:00 p.m.

PLACE: 1121 Vermont Avenue, NW, Room 512, Washington, DC 20425.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of September Meeting
III. Announcements
IV. Draft Report on *Economic Status of Black Women: An Exploratory Investigation*
V. Draft Statement on *Intimidation and Violence, Racial and Religious Bigotry in America*
VI. Proposal—Education and the Workplace
VII. Motion to Request Appropriations Committees to Reimburse Commissioners for Time Worked over the Earmark
VIII. Plan on Use of Information on Anti-Asian American Bigotry and Violence
IX. SAC Reports and Recharters
The Employment of Minorities and Women by Alabama State Government
The Employment of Minorities and Women by Kentucky State Government
Voter Registration in Louisiana Parishes
Civil Rights Laws and Legislation in West Virginia
Discrimination Against Chippewa Indians in Northern Wisconsin
Implementation in Utah of the Immigration Reform and Control Act: Phase One and Two
A Followup Forum on Census Undercounts and Preparations for the 1990 Census
SAC Recharters
X. Commission Subcommittee Reports
XI. Staff Director's Report
A. FOIA Regulations
B. 504 Regulations
C. FY 1990 Budget
XII. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376–8312.

Jeffrey P. O'Connell,

Acting Solicitor.

[FR Doc. 89–24896 Filed 10–17–89; 4:55 pm]

BILLING CODE 6335-01-M

federal register

Friday
October 20, 1989

Part II

Department of Education

Correction to the Selection Criteria for Applications for New Awards Under the Secondary Education and Transitional Services for Handicapped Youth Program, and the Technology, Educational Media, and Materials for the Handicapped Program for Fiscal Year 1990; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.158 and 84.180]

Correction to the Selection Criteria for Applications for New Awards Under the Secondary Education and Transitional Services for Handicapped Youth Program, and the Technology, Educational Media, and Materials for the Handicapped Program for Fiscal Year 1990

SUMMARY: On September 14, 1989, a notice was published in the Federal Register that set forth selection criteria for the Secondary Education and Transitional Services for Handicapped Youth Program (54 FR 38172), and the Technology, Educational Media, and Materials for the Handicapped Program (54 FR 38173). Detailed information concerning the competitions under both programs was included in that notice. The purpose of this notice is to alert applicants that the notice omitted selection criteria for two competitions: (1) One competition under the Secondary Education and Transitional Services for Handicapped Youth Program titled "Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination" (CFDA 84.158K); and (2) one competition under the Technology, Educational Media, and Materials for the Handicapped Program titled "Using Technology to Improve Assessment of Children with Handicaps" (CFDA 84.180B).

Secondary Education and Transitional Services for Handicapped Youth Program (CFDA No. 84.158)

The selection criteria included on page 38172 are the selection criteria for the 84.158*T* competition "Institute on Intervention Effectiveness" only, and pertain to applications for research or evaluation projects under the Secondary Education and Transitional Services for Handicapped Youth Program. For the competition "Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination", the Secretary uses the following criteria to evaluate applications. These criteria pertain to applications for model projects (*See* CFR 326.33).

Demonstration Projects to Identify and Teach Skills Necessary for Self-Determination—CFDA No. 84.158K

Selection Criteria

The Secretary uses the following criteria to evaluate applications for model projects. The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) a clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590, Evaluation by the grantee)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Importance.* (10 points)

The Secretary reviews each application for information that shows—

(1) The service delivery problem addressed by the proposed project is of concern to others in the Nation, and;

(2) The importance of the project in solving the problem.

(g) *Impact.* (10 points)

The Secretary reviews each application for information that shows the probable impact of the proposed model in educating handicapped youth, including—

(1) The contribution that the project findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Innovativeness.* (10 points)

(1) The Secretary reviews each application for information that shows the innovativeness of the proposed project.

(2) The Secretary looks for information that shows a conceptual framework that—

(i) Is founded on previous theory and research; and

(ii) Provides a basis for the unique strategies and approaches to be incorporated into the model.

(i) *Technical soundness.* (25 points)

The Secretary reviews each application for information demonstrating the technical soundness

of the plan for the development, implementation, and evaluation of the model with respect to such matters as—

(1) The population to be served;

(2) The model planning process;

(3) Recordkeeping systems;

(4) Coordination with other service providers;

(5) The identification and assessment of students;

(6) Interventions to be used, including proposed curricula;

(7) Individualized educational program planning; and

(8) Parent and family participation.

Program Authority: 20 U.S.C. 1425.

Technology, Educational Media, and Materials for the Handicapped Program (CFDA No. 84.180)

The selection criteria included on page 38173 are the selection criteria for the 84.180*C* competition "Designs for Multi-Media Instruction for Educating Children with Handicaps" only, and pertain to applications for development or demonstration activities under the Technology, Educational Media, and Materials for the Handicapped Program. For the competition "Using Technology to Improve Assessment of Children with Handicaps (CFDA 84.180B)", the Secretary uses the following criteria to evaluate applications. These criteria pertain to applications for research or evaluation activities (*See* 34 CFR 333.21).

Using Technology to Improve Assessment of Children with Handicaps Projects—CFDA No. 84.180B

Selection Criteria

The Secretary uses the following criteria to evaluate applications for research or evaluation projects.

(a) *Importance.* (15 points)

The Secretary reviews each application to determine the extent to which the proposed project addresses national concerns in light of the purposes of this part, and considers the significance of the problem or issue to be addressed.

(b) *Technical soundness.* (30 points)

(1) The Secretary reviews each application to determine if the approach is technically and programmatically sound.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) Technical soundness of the research or evaluation plan, including if appropriate—

(A) The design;

(B) The proposed sample;

(C) The instrumentation; and

(D) The data analysis.

(c) *Plan of operation.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) An effective plan of management that ensures proper and efficient administration of the project;

(ii) A clear description of how the objectives of the project relate to the purpose of the program

(iii) The way the applicant plans to use its resources and personnel to achieve each objective; and

(iv) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, or gender.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, and any other qualifications that pertain to the quality of the project.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application to determine that the applicant plans to devote adequate resources for the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate;

(ii) The equipment and supplies that the applicant plans to use are adequate; and

(iii) The applicant demonstrates necessary access to target population necessary to conduct the research or evaluation.

(f) *Impact.* (5 points)

The Secretary reviews each application to determine—

(1) The probable impact of the proposed project in educating or providing early intervention services to infants, toddlers, children, and youth with handicaps; and

(2) The contribution that the project findings or products will make to current knowledge or practice.

(g) *Dissemination.* (5 points)

The Secretary reviews each application to determine the extent to which the findings and products will be disseminated to, and used for the benefit of appropriate target groups.

(h) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

Program Authority: 20 U.S.C. 1461.

FOR FURTHER INFORMATION CONTACT: Joseph Clair, Division of Educational Services, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4620–2644), Washington, DC 20202 (for CFDA 84.158). Telephone: (202) 732–4503. Linda Glidewell, U.S. Department of Education, Office of Special Education Programs, Division of Innovation and Development, 400 Maryland Avenue, SW. (Switzer Building, Room 3094–2641), Washington, DC 20202 (for CFDA 84.180). Telephone (202) 732–1099.

Authority: 20 U.S.C. 1425 and 1461.

(Catalog of Federal Domestic Assistance Numbers: 84.158, Secondary Education and Transitional Services for Handicapped Persons; 84.180, Technology, Educational Media, and Materials for the Handicapped Program)

Dated: October 16, 1989.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 89–24765 Filed 10–19–89; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
October 20, 1989

Part III

Environmental Protection Agency

40 CFR Part 355

Community Right-to-Know Reporting Requirements; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 355

[FRL-3621-6]

Community Right-to-Know Reporting Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In today's final rule, the U.S. Environmental Protection Agency (EPA) is correcting the listing for reportable quantities (RQs) for two extremely hazardous substances, hydrogen chloride and methacrylonitrile, under section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). A discrepancy currently exists between the RQs listed for these substances under 40 CFR 302.4 (list of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) and the RQs listed under Appendices A and B of 40 CFR part 355 (list of extremely hazardous substances). EPA proposed to correct this discrepancy in a Notice of Proposed Rulemaking (NPRM) on reporting thresholds under sections 311 and 312 of SARA on March 29, 1989 (54 FR 12992). Although EPA is not finalizing other proposals included in the March 29, 1989 NPRM, the Agency is promulgating the correction in today's final rule. A final rule on the other issues proposed in the March 29, 1989 NPRM will be published at a later date.

EFFECTIVE DATE: October 20, 1989.

ADDRESSES: Copies of materials relevant to this rulemaking are contained in the Superfund Docket—Room 2427, 401 M Street SW., Washington, DC 20460. The docket may be inspected by appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Federal holidays. The docket phone number is (202) 382–3046. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Kathleen Bishop, Project Officer, Chemical Emergency Preparedness and Prevention Office, Office of Solid Waste and Emergency Response, OS–120, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or the Emergency Planning and Community Righ-to-Know Information Hotline at 1–800–535–0202, or in the Washington, DC metro area and Alaska at (202) 479–2449

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Introduction

A. Statutory Authority

This regulation is issued under section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–499; 42 U.S.C. 11001 *et seq.*). Title III is the Emergency Planning and Community Right-to-Know Act of 1986.

B. Background of this Rulemaking

In SARA section 302(a), Congress required that the EPA publish an initial list of extremely hazardous substances (EHSs) that included the same list of substances published in November 1985 in appendix A of the "Chemical Emergency Preparedness Program Interim Guidance (CEPP)." EPA codified the CEPP list in an interim final rule on November 17, 1986 (51 FR 41570), listing the reportable quantity (RQ) for hydrogen chloride as 5,000 pounds, and the RQ for methacrylonitrile as 1,000 pounds. The statutory provisions of SARA section 304(a) require that EPA adopt the RQs for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) hazardous substances listed in 40 CFR 302.4 as the RQs for EHSs in 40 CFR part 355. Section 304(a)(1) requires notification of the release of an EHS when the release is subject to notification under section 103 of CERCLA. EHSs must be reported under section 103 if they are CERCLA hazardous substances that are released in a quantity equal to or exceeding the RQ. The reporting trigger under section 304(a)(1), therefore, is identical to the reporting trigger under CERCLA section 103, that is, a release of an RQ or more of a CERCLA hazardous substance must be reported under both statutory provisions. EPA believes that Congress did not intend different RQ levels for a given hazardous substance under 40 CFR part 355 and 40 CFR 302.4.

In the final rule, however, the RQs for these substances were inadvertently listed at the statutory one-pound level in appendices A and B of 40 CFR part 355 (52 FR 13378, April 22, 1987). The EHS list incorrectly indicated that the RQ for hydrogen chloride (gas only) was the statutory one pound; the CERCLA list sets the RQ for hydrochloric acid (which includes all forms) at 5,000 pounds. Similarly, the RQ for methacrylonitrile on the EHS list was listed as one pound; the RQ for methacrylonitrile on the CERCLA list is 1,000 pounds.

In the March 29, 1989 Notice of Proposed Rulemaking (NPRM) on final reporting thresholds under SARA sections 311 and 312 (54 FR 12992), EPA proposed to correct the listings. Today's rule finalizes the proposed SARA section 304 RQs for hydrogen chloride at 5,000 pounds and for methacrylonitrile at 1,000 pounds, thereby resolving the discrepancy between appendices A and B to 40 CFR part 355 (EHS list) and 40 CFR 302.4 (list of hazardous substances under CERCLA) with respect to the RQs for hydrogen chloride and hydrochloric acid (each of which has Chemical Abstracts Service Registry Number (CAS) 7647–01–0), and methacrylonitrile.

Seven commenters on the NPRM agreed that the RQs should be changed as proposed. Three commenters, however, stated that maintaining consistency between the RQs should not outweight consideration of the risk posed by the hazardous chemical, and that the RQs should not be adjusted until the change could be justified scientifically on the basis of the risk represented. EPA agrees that RQs must be assigned on a scientific basis that considers the potential hazard posed by a release of the substance in question. EPA evaluated the potential toxicities associated with hydrogen chloride and methacrylonitrile and adjusted the CERCLA RQs for these substances in the April 4, 1985 rulemaking (50 FR 13456). The RQs for these substances and the methodology on which they are based were subject to the comment and response process during the developing of that rule and are supported by the "Technical Background Document To Support Rulemaking Pursuant to CERCLA Section 102, Volume 1, " March 1985.

EPA's regulations implementing SARA Title III reference the CERCLA RQs. A release of an RQ of an extremely hazardous substance or a CERCLA hazardous substance must be reported under 40 CFR 355.40, EPA's regulations implementing section 304 of Title III. As a result, there must be consistency between CERCLA RQs and RQs used under Title III. Indeed, the Agency maintains that there is only one RQ for a given substance under either Act. EPA believes that it is appropriate, therefore, to finalize the RQs for these substances at the CERCLA levels in today's final rule.

Two commenters asserted that the RQ for hydrogen chloride should vary depending on the form of the substance released (i.e., liquid or gas). EPA does

not agree that the various forms of hydrogen chloride should be assigned different RQs. Section 102(a) of CERCLA expressly authorizes the Administrator to set a single quantity for each hazardous substance. As stated above, hydrochloric acid is a listed CERCLA hazardous substance assigned an RQ of 5,000 pounds (40 CFR 302.4 (Table 302.4)). Although EPA has not specifically listed hydrogen chloride gas as a synonym of hydrochloric acid in a CERCLA regulation or background document, EPA stated that "[t]he CAS Registration Number, when available, uniquely identifies the designated hazardous substance," (50 FR 13456 at 13461; April 4, 1985). The CSA number for hydrochloric acid, 7647-01-0, is the same as the CAS number for hydrogen chloride, which is another name of hydrogen chloride gas. Thus, the 5,000 pound RQ assigned to hydrochloric acid under section 102 of CERCLA also applies to hydrogen chloride gas for purposes of emergency release notification under section 304 of SARA and section 103 CERCLA.

The RQs for hydrogen chloride and methacrylonitrile are subject to change if additional technical information is received or the RQ methodology is modified in such a way as to effect a change. Also, EPA has proposed (53 FR 3368; January 23, 1989) to designate all EHSs as CERCLA hazardous substances and is scheduled to propose adjustments to the RQs for those substances during 1989. The RQs for hydrogen chloride and methacrylonitrile are subject to adjustment in that rulemaking.

Several commenters on the NPRM suggested that EPA publish a technical correction concerning these RQs rather than going through a notice and comment rulemaking to correct the listings. EPA believes that the concern of the commenters is that the listings be corrected as soon as possible to preclude unnecessary reporting. EPA agrees and, therefore, is promulgating the corrections in today's final rule, rather than delaying them until the promulgation of the final rule on section 311 and 312 reporting thresholds.

II. Regulatory Analyses

A. Regulatory Impact Analysis

A Regulatory Impact Analysis is not necessary for today's final rule because the correction is not a major rule under Executive Order (E.O.) 12291, and today's action will reduce the reporting and recordkeeping burden on both industry and government.

B. Regulatory Flexibility Act Analysis

A Regulatory Flexibility Act Analysis is not necessary for the final rule because the impact on small businesses, if any, will be a decrease in the reporting burden imposed by 40 CFR part 355.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and have been assigned OMB control number 2050-0046.

Public reporting burden for this collection of information is estimated to vary from two to five hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20403, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 355

Chemicals, Hazardous substances, Extremely hazardous substances, Community right-to-know, Chemical accident prevention, Chemical emergency preparedness, Threshold planning quantity, Reportable quantity, Community emergency response plan, Contingency planning, Reporting and recordkeeping requirement.

Dated: September 29, 1989.

William K. Reilly,

Administrator.

For the reasons set out in the Preamble to this Final Rule, part 355 of subtitle J of title 40 of the Code of Federal Regulations is amended as follows:

PART 355—EMERGENCY PLANNING AND NOTIFICATION

1. The authority citation for part 355 continues to read as follows:

Authority: 42 U.S.C. 11002, 11003, 11004, 11025, 11028.

Appendices A and B [Amended]

2. Appendices A and B to part 355 are amended by revising the reportable quantity listed for Hydrogen Chloride (gas only) to read "5,000" and Methacrylonitrile to read "1,000".

[FR Doc. 89-23832 Filed 10-19-89; 8:45 am]
BILLING CODE 6560-50-M

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H.R. 2358/Pub. L. 101-118

To authorize appropriations for fiscal year 1990 for the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives, and for other purposes. (Oct. 17, 1989; 103 Stat. 698; 1 page) Price: $1.00

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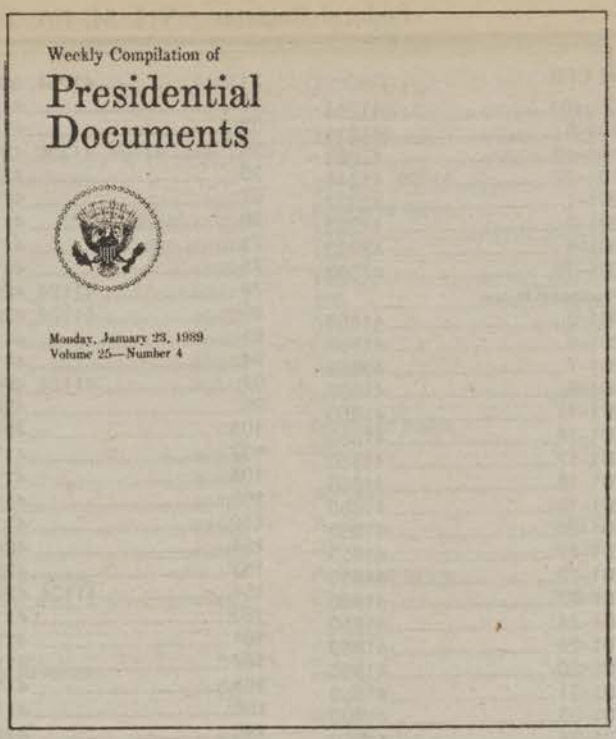

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