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WHO: The Office of the Federal Register.

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RESERVATIONS: Call Mary Walters at the San Francisco Federal Information Center,
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WASHINGTON, DC

WHEN: December 7, at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240.

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 6077 of November 22, 1989

National Family Caregivers Week, 1989

By the President of the United States of America

A Proclamation

Each day, an estimated two million Americans help older relatives maintain their dignity and independence. They buy groceries for them or take them shopping; they help them maintain their homes; and they assist them with personal care. In many cases, family members provide home nursing care for an older relative who is incapacitated by illness or disability.

These caregivers are unsung heroes and heroines. Rendering service without pay, and often in addition to meeting the demands of their own careers and immediate families, these men and women provide a powerful example of faithfulness and generosity. Family caregivers—whether they are spouses, daughters, sons, grandchildren, or in-laws—offer invaluable help to older relatives who might otherwise be forced to live in an institutional setting.

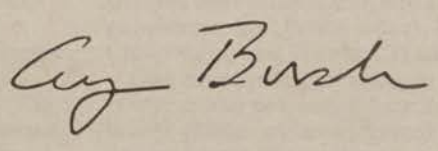
All of us owe a debt of gratitude to the hardworking men and women who give older members of our society the love, respect, comfort, and assistance they need and deserve. More important, however, these men and women merit our recognition and support.

Throughout the United States, family caregivers are aided in their efforts by homemaker programs, by respite and day care services, and by agencies that provide home-delivered meals. This week, we acknowledge the importance of such community support services and reaffirm our commitment to ensuring that family caregivers have greater access to them.

In grateful recognition of the contributions that caregivers make to their families and the Nation, the Congress, by House Joint Resolution 282, has designated the week of November 19 through November 25, 1989, as "National Family Caregivers Week" and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of November 19 through November 25, 1989, as National Family Caregivers Week. I call upon the American people to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of November, 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. 89-27908
Filed 11-24-89; 10:10 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

United States Standards for Wheat

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) will amend the United States Standards for Wheat by replacing the single class White wheat with two classes, Hard White wheat (HWW) and Soft White wheat (SWW). The class SWW will have three subclasses, Soft White wheat, White Club wheat and Western White wheat. The Class HWW will have no subclasses. These changes will provide greater consistency in applying the standards, make the standards easier to interpret, and facilitate trade in both hard and soft white wheats.

EFFECTIVE DATE: May 1, 1990.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Resources Management Division, USDA, FGIS, Room 0628 South Building, P.O. Box 96454, Washington, DC 20090-6454. Telephone (202) 475-3428.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

W. Kirk Miller, Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of the inspection service do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities.

Background

The current United States Standards for Wheat include the following seven classes: Durum wheat, Hard Red Spring wheat, Hard Red Winter wheat, Soft Red Winter wheat, White wheat, Unclassed wheat, and Mixed wheat. White wheat has four subclasses which are Hard White wheat, Soft White wheat, White Club wheat, and Western White wheat. The recent development of white wheat varieties with hard endosperms and the establishment of a market for them creates a need to revise the United States Standards for Wheat.

Milling and baking studies demonstrate a significant difference in milling properties and in end-use functions between hard and soft endosperm wheats. Hard and soft endosperm wheats are marketed as separate products to meet specific end-use needs. To reflect the specific end-use needs, the standards should address, to the extent practicable, hard and soft endosperm wheats as separate wheat classes and consider the mixing of the two wheat types as Mixed wheat.

A HWW classification subcommittee of U.S. Wheat Associates, representing the HWW producers and the Pacific Northwest SWW producers, recommended changes in the class White wheat to: Create new classes called Hard White wheat and Soft White wheat; eliminate the class White wheat; eliminate the 75 percent hard kernel definition; and eliminate the subclass HWW.

Accordingly, on June 6, 1989, FGIS proposed in the **Federal Register** (54 FR 24176) to amend the United States Standards for Wheat (7 CFR 810.2202) by replacing the single class White wheat with two classes, HWW and SWW. The proposal included subdividing SWW into three subclasses; Common White wheat, White Club wheat, and Western White wheat. The class HWW was to have no subclasses.

It was also proposed to define the classes HWW and SWW as all hard endosperm White wheat varieties and all soft endosperm White wheat varieties, respectively. In conjunction with the change to varietal kernel characteristics rather than hardness, it was proposed to eliminate the definition that the subclasses of hard and soft White wheat be determined by the percentage of hard kernels. Classification would be based on visual examination of the varietal kernel characteristics. Additionally, it was proposed that the presence of HWW in SWW or SWW in HWW be treated as "wheat of other classes." The classes HWW and SWW would be treated as "contrasting classes" with respect to Durum, HRS, and HRW. Soft Red Winter wheat would be treated as "contrasting classes" HWW and SWW due to color contrast rather than "wheat of other classes" as is currently the case in the class White wheat.

Final Action

FGIS received a total of 56 comments during the 60-day comment period. The comments were submitted from all segments of the wheat industry including grain handlers, State wheat commissions, State wheat grower organizations, domestic millers, foreign buyers, wheat producers, and university officials.

The public comments overwhelmingly supported elimination of the current class White wheat and replacement with two classes, HWW and SWW, as proposed. This final rule implements that change. A total of 14 commenters did not support the subclass name "Common White wheat" because of possible misunderstanding in the trade and the possible negative marketing image associated with the word common. They recommended the name "Soft White wheat," instead. The comments recommending that the subclass name "Common White wheat" be replaced with the name "Soft White wheat" are consistent with the current definition and trade perception of the subclass. Thus, FGIS has determined that the standards will be amended so that the new class SWW will have three subclasses, Soft White wheat, White Club wheat, and Western White wheat.

One commenter felt strongly that HWW needs two subclasses: Hard White Winter wheat and Hard White Spring wheat. Three commenters suggested that subclasses in HWW will probably be needed in the future as the

market for hard white wheats expands and more HWW varieties are developed. But five commenters said no distinction should be made between hard white wheat grown in the winter or spring in the class HWW. One commenter noted that no clear milling and baking distinction exists between winter and spring grown HWW at this time.

The majority of commenters supported the class HWW without subclasses or had no comment on the issue. Since at this time, no clear milling and baking differences exist at equal protein content between spring and winter white wheats, FGIS will not establish spring and winter subclasses in the class HWW in this rulemaking proceeding. If clear quality or market distinctions develop between spring and winter wheat, FGIS will consider establishing HWW subclasses at a future date.

Two commenters recommended that HWW in SWW or SWW in HWW be treated as "contrasting classes" rather than as "wheat of other classes," as proposed. However, for uniformity in the definitions of "wheat of other classes" and "contrasting classes," as applied to all wheat classes, HWW in SWW or SWW in HWW will be treated as "wheat of other classes," as proposed. Further, the classes HWW and SWW will be "contrasting classes" with respect to Durum, HRS, and HRW as proposed. Soft Red Winter wheat will be treated as "contrasting classes in HWW and SWW, as proposed.

Several commenters stressed the need to develop an objective classification system for all classes of wheat that will be accurate, valid, and repeatable as soon as possible. FGIS has determined that classification by varietal kernel characteristics rather than vitreousness of the kernel is practicable at this time for HWW and SWW since only a few hard endosperm white white varieties are being produced.

FGIS recognizes that if more hard endosperm varieties are released into the marketplace in the future, the classification system may become less practical. Therefore, FGIS is investigating the use of alternative testing methods as the basis of a possible future classification system.

FGIS determined that minor changes in the proposed definition of White Club wheat and Western White wheat will clarify the distinction between the two subclasses and more closely match terminology used in current marketing practices. As proposed, the definition of White Club wheat was "Club headed soft endosperm, white wheat varieties containing not more than 10 percent of other soft white wheats." Accordingly, the definition of White Club wheat will read "Soft endosperm white club wheat varieties containing not more than 10 percent of other soft white wheats." As proposed, the definition of Western White wheat was "Soft White wheat containing more than 10 percent of white club wheat." The definition of Western White wheat, as amended will read "Soft White wheat containing more than 10 percent of white club wheat and more than 10 percent of other soft white wheats." This wording of the subclass Western White wheat clarifies the distinction between Western White and White club wheat.

Pursuant to section 4(b) of the United States Grain Standards Act (7 U.S.C. 76(b)), no standards established or amendments or revocations of standards are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator, the public health, interest, or safety requires that they become effective sooner. Twenty-four commenters requested that the proposed amendments become effective as soon as possible, especially for growers producing HWW for commercial markets in 1990. In addition, harvesting begins on or about May 1, 1990. In accordance with section 4(b) of the Act, it is determined that the public interest requires that these amendments become effective less than one calendar year after promulgation. Accordingly, this final rule will be effective on May 1, 1990.

List of Subjects in 7 CFR Part 810

Exports, Grains.

For reasons set forth in the preamble, 7 CFR part 810 is amended as follows:

PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

1. The authority citation for part 810 continues to read as follows:

Authority: Sections 3A and 4, United States Grain Standards Act (7 U.S.C. 75a, 76).

Subpart L—United States Standards for Wheat

Sections 810.2202 (a) and (b) are revised to read as follows:

§ 810.2202 Definition of other terms.

(a) *Classes.* There are eight classes for wheat: Durum wheat, Hard Red Spring wheat, Hard Red Winter wheat, Soft Red Winter wheat, Hard White wheat, Soft White wheat, Unclassed wheat, and Mixed wheat.

(1) *Durum wheat.* All varieties of white (amber) durum wheat. This class is divided into the following three subclasses:

(i) *Hard Amber Durum wheat.* Durum wheat with 75 percent or more of hard and vitreous kernels of amber color.

(ii) *Amber Durum wheat.* Durum wheat with 60 percent or more but less than 75 percent of hard and vitreous kernels of amber color.

(iii) *Durum wheat.* Durum wheat with less than 60 percent of hard vitreous kernels of amber color.

(2) *Hard Red Spring wheat.* All varieties of Hard Red Spring wheat. This class shall be divided into the following three subclasses.

(i) *Dark Northern Spring wheat.* Hard Red Spring wheat with 75 percent or more of dark, hard, and vitreous kernels.

(ii) *Northern Spring wheat.* Hard Red Spring wheat with 25 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(iii) *Red Spring wheat.* Hard Red Spring wheat with less than 25 percent of dark, hard, and vitreous kernels.

(3) *Hard Red Winter wheat.* All varieties of Hard Red Winter wheat. There are no subclasses in this class.

(4) *Soft Red Winter wheat.* All varieties of Soft Red Winter wheat. There are no subclasses in this class.

(5) *Hard White wheat.* All hard endosperm white wheat varieties. There are no subclasses in this class.

(6) *Soft White wheat.* All soft endosperm white wheat varieties. This class is divided into the following three subclasses:

(i) *Soft White wheat.* Soft endosperm white wheat varieties which contain not more than 10 percent of white club wheat.

(ii) *White Club wheat.* Soft endosperm white club wheat varieties containing not more than 10 percent of other soft white wheats.

(iii) *Western White wheat.* Soft White wheat containing more than 10 percent of white club wheat and more than 10 percent of other soft white wheats.

(7) *Unclassed wheat.* Any variety of wheat that is not classifiable under other criteria provided in the wheat standards. There are no subclasses in this class. This class includes:

(i) Red durum wheat.

(ii) Any wheat which is other than red or white in color.

(8) *Mixed wheat.* Any mixture of wheat that consists of less than 90 percent of one class and more than 10 percent of one other class, or a combination of classes that meet the definition of wheat.

(b) *Contrasting classes.* Contrasting classes are:

(1) Durum wheat, Hard White wheat, Soft White wheat, and Unclassed wheat in the classes Hard Red Spring wheat and Hard Red Winter wheat.

(2) Hard Red Spring wheat, Hard Red Winter wheat, Hard White wheat, Soft Red Winter wheat, Soft White wheat, and Unclassed wheat in the class Durum wheat.

(3) Durum wheat and Unclassed wheat in the class Soft Red Winter wheat.

(4) Durum wheat, Hard Red Spring wheat, Hard Red Winter wheat, Soft Red Winter wheat, and Unclassed wheat, in the classes Hard White wheat and Soft White wheat.

* * * * *

Dated: November 2, 1989.

W. Kirk Miller,

Administrator.

[FR Doc. 89-27692 Filed 11-24-89; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 695]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from November 24 through November 30, 1989. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

DATES: Regulation 695 [7 CFR part 907] is effective for the period from November 24 through November 30, 1989.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-8139.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 [7 CFR part 907], as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

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 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,065 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 85 percent of the total production in 1988-89. District 2 is located in the southern coastal area of California and represented 13 percent of 1989-90 production; District 3 is the desert area of California and Arizona, and it represented approximately 1 percent; and District 4, which represented approximately 1 percent, is northern California. The Committee's estimate of 1988-89 production is 73,350 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared with 70,633 cars during the 1988-89 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 68 percent of the 1989-90 crop of 73,350 cars will be utilized in fresh domestic channels (49,500 cars), with the remainder being exported fresh (10 percent) or processed (22 percent). This compares with the 1988-89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of the crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to growers. Growers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee at its November 21, 1989, meeting, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance grower revenue. Prices for navel oranges tend to be relatively inelastic at the grower level. Thus, even a small variation in shipments can have a great impact on prices and grower revenue. Under these circumstances, strong arguments can be advanced as to the benefits to growers, particularly smaller growers.

At the beginning of each marketing year, the Committee submits a marketing policy to the U.S. Department of Agriculture (Department) which discusses, among other things, the potential use of volume and size regulations for the ensuing season. The

Committee, in its 1989–90 season marketing policy, considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Schlatter. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate. A "Notice of Marketing Policy" (notice), which summarized the Committee's marketing policy, was prepared by the Department and published in the October 19, 1989, issue of the **Federal Register** [54 FR 42966]. The purpose of the notice was to allow public comment on the Committee's marketing policy and the impact of any regulations on small business activities.

The notice provided a 30-day period for the receipt of comments from interested persons. That comment period ended on November 20, 1989. Comments were received from Mr. Carl Pescosolido, Jr., Sequoia Orange Company, Inc., Mr. Richard J. Pescosolido, Foothill Farms, and Mr. James A. Moody, coordinator for Farmers Alliance for Improved Regulation. The Department will analyze all comments received and the analysis will be made available to interested persons. That analysis will assist the Department in evaluating recommendations for the issuance of weekly volume regulations.

The Committee met publicly on November 21, 1989, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of eight to one, that 1,400,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections set forth in its 1989–90 marketing policy. This recommended amount is 200,000 cartons less than estimated in the tentative shipping schedule adopted by the Committee on November 14, 1989. Of the 1,400,000 cartons, 1,344,000 are allotted for District 1, and 56,000 are allotted for District 3. Districts 2 and 4 are not regulated as they do not have a sufficient quantity of fruit available for current shipment.

During the week ending on November 16, 1989, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,540,000 cartons compared with 913,000 cartons shipped during the week ending on November 17, 1988. Export shipments totaled 184,000 cartons compared with 52,000 cartons shipped during the week ending on November 17, 1988, and processing and other uses accounted for 381,000 cartons compared with 256,000 cartons shipped during the week ending on November 17, 1988.

Fresh domestic shipments to date this season total 3,861,000 cartons compared with 1,815,000 cartons shipped by this time last season. Export shipments total 547,000 cartons compared with 78,000 cartons shipped by this time last season. Processing and other use shipments total 1,038,000 cartons compared with 542,000 cartons shipped by this time last season.

For the week ending on November 16, 1989, handlers in District 1 had net undershipments of 85,000 cartons and handlers in District 3 had net undershipments of 10,000 cartons. Thus, undershipments of 95,000 cartons will be carried over into the week ending on November 23, 1989. Preliminary adjusted allotment for the week ending on November 23, 1989, is 1,595,000 cartons. Estimated shipments for the week ending on November 23, 1989, are 1,625,000 cartons.

The average f.o.b. shipping point price for the week ending on November 16, 1989, was $8.60 per carton based on a reported sales volume of 1,154,000 cartons compared with last week's average of $9.23 per carton on a reported sales volume of 811,000 cartons. The season average f.o.b. shipping point price to date is $9.17 per carton. The average f.o.b. shipping point price for the week ending on November 17, 1988, was $10.97 per carton; the season average f.o.b. shipping point price at this time last season was $10.74 per carton.

The Committee reports that overall demand for navel oranges has declined and inventories for choice quality and smaller sized fruit are building.

According to the National Agricultural Statistics Service, the 1988–89 season average fresh equivalent on-tree price for California-Arizona navel oranges was $3.86 per carton, 65 percent of the season average parity equivalent price of $5.98 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the point estimate of the 1989–90 season average fresh on-tree price would be $4.33 per carton. This is equivalent to 66 percent of the projected season average fresh on-tree parity equivalent price of $6.54 per carton. It is currently estimated that there is less than a one percent probability that the 1989–90 season average fresh on-tree price will exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from November 24 through November 30, 1989, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market. By using provisions contained in the navel orange marketing order, handler shipments could exceed an estimated 1,775,000 cartons during the week.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, 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**. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until November 21, 1989, and this action needs to be effective for the regulatory week which begins on November 24, 1989. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers have been apprised of the provisions of this rule and the effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision

effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements and orders, Navel, Oranges.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

PART 907—[AMENDED]

1. The authority citation for 7 CFR part 907 continues to read as follows:

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

2. Section 907.995 is added to read as follows:

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

§ 907.995 Navel Orange Regulation 695.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 24 through November 30, 1989, is established as follows:

(a) District 1: 1,344,000 cartons;
(b) District 2: unlimited cartons;
(c) District 3: 56,000 cartons;
(d) District 4: unlimited cartons.

Dated: November 22, 1989.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89–27863 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Regulation 693]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 693 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period from November 26 through December 2, 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 693 [7 CFR part 910] is effective for the period from November 26 through December 2, 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 business 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 2,500 producerts in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.2] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose 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 November 21, 1989, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously 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 910.993 is added to read as follows:

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

§ 910.993 Lemon Regulation 693.

The quantity of lemons grown in California and Arizona which may be handled during the period from November 26, 1989, through December 2, 1989, is established at 300,000 cartons.

Dated: November 22, 1989.

Charles Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 89–27862 Filed 11–24–89 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 971

[Docket No. FV–89–110]

South Texas Lettuce; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order 971 for the 1989–90 fiscal period. Authorization of this budget will allow the South Texas Lettuce Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: August 1, 1989 through July 31, 1990.

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley of South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

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

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

There are approximately 10 handlers and 20 producers of South Texas lettuce covered under this marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined at those whose annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

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

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

The committee met on October 3, 1989, and unanimously recommended a 1989–90 budget of $51,531.49. Last season's budget was $34,305. Major expense items include increases in committee staff salaries, travel and marketing development and production research projects.

The committee also unanimously recommended an assessment rate of $0.05 per carton, the same rate as last season's. This rate, when applied to anticipated shipments of 1,011,500 cartons of lettuce, would yield $50,575 in assessment revenue. This amount when added to $956.49 from the reserve fund would be adequate to cover budgeted expenses.

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

A proposed rule was published in the **Federal Register** on October 31, 1989 (54 FR 45737). That document contained a proposal to add § 971.229 to authorize expenses and establish an assessment rate for the committee. That rule provided that interested persons could file comments through November 10, 1989. No comments were received.

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

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

List of Subjects in 7 CFR Part 971

Lettuce, Marketing agreements and orders, South Texas.

For the reasons set forth in the preamble, 7 CFR part 971 is amended as follows:

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

1. The authority citation for 7 CFR part 971 continues to read as follows:

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

2. A new § 971.229 is added to read as follows:

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

§ 971.229 Expenses and assessment rate.

Expenses of $51,531.49 by the South Texas Lettuce Committee are authorized and an assessment rate of $0.05 per carton of lettuce is established for the fiscal period ending July 31, 1990. Unexpended funds may be carried over as a reserve.

Dated: November 21, 1989.

William J. Doyle,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–27689 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 380

Projects or Actions Categorically Excluded

CFR Correction

In title 18 of the Code of Federal Regulations, parts 280 to 399, revised as of April 1, 1989, paragraph (b) was

incorrectly removed from § 380.4. It is republished as follows:

§ 380.4 [Corrected]

* * * * *

(b) *Exceptions to categorical exclusions.* (1) In accordance with 40 CFR 1508.4, the Commission and its staff will independently evaluate environmental information supplied in an application and in comments by the public. Where circumstances indicate that an action may be a major Federal action significantly affecting the quality of the human environment, the Commission:

(i) May require an environmental report or other additional environmental information, and

(ii) Will prepare an environmental assessment or an environmental impact statement.

(2) Such circumstances may exist when the action may have an effect on one of the following:

(i) Indian lands;

(ii) Wilderness areas;

(iii) Wild and scenic rivers;

(iv) Wetlands;

(v) Units of the National Park System, National Refuges, or National Fish Hatcheries;

(vi) Anadromous fish or endangered species; or

(vii) Where the environmental effects are uncertain.

However, the existence of one or more of the above will not automatically require the submission of an environmental report or the preparation of an environmental assessment or an environmental impact statement.

* * * * *

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 885

[Docket No. N-89-2066; FR-2698-N-1]

Section 202 Loans for Housing for the Elderly or Handicapped; Fiscal Year 1990 Loan Interest Rate

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Announcement of section 202 Loan Interest Rate—Fiscal Year 1990.

SUMMARY: Under 24 CFR 885.410(g), the interest rate for a loan for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 is set at one of two rates: (1) The annual interest rate announced by HUD under § 885.410(g)(1); or (2) the optional interest rate elected by the Borrower and computed by HUD at the time of the Borrower's request for conditional or firm commitment under § 885.410(g)(2). This document establishes 8.375 percent as the annual interest rate for Fiscal Year 1990. (Information concerning the calculation of the optional interest rate will be provided to Borrowers upon request. See § 885.410(h).)

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Director, Assisted Elderly and Handicapped Housing Division, 451 Seventh Street SW., room 6116, Washington, DC 20410–8000, telephone (202) 426–8730. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under 24 CFR 885.410(g), the interest rate for a loan for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 is set at one of two rates: (1) The annual interest rate announced by HUD under § 885.410(g)(1); or (2) the optional interest rate elected by the Borrower and computed by HUD at the time of the Borrower's request for conditional or firm commitment under § 885.410(g)(2). The citations in this document are to the interim rule published June 1, 1988 (53 FR 19899) and the final rule published November 9, 1988 (53 FR 45265).

This document announces HUD's determination of the annual interest rate. (Information concerning the calculation of the optional interest rate will be provided to Borrowers upon request. See § 885.410(h).)

The annual interest rate under § 885.410(g)(1) may not exceed:

(1) The average yield on the most recently issued 30-year marketable obligations of the United States during the three-month period immediately preceding the fiscal year in which the loan is made (adjusted to the nearest one-eighth of one percent) plus an allowance to cover administrative costs and probable losses under the program. (This allowance has been determined by the Secretary of Housing and Urban Development to be one-fourth of one percent (0.25 percent) per annum for both the construction and permanent loan periods); and

(2) Any applicable statutory ceiling on the loan interest rate including the allowance to cover administrative costs and probable losses. (§ 885.410(g)(1)(ii).) The current statutory ceiling is 9.25 percent per annum.

The average yield on the described interest-bearing obligations of the United States during the last three months of Fiscal Year 1989 was 8.125 percent. This rate plus the 0.25 percent allowance for administrative costs and probable losses allowance for administrative costs and probable losses yields an interest rate of 8.375 percent. Accordingly, this Notice establishes the annual interest rate for section 202 loans made during Fiscal Year 1990 at 8.375 percent per annum.

Under 24 CFR 50.20(1), an environmental finding is not necessary because the statutory required establishment of interest rates is among matters that are categorically excluded from the environmental requirements of 24 CFR part 50.

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 13, 1989.

Peter H. Monroe,

Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 89-27676 Filed 11-24-89; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CGD11 89-19]

Safety Zone Regulations; Outer Continental Shelf; Santa Barbara Channel

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting an error in the temporary safety zone regulations for oil platform Heritage which were published in the **Federal Register** on Thursday, November 2, 1989 (54 FR 46230).

FOR FURTHER INFORMATION CONTACT: Commander N. S. Porter, Chief of the Marine Environmental Protection/Port Safety and Security Branch, Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822–5399, (213) 499–5330.

SUPPLEMENTARY INFORMATION: The Coast Guard established a temporary 500 meter safety zone around oil platform Heritage on October 13, 1989, to protect vessels and the public from safety hazards associated with installation of the platform. The safety zone regulations were published in the **Federal Register** on Thursday, November 2, 1989 (54 FR 46230).

Subsequent to establishment of the zone, the platform owner advised the Coast Guard that the actual location of the platform was several yards different from the position they had previously provided and which had been included in the regulations. Correction of the regulations is therefore necessary to accurately reflect the platform's location. As this is a technical correction that does not alter the substance of the regulations, publication of this change for comment is not required by 5 U.S.C. 553. However, persons wishing to comment on the regulations, as corrected, may still do so in accordance with the instructions provided in the preamble to the regulations which were published in the **Federal Register** on Thursday, November 2, 1989 (54 FR 46230).

Correction

The following correction is made to the temporary safety zone regulations for oil platform Heritage (33 CFR part 147) published in the **Federal Register** on Thursday, November 2, 1989 (54 FR 46230).

Paragraph (a) of § 147.T1192 is correctly added to read as follows:

§ 147.T1192 Platform Heritage safety zone.

(a) *Description.* All waters of the Pacific Ocean enclosed by a line drawn 500 meters around position 34–21–01.41N 120–16–45.06W

* * * * *

Dated: November 9, 1989.

Terry Lucas,

Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.

[FR Doc. 89–27590 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3681–9]

Plan for American Cyanamid Co. Fortier Plant, Westwego, LA

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving the American Cyanamid Company Fortier Plant Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana State Implementation Plan (SIP). This volatile organic compound (VOC) Bubble uses credits from the change of service of three storage tanks from VOC to non-VOC usage. These credits are used to offset reductions required by controlling one methanol storage tank. The Emission Reduction Credits (ERCs) were determined to be valid, consistent with EPA's proposed Emissions Trading Policy Statement (ETPS) of April 7, 1982 (47 FR 15076), and the final ETPS of December 4, 1986 (51 FR 43814).

DATE: This rulemaking is effective December 27, 1989.

ADDRESSES: Copies of the State's submittal are available for public inspection during normal business hours at:

Air Quality Division, Louisiana Department of Environmental Quality, Land and Natural Resources Building, 625 North 4th Street, P.O. Box 44096, Baton Rouge, Louisiana 70804–4096;

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

Environmental Protection Agency, Region 6 Office, Air Programs Branch, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Bill Riddle, State Implementation Plan Section: Air Programs Branch: Air, Pesticides & Toxics Division: EPA Region 6 Office, 1445 Ross Ave., Dallas, Texas 75202, (214) 655–7214 or FTS 255–7214.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the American Cyanamid Bubble is provided here. For a more comprehensive description of the details of this Emissions Trade see the proposed approval, Plan for American Cyanamid Company Fortier Plant, Westwego, LA (53 FR 40460, October 17, 1988).

American Cyanamid Company's Fortier Plant would like to use emission reductions from the change of service of three dimethylamine tanks. These tanks were used to store dimethylamine, a raw material in the manufacture of synthetic resins. The tanks are now used for non-VOC storage. The proposal stated in error that the VOC emissions are limited to one ton per year each. It is correct that the emissions are limited to 0 tons per year each. These credits from this change of service are used in lieu of controlling the emissions from one methanol storage tank. The entire trade is summarized below:

$$\frac{\text{Credits from change of service}}{(-12.63)\ \text{TPY}} + \frac{\text{Noncompliance emissions and air quality benefit}}{(11.16 + 1.21)\ \text{TPY}} = \frac{\text{Progress toward attainment}}{(-0.26)\ \text{TPY}}$$

Sources	Emissions (tons/year)					
	Actual			Allowable		
	Before bubble	After bubble	Change	Before bubble	After bubble	Change
Non-VOC 36–79	6.06	0.00	−6.06	6.06	0.00	−6.06
Non-VOC 37–79	5.26	0.00	−5.26	5.26	0.00	−5.26
Non-VOC 38–79	1.31	0.00	−1.31	1.31	0.00	−1.31
Methanol 12–73	12.13	12.13	0.00	0.97	12.13	+11.16
Air Quality Benefit					1.21	+1.21
Total	24.76	12.13	−12.63	13.60	13.34	−0.26

B. Discussion

The Bubble was reviewed for compliance with the requirements of Section 110 of the Clean Air Act, 40 CFR Part 51, EPA's Proposed Emissions Trading Policy Statement (ETPS) published in the **Federal Register** on April 7, 1982 (47 FR 15076) and the Final ETPS published in the **Federal Register** on December 4, 1986 (51 FR 43814).

The State issued a permit to American Cyanamid, # 1896 (M–1), on May 8, 1986. Close examination of the detailed calculations of emissions authorized by that permit revealed that some of the emission factors where incorrect. EPA notified the State that these needed to be corrected. The State did correct the calculations and reflected the appropriate emission levels in a new permit, #1896 (M–2), issued to American Cyanamid on July 20, 1989. In addition to correcting the emission factors in two of the three dimethylamine tanks, the State also adjusted the emissions of the methanol tank to more accurately reflect the throughput as it is currently. This raised the credit needed from 7.62 to 11.16 TPY. This resulted in the credit donating sources having less credit to give, and the credit consuming source requiring more credit. The amount of unused credit went from 8.0 TPY in the proposal to 0.26 TPY in the final trade.

As stated in the proposal (53 FR 40461–40462), several points of concern and enforceability needed to be included in the revised permit #1896 (M–2) before EPA gave final approval to the Bubble. EPA received the revised permit with these points of concern and enforceability included, as follows:

1. Comment: The Bubble prohibits the storage of VOC's in tanks 36–79, 37–79, and 38–79. The legally enforceable recordkeeping requirements must require data that makes definitive that no VOCs are being stored in these tanks. The permit must be changed to reflect 0 TPY for tanks 36–79, 37–79, and 38–79 for the post-bubble allowable emissions.

Response: These items have been included in Attachment I and Specific Condition 1, of the permit.

2. Comment: The company must be required by the permit to keep sufficient records to determine compliance and retain them for a minimum of two years.

Response: This permit requirement has been included under Specific Condition 1.

3. Comment: Assurances that there was no shifting demand situation that lead to credit was needed.

Response: A letter from the Administrator of the Air Quality Division, LDEQ, dated June 6, 1989, stated the LDEQ position that the VOCs that have been shifted out of tanks 36–79, 37–79, and 38–79 have not been shifted elsewhere in the nonattainment area.

EPA received no public comments, beyond the responses from the State, on the October 17, 1988, proposed rulemaking.

C. Final Action

Because the State has fulfilled the requirements stipulated in the October 17, 1988, proposed approval, and because all other requirements have met compliance, EPA approves the American Cyanamid Company Fortier Plant Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana SIP. The approved LDEQ permit for this trade is #1896 (M–2) dated July 20, 1989.

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

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.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of this publication. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

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.

List of Subjects in 40 CFR Part 52

Air Pollution Control, Hydrocarbons, Incorporation by reference, Ozone.

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

Dated: September 26, 1989.

Robert E. Layton, Jr.,

Regional Administrator (6A).

PART 52—[AMENDED]

40 CFR part 52 is amended as follows:

Subpart T—Louisiana

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.970 is amended by adding paragraph (c)(53) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(53) On May 5, 1986, the Governor submitted a request to revise the Louisiana SIP to include an alternate Emission Reduction Plan for the American Cyanamid Company Fortier Plant located at Westwego, Jefferson Parish. A permit was issued by LDEQ on October 17, 1984 (#1896), but after several revisions, the final permit for the trade is #1896 (M–2), issued July 20, 1989. This Bubble uses credits obtained from the change of service of three storage tanks from VOC to non-VOC usage to offset reductions required by controlling one methanol storage tank.

(i) Incorporation by reference

(A) LDEQ permit number 1896 (M–2) issued July 20, 1989, a Revision to Bubble Permit No. 1896 (M–1)—American Cyanamid Company, Westwego, Jefferson Parish, Louisiana.

(ii) Additional material

(A) Letter dated June 6, 1989, from the Administrator of the Louisiana Office of Air Quality, giving the State position that the Volatile Organic Compounds that have been shifted out of the emission reduction credit donating tanks have not been shifted elsewhere in the nonattainment area.

(B) Letter received by EPA on March 31, 1989, from Mr. Addison Tatum of the State of Louisiana, including calculations for the permit.

[FR Doc. 89–27734 Filed 11–24–89; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP8E3682 and 9E3715/R1044; FRL–3665–9]

Pesticide Tolerance for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide glyphosate in or on the raw agricultural commodity crop group *Brassica* (cole) leafy vegetables and in or on the raw agricultural commodities longan, mamey sapote, lychee, sapodilla, and passion fruit. The regulation to establish maximum permissible levels for residues of the herbicide was requested pursuant to petitions by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: November 27, 1989.

ADDRESSES Written objections, identified by the document control number, [PP8E3682 and 9E3715/R1044], may be submitted to: Public Docket and Freedom of Information Section, Environmental Protection Agency Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–557–2310.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of September 6, 1989 (54 FR 37010), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions (PP) 8E3682 and 9E3715 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Stations of California, Florida, Michigan, and New York (PP 8E3682) and the Agricultural Experiment Station of Florida (PP 9E3715) requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide glyphosate (N-(phosphonomethyl)glycine), and its metabolite aminomethyl-phosphonic acid (AMPA) in or on certain raw agricultural commodities.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 2, 1989.

Edwin F. Tinsworth,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180–[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.364(a) is amended by adding and alphabetically inserting the crop group *Brassica* (cole) leafy vegetables and the raw agricultural commodities longan, lychee, mamy sapote, passion fruit, and sapodilla, to read as follows:

§180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Longan	0.2
Lychee	0.2
Mamy sapote	0.2
* * * * *	
Passion fruit	0.2

—Continued

Commodity	Parts per million
* * * * *	
Sapodilla	0.2
* * * * *	
Vegetables, leafy, Brassica (cole)	0.2
* * * * *	

* * * * *

[FR Doc. 89–27724 Filed 11–24–89; 8:45 am]

BILLING CODE 6560–50–D

40 CFR Part 180

[PP6E3409/R1043; FRL–3666–1]

Pesticide Tolerance for Terbufos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a permanent tolerance for the combined residues of the insecticide/nematicide terbufos and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity (RAC) bananas. This regulation to establish a maximum permissible level for residues of the insecticide/nematicide was requested pursuant to a petition by the American Cyanamid Co.

EFFECTIVE DATE: November 27, 1989.

ADDRESSES: Written objections, identified by the document control number, [PP6E3409/R1043] may be submitted to: Public Docket and Freedom of Information Section, Environmental Protection Agency Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: William H. Miller, Product Manager (PM) 16, Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2600.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of August 30, 1989 (54 FR 35896), which announced that the American Cyanamid Co., P.O. box 400, Princeton, NJ 08540, had submitted pesticide petition (PP) 6E3409 proposing to establish a permanent tolerance for the combined residues of the insecticide/nematocide terbufos (S-[(1,1-dimethylethyl)thio]methyl-O,O-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in

or on the RAC bananas at 0.025 part per million.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register** file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: October 24, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.352 is amended in paragraph (a) by adding and alphabetically inserting an entry for bananas and by removing paragraph (b) and designating it '[Reserved]' to read as follows:

§180.352 Terbufos; tolerances for residues.

(a) * * *

Commodity	Parts per million
Bananas	0.025
* * * * *	

(b) [Reserved]

[FR Doc. 89–27726 Filed 11–24–89; 8:45 am]

BILLING CODE 6560–50–D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 88–13; Notice 2]

RIN 2127–AC72

Consumer Information; Vehicle Owner's Manuals

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

ACTION: Final rule.

SUMMARY: This final rule amends the Consumer Information Regulations to require vehicle manufacturers to include information in the owner's manual for each vehicle about NHTSA's toll-free Auto Safety Hotline and its defect investigation and remedy and recall authority. This requirement will allow NHTSA to obtain more information, more expeditiously about potential safety-related defects and noncompliances with safety standards.

DATES: *Effective Date:* The amendments made in this rule become effective on September 1, 1990.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA not later than December 27, 1989.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice number set forth at the beginning of this notice and be submitted to the following: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (Docket hours: 8:00 a.m. to 4:00 p.m.). It is requested that 10 copies of the petition be submitted.

FOR FURTHER INFORMATION CONTACT: James P. Talentino, Office of Defects Investigation, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5212).

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1987, Motor Voters, a consumer organization interested in motor vehicle safety, petitioned the agency to require manufacturers of passenger vehicles to include information about NHTSA in the vehicle owners' manual. Specifically, the petitioner requested that the agency require information advising owners about NHTSA's safety defect authority and urging them to contact the agency about potential safety defects in their vehicles. To facilitate contacting the agency, the petitioner requested that the agency require manufacturers to include the toll-free telephone number of the Auto Safety Hotline and the agency's address. The petitioner suggested that the message explain that while the agency has authority to investigate defects and order recall and remedy campaigns, it does not become directly involved in the dealings of a particular consumer with a manufacturer of a motor vehicle regarding a defect in that vehicle.

Notice of Proposed Rulemaking

In response to the petition, on November 10, 1988, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend title 49 CFR part 575, *Consumer Information Regulations*. (53 FR 45527). The NPRM explained that the National Traffic and Motor Vehicle Safety Act ("Vehicle Safety Act," 15 U.S.C. 1381 *et seq.*) requires manufacturers of motor vehicles and motor vehicle equipment to recall and remedy vehicles and equipment that are determined by the manufacturer or NHTSA to contain either a safety-related defect or a failure to comply with a Federal motor vehicle safety standard issued under the Vehicle Safety Act. The NPRM further noted that the agency's most important source of data used to identify defects which relate to motor vehicle safety is the consumer complaints made by persons calling the agency's toll-free Auto Safety Hotline. In 1987, the agency received 332,659 calls on the Hotline, of which 75 percent concerned alleged defects or recall information. In addition, over 15,092 of these Hotline callers followed up by completing and returning to NHTSA detailed Vehicle Owner Questionnaires which were mailed by the agency to callers reporting defects and seeking recall information. The NPRM also noted that a longstanding agency goal is to enhance publication of the Auto Safety Hotline and so improve the process of getting information from consumers about potential safety

defects. The NPRM explained the agency's plans to publicize the Hotline through public service announcements in the media, through consumer and corporate safety offices, in telephone books, and through programs with State transportation agencies.

NHTSA's tentatively concluded that the inclusion of the requested information in each owner's manual would be an important addition to NHTSA's public information campaign to increase consumer awareness of the Hotline and the agency's efforts to strengthen its defect investigation activities. The agency stated its tentative belief that including the Hotline number in owner's manuals would put that number in the hands of millions of motor vehicle purchasers at virtually no additional cost. Moreover, the NPRM noted that since owners typically refer to their manuals periodically throughout the ownership of their vehicles, especially when they are experiencing vehicle problems, the Hotline number printed in the manuals would be seen many times. The agency stated that inclusion of the Hotline number in manuals would be particularly important for new car owners, since it would produce a higher volume of calls about potential safety defects earlier in a vehicle's life. The agency believed that this would be particularly important to detect defects in newly introduced models.

The NPRM accordingly proposed to amend § 575.6 of the Consumer Information Regulations to require motor vehicle manufacturers to include information about NHTSA's recall and remedy authority and about the Auto Safety Hotline in the owner's manual. The agency proposed requiring that all new motor vehicles, not just "passenger vehicles," be subject to the proposed amendment. The agency explained that facilitating owner reporting of potential safety defects would be important for all types of motor vehicles. The agency also made minor changes in the information requirements requested in the petition.

The proposed amendment required a manufacturer to state in each owner's manual that consumers may contact NHTSA if they believe that their vehicle contains a safety defect. The proposed amendment also required that the manuals include the toll-free Hotline telephone number and agency address. Finally, the proposed amendment required that manufacturers include in the manuals a statement about the agency's authority to order a safety recall if it finds that a safety defect exists in a group of vehicles.

Comments and the Agency's Response

NHTSA received 24 comments in response to the NPRM. Commenters included 15 automotive manufacturers and automotive affiliates; four academic, medical, and insurance groups; and five consumers and consumer organizations. The agency considered all these comments in developing this final rule.

General Comments

American Honda, American Insurance Association (AIA), Cagiva Motorcycle of North America, Children's Mercy Hospital, the National Consumers League (NCL), the University of Maryland's Center for Business and Public Policy, US Public Interest Research Group ("US Pirg"), and several citizens favored the proposal. US Pirg stated that the proposal would be a cost-effective and efficient way to improve consumer awareness of the Hotline. NCL commented that this measure would further the agency's need to receive information about safety defects so that the agency can protect the consumer.

On the other hand, Chrysler, Ford, General Motors (GM), General Tire, Mercedes, Michelin, the Motor Vehicle Manufacturers Association (MVMA), the National Automobile Dealers Association (NADA), Navistar, Volkswagen and Volvo opposed the proposal. NADA stated that there was no need for the rule and suggested NHTSA reevaluate the proposal. MVMA similarly commented that there was no safety need for this requirement. Ford, Michelin, MVMA, Chrysler, General Tire, GM, and Volkswagen elaborated that the proposal was unnecessary, might adversely affect customer manufacturer relations, delay corrective action, and overburden the agency's resources to respond to calls. Mercedes stated that the proposal would give consumers the false impression that they could receive immediate action related to their problems and that resolution of the problem would be delayed. Volvo commented that the rule would not be in the best interests of the vehicle owners, who would be better served by contacting the manufacturer rather than NHTSA.

Upon considering these comments in light of current trends in consumer awareness, NHTSA concludes that the benefits of increasing the availability of information about consumer remedies support the inclusion of information about the agency in the owner's manuals. Calls to the Hotline decreased from about 332,000 in 1987 to 252,000 in 1988, a reduction of about 24 percent. In turn, receipt of Vehicle Owner's Questionnaires decreased from about 15,000 in 1987 to about 12,000 in 1988. The agency believes that this new information will increase consumer awareness about the Hotline and the agency's defect investigation activities, especially for newly introduced models, and thus will improve the agency's information about potential safety defects and noncompliances. The agency is accordingly adopting the proposals. The increased dissemination of information about NHTSA will enable the agency to identify, investigate, and resolve potential problems more rapidly, because the agency will have a more extensive and more timely data base for analyzing owners' experiences with a given problem.

Chrysler, MVMA, and Volkswagen disagreed with the statement in the NPRM that the Hotline was the agency's most important source of data used to identify safety-related defects. Although the commenters are correct in noting that many recalls are initiated by manufacturers based on their own tests and field evaluations, the statement referred to NHTSA's own investigations, which continue to influence a high percentage of the total vehicles recalled and which rely heavily on consumer contacts through the Hotline.

Message's Language

The NPRM proposed to require the following message in the owner's manual:

> If you believe that a vehicle or item of motor vehicle equipment (such as tires, lamps, etc.) has a potential safety-related defect, you may notify the National Highway Traffic Safety Administration (NHTSA). You may either call toll free at 800–424–9393 (or 366–0123 in Washington, D.C.) or write Administrator, NHTSA, 400 Seventh Street, S.W., Washington D.C. 20590. NHTSA investigates alleged safety-related defects and may order a recall and remedy campaign if it finds that a safety defect exists in a group of vehicles and the manufacturer does not voluntarily conduct a recall and remedy campaign. However, NHTSA does not become directly involved in the dealings between a particular consumer and a vehicle manufacturer regarding a defect in the consumer's vehicle.

Mercedes and other manufacturers commented that this proposed language would hinder their relationship with their customers by delaying the correction of vehicle problems and by providing the unrealistic expectation that NHTSA can remedy the problem. According to these commenters, a consumer should contact the manufacturer before contacting the agency because the manufacturer is in a

better position to actually remedy a safety related defect.

In response to this comment, NHTSA iterates that requiring this message will help to publicize the Auto Safety Hotline and NHTSA's related activities. The agency believes that NHTSA might lose valuable information from owners if the message did not initially focus on the agency's information collection responsibilities. For instance, in order for NHTSA to react quickly to reports of a defect trend, it is necessary for the agency to receive the information as soon as possible. The agency believes that this invitation for early consumer communication to NHTSA will also encourage manufacturers to act quickly to address consumer concerns. The agency further notes that even if NHTSA is contacted first, a manufacturer still will become aware of a problem because the agency will notify them about these complaints.

NHTSA nevertheless agrees with the commenters that the public should be instructed to also contact the manufacturer. Therefore, the agency has revised the message to state that a consumer should also contact the manufacturer or its designate (e.g., its authorized dealer) to resolve safety-related or other problems with the vehicle. In addition, the final rule explains NHTSA's authority and limitations more clearly. NHTSA believes that these modifications will increase the effectiveness of the message.

The agency emphasizes that NHTSA's message is mandatory, and thus a manufacturer cannot modify or otherwise vary it. Nevertheless, the agency notes that a manufacturer may place additional language elsewhere in the owner's manual encouraging a vehicle owner to contact them, provided that this additional information is not included in the message required by NHTSA and does not otherwise dilute the content of the required message.

GM suggested that the message be written in a "plain English" style. After reexamining the proposal's wording, NHTSA agrees with GM that to increase the final rule's effectiveness, the message should be written in an easily understood style. Accordingly, the final rule adopts more simplified wording whenever such wording does not misstate the legalities or realities of NHTSA's defect investigation and recall and remedy program.

Volkswagen commented that listing examples of equipment would result in consumers overreporting those items of equipment. In response to this comment, NHTSA has decided to eliminate these examples in the required message. The agency agrees with Volkswagen that including examples might bias the reporting and thus provide an inaccurate record of overall complaints about equipment. Accordingly, the final rule deletes reference to "tires, lamps, etc."

Several commenters noted that the proposed message should include more information than the NPRM proposed. The American Insurance Association (AIA) and Gillis and Associates stated that the final rule should contain information about other NHTSA activities such as drunk driving and odometer fraud. The NCL commented that NHTSA should expand the message to inform consumers that they should contact other consumer organizations such as the Better Business Bureau. NADA suggested that the required message should state that consumers should initially refer to the warranty booklet's section concerning dispute resolution and then contact the manufacturer.

After reviewing these comments, NHTSA has decided to include a general statement that a consumer can "get other information about motor vehicle safety from the Hotline." Nevertheless, the agency believes that the final rule should not include detailed information about NHTSA's other consumer protection matters. The agency notes that the principal purpose of this rule is to disseminate information about the Auto Safety Hotline and NHTSA's defect investigation authority which will lead to the increased reporting of potential safety defects and noncompliances with safety standards. The agency further notes that the rule is not intended as an all-encompassing source of consumer information. NHTSA believes that if the message were required to address all the agency's activities and consumer protection, then the most important information about this rulemaking (the Hotline and NHTSA's defect investigation authority) would be obscured.

The agency notes that upon contacting the Auto Safety Hotline, the caller will receive information about NHTSA's other activities. As for consumer protection information (e.g., warranty information), NHTSA notes that this type of activity is beyond the agency's statutory mandate.

Applicability of Requirement

Motor Voter's petition requested that NHTSA require "passenger vehicle manufacturers" to include information about the Hotline and the agency's defect investigation authority. The NPRM expanded the applicability of this requirement to "all new motor vehicles," reasoning that "facilitating owner reporting of potential safety defects is important for all types of motor vehicles."

US Pirg agreed with NHTSA's decision to expand the requirement's applicability to all motor vehicles. The Truck Trailer Manufacturers Association (TTMA) commented that the rule would create problems for small truck trailer manufacturers, some of which currently do not provide an owner's manual.

After reviewing these comments, NHTSA concludes that the final rule should be applicable to all motor vehicles, because any vehicle type may experience a safety-related defect. However, to accommodate a manufacturer that does not provide an "owner's manual," as defined in § 572.2(c) of the final rule, the rule provides that the manufacturer may provide the information in a separate one-page document to be included with the sales documents. In other words, a manufacturer must include the required information in the owner's manual if it provides one, or in a separate document if it provides no manual.

Placement of Information

The NADA suggested that a manufacturer be given the option of including the required information in the warranty booklet rather than in the owner's manual, claiming that consumers would more likely look in the warranty booklet for assistance with defect matters. GM stated that the manufacturer was in the best position to determine placement of the required information, suggesting that this information be placed in its "Warranty and Owner Assistance Information" booklet. GM stated that a manufacturer should not be required to place this information in the owner's manual.

After reviewing these comments, NHTSA has determined that the manufacturer must include this information in the owner's manual. The agency believes that requiring the information to be placed in the owner's manual will promote uniformity among manufacturers. In addition, NHTSA notes that placing the information in the warranty book would be less effective because the warranty lasts for a finite time (often much less than the life of the vehicle), after which a vehicle owner would have little reason to retain the book. In contrast, many manufacturers state in the owner's manual that this document should stay with the vehicle for its life, even if it sold. Thus, it is more likely that a vehicle's owner or owners will retain the owner's manual for a longer time period than the

warranty booklet. The agency notes that a manufacturer may place this information in any additional document provided that it includes this information in the owner's manual.

The agency is aware that manufacturers refer to such documents by many terms, including "Owner's Guide," "Owner's Handbook," or "Operating Instructions." Accordingly, the final rule expressly defines an "owner's manual" in § 575.2(c) as "the document which contains the manufacturer's comprehensive vehicle operating [and maintenance] instructions, and which is intended to remain with the vehicle for the life of the vehicle."

Several organizations commented about the placement of this information within the owner's manual. Volvo Truck stated that a manufacturer should have discretion about where it places the information. Volkswagen stated that this information be placed near the information on customer assistance. Gillis and the Center for Business and Policy did not suggest a specific location in the manual but noted that the agency should require that a manufacturer refer to it in the table of contents. US Pirg suggested that the agency require the information to be placed in a prominent location such as the front or back cover to prevent a manufacturer from "bury(ing)" it. NCL stated that the agency should specify the location to reduce reporting discrepancies. It suggested in order of preference that the information be placed opposite the first page of the table of contents, on the inside front cover, in the text preceding the maintenance schedule, or on the inside back cover.

After reviewing these comments, NHTSA agrees with Volvo Truck that a manufacturer should be given discretion about where it places the information. The agency believes that requiring the table of contents to include reference to the Hotline will adequately ensure that vehicle owner's will see this information. Accordingly, § 575.6(a)(2)(B) of the final rule also requires that the table of contents in the owner's manual specify the location of the information about NHTSA. In particular, the heading must be entitled "Reporting Safety Defects" and include the corresponding page number to effectively alert consumers and to provide uniformity as to the heading.

Two commenters offered their views on the type size. Volvo GM Heavy Truck requested that the type size be left to the manufacturer's discretion. NCL commented that the rule should specify a minimum point size for the type. It further stated that NHTSA should specify a minimum amount of space not less than one-half page for this information.

NHTSA has concluded that to be easily readable the required message must be written in letters and numbers not smaller than 10 point type, and has incorporated that requirement in the final rule. The agency notes that the point type size is consistent with the labeling requirements in S5.5.2 of Standard No. 213. The agency concludes that it is superfluous to specify a minimum page length because the final rule specifies the type size and the message itself.

Effective Date

The NPRM proposed that the rule would become effective "180 days after the publication of the final rule." Several manufacturers requested that the effective date coincide with the start of the model year to avoid unnecessary costs that would result in reprinting manuals during the middle of a model year. American Honda suggested that the effective date coincide with the change in model year. Volvo GM Heavy Truck requested that the effective date be changed to "January 1, or at the option of the manufacturer, the time of model year change-over." Cagiva, which changes its motorcycle models every two to four years, requested an effective date that would "allow us adequate lead time to incorporate the regulatory language" at the start of its model run. Chrysler recommended an effective date of the "first day of September occurring 180 days after publication of the final rule." Navistar requested an effective date of 270 days after the final rule's publication. US Pirg noted that the agency should "act promptly."

After reviewing these comments, NHTSA determines that the effective date will be September 1, 1990, which typically is the beginning of a model year for most vehicles. The agency believes that this effective date will allow the timely inclusion of this information at little or no cost to the manufacturers.

Cagiva requested that the final rule allow it to exhaust its supply of already printed manuals, explaining that its model runs may extend up to four years. A manufacturer whose models run for more than one year may comply with the final rule by placing an add-on-sticker on its existing manuals, until this supply is exhausted. The agency believes that this will ensure that consumers receive the information while minimizing the costs related to this rule for manufacturers like Cagiva.

Costs

The NPRM tentatively concluded that the proposal would result in minimal costs related to printing an additional half-page of material.

Several commenters addressed the final rule's cost impacts. NADA stated that the costs of this measure would not be a significant burden on manufacturers provided that it was phased in for new manuals. US Pirg commented that this rule would be a cost-effective way to improve consumer awareness of the Hotline. On the other hand, the MVMA stated that NHTSA underestimated the final rule's indirect costs to both NHTSA and manufacturers, especially costs resulting from the delay in handling consumer complaints. Volkswagen recommended that the agency further study the proposal, stating that the agency underestimated the number of consumer complaints, which would result in a large volume of additional contacts.

After reexamining the proposal in light of these comments, NHTSA concludes that the final rule will impose only minimal costs on motor vehicle manufacturers and the agency. The agency anticipates that a manufacturer will have to devote only on-half page in the manual at a cost of a few cents per manual for printing. The agency disagrees with MVMA and Volkswagen that there will be significant costs beyond the direct printing costs. The agency believes that MVMA's concern that consumer complaints will be handled inefficiently is adequately addressed by language in the final rule emphasizing that a consumer should contact the vehicle manufacturer first.

NHTSA does not anticipate that additional calls to the Hotline will result in unreasonable costs to the agency. First, the Hotline is well equipped to handle additional calls without increased costs. Second, it is in NHTSA's (and the general public's) interests to receive additional calls potentially related to safety defects. The agency believes that these additional calls will lead to defect investigations and the earlier remedy of safety problems.

Miscellaneous

NHTSA has examined the impacts of this regulation and determined that this final rule does not qualify as a major regulation within the meaning of Executive Order 12291 or as a significant regulation under Department of Transportation regulatory policies or procedures. The agency also has determined that the economic and other

impacts of this rule are minimal so that a regulatory evaluation is not required. The information required to be placed in the vehicle's owner's manual will result in only minimal costs for vehicle manufacturers and will not likely result in any cost increase for consumers.

The agency also considered the impacts of this rule under the provisions of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. As discussed above, the cost of including the information in the owner's manual will be only a few cents per manual. Accordingly, there will be little economic effect on any small organizations or governmental units which purchase motor vehicles. Few if any vehicle manufacturers qualify as small entities under the Act.

Further, this rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it has no Federalism implication that warrants preparation of a Federalism report.

NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR part 575 is amended as follows:

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1407, 1421, and 1423; delegation of authority at 49 CFR 1.50.

2. Section 575.2(c) is amended by adding alphabetically the following definition of "Owner's manual" to read as follows:

§ 575.2 Definitions.

* * * * *

(c) Definitions used in this part.

* * * * *

"Owner's manual" means the document which contains the manufacturer's comprehensive vehicle operating and maintenance instructions, and which is intended to remain with the vehicle for the life of the vehicle.

* * * * *

3. Section 575.6 is amended by redesignating the existing text in paragraph (a) as paragraph (a)(1), and adding a new paragraph (a)(2), to read as follows:

§ 575.6 Requirements.

(a)(1) * * *

(2)(i) At the time a motor vehicle manufactured on or after September 1, 1990 is delivered to the first purchaser for purposes other than resale, the manufacturer shall provide to the purchaser, in writing in the English language and not less than 10 point type, the following statement in the owner's manual, or, if there is no owner's manual, on a one-page document:

If you believe that your vehicle has a defect which could cause a crash or could cause injury or death, you should immediately inform the National Highway Traffic Safety Administration (NHTSA) in addition to notifying [INSERT NAME OF MANUFACTURER].

If NHTSA receives similar complaints, it may open an investigation, and if it finds that a safety defect exists in a group of vehicles, it may order a recall and remedy campaign. However, NHTSA cannot become involved in individual problems between you, your dealer, or [INSERT NAME OF MANUFACTURER].

To contact NHTSA, you may either call the Auto Safety Hotline toll-free at 1–800–424–9393 (or 366–0123 in Washington, D.C. area) or write to: NHTSA, U.S. Department of Transportation, Washington, D.C. 20590. You can also obtain other information about motor vehicle safety from the Hotline.

(2)(ii) The manufacturer shall specify in the table of contents of the owner's manual the location of the statement in 575.6(a)(2)(i). The heading in the table of contents shall state "Reporting Safety Defects."

* * * * *

Issued on November 21, 1989.

Jeffrey R. Miller,

Acting Administrator.

[FR Doc. 89–27731 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB23

Endangered and Threatened Wildlife and Plants; Delisting of Echinocereus engelmannii var. purpureus (Purple-Spined Hedgehog Cactus)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service removes *Echinocereus engelmannii* var. *purpureus* (purple-spined hedgehog cactus) from the List of Endangered and Threatened Plants. This action is based on a review of all available data, which indicate that this plant is not a discrete taxonomic entity and does not meet the definition of a "species" as defined by the Endangered Species Act of 1973, as amended, and therefore, was listed in error. *Echinocereus engelmannii* var. *purpureus* is a sporadically occurring dark-colored and short-spined phase of the *Echinocereus engelmannii* var. *chrysocentrus* population localized in the Virgin River Basin of southwestern Utah. *Echinocereus engelmannii* var. *chrysocentrus* is common and has a broad distribution in the Mojave Desert of Arizona, California, Nevada, and Utah.

EFFECTIVE DATE: December 27, 1989.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Utah State Office, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT: Larry England, botanist, at the above address (801/524–4430 or FTS 588–4430).

SUPPLEMENTARY INFORMATION:

Background

Echinocereus engelmannii var. *purpureus* was described in the scientific literature in 1969 from specimens collected near St. George, Utah, in 1949 (Benson 1969). *E. e. purpureus* differs from *E. e. chrysocentrus* (see Benson 1982) largely by the characteristics of the lower descending central spine which is darker (all the central spines of *E. e. purpureus* are dark purple), shorter, and more slender in *E. e. purpureus*. *E. e. purpureus* was listed as endangered on October 11, 1979 (44 FR 58866). Since the Federal listing of *E. e. purpureus* as endangered in 1979, no populations of the taxon have been located. Individual plants exhibiting characteristics described for *E. e. purpureus* occur sporadically within the population of *E. e. chrysocentrus* in southwestern Utah (Woodbury and England 1988).

Woodbury and England (1988) demonstrated that many morphological variations occur within the population of *E. e. chrysocentrus* in southwestern Utah and that none of these variations exhibit any population integrity independent of *E. e. chrysocentrus* as described by Benson (1982) and Taylor (1985). Miller (1988) considers *E. e. purpureus* to be a betalain color phase

within the southwestern Utah population of *E. engelmannii* that may be of no more than horticultural interest. In the newly published "A Utah Flora," Welsh et al. (1987) reduces *E. e. purpureus* to synonymy with *E. e. chrysocentrus*. Field observations by Bureau of Land Management and Fish and Wildlife Service (Service) biologists and botanists have confirmed the findings described above. Based on the information discussed above, the Service proposed the delisting of the purple-spined hedgehog cactus on January 19, 1989 (54 FR 2173).

Summary of Comments and Recommendations

In the January 19, 1989, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in The Daily Spectrum on February 19, 1989, and in the Deseret News and the Salt Lake Tribune on February 20, 1989. Four comments were received: one from the Governor of Utah, two from local governmental groups, and one from a professional botanist. All comments agreed with the Service's proposal to remove the purple-spined hedgehog cactus from the List of Endangered and Threatened Plants.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Echinocereus engelmannii* var. *purpureus* should be removed from the List of Endangered and Threatened Plants found at 50 CFR 17.12. Procedures found at Section 4(a)(1) of the Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. 50 CFR 424.11 requires that certain factors be considered before a species can be listed, reclassified, or delisted. These factors and their application to *Echinocereus engelmannii* (Parry) Lemaire var. *purpureus* L. Benson (purple-spined hedgehog cactus) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The purple-spined hedgehog cactus (*E. e. purpureus*) has been determined to be no more than a sporadically occurring vegetative phase, based primarily on spine characteristics, of *E. e. chrysocentrus*. *E. e. chrysocentrus* is a common species in the vegetative composition of the Mojave Desert in southwestern Utah (see Benson 1982, Welsh et al. 1987). *E. e. chrysocentrus*, which includes *E. e. purpureus*, is not significantly threatened with destruction, modification, or curtailment of its habitat throughout a significant portion of its range. The final rule (44 FR 58866) designating *E. e. purpureus* as an endangered species identified the urban sprawl of St. George, Utah, and human disturbance as threats contributing to the endangerment of that species. If *E. e. purpureus* were a valid taxon and met the definition of a "species" as described by the Endangered Species Act of 1973, as amended, then these factors would be relevant. However, since the entity shows no population integrity independent of *E. e. chrysocentrus*, it cannot be scientifically defended as a species, subspecies, or taxonomic variety.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Cylindrical cacti, in general, are of horticultural interest. However, *E. e. chrysocentrus*, which includes *E. e. purpureus*, is abundant enough throughout its range so as not to be jeopardized at present, or in the foreseeable future, by horticultural exploitation of its wild population. Here again, as stated above in Section A, if *E. e. purpureus* were a valid taxon, then this factor would be relevant.

C. *Disease or predation.* Disease or predation is not a threat to *E. e. chrysocentrus*, which includes *E. e. purpureus*.

D. *The inadequacy of existing regulatory mechanisms.* All native cacti are on Appendices I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) *E. e. purpureus* is included on Appendix II of the Convention. The Convention regulates and, in some cases, prohibits the export and international trade in species on its appendices. A recent law in Utah authorizes the Department of State Lands and Forestry to provide for protection of plant species designated as either threatened or endangered by the Federal Government under authority of the Act. The Bureau of Land Management, in its land use planning documents, has recognized the species and has provided guidelines for its conservation. This rule will necessitate the reevaluation of *E. e. purpureus* in State and Federal land use planning documents.

E. *Other natural and manmade factors affecting its continued existence.* None known.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *E. e. purpureus* in determining to make this rule final. Based on this evaluation, the preferred action is to remove *Echinocereus engelmannii* var. *purpureus* from the List of Endangered and Threatened Plants in 50 CFR 17.12, thereby removing it from the protection of the Endangered Species Act of 1973, as amended.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if: (1) It becomes extinct, (2) it recovers, or (3) the original classification data were in error. The Service believes current scientific information exists that demonstrates that *E. e. purpureus* does not represent a valid taxonomic entity and, therefore, does not meet the definition of "species" as defined in Section 3(16) of the Act. Therefore, *Echinocereus engelmannii* var. *purpureus* was listed in error.

Effects of Rule

This action will result in the removal of *Echinocereus engelmannii* var. *purpureus* from the List of Endangered and Threatened Plants. Federal agencies will no longer be required to consult with the Secretary of the Interior to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of *E. e. purpureus*. There is no designated critical habitat for this entity. Federal restrictions on taking will no longer apply. There are no specific preservation or management programs for this cactus that will be terminated. Last, since *E. e. purpureus* is being delisted because it does not qualify as a "species," and not because it has recovered, there is no reason to monitor it for five years following delisting.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Benson, L. 1969. The cacti of the United States and Canada—new names and nomenclatural combinations. Cactus & Succulent Journal 41:126–127.

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Taylor, N.P. 1985. The genus *Echinocereus*. Timber Press, Portland, Oregon. 160 pp.

Walsh, S.L., N.D. Atwood, S. Goodrich, and L.C. Higgins. 1987. A Utah flora. Great Basin Naturalist Memoirs No. 9, Brigham Young University Press, Provo, Utah. 894 pp.

Woodbury, L.A., and J.L. England. 1988. Morphological variation in *Echinocereus engelmannii* in Washington County, Utah. Unpublished report, U.S. Fish and Wildlife Service, Salt Lake City, Utah. 4 pp.

Author

The author of this final rule is John L. England, botanist, U.S. Fish and Wildlife Service (see **ADDRESSES** section above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

§ 17.12 [Amended]

2. Amend § 17.12(h) by removing the entry "*Echinocereus engelmannii* var. *purpureus* Purple-spined hedgehog cactus" under "Cactaceae" from the List of Endangered and Threatened Plants.

Dated: October 23, 1989.

Sam Marler,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89–27674 Filed 11–24–89; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 54, No. 226
Monday, November 27, 1989

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

United States Standards for Wheat

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: According to the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) invites comments and suggested changes to the United States Standards for Wheat under the United States Grain Standards Act.

DATE: Comments must be submitted on or before January 26, 1990.

ADDRESSES: Written comments must be submitted to Lewis Lebakken, Jr., Federal Grain Inspection Service, USDA, Room 0628–S, Box 96454, Washington, DC 20090–6454. Telemail users may respond to (IRSTAFF/FGIS/USDA) telemail; telex users may respond to Lewis Lebakken, Jr., TLX: 7607351, ANS: FGIS UC; and telecopy users may send responses to the automatic telecopier machine at (202) 447–4628.

All comments received will be made available during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr. address as above, telephone (202) 475–3428.

SUPPLEMENTARY INFORMATION: This periodic review of the United States Standards for Wheat in 7 CFR part 810, is being conducted in accordance with Executive Order 12291 and Departmental Regulation 1512–1.

During this review, FGIS will assess such issues as the continued need for various sections of the standards, potential for improvements, and language clarity. Specific items to be reviewed include: the tolerance for stones in the definition of sample grade, the tolerance for pieces of glass in the definition of sample grade, the tolerance which defines the special grade ergoty, the definition of unclassed wheat which includes red durum wheat, the definition of wheat of other classes, and the definition of contrasting classes. FGIS invites all other comments and suggestions on changes to the wheat standards.

FGIS is investigating the use of alternative testing methods as the basis of a future classification system. At this time no comments are being requested on the various technologies being researched for a wheat classification system.

Public comments on all other changes to the wheat standards are requested and any data, views or arguments are welcome.

Authority: Secs. 3A and 4, United States Grain Standards Act (7 U.S.C. 75a, 76)

Dated: November 1, 1989.

D.R. Galliart,

Acting Administrator.

[FR Doc. 89–27693 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–EN–M

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV–90–108]

South Texas Onions; Expense and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 959 for the 1989–90 fiscal period. Authorization of this budget would allow the South Texas Onion Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program would be derived from assessments on handlers.

DATES: Comments must be received by December 7, 1989.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

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

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR part 959), regulating the handling of onions grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

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

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

There are approximately 35 handlers and 75 producers of South Texas onions covered under this marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

The budget of expenses for the 1989–90 fiscal year was prepared by the South Texas Onion Committee (committee), the agency responsible for local

administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of onions. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by divising anticipated expenses by expected shipments of South Texas onions. Because that rate would be applied to actual shipments, it must be established at a rate which would produce sufficient income to pay the committee's expected expenses.

The committee met on October 31, 1989, and unanimously recommended a 1989–90 budget of $376,966. Last season's budget was $379,675. Major expense items include promotion and research projects which, at a total of $280,066, account for over 70 percent of the budget. Changes in this year's budgeted expenses include increases in committee staff salaries and research and decreases in committee travel and promotion activities.

The committee also unanimously recommended an assessment rate of $0.055 per 50-pound container, the same rate as last year. This rate, when applied to anticipated shipments of 6,075,000 containers, would yield $334,125 in assessment revenue. This amount, when added to $42,841 from the reserve, would be adequate to cover budgeted expenses. Additional reserve funds could be used to meet any deficit in assessment income.

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

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1989–90 fiscal period began in August, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found and determined that a comment period of less than 30 days is appropriate because the budget and assessment rate approval for this program needs to be expedited. The committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 959

Marketing agreements and orders, Onions, Texas.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 959 be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 959 continues to read as follows:

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

2. A new section 959–230 is added to read as follows:

§ 959.230 Expenses and assessment rate.

Expenses of $376,966 by the South Texas Onion Committee are authorized and an assessment rate of $0.055 per 50-pound container or equivalent quantity of regulated onions is established for the fiscal period ending July 31, 1990. Unexpended funds may be carried over as a reserve.

Dated: November 21, 1989.

William J. Doyle,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–27690 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Parts 1138, 1106, 1120, 1126 and 1132

[Docket Nos. AO–335–A34, etc., DA–89–033]

Milk in the Rio Grande Valley and Certain Other Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Parts	Marketing Area	Docket Nos.
1138	Rio Grande Valley.	AO–335–A34
1106	Southwest Plains	AO–210–A50
1120	Lubbock-Plainview, Texas.	AO–328–A28
1126	Texas	AO–231–A58
1132	Texas Panhandle	AO–262–A38

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider proposals by a cooperative association and dairy processors to amend the above-listed Federal milk marketing orders. A proposal by Associated Milk Producers, Inc., would merge the marketing areas of the Rio Grande Valley; Lubbock-Plainview, Texas; and the Texas Panhandle orders under one order. The merged area also would be expanded to include all of the State of New Mexico and Lipscomb and Parmer Counties, Texas. The provisions of the proposed "New Mexico and West Texas" order are patterned after the adjacent Southwest Plains order, including that order's payment plan, but with modifications in other provisions. Such modifications include the producer-handler definition and provisions concerning the order under which a plant should be regulated if it meets the regulatory standards of more than one order. The proposal also provides for some price restructuring that would reduce the Class I price by five cents per hundredweight in southern New Mexico and west Texas and increase the Class I price by 15 cents in eastern New Mexico.

The Dairy Products Institute of Texas on behalf of regulated handlers, has proposed changing the Class I price relationship between the Texas order and the three orders included in the merger proposal. The proposal would reduce the difference between the New Mexico and Texas Class I prices by 50 cents per hundredweight. The handlers have proposed that the price change be accomplished by a combination of some reduction to the Texas order Class I price and some increase to southeastern New Mexico Class I price. Three handlers have also proposed location adjustment changes in northern and eastern Texas pricing zones under the Texas order that are conditioned in part on whether the Texas order Class I differential is reduced by 30 cents or more under the Dairy Products Institute's proposal. Proponents contend that the changes are needed to reflect changed marketing conditions.

DATES: The hearing will convene at 9:00 a.m., local time, on December 6, 1989.

ADDRESSES: The hearing will be held at the El Paso Airport Hilton, 2027 Airway Boulevard, El Paso, Texas 79925 (915/778–4241).

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist,

USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 447–2089.

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

Notice is hereby given of a public hearing to be held at the El Paso Airport Hilton, 2027 Airway Boulevard, El Paso, Texas 79925 (915/778–4241) beginning at 9:00 a.m., on December 6, 1989, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Rio Grande Valley and certain other marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Proposal No. 1, a proposal to combine the Rio Grande Valley; Lubbock-Plainview, Texas; and the Texas Panhandle marketing areas under one order, raises the issue of whether the provisions set forth in that proposal would tend to effectuate the declared policy of the Act if they are applied to the proposed merged and expanded marketing area, and, if not, what modifications of the provisions would be appropriate.

The issues raised by proposal No. 1 include whether the declared policy of the Act would tend to be effectuated by:

(a) Merger of one or more of the marketing areas, or any combination thereof, including also the redefinition of marketing areas for separate or combined orders which include part or all of the areas presently defined in the respective orders or proposed herein to be regulated; and

(b) Adoption of any of the proposed provisions, or appropriate modifications thereof, for any separate order or any combination of such orders including a review of the appropriate pricing and pooling provisions of the orders whether separate or in any combination.

The proposal No. 1 merger of orders also raises the issue of the appropriate disposition of the producer-settlement fund, marketing service funds, and administrative funds accumulated under the respective orders.

Proposal No. 1 also raises the issue of conforming modifications to § 1106.52, Plant location adjustments for handlers in the Southwest Plains order, since this section refers to the Texas Panhandle, Lubbock-Plainview, Texas, and Rio Grande Valley marketing areas.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (Public Law 96–354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purposes of the Act, a dairy farm is a "small business" if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with 5 copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

List of Subjects in 7 CFR Parts 1138, 1106, 1120, 1126 and 1132

Dairy products, Milk, Milk marketing orders.

The authority citation for 7 CFR parts 1138, 1106, 1120, 1126 and 1132 continues to read as follows:

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

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc.:

Proposal No. 1:

Merge the marketing areas of the Rio Grande Valley (part 1138), Lubbock-Plainview, Texas (part 1120), and Texas Panhandle (part 1132) orders, and expand such marketing area to include all unregulated territory in New Mexico and Lipscomb and Parmer Counties, Texas, to form a "New Mexico and West Texas" marketing area (part 1138) with terms and provisions as follows:

PART 1138—MILK IN NEW MEXICO AND WEST TEXAS MARKETING AREA

Subpart—Order Regulating Handling

General Provisions

Sec.
1138.1 General provisions.

Definitions

1138.2 New Mexico and West Texas marketing area.
1138.3 Route Disposition.
1138.4 Plant.
1138.5 Distributing plant.
1138.6 Supply plant.
1138.7 Pool plant.
1138.8 Nonpool plant.
1138.9 Handler.
1138.10 Producer-handler.
1138.11 [Reserved]
1138.12 Producer.
1138.13 Producer milk.
1138.14 Other source milk.
1138.15 Fluid milk product.
1138.16 Fluid cream product.
1138.17 Filled milk.
1138.18 Cooperative association.
1138.19 [Reserved]
1138.20 Product prices.

Handler Reports

1138.30 Report of receipts and utilization.
1138.31 Payroll reports.
1138.32 Other reports.

Classification of Milk

1138.40 Classes of utilization.
1138.41 Shrinkage.
1138.42 Classification of transfers and diversions.
1139.43 General classification rules.
1138.44 Classification of producer milk.
1138.45 Market administrator's reports and announcement concerning classification.

Class Prices

1138.50 Class prices.
1138.51 Basic formula price.
1138.52 Basic Class II formula price.
1138.53 Plant location adjustments for handlers.
1138.54 Announcement of class prices.
1138.55 Equivalent price.

Uniform Price

1138.60 Handler's value of milk for computing uniform price.
1138.61 Computation of uniform price.
1138.62 Announcement of uniform price and butterfat differential.

Payments for Milk

1138.70 Producer-settlement fund.
1138.71 Payments to the producer-settlement fund.
1138.72 Payments from the producer-settlement fund.
1138.73 Payments to producers and to cooperative associations.
1138.74 Butterfat differential.
1138.75 Plant location adjustments for producers and on nonpool milk.
1138.76 Payments by a handler operating a partially regulated distributing plant.

Subpart—Order Regulating Handling

General Provisions

§ 1138.1 General Provisions.

The terms, definitions, and provisions in part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

Definitions

The "New Mexico and West Texas marketing area", hereinafter called the "marketing area", means all territory within the boundaries of the following counties, and all territory occupied by government (Municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed counties:

Zone 1: Following counties—Dona Ana, Grant, Hidalgo, Luna, Otero and Sierra, all in the State of New Mexico, and El Paso county in Texas.

Zone 2: Following counties—Archuleta, LaPlata and Montezuma in Colorado, and San Juan county in New Mexico.

Zone 3: Following counties—Cibola, Eddy, Lea, Chaves, Roosevelt, Curry, De Baca, Lincoln, Quay, Guadalupe, Bernalillo, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, Socorro, Taos, Torrance, Valencia, Colfax, Union and Catron, all in the State of Mexico.

Zone 4: Following counties—Dallas, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza and Gaines, all in the state of Texas.

§ 1138.3 Route disposition.

"Route disposition" means any delivery to a retail or wholesale outlets (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of any fluid milk product classified as Class I milk.

§ 1138.4 Plant.

"Plant" means the land, buildings, facilities and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1138.5 Distributing plant.

"Distributing plant" means any plant:

(a) Approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption.

(b) In which fluid milk products are processed or packaged; and

(c) From which there is route disposition in the marketing area during the month.

§ 1138.6 Supply plant.

"Supply plant" means a plant approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption from which fluid milk products are transferred or diverted to a distributing plant(a) during the month.

§ 1138.7 Pool plant.

"Pool plant" means: (a) A distributing plant from which during the month there is:

(1) Total route disposition (except filled milk) in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at such plant, including producer milk diverted from the plant, and not less than 10 percent of such receipts are disposed of as fluid milk products on routes in the marketing area; or

(2) A plant located in the marketing area that qualifies pursuant to paragraph (a)(1) of this section which also meets the pooling requirements of another federal order on the basis of route disposition shall be subject to all the provisions of this part so long as this order's Class I price applicable at such plant location is not less than the other order's Class I price applicable at the same location even though the plant may have greater route disposition in the other marketing area than in the New Mexico and West Texas marketing area.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of milk that is received from dairy farmers (including producer milk diverted from the plant pursuant to § 1138.13, but excluding milk diverted to such plant) and handlers described in § 1138.9(c) is transferred to plants described in paragraph (a) of this section, subject to the following:

(1) A supply plant that has qualified as a pool plant during each of the immediately preceding months of September through January shall continue to qualify in each of the following months of February through August.

(c) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested by the cooperative association and 35 percent or more of the producer milk of members of the cooperative association is physically received during the month in the form of bulk fluid milk products at plants specified in paragraph (a) of this section either directly from farms or by transfer from supply plants operated by the cooperative association for which pool plant status has been requested under this paragraph subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under comparable provisions of another Federal order; and

(2) The plant is approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption in the marketing area.

(d) The shipping standards in paragraphs (b) and (c) of this section may be increased or decreased temporarily up to 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision, either at the Director's initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and inviting data, views, and arguments. If a plant which would not otherwise qualify as a pool plant during the month qualifies as a pool plant because of a reduction in shipping standards pursuant to this paragraph, such plant shall be a nonpool plant for such month if the operator files a written request for nonpool plant status with the market administrator at the time the report is filed for such plant pursuant to § 1138.30.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant, a governmental agency plant, or an exempt handler plant.

(2) A distributing plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and form which there is a greater quantity of route disposition, except filled milk, during the month in this marketing area than in such other Federal order marketing area but which plant is, nevertheless, fully regulated under such other Federal order;

(4) A supply plant qualified pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part; or

(5) A plant qualified pursuant to paragraph (b) of this section which has automatic polling status under another Federal order.

§ 1138.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a distributing plant that does not qualify as a pool plant and is not an other order plant, a governmental agency plant, or a producer-handler plant.

(d) "Unregulated supply plant" means a nonpool plant, except an other order plant, a governmental agency plant, or a producer handler plant, from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1138.7.

(e) "Governmental agency plant" means a plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk that is distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

(f) "Exempt Handler" means any handler that has a monthly route disposition of 150,000 pound or less that may be exempt from the pricing and pooling provisions of this order if such handler files timely reports as specified by the market administrator and maintains adequate books and records that are made available to the market administrator which will enable determination of the exempt status of such handler.

§ 1138.9 "Handler".

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any cooperative association with respect to the milk of producers which it causes to be diverted pursuant to § 1138.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered.

(d) Any person who operates a partially regulated distributing plant; and

(e) Any person who qualifies as a producer-handler or exempt handler.

§ 1138.10 Producer-handler.

"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month fluid milk products, except filled milk, are disposed of on routes in the marketing area, and who has been so designated by the market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exist. All designations shall remain in effect until cancelled pursuant to paragraph (c) of this section.

(a) *Requirements for designations.* (1) the producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b)(1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than:

(i) His designated milk production resources and facilities,

(ii) Pool plants within the limitation specified in paragraph (c)(2) of this section, or

(iii) Nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly nor indirectly associated with the business or management of, nor has a financial interest in another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) The producer-handler is neither directly nor indirectly associated with the business or management of, nor has a financial interest in another producer's operation (in this or any federal order).

(5) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with paragraphs (a) (1), (2),

(3) and (4) of this section for a period of one month.

(b) *Resources and facilities.* Designation of a person as a producer-handler shall include the determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(1) As milk production resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(i) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(ii) In which the producer-handler in any way has an interest including any contractual arrangement; and

(iii) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler.

(2) As milk handling, processing and distribution resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing any fluid milk product:

(i) In which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(ii) In which the producer-handler in any way has an interest including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) *Cancellation.* The designation as a producer-handler shall be cancelled under any of the conditions set forth in paragraphs (c) (1) and (2) of this section or upon determination by the market administrator that any of the requirements of paragraphs (a) (1), (2), (3) and (4) of this section are not continuing to be met. Such cancellation is to apply to any month in which the requirements are not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler under this or any other Federal order.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production facilities and resources, with the exception of purchases from pool plants in the form of fluid milk products which does not exceed the lesser of 5 percent of his Class I disposition during the month or 5,000 pounds.

(d) *Public announcement.* The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been cancelled and the effective dates of producer-handler status or loss of producer-handler status for each.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to 1000.5 of this chapter that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1138.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved for fluid consumption by a duly constituted regulatory agency and whose milk is:

(1) Received at a pool plant or by a handler described in § 1138.9(c) or

(2) Diverted pursuant to § 1138.13 by a handler for his account.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) A governmental agency that operates a plant exempt pursuant to § 1138.8(e);

(3) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1138.44(a)(8)(iii) and the corresponding step of § 1138.44(b);

(4) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order;

(5) Any person that delivers milk to or receives milk from a producer-handler or an exempt handler specified in § 1138.8(f), or who has disposition of fluid milk products to consumers at the farm in excess of 110 pounds per day during the month, or

(6) An exempt handler that operates a plant pursuant to § 1138.8(f).

§ 1138.13 Producer milk.

"Producer milk" means the skim milk and butterfat in milk from a producer that is:

(a) Received by the operator of a pool plant directly from such producer. Any milk picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month, shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1138.9(c), is the handler for such milk.

(b) Received by a handler described in § 1138.9(c).

(c) Diverted from a pool plant for the account of the handler operating such plant to another pool plant, without limit in any month. Such milk shall be priced at the location of the plant to which diverted.

(d) Diverted by the operator of a pool plant or by a cooperative association frm a pool plant to a nonpool plant (other than a producer-handler plant), subject to the following conditions:

(1) In each of the months of September through January, milk of a producer shall not be eligible for diversion from a pool plant under this section unless at least one day's production from such producer is physically received at a pool plant during the month;

(2) The total quantity of milk diverted by a cooperative association in any month shall not exceed the total quantity of producer milk that the cooperative association caused to be delivered to and was physically received at pool plants during the month;

(3) The operator of a pool plant other than a cooperative association may divert any milk that is not under the control of a cooperative association that is diverting milk during the month pursuant to paragraph (d)(2) of this section. The total quantity of milk so diverted in any month shall not exceed the total quantity of milk that was physically received at pool plant(s) as producer milk for which the plant operator is the handler;

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d) (2) and (3) of this section shall not be producer milk. In such event, the diverting handler may designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to so designate, milk diverted on the last day of the month, then the second-to-last-day of the month, and so on, shall be

excluded until all diversions in excess of the prescribed limits are accounted for;

(5) If a dairy farmer loses his producer status under this order (except as a result of temporary loss of approval from a duly constituted regulatory agency for the production of milk for fluid consumption), his milk shall not be eligible for diversion until milk of such dairy farmer has been physically received as producer milk at a pool plant; and

(6) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1138.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1138.40(b)(1) from any source other than producers, handlers described in § 1138.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1138.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1138.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1138.40(b)(1) for which the handler fails to establish a disposition.

§ 1138.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey, and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1138.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1138.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the milk product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1138.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or milk products for its members.

§ 1138.19 [Reserved]

§ 1138.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price pursuant to § 1138.51(a):

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average for the first 15 days of the month of the daily price per pound of cheddar cheese in 40-pound blocks. The price used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average price shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price." means the simple average, for the first 15 days of the month, of the daily price per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

Handler Reports

§ 1138.30 Reports of receipts and utilization.

One or before the 7th day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handler described in § 1138.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk.

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1138.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1138.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report for each of the handler's plants with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1138.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1138.9 (a), (b) and (c) who pays producers pursuant to § 1138.73 shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during such month;

(1) The name and address of each producer;

(2) The amount paid each producer; and

(3) The dates such payments were made.

(b) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1138.76(b) shall report to the market administrator with respect to milk recieved from each dairy farmer who would have been a producer if the plant had been fully regulated the following information for such month;

(1) The name and address of each dairy farmer;

(2) The total pounds of milk received from each dairy farmer;

(3) The average butterfat content of such milk;

(4) The amount and nature of any deductions, as authorized in writing by the dairy farmer, from the payment for such milk; and

(5) The rate of payment per hundredweight and the net amount paid each dairy farmer.

§ 1138.32 Other reports.

(a) On or before the 21st day of each month, each handler described in § 1138.9(a) who is required pursuant to § 1138.71(c) to make payments to the market administrator for milk received from producers and cooperative associations shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month;

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1138.9(c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(b) On or before the 7th day after the end of each month, each handler described in § 1138.9 (a), (b) and (c) shall report to the market administrator the following information with respect to its receipts of milk during such month.

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer, its average butterfat content and the total pounds of milk diverted to each plant that is not a pool plant;

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions, as authorized in writing by the producer, to be made from the final payment for such milk;

(4) The total pounds of skim and butterfat received from a handler described in § 1138.9(c) and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(c) On or before the reporting dates specified in paragraphs (a) and (b) of this section, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred to pool plants of other handlers within the time periods described in paragraphs (a) and (b) of this section shall report to each such pool plant operator and to the market administrator the name and location of the transferor-plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

(d) In addition to the reports required pursuant to paragraphs (a) through (c) of this section and § 1138.30 and § 1138.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(3) Each handler other than a cooperative association who causes milk to be diverted shall, prior to such diversion, report to the market administrator his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

Classification of Milk

§ 1138.40 Classes of utilization.

Except as provided in § 1138.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1138.30 shall be classified as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) Class II milk. Class II milk shall be all skim milk and butterfat.

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce;

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custard, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) Class III milk. Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section.

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition.

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1138.15; and

(6) In shrinkage assigned pursuant to § 1138.41(a) to the receipts specified in § 1138.41(a)(2) and in shrinkage specified in § 1138.41 (b) and (c).

§ 1138.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1138.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat;

(1) In the receipts specified in paragraphs (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1138.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraphs (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1138.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1138.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1138.44(a)(12) and the corresponding step of § 1138.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1138.44(a)(7) or the corresponding step of § 1138.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1138.44(a) (11) or (12) or the corresponding step of § 1138.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant or divertee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the class to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the class to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other class shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provision of § 1138.40.

(c) *Transfers to producer-handlers and transfers and diversions to exempt handler and governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted from a pool plant to an exempt handler and a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipt of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant, an exempt handler plant, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (a) and (b) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraphs (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or divertor-handler claims such classification in his report of receipts and utilization filed pursuant to § 1138.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator.

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administration determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants to other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in § 1138.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1138.9(c) to another handler's plant shall be classified pursuant to § 1138.44 pro rata with producer milk received at the transferee-handler's plant and the value thereof at the class prices shall be included in the pool plant handler's value of milk pursuant to § 1138.60.

§ 1138.43 General classification rules.

In determining the classification of producer milk pursuant to § 1138.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1138.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1138.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1138.40, 1138.41 and 1138.42. The combined pounds of skim milk and butterfat so determined in each Class for a handler described § 1138.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pound of skim milk ion such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1138.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1138.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1138.9(a) for each pool plant of the handler separately the classification of producer milk and milk received from a handler described in § 1138.9(c), by allocating the handler's receipts of skim milk and butterfat to the utilization of such receipts by such handler as follows:

(a) Skim milk shall be allocated in the following manner;

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1138.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts.

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1138.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk, in Class II the pounds of skim milk in products specified in § 1138.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1138.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following;

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1138.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5) and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant and an exempt handler plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of fluid milk products from a person described in § 1138.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III;

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraphs (a)(8)(ii)(*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and

then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount;

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1138.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(*c*) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1138.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraphs (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraphs (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity pro-rated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pound of skim milk in receipts of fluid milk products form an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received;

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraphs (a)(7)(vi) and (8)(iii) of this section;

(i) Subject to the provisions of paragraphs (a)(12) (ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk;

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1138.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received.

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12) (i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such

excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such product pursuant to § 1138.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1138.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1138.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1138.45 Market Administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classifications:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1138.44(a)(12) and the corresponding step of § 1138.44(b) estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1138.44 on the basis of such report, and thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers whose milk is being marketed by such cooperative association. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be pro-rated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

§ 1138.50 Class Prices.

Subject to the provisions of § 1138.53 the class prices for the month per hundredweight of milk shall be as follows:

(a) Class I price. The Class I price shall be the basic formula price for the second preceding month plus $2.30.

(b) Class II price. A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1138.52 for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price.

(1) Determined for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1138.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1138.52.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1138.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times and simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1138.52 Basic class II formula price.

The "basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1138.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butter-nonfat dry milk shall be computed, using price data determined pursuant to § 1138.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of

milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c) (1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quantity of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Economics and Statistics Service of the Department for the third preceding month, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

§ 1138.53 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or a handler described in § 1138.9(c) and which is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1138.50(a) shall be adjusted by the amount stated in paragraphs (a) (1) through (3) of this section for the location of such plant:

(1) For a plant located within one of the zones set forth in § 1138.2, the adjustment shall be as follows:

Zone	Adjustment per hundredweight
Zone 1	No adjustment.
Zone 2	Minus 10 cents.
Zone 3	Plus 5 cents.
Zone 4	Pluse 14 cents.

(2) For a plant located outside the marketing area, the adjustment shall be an amount that will equate to the Class I price applicable at such plant location pursuant to the Federal order regulating milk marketing in such area;

(3) For a plant located outside any Federal order marketing area, the location adjustment per hundredweight shall be computed at 1.5 cents per 10 miles times the distance that such plant is located from the closer of Albuquerque, New Mexico or Amarillo, El Paso or Lubbock, Texas.

(b) For fluid milk products transferred in bulk from a pool plant to a pool distributing plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1138.44(a)(12) the pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of skim milk in Class I by 105 percent;

(3) Subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers, handlers described in § 1138.9(c), and diverted milk from other pool plants;

(4) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(5) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(4) of this section to each transferor-plant at which the Class I price is lower than the Class I price at the transferee-plant by the difference in Class I prices applicable at the transferor-plant and transferee plant, and add the resulting amounts;

(6) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(5) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1138.42(a) and at which the applicable Class I price is less than the Class I price at the transferee-plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(5) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(5) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(7) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraphs (b) (1) through (6) of this section.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1138.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the final Class II price and the Class III price for the preceding month; and on or before the 15th day of each month the tentative Class II price for the following month:

§ 1138.55 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1138.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1138.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1138.9(c) that were classified in each class pursuant to §§ 1138.43(a) and 1138.44(c) by the

applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1138.44(a)(14) and the corresponding step of § 1138.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1138.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1138.44(a)(9) and the corresponding step of § 1138.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1138.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(7) (v) and (vi) and the corresponding step of 1138.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1138.44(a)(11) and the corresponding step of § 1138.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) Subtract for a handler described in § 1138.9(c) the amount obtained from multiplying the Class III price for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to another handler's pool plant during the month.

§ 1138.61 Computation of uniform price.

The market administrator shall compute for each month the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1138.60 for all handlers who filed the reports prescribed in § 1138.30 for the month and who made the payments pursuant to § 1138.71 for the preceding month;

(b) Add not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Add the aggregate of all minus location adjustments and subtract the aggregate of all plus location adjustments computed pursuant to § 1138.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in the computations;

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1138.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "uniform price" for milk received from producers.

§ 1138.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 11th day after the end of each month the applicable uniform price pursuant to § 1138.61 for such month.

Payments for Milk

§ 1138.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.71, 1138.76 and 1138.77 and from which he shall make all payments pursuant to §§ 1138.72 and 1138.77, except that payments to a cooperative association pursuant to § 1138.72 shall be offset by any payments due from such cooperative assocation pursuant to § 1138.71 that have not been received by the market administrator.

§ 1138.71 Payments to the producer-settlement fund.

(a) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 14th day after the end of the month the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1138.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1138.75 of such handler's receipt of producer milk and milk received from handlers pursuant to § 1138.9(c). In the case of a cooperative association which is a handler, less the amount due from other handlers pursuant to § 1138.73(d), exclusive of differential butterfat values; and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1138.60(f).

(b) Subject to paragraph (d) of this section, each person who operated a plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator on or before the 25th day after the end of each month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

(c) Any handler who the market administrator determines was more than 3 days late in making any payment obligation under Part 1138 shall pay to the market administrator the amount the handler would have otherwise been required to pay to producers and cooperative associations pursuant to § 1138.73. Payment shall be made to the market administrator on or before the day prior to the dates specified in § 1138.73 and such payments shall continue until the handler has met all payment obligations for 3 consecutive months.

(d) The following conditions shall apply with respect to payments

prescribed in paragraphs (a), (b) and (c) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator.

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payment shall not be due until the next day on which the market administrator's office is open for public business.

(3) Payments due the market administrator from a cooperative association handler may be offset by payment determined by the marked administrator to be due the cooperative association pursuant to § 1138.73(b) and (d).

§ 1138.72 Payments from the producer-settlement fund.

(a) On or before the 15th day after the end of each month the market administrator shall pay to each handler except one making payment pursuant to § 1138.71(c) the amount, if any, by which the amount computed pursuant to § 1138.71(a)(2) exceeds the amount computed pursuant to § 1138.71(a)(1).

(b) If the market administrator received payment from a handler(s) pursuant to § 1138.71(c), he shall distribute such amount plus any amount due such handler(s) pursuant to paragraph (a) of this section to producers and to cooperative associations in the same manner as provided and to cooperative associations in the same manner as provided in § 1138.73. In the event the handler fails to transmit the total amount due, the market administrator shall reduce uniformly the payments due to producers of such handler and complete such payments when the remaining amount is received.

(c) If at any time the balance in the producer-settlement fund is insufficient to make all payments pursuant to paragraph (a) of this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1138.73 Payments to producers and to cooperative associations.

(a) Except as provided in § 1138.71(c) and paragraphs (b), (d) and (f) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the 25th day of each month to each producer who did not discontinue shipping milk to such handler before the 23rd day of the month, an amount equal to not less than the previous month's uniform price (adjusted for location of such plant) multiplied by the pounds of milk received from such producer during the first 15 days of the month, less proper deductions do not exceed the value of the milk received during the partial payment period and the handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(2) On or before the 17th day of the following month, an amount equal to not less than the appropriate uniform price adjusted by the butterfat differential and location adjustments to producers multiplied by lthe hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1138.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producer; and

(iv) Less proper deductions authorized in writing by such producer, provided that the deductions do not exceed the value of the milk received during the final payment period and the handler has paid such deductions to assignees by the date payment is otherwise due to the producer: Provided, That if by such date such handler had not received full payment from the market administrator pursuant to § 1138.72(a) for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producer shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Except as provided in paragraph (f) of this section, in the case of a cooperative association which the market administrator determined is authorized by those producers for whom it markets milk to collect payment for their milk and which has so requested any handler in writing, such handler other than one specified in § 1138.71(c) shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from those producers for whom it markets milk as determined by the market administrator an amount equal to not less than the amount due such producers as determined pursuant to paragraph (a) of this section.

(c) In making payments to producers pursuant to paragraph (a) of this section, or to a cooperative association pursuant to paragraph (b) of this section, each handler shall furnish such producer or cooperative association with respect to each of the producers for whom it markets milk and from whom the handler received milk during the month, a written statement showing:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds, and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer; and

(5) The net amount of payment to the producer.

(d) Except as provided in § 1138.71(c) and paragraph (f) of this section, each handler pursuant to § 1138.9(a) who receives milk from a cooperative association as a handler pursuant to § 1138.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before the 23rd day of the month for milk received during the first 15 days of the month, not less than the applicable partial payment rate specified for such month in paragraph (a)(1) of this section; and

(2) On or before the 15th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to § 1138.74 and § 1138.75, less any payments made pursuant to paragraph (a)(1) of this section.

(e) Except as provided in § 1138.71(c), each handler who received bulk fluid milk or bulk fluid cream products from a pool plant operated by a cooperative association shall pay the following amounts for such products to the cooperative association:

(1) On or before the 23rd day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the applicable partial payment rate specified for such month in paragraph (a)(1) of this section. If the handler so elects, such price may

be adjusted by the butterfat differential specified in § 1138.74 for the preceding month.

(2) On or before the 15th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1138.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1138.74, less any payments made by the handler pursuant to paragraph (e)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the Class I price applicable at the transferee plant including the applicable administrative assessment rate.

(f) If the application of § 1138.71(d)(2) results in a delay in payment by the market administrator to handlers, the payments prescribed in paragraphs (a), (b) and (d) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1138.71(c), he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

§ 1138.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1138.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments required pursuant to § 1138.73, the uniform price computed pursuant to § 1138.61 shall be adjusted by the amounts set forth in § 1138.53 according to the location of the plant where the milk being priced was received.

(b) For the purpose of computations pursuant to §§ 1138.71 and 1138.72, the uniform price shall be adjusted by the amount set forth in § 1138.52 that is applicable at the location of the nonpool plant from which the milk was received (except that the adjusted uniform price shall not be less than the Class III price).

§ 1138.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to § 1138.30(b) and § 1138.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1138.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1138.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1138.60 for such handler shall include, in lieu of the value of other source milk specified in § 1138.60(f) less the value of such other source milk specified in § 1138.71(a)(2)(ii), a value of milk determined pursuant to § 1138.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1138.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with its report filed pursuant to §§ 1138.30(b) and 1138.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all

skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1138.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract;

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1138.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated.

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1138.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distrubiting plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1138.77 Adjustment of account.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which results in monies due the market administrator from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which the error occurred. Any monies found to be due a handler from the market administrator shall be paid promptly to such handler, except that the market administrator shall offset any monies due a handler against monies due from such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required pursuant to § 1138.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1138.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1138.71, 1138.73, 1138.76, 1138.77, 1138.85, or 1138.86 shall be increased 1 percent beginning on the first day after the due date, and on the same day of each subsequent month until such obligation is paid, subject to the following conditions:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously computed pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(c) All monies collected pursuant to this section shall be paid to the administrative assessment fund maintained by the market administrator.

Administrative Assessment and Marketing Service Deduction

§ 1138.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler including a producer-handler shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1138.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1138.9(c);

(c) Other source milk allocated to Class I pursuant to § 1138.44(a)(7) and (11) and the corresponding steps of § 1138.44(b), except such other source milk that is excluded from the computation pursuant to § 1138.60(d) and (f); and

(d) Route distribution from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1138.76(a)(2).

§ 1138.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 1138.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to the milk of such producer (except a handler's own farm production) for whom the marketing services set forth in this paragraph are not being performed by a cooperative association as determiend by the Secretary. Each handler making such deductions shall pay the deductions to the market administrator on or before the 15th day after the end of the month. The monies shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and provide producers with market information. The services shall be performed by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producer as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deduction to the cooperative association rendering such services accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

Proposed by Lane's Dairy, Inc.:

Proposal No. 2:

Establish a producer-handler definition that reads as follows:

§ 1138.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route distribution in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants, and other order plants;

(c) Who disposes of no other source milk as Class I milk except receipts from other order plants and by increasing the nonfat milk solids content of the fluid milk products received from his own

farm production, pool plants, or other order plants; and

(d) Who provides proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

Proposed by the Dairy Products Institute of Texas:

Proposal No. 3:

Decrease the difference between the Southeastern New Mexico Class I differential and the East Texas Class I differentials by 50 cents per hundredweight to be accomplished in part by reducing the Texas order Class I differential, and in part, by increasing the Southeastern New Mexico Class I differential.

Proposed by MorningStar Foods, Inc., The Borden Company, Inc., and Hygeia Dairy Company:

Proposal No. 4:

If the Texas order Zone 1 Class I differential is decreased by 30 cents or more, revise Section 1126.2 to include a zone 8–A consisting of the Texas counties of Jefferson and Orange and revise the schedule of location adjustments in § 1126.52(a)(1) by changing the Zone 2 adjustment from zero to plus 6 cents; changing the Zone 4 adjustment from plus 18 cents to plus 24 cents; and providing a Zone 8–A adjustment of plus 60 cents.

Proposal No. 5:

Revise the schedule of location adjustments in § 1126.52(a)(1) to make the minus location adjustment for Zone 1–A to be one-half the difference in the Dallas and Oklahoma City Class I differentials.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 6:

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, P.O. Box 701440, Tulsa, Oklahoma 74170–1440; or Market Administrator Richard Fleming, P.O. Box 110939, Carrollton, Texas 75011–0939, or from the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator of each of the 5 orders

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, DC, on November 21, 1989.

Daniel Haley,

Administrator.

[FR Doc. 89–27684 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1980

Receiving and Processing Applications for Making Farmer Program Loans Guaranteed by the Farmers Home Administration

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to change the processing of applications for guaranteed Farmer Program loans. This action would require credit bureau reports on new guaranteed loan applications. The intended effect of this action is to provide each FmHA office with the necessary credit information to make a sound credit decision, thereby reducing the Government's exposure to losses.

DATE: Comments must be submitted on or before December 27, 1989.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Directives and Forms Management Branch, Farmers Home Administration, USDA, Room 6346, South Agriculture Building, Washington, DC 20250. Written comments made pursuant to this notice will be made available for public inspection during regular working hours at the above address. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk officer for Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ed Douglas, Financial Analyst, Farmers Home Administration, U.S. Department of Agriculture, Room 5507, South Agriculture Building, Washington, DC 20250. Telephone (202) 475–4425.

SUPPLEMENTARY INFORMATION: This proposed rulemaking action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined "non-major" since the annual effect on the economy is less than $100 million and there will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, there will be no 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.

Discussion of Background:

In so much as FmHA is the lender of last resort, it is incumbent on FmHA to have sound credit management policies. What is set forth in this proposed rule is fundamental to all financial institutions that make loans. Once a lender has secured a completed loan application, the next logical step is to secure a credit report. This is generally standard operating procedure in the industry. Since it is incumbent on the lender to determine the history of both the applicant's willingness and ability to repay any and all debts incurred, a credit report is often an excellent source for this type of information. Since the Farmers Home Administration guarantees these loans, this should enhance the decision making ability of FmHA employees, thus reducing the Government's exposure to losses.

Environmental Impact Statement:

This proposed rule has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

For reasons set forth in the Final Rule related to Notice, 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), this activity is related to the following program that is subject to intergovernment consultation with state and local officials:

10.416—Soil and Water Loans

In turn, the following programs to which this activity is also related, are not subject to Executive Order 12372:

10.406—Farm Operating Loans

10.407—Farm Ownership Loans

List of Subjects in 7 CFR Part 1980

Agriculture, Loan programs—Agriculture.

Therefore, as proposed, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1980—GENERAL

1. The authority citation for part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart B—Farmer Program Loans

2. Section 1980.113 is amended by revising paragraph (a)(3) to read as follows:

§ 1980.113 Receiving and processing applications.

* * * * *

(a) * * *

(3) Credit bureau report, where available, and other pertinent information concerning an applicant's credit history obtained by the lender.

* * * * *

3. Section 1980.124 is amended by adding a new paragraph (a)(8) to read as follows:

§ 1980.124 Consolidation, rescheduling, reamortizing, and deferral.

(a) * * *

(8) A credit report is obtained by the lender.

* * * * *

Dated: October 12, 1989.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 89–27691 Filed 11–24–89; 8:45 am]

BILLING CODE 3410-07-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3961-1]

Approval and Promulgation of State Implementation Plans; Colorado; Oxygenated Fuels and Inspection/ Maintenance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve revisions to the Colorado Carbon Monoxide (CO) and Ozone State Implementation Plan (SIP) submitted on November 17, 1988, by the Governor of Colorado. The CO SIP revision included: (1) Regulation No. 11 (Inspection/ Maintenance (I/M) program) and (2) Regulation No. 13 (oxygenated fuels program). The Ozone SIP revision included Regulation No. 11 (the I/M program). The Regulations apply to the Boulder, Colorado Springs, Denver metropolitan, Fort Collins, and Greeley areas. The revisions are being proposed for approval because they are improvements to existing control measures, reduce CO and ozone levels and, therefore, strengthen the existing SIPs. Other amendments were also submitted on November 17, 1988, including revisions to Colorado Regualations No. 1, No. 3 and the Common Provisions Regulation, which are addressed in other **Federal Register** Notices.

DATES: Comments must be received on or before December 27, 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. to 4:00 p.m., Monday through Friday, at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202–2405

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: On July 29, 1987, the Governor of Colorado submitted revisions to the Colorado CO and Ozone SIP which are the subject of a separate **Federal Register** Notice. These revisions provided for requirements for an enhanced I/M program using computerized analyzers and the use of oxygenated fuels in the winter months (November 1 through March 1).

The November 17, 1988, revisions included amendments to both Regulation No. 11 and Regulation No. 13. The Regulation 11 amendments were necessary because the Colorado Air Pollution Control Division found that progress towards attaining the CO standard was not adequate to meet the December 31, 1987, Clean Air Act deadline. The 1987 Colorado Legislature passed several bills requiring improvements to Regualation 11. The revisions to Regulation 11 include: (1) Mandatory inspection of vehicles owned by non-residents who reside in the I/M area for at least 90 days, (2) redefining motor vehicle so that Collector Series-plated vehicles less than 25 year old are included, (3) the inclusion of portions of Weld County in the I/M area and (4) continuing emissions standards for 1987 model year vehicles into the 1988 model year. EPA is proposing to approve the revisions to Regualation 11 because they stgrengthen the I/M program.

The November 11, 1988, revisons to Regulation No. 13 include the extension of EPA's waiver and "substantially similar" requirements for oxygenated fuels which only apply to unleaded gasoline to leaded gasoline. The State's wavier for leaded gasoline allows an oxygen content under the "substantially similar" provision of up to 2.7% oxygen. While oxygenated fuels are required in the program area only from November 1 through March 1, the State's waiver and substantially similar requirements apply to leaded gasoline all year long. The State has adopted there requirements, which include ASTM volatility standards, to protect vehicle components and performance, including emission control components. The ASTM volatility stanndard for Colorado varies from 15 pounds per square inch (psi) in the winter to 9 psi in the summer.

The federal waivers for unleaded oxygenated fuel requires that these fuels

meet ASTM volatility standards, and are granted under section 211(f) of the Clear Air Act (CAA). EPA has also promulgated volatility requirements for all gasoline sold from May through September 15 of each year under section 211(c) of the CAA (40 CFR 80.27 et. seq.). These requirements limit the volatility of all gasoline sold in Colorado to a maximum of 10.5 psi in May, and 9.5 psi June 1 through September 15 each year.

Since oxygenated leaded fuel is thus covered only under the State waiver (and not the federal 211(f) (waiver) the question arises as to whether the volatility requirement in the state waiver (as it applies to leaded gasoline) is thus preempted by the federal volatility regulation.

Section 211(c)(4)(A) of the CAA provides that:

(4)(A) Except as otherwise provided in subparagraph (B) or (C), no State (or political subdivision thereof) may prescribe or attempt to enforce, for the purposes of motor vehicle emission control, any control or prohibition respecting use of a fuel or fuel additive in a motor vehicle or motor vehicle engine—

(i) if the Administrator has found that no control or prohibition under paragraph (1) is necessary and has published his finding in the Federal Register, or

(ii) if the Administrator has prescribed under paragraph (1) a control or prohibition applicable to such fuel or fuel additive, unless State prohibition or control is identical to the prohibition or control prescribed by the Administrator.

The State has adopted these volatility requirements primarily for the purposes of protecting vehicle components and performance (drivability). Since the primary purposes of the State volatility control is not "for purposes of emission control", it is not preempted under section 211(c)(4)(A). Consequently, both the federal and the State volatility standards remain in effect.

On July 14, 1987 (52 FR 26419), EPA proposed to disapprove the Colorado CO SIP for the metroplitan Denver area for failing to demonstrate attainment of the CO standard by December 31, 1987, or any fixed date in the near term after 1987. In the General Preamble of that same notice, EPA also stated its intention to review the adequacy of the CO and Ozone SIPs in other areas. The proposal described below does not alter the July 14, 1987, proposed action. As discussed in that notice, the July 29, 1987, revisions are not sufficient to provide for attainment of the CO standard in the Denver/Boulder area in the near term and neither are the November 17, 1988, revisions. When a revised SIP is submitted that does address the issue of the attainment of the CO standard, the amount of emission reduction from Regulation 11 and 13 will then be calculated. No emission reduction credit is being given to the revisions at this time.

Proposed Action

EPA proposes to approve the revisions to Regulation No. 13, "Oxygenated Fuels Program", and the revisions to Regulation No. 11, the I/M program, because they are improvements to existing control measures and strengthen the existing CO SIP. The Regulation No. 11 and 13 amendments are also being proposed for approval as strengthening the Ozone SIP.

Interested parties are invited to comment on all aspects of these proposed actions.

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

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12292.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon Monoxide, Hydrocarbons, Nitrogen dioxide, Ozone.

Authority: 42 U.S.C. 7401—7642.

Dated: April 11, 1989.

James J. Scherer,

Regional Administrator.

[FR Doc. 89–27725 Filed 11–24–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP8E3616/P493; FRL–3667–5]

Pesticide Tolerance for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues (free and bound) of the herbicide metolachlor and its metabolites in or on the raw agricultural commodity bell peppers. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number, [PP8E3616/P493], must be received on or before December 27, 1989.

ADDRESSES: By mail submit comments to: Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as 'Confidential Business Information' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 8E3616 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Stations of Arkansas, Oklahoma, Florida, and Texas, and the U.S. Department ofAgriculture.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues [free and bound) of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide) and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-meylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the raw agricultural commodity bell peppers at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 parts per million (ppm) (12.5 milligrams (mg)/kilogram (kg)).

2. A 6-month dog feeding study with a NOEL of 100 ppm (2.5 mg/kg).

3. A rat teratology study with no maternal, teratogenic, or fetotoxic effects at all levels tested (0, 60, 180, and 360 mg/kg/day).

4. A rabbit teratology study with a NOEL for maternal effects at 120 mg/kg and no teratogenic or fetotoxic effects at all levels tested (0, 36, 120, 360 mg/kg/day).

5. A 2-year oncogenicity study in mice with no observed oncogenic potential under the conditions of the study at 30, 1,000, and 3,000 ppm (highest dose level equivalent to 428 mg/kg); and a systemic NOEL of 1,000 ppm; and a repeated mouse oncogenicity study with no observed oncogenic potential under the conditions of the study at the same dose levels as the original study.

6. A two-generation rat reproduction study with a reproductive NOEL of 300 ppm (15 mg/kg) and a lowest effect level (LEL) of 1,000 ppm (50 mg/kg).

7. Mutagenicity studies including: a mouse dominant-lethal study, negative for mutagenic effects; a mouse lymphoma mutation assay, not a mutagen in both presence and absence of metabolic activator; two DNA damage/repair in fibroblasts and in rat hepatocytes, both negative; an Ames assay, negative for mutagenic effects; and a Chinese hamster micronucleus assay with no evidence of mutagenicity at dosage levels tested (0, 1,250, 2,500, and 5,000 mg/kg).

8. A 2-year chronic feeding/oncogenicity study (IBT validated) in the rat conducted at dietary doses of 0, 30, 300, and 3,000 ppm with a statistically significant increase in primary liver neoplasms in females at the high dose (equivalent 150 mg/kg).

9. A repeated 2-year chronic feeding/oncogenicity study in the rat conducted at the same dietary doses as the original study with a systemic NOEL of 300 ppm (15 mg/kg), a systemic LEL of 3,000 ppm (150 mg/kg) (testicular atrophy), and a statistically significant increased incidence of neoplastic liver nodules and proliferative hepatic lesions in females in the high-dose group (equivalent to 150 mg/kg/day).

The Agency has concluded that the available data constitute limited evidence for carcinogenicity of metolachlor. Metolachlor has been tentatively classified as a Category C carcinogen (limited evidence of carcinogenicity in animals) based on the following considerations:

1. The oncogenic responses observed in rats were confined to the high-dose females at one site (liver).

2. The proliferative liver lesions observed in rats were primarily benign (neoplastic nodules in 6 of 60 animals) rather than hepatocellular carcinomas (1 of 60 animals). There was no apparent difference in the time-to-occurrence of the lesions (almost all liver tumors were observed at terminal sacrifice).

3. Metolachlor was not oncogenic to mice under the conditions of the 2-year mouse oncogenicity studies.

4. An Ames mutagenicity assay and a dominant-lethal study were negative for mutagenic effects.

An oncogenic risk assessment for metalochlor has been completed by the Agency based on the available information. The potential oncogenic risk from dietary exposure resulting from the proposed use on bell peppers and existing uses of metalochlor is calculated at 2 X 10–6. The dietary risk assessment is based on a potency estimator (Q^*) of 2.1 X 10–3 (mg/kg/day)–1 and dietary exposure as calculated by the theoretical maximum residue contribution (TMRC) for established tolerances (0.001167 mg/kg/day).

Tolerances previously have been established for residues of metolachor ranging from 0.02 ppm in meat, milk, poultry, and eggs to 30.0 ppm in peanut forage and hay. Tolerances have also been established for residues of metolachlor on both chili and tabasco peppers at 0.5 ppm. Based on the rat chronic feeding study with a NOEL of 300 ppm (15 mg/kg/day) for nononcogenic effects and using a 100-fold uncertainty factor, the reference dose (Rfd) is 0.15 mg/kg/day. The theoretical maximal residue contribution (TMRC) for existing tolerances is 0.001167 mg/kg/day. The proposed use will contribute an additional 0.000003 mg/kg/day (0.3 percent increase). Published tolerances utilize 0.78 percent of the RfD. The Agency concludes that the amount of the pesticide added to the diet from the proposed use will not significantly increase dietary exposure. Thus the tolerance established by the proposed rule is considered to pose a negligible incremental risk.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography with an electrolytic detector specific for nitrogen, is available for enforcement purposes. Analytical enforcement methods are currently available in the Pesticide Analytical Manual, (PAM), Vol. II. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that bell peppers are not considred an animal feed commodity, the tolerance established by amending 40 CFR 180.368 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 8E3616/P493]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 12, 1989.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.368(a) is amended by adding and alphabetically inserting the raw agricultural commodity bell peppers, to read as follows:

§180.368 Metolachlor; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Peppers, bell	0.1
* * * * *	

[FR Doc. 89-27727 Filed 11-24-89; 8:45 am]

BILLING CODE 6560-50-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-523, RM-6929]

Radio Broadcasting Services; Royston, Georgia

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on a petition by Oculus Broadcasting Corporation requesting the substitution of Channel 279C3 for Channel 279A at Royston, Georgia, and modification of its license for Station WBIC(FM) to specify the higher powered channel. Channel 279C3 can be allotted to Royston in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.2 kilimeters (6.3 miles) northwest. The coordinates for this allotment are North Latitude 34–19–59 and West Longitude 83–12–17. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest in the higher powered channel at Royston or require the petitioner to demonstrate the availability of an additional equivalent channel for use by interested parties.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: Charles P. Sims, President, Oculus Broadcasting Corporation, 431 Turner Street, Royston, Georgia 30662.

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. 89–523, adopted October 31, 1989, and released November 20, 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. 89-27625 Filed 11-24-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-521, RM-6963]

Radio Broadcasting Services; Lancaster, WI; Clinton, IA; and Morrison, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by K to Z, Ltd., licensee of Station WAXL(FM), Channel 249A, Lancaster, Wisconsin, proposing the substitution of Channel 249C3 for Channel 249A at Lancaster, and the modification of its license to specify operation on the higher class co-channel. In addition, the proposal requires the substitution of Channel 234A for Channel 249A at Clinton, Iowa, and the modification of the license of Station KCLN–FM at Clinton, as well as the substitution of Channel 271A for Channel 236A at Morrison, Illinois, and the modification of the construction permit for Station WZZT(FM) at Morrison. The substitutions can be accomplished at each station's present transmitter site. The coordinates for Channel 249C3 at Lancaster are 42–50–18 and 90–40–14. The coordinates for Channel 234A at Clinton are 41–54–32 and 90–13–20. The coordinates for Channel 271A at Morrison are 41–50–16 and 89–55–29. The proposal could provide Lancaster with its first wide coverage area FM service.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: James L. Zimmerman, President, K to Z, Ltd, 130 West Elm Street, P.O. Box 587, Lancaster, WI 53813 (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. 89–521, adopted October 31, 1989, and released November 20, 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. 89-27624 Filed 11-24-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-517, RM-6979]

Radio Broadcasting Services; Ogelsby, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by David B. Knoll, proposing the allotment of Channel 271A to Ogelsby, Illinois, as that community's first local FM service. The coordinates for this allotment are North Latitude 41-17-43 and West Longitude 89-03-34.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: David B. Knoll, 1305 Smokey Row Lane, Carmel, Indiana 46032.

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. 89-517, adopted October 30, 1989, and released November 20, 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. 89-27627 Filed 11-24-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-516, RM-6927]

Radio Broadcasting Services; Hardinsburg, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by J & J Broadcast Partners, proposing to allot Channel 282A to Hardinsburg, Kentucky, as its second FM service. The coordinates for this allotment are North Latitude 37-46-32 and West Longitude 86-25-48.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: Christopher D. Imlay, Julian P. Freret, Booth, Freret & Imlay, 1920 N Street, NW., Suite 150, Washington, DC 20036 (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. 89-516, adopted October 30, 1989, and released November 20, 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. 89-27629 Filed 11-24-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-522, RM-6967]

Radio Broadcasting Services; Jackson, TN, and Caruthersville, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by CR Broadcasting, Inc., licensee of Station WMXX-FM, Channel 276A, Jackson, Tennessee, proposing the substitution of Channel 276C2 for Channel 276A at Jackson, and the modification of its license to specify operation on the higher class co-channel. In addition, the proposal requires the substitution of Channel 286A for Channel 276A at Caruthersville, Missouri, and the modification of the license for Station KLOW(FM) at Caruthersville. A site restriction of 13.1 kilometers (8.1 miles) south of Jackson is proposed for the allotment of Channel 276C2. The coordinates are 35-30-00 and 88-50-00. Channel 286A can be used at the present transmitter site of Station KLOW(FM). The coordinates are 36-12-50 and 89-41-25.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: Marnie K. Sarver, Esquire, Reed Smith Shaw & McClay, 1200 18th Street, NW., Washington, DC 20036 (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. 89–522, adopted October 31, 1989, and released November 20, 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. 89–27628 Filed 11–24–89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89–520, RM–6966]

Radio Broadcasting Services; Levelland, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KLVT Radio, Inc., proposing the allotment of Channel 253A to Levelland, 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 33–35–12 and 102–22–42.

DATES: Comments must be filed on or before January 11, 1990, and reply comments on or before January 26, 1990.

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: Kathryn R. Schmeltzer, Esquire, John Joseph McVeigh, Esquire, Fisher, Wayland, Cooper and Leader, 1255 Twenty-third Street, NW., Suite 800, Washington, DC 20037–1125 (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. 89–520, adopted October 31, 1989, and released November 20, 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. 89–27626 Filed 11–24–89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81–11; Notice 29]

RIN 2127–AD18

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment of the humidity test procedures for replaceable bulb and integral beam headlamps specified in paragraph S8.7 of Motor Vehicle Safety Standard No. 108. The test requirements would remain unchanged. The purpose of the proposal is to improve the repeatability of the humidity test. It seeks to accomplish this by specifying the test fixture to be used, the position of the lamp in the test chamber, and the air velocity of the air flow test portion of the humidity test. This implements previous grants of petitions for rulemaking submitted by Hella K.G., Robert Bosch, and Koito Mfg. Co.

DATES: Comment closing date for the proposal is January 11, 1990. Effective date of the amendment would be 6 months after publication of the final rule in the **Federal Register**. Any request for an extension of time in which to comment must be received not later than 10 days before the published expiration date of the comment period (49 CFR 553.19).

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh St. SW., Washington, DC 20590. (Docket hours are from 8 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Vehicle Safety Standards, NHTSA (202–366–5276).

SUPPLEMENTARY INFORMATION:

Background

On June 2, 1983, NHTSA amended 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to permit headlamps other than sealed beam units (48 FR 24690). One of the tests specified for headlamps with replaceable bulbs concerned resistance to humidity (now paragraph S8.7 of Standard No. 108). Shortly after the issuance of those amendments, some

parties expressed concerns about that test. This notice responds to those concerns.

Hella Petition

On July 11, 1983, Hella KG of the Federal Republic of Germany petitioned for reconsideration of the amendments. Because the agency did not receive the petition until more than 30 days following publication of the amendment in the **Federal Register**, NHTSA treated it as a petition for rulemaking pursuant to 49 CFR part 552, in accordance with the provision in its regulations on petitions for reconsideration regarding timeliness, 49 CFR 553.35(a). The portion of the petition relevant to this rulemaking action concerned the appropriateness of the humidity test procedures for vented headlamps. Specifically, Hella viewed the test as inappropriate, and stated that modified dust and moisture requirements should be substituted for it. While the agency did not agree, it was concerned about the effect of the test on vented plastic headlamps. NHTSA believed that venting of plastic headlamps had a relationship to the performance of these lamps in Standard No. 108's internal heat test, and thus might be desirable for some headlamp system designs. The agency wished to be able to distinguish inferior venting systems from superior ones. Therefore, NHTSA granted this aspect of the Hella petition, in so far as it related to a closer study of tests for ventilated headlamp systems, and initiated research on this subject.

Bosch Petition

On October 21, 1985, Robert Bosch GmbH, a headlamp manufacturer in Stuttgart, Germany, petitioned for a modification in the humidity test for replaceable bulb headlamps. In its view, the test did not fully account for actual operating conditions typical of vented headlamps. As a result of the heat generated in the test, the air in the interior of the lamp expands, with pressure compensation occurring through the ventilation openings. When the lamp cools, air enters the headlamp interior carrying moisture which is deposited in the interior of the headlamp. If there is no flow of air within the humidity test box, the 1-hour soak period is insufficient " to establish a well-balanced proportion between the humidity inside the headlamp and the outside conditions". Accordingly, Bosch argued that for judging compliance of vented headlamps "it is necessary that there is a flow of air inside the test box during the soak period". It believed that a flow of between 3 and 6 feet per second (2 to 4 m.p.h.) would be sufficient, when directed to the headlamp from the front.

NHTSA granted both the Hella and Bosch petitions on March 18, 1987 (52 FR 8482). Shortly thereafter, on April 30, 1987, Koito Manufacturing Co. Ltd., a headlamp manufacturer in Japan, filed its own supporting petition for rulemaking to amend the humidity test. This petition was granted on July 14, 1989.

Koito Petition

Koito submitted test data on humidity and dust tests for many designs of vented headlamps. It found that if vents to eliminate water accumulation are too large, dust intrudes into the headlamps. Conversely, if the vents are too small, the lamps do not pass the humidity test. From the Koito test data, it appeared that headlamps could be designed to pass a humidity test with axial flow of air over the headlamp of between 2 m.p.h. and 4 m.p.h., the values recommended by Bosch, though without support at that time. Koito's data indicate that by modifying the existing humidity test procedure to specify air flow velocity, the repeatability of the humidity test is improved.

Proposed Changes in Test Procedures

As NHTSA stated in March 1987, it had initiated its own test program on humidity testing, and submitted a copy of its test work to Docket 81–11; Notice 22. It had verified that moisture in lamps affects photometric performance. This test work led to further test programs to eliminate instances of inconsistent test results. On the basis of these tests, NHTSA has developed the changes that this notice proposes in the humidity test.

The first change proposed is to the initial high-humidity "soak period". Currently, a 5-day high-humidity conditioning period is specified for headlamps before the low-humidity (dry-box) test is conducted. The high-humidity test consists of 20 on-off cycles during each of which the headlamp is energized for 1 hour and de-energized for 5 hours. NHTSA's research has demonstrated that headlamps cool off within 2 hours, so 3 hours of unproductive "off time" can be eliminated each cycle without affecting the test results. Accordingly, it is proposed that the high-humidity soak period consist of 24 cycles of 3 hours each, with the headlamps activated for 1 hour and deactivated for 2 hours. The specification of 24 consecutive cycles allows the test to start and end at the same time of day.

The agency has also tentatively determined that repeatability would be improved by specification of a special test fixture for the humidity test. This fixture is simple and inexpensive. It would consist of a flat steel plate, at least ¼ inch thick, to which 3 threaded steel rods of ¼ inch diameter are mounted (at variable locations, depending on the headlamp). The headlamp would be affixed to the fixture by clamps from behind, which are out of the air stream. The steel plate would be as wide as the headlamp, and long enough to extend from the forwardmost edge of the headlamp past the rear of the headlamp sufficiently far to allow mounting to the three vertical mounting rods. Steel would be necessary in the mounting plate to provide stability for the headlamp. Steel rods would be necessary to assure adequate strength since the headlamp may be cantilever mounted with lateral steel rods to it. Threaded rods would be necessary to screw into the mounting plate to allow easy thumb screw attachments to horizontal ¼ inch mounting rods. Flat sections at the end of the horizontal rods could be employed to allow screw or bolt attachment to the headlamps assembly.

However, Standard No. 108 presently requires that a photometric test be conducted following the humidity test, and in some cases headlamps might have aim stability problems using this fixture for a photometric test. If a choice must be made, the agency would prefer to drop the photometric test because it believes that the special fixture is critical to running a repeatable air flow test to evaluate headlamp venting, and a sufficient criterion of failure would be water in the headlamp. Water affects photometric performance by degrading the reflector and spotting the inside of the lens. Althought the photometric test concludes the proposed test procedures, the agency wishes to have comment on the compatability of the special test fixture with the conducting of the photometric tests, and whether a criterion of failure in addition to the presence of moisture would be desirable in the interests of safety.

In the proposed test procedure, detailed requirements are specified for air flow uniformity, air velocity, the position of the lamp in the air flow test chamber, and the humidity tolerance. The test and fixture would assure that undue turbulence is not present in the air flow test. The air flow uniformity should be plus or minus 10 percent of the average of velocities measured over the test grid 4 inches from the duct outlet over a 4-inch square grid at the plane of the front edge of the lamp. The velocities would be measured at 6 discrete points around the periphery of

the lens, and the average velocity should be 330 ft/min +0–20 ft/min, which is an equivalent of 3.75 m.p.h. The fixtured lamp should be centered in the test chamber with at least 3 inches clearance on all sides between the lamp (exclusive of the fixture), and any part of the chamber, and located with the forwardmost edge of the lamp at least 4 inches from the air entry point. To enhance repeatability, the tolerances on humidity after the soak period should be reduced from the present 20 to 40 percent, to 30 to 40 percent. A test report showing fixtures and details of the set-up for the humidity test has been placed under Notice 22 in Docket No. 81–11.

A 45-day comment period is specified to provide adequate time for interested persons to conduct tests and make informed comments.

The existing test requirements would remain unchanged.

Assessment of Impacts and Request for Comments

NHTSA has preliminarily considered the economic impacts of this rulemaking proposal and has made a tentative determination that it is not major within the meaning of Executive Order 12291 "Federal Regulation," or significant under Department of Transportation regulatory policies and procedures. The proposal would modify in minor respects an existing test procedure for an optional type of headlamp. The costs associated with the special test fixture are minimal, and could be offset by the slight reduction in costs associated with reduction of the pre-test period from 5 days to 3 days. Therefore, preparation of a full regulatory evaluation is not required.

NHTSA has analyzed this proposal for the purposes of the National Environmental Policy Act. The proposal should have no effect on the human environment since it retains an existing test procedure.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact upon a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. The parties affected by the proposal, i.e., manufacturers of motor vehicles and headlamps, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected since the price of new vehicles and headlamps would be minimally impacted.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been established that the proposed rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a cliam of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the docket section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the closing date indicated above, will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—[AMENDED]

In consideration of the foregoing, it is proposed that 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* be amended as follows:

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

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Paragraph S8.7 would be revised to read as follows:

S8.7 *Humidity.* (a) The test fixture consists of a horizontal plate of steel to which three threaded steel rods of ¼ inch diameter are imbedded vertically behind the headlamp. The headlamp assembly is clamped to the vertical rods, which are behind the headlamp. All attachments to the headlamp assembly are made behind the lens and vents or openings, and are not within 2 inches laterally of a vent inlet or outlet.

(b) The mounted headlamp assembly is oriented as it would be on the vehicle for which it is designed, and is placed in a controlled environment at a temperature of 100+7—0 degrees F (38+4—0 C) with a relative humidity of not less than 90 percent. All drain holes, breathing devices, and other openings are in their normal operation positions for all phases of the humidity test. The headlamp shall be subjected to 24 consecutive 3-hour test cycles. In each cycle, it shall be energized for 1 hour at design voltage with the highest combination of filament wattages that are intended to be used, and then de-energized for 2 hours. If the headlamp incorporates a turn signal, it shall flash at 90 flashes per minute with a 75+/—2 percent current "on-time."

(c) Within 3 minutes after the completion of the 24th cycle, the mounted assembly shall be removed, wrapped in a thermal blanket, and placed in an axial air flow chamber. The thermal blanket shall be removed when the assembly is placed in the chamber. The orientation of the assembly with respect to the air flow shall be identical to that of its position on any vehicle for which the headlamp is intended. The assembly is positioned in the chamber so that the center of the lens is in the center of the opening of the air flow entry duct during the test. The headlamp has at least 3 inches clearance on all sides, and at least 4 inches to the entry and exit ducts at the closest points. If vent tubes are used which extend below the lamp body, the 3 inches are measured from the bottom of the vent tube or its protection. The temperature

of the chamber is 73+7−0 degrees F (23+4−0 degrees C) with a relative humidity of 30+10−0 percent. The headlamp is not energized.

(d) Before the test specified in paragraph (e) of this section, the uniformity of the air flow in the empty test chamber at a plane 4 inches downstream of the air entry duct shall have been measured over a 4-inch square grid. The uniformity of air flow at each grid point is +/− 10 percent of the average air flow specified in paragraph (e) of this section.

(e) The mounted assembly in the chamber shall be exposed, for one hour, to an average air flow of 330+0−20 ft/min. as measured with an air velocity measuring probe having an accuracy of +/−3 percent in the 330 ft/min range. The average air flow is the average of the velocity recorded at six points around the perimeter of the lens. The six points are determined as follows: at the center of the lens, construct a horizontal plane. The first two points are located in the plane, 1 inch outward from the intersection of the plane and each edge of the lens. Then, trisect the distance between these two points and construct longitudinal vertical planes at the two intermediate locations formed by the trisection. The four remaining points are located in the vertical planes, one inch above the top edge of the lens, and one inch below the bottom edge of the lens.

(f) After one hour, the headlamp is removed and inspected for moisture. The headlamp shall then be tested immediately for photometrics. The photometric testing of the headlamp shall begin within 10+/−1 minutes of its removal from the chamber.

Issued on November 21, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89-27732 Filed 11-24-89; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1043 and 1084

[Ex Parte No. MC-5 (Sub-No. 10)]

Removal of Regulations Governing Cargo Liability Insurance, Surety Bonds or Other Security Required by Motor Common Carriers of Property and Freight Forwarders

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to revise its regulations at 49 CFR parts 1043 and 1084 governing financial responsibility requirements for motor carriers, property brokers and freight forwarders. Specifically, the Commission proposes to eliminate its regulations that require motor common carriers of property and freight forwarders to file with the Commission and maintain on a continuous basis evidence of cargo liability insurance for the protection of the public. The present minimum cargo security requirement may impose unnecessary burdens and costs on carriers and freight forwarders in obtaining and filing evidence of such security. If the proposed rule revision is adopted, shippers would be free to negotiate directly with carriers and freight forwarders for the protection of their goods against loss or damage.

DATE: Comments are due on December 27, 1989.

ADDRESS: Send an original and 10 copies of comments referring to Ex Parte No. MC-5 (Sub-No. 10) to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay (202) 275-0854, or Heber P. Hardy (202) 275-7148 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Under the provisions of 49 U.S.C. 10927(a)(3) and 10927(c)(2), the Interstate Commerce Commission is given the discretion to impose security requirements for the protection of cargo being placed in the custody of motor carriers and freight forwarders, respectively. The Commission, in accordance with the regulations prescribed in 49 CFR part 1043 and 49 CFR part 1084, requires all motor common carriers, unless excluded from regulation by the exemption in 49 CFR Part 1043.1(b),[1] and all freight forwarders, including those not required to hold ICC operating authority,[2] to file with the Commission and to maintain on a continuous basis evidence of cargo liability insurance. These motor carriers and forwarders are required to have insurance coverage for cargo liability in the amounts of $5,000 for losses sustained on any one vehicle and an aggregate of $10,000 for losses occurring at any one time or place. Carriers and forwarders may meet these requirements by filing certificates of insurance, surety bonds, proof of qualification to self-insure, or other evidence of acceptable securities or agreements.

All segments of the motor carrier industry are continuing to encounter problems in purchasing or maintaining evidence of security. However, the problems associated with obtaining cargo security are unique to motor carriers of property and freight forwarders, since they are the only types of carriers required to have cargo insurance coverage. When these entities are unable to induce an insurance or surety company to file evidence of cargo insurance with the Commission, they are precluded from competing in the marketplace.

Further, we believe our minimum cargo security requirement does little to protect shippers, who would be better served by negotiating cargo security provisions with carriers as they do now on service, price and credit options. These regulations are costly both in terms of administration as well as compliance, and needlessly interfere with the evolution of marketplace resolutions.

The Commission believes that it can best alleviate problems associated with insurance availability and affordability by providing regulated transportation entities with alternative methods of complying with the requirements of 49 U.S.C. 10927 and, where possible, by eliminating unnecessary Federal regulations. Therefore, to ensure that these carriers and forwarders may continue to provide adequate services to the shipping public, the Commission is instituting this rulemaking proceeding to consider whether the existing cargo insurance requirements should be eliminated.

Accordingly, the Commission proposes to remove all references to cargo liability insurance from 49 CFR 1043.5; 1043.7; 1084.3; and 1084.7(a), and to remove, in their entirety, the regulations prescribed in 49 CFR 1043.1(b); 1043.2(c); 1043.6(b); 1084.2(a); and 1084.4(a), from title 49 of the Code of Federal Regulations. The Commission proposes to revise 49 CFR 1003.3 by eliminating forms that are used in connection with cargo insurance, namely, Form BMC-34—Motor Carrier Cargo Liability Certificate of Insurance; Form BMC-83—Motor Common Carrier Cargo Liability Surety Bond; and Form BMC-32—Endorsement for Motor Common Carrier Policies of Insurance for Cargo Liability.

[1] Some motor common carriers of property, because they are engaged solely in the transportation of low-valued, heavy-loading commodities, are exempted from cargo insurance requirements.

[2] The Surface Freight Forwarder Deregulation Act of 1986, Public Law No. 99-521, exempted freight forwarders, other than forwarders of household goods, from the Commission's licensing requirements. However, the Commission exercised its discretionary authority by requiring these forwarders to comply with its cargo insurance requirements.

We believe that if this proposal is adopted, many motor carriers and forwarders will continue to maintain voluntarily, as prudent business practice dictates, some form of cargo security. However, because these entities will not be required to make burdensome filings with the Commission and obtain endorsement forms from insurers, which override conditions and limitations normally contained in insurance policies, the premium rates for cargo liability should be substantially reduced.

It is requested that the written comments of interested parties address whether the benefits derived from these regulations justify the costs and burden of compliance. Further, proponents of cargo security requirements should present evidence addressing problems that they believe are likely to occur absent such requirements.

A copy of this notice may be obtained by writing to the Office of the Secretary, Room 2215, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, DC 20423 or by calling (202) 275–7428. (Assistance for the hearing impaired is available through TDD Services at (202) 275–1721).

Energy and Environmental Considerations

We preliminarily conclude that the proposed rules will not significantly affect the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We preliminarily conclude that the proposed elimination of prescribed cargo liability regulations will have a beneficial, although modest, economic impact on a substantial number of small entities by reducing regulatory burdens. At the same time, we are convinced that small entities that rely on motor common carrier and freight forwarder service have sufficient commercial protection available to ensure that acceptable cargo liability security levels will be observed, absent Commission regulation of the subject. The proposed rule revisions will not require the filing of reports or recordkeeping by small entities. The proposal will not duplicate, overlap, or conflict with any existing Federal rules.

List of Subjects

49 CFR Part 1003

Insurance, Surety bonds

49 CFR Part 1043

Motor carriers, Insurance, Surety bonds

49 CFR Part 1084

Freight forwarders, Insurance, Surety bonds

Decided: November 7, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips. Commissioner Lamboley concurred with a separate expression. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1003, 1043 and 1084 are proposed to be amended as follows:

PART 1003—LIST OF FORMS

1. The authority citation for 49 CFR part 1003 would continue to read as follows:

Authority: 5 U.S.C. 551(a), 5 U.S.C. 553(1)(c), and 49 U.S.C. 10321.

§ 1003.3 [Amended]

2. Section 1003.3 is proposed to be amended by removing Forms B.M.C. 32; B.M.C. 34; and B.M.C. 83.

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

3. The authority citation for 49 CFR part 1043 would continue to read as follows:

Authority: 49 U.S.C. 10101, 10321, 11701, and 10927; and 5 U.S.C. 553.

§ 1043.1 [Amended]

4. Section 1043.1 is proposed to be amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

§ 1043.2 [Amended]

5. Section 1043.2 is proposed to be amended by removing paragraph (c).

6. Section 1043.5(a), introductory paragraph is proposed to be revised to read as follows:

§ 1043.5 Qualifications as a self-insurer and other securities or agreements.

(a) *As a self-insurer.* The Commission will consider and will approve, subject to appropriate and reasonable conditions, the application of a motor carrier to qualify as a self-insurer, if the carrier furnishes a true and accurate statement of its financial condition and other evidence that establishes to the satisfaction of the Commission the ability of the motor carrier to satisfy its obligation for bodily injury liability and property damage liability. Application Guidelines: In addition to filing Form BMC 40, applicants for authority to self-insure against bodily injury and property damage claims should submit evidence that will allow the Commission to determine:

* * * * *

§ 1043.6 [Amended]

7. Section 1043.6 is proposed to be amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

8. Section 1043.7 paragraphs (a)(2) and (a)(3) are proposed to be revised to read as follows:

§ 1043.7 Forms and procedures.

(a) * * *

(1) * * *

(2) *Aggregation of insurance.*[1] When insurance is provided by more than one insurer in order to aggregate security limits for carriers operating only freight vehicles under 10,000 pounds Gross Vehicle Weight Rating, as defined in § 1043.2(b)(1), a separate Form BMC 90, with the specific amounts of underlying and limits of coverage shown thereon or appended thereto, and Form BMC 91X certificate is required of each insurer. For aggregation of insurance for all other carriers to cover security limits under § 1043.2 (b)(1) or (b)(2), a separate Department of Transportation prescribed form endorsement and Form BMC 91X certificate is required of each insurer.

For aggregation of insurance for foreign motor private carriers of nonhazardous commodities to cover security limits under § 1043.2(b)(4), a separate Form BMC 90 with the specific amounts of underlying and limits of coverage shown thereon or appended thereto, or Department of Transportation prescribed form endorsement, and Form BMC 91MX certificate is required for each insurer.

(3) *Use of certificates and endorsements in BMC Series.* Form BMC 91 certificates of insurance will be filed with the Commission for the full security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 91X certificate of insurance will be filed to represent full coverage or any level of aggregation for

[1] See NOTE for Rule 1043.6. Also, it should be noted that DOT is considering prescribing adaptations of the Form MCS 90 endorsement and the Form MCS 82 surety bond for use by passenger carriers and Rules §§ 1043.6 and 1043.7 have been written sufficiently broad to provide for this contingency when new forms are prescribed by that Agency

the security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 90 endorsement will be used with each filing of Form BMC 91 or Form 91X certificate with the Commission which certifies to coverage not governed by the requirements of the Department of Transportation.

Form BMC 91MX certificate of insurance will be filed to represent any level of aggregation for the security limits under § 1043.2(b)(4).

* * * * *

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

9. The authority citation for 40 CFR part 1084 would be revised to read as follows:

Authority: 40 U.S.C. 10101, 10321, 11701, and 10927; and 5 U.S.C. 553.

§ 1084.2 [Amended]

10. Section 1084.2 is proposed to be amended by removing paragraph (a) and the designation (b).

11. Section 1084.3 is proposed to be revised to read as follows:

§ 1084.3 Limits of liability.

The prescribed minimum amounts for public liability security referred to in § 1084.2 are identical with these minimum limits prescribed for motor carriers in § 1043.2 of this chapter.

§ 1084.4 [Amended]

12. Section 1084.4 is proposed to be amended by removing paragraph (a) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

13. Section 1084.7(a) is proposed to be revised to read as follows:

§ 1084.7 Qualifications as a self-insurer and other securities or agreements.

(a) *Self-insurer.* The Commission will give consideration to and will approve the application of a freight forwarder to qualify as a self-insurer if such freight forwarder furnishes a true and accurate statement of its financial condition and other evidence which will establish to the satisfaction of the Commission the ability of such freight forwarder to satisfy its obligations for bodily-injury liability and property-damage liability without affecting the stability or permanency of the business of such freight forwarder.

* * * * *

[FR Doc. 89-27688 Filed 11-24-89; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[RIN 1018-AB38]

Endangered and Threatened Wildlife and Plants; Proposal To Determine Lepidium barnebyanum (Barneby Ridge-cress) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to determine a Utah plant species, *Lepidium barnebyanum* (Barneby ridge-cress), to be an endangered species under the authority of the Endangered Species Act of 1973, as amended (Act). *L. barnebyanum* is known from one small limited population in Duchesne County, Utah. Continued uncontrolled off-road vehicle use and future development of oil and gas resources in the habitat of *L. barnebyanum* have the potential to cause the species to become extinct if adequate protective measures are not taken. This proposal, if made final, would implement Federal protection provided by the Act for *L. barnebyanum*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by January 26, 1990. Public hearing requests must be received by January 11, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the State Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2078 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John L. England, botanist, at the above address (801/524-4430 or FTS 588-4430).

SUPPLEMENTARY INFORMATION:

Background

In June 1947, a unique mustard was discovered by Rupert Barneby in the lower portions of Indian Creek Canyon in Utah's Uinta Basin. This plant was described first in the scientific literature as *Lepidium montanum* ssp. *demissum* (Hitchcock 1950). James Reveal reviewed the type specimen of *L. m. demissum* and obtained additional specimens of that taxon from the type locality. As a consequence of his evaluation of this taxon, Reveal described the mustard as *Lepidium barnebyanum* (Reveal 1967).

The common name used for *L. barnebyanum* in the Review of Plant Taxa for Listing as Endangered or Threatened Species published in the Federal Register on September 27, 1985 (50 FR 39526), was "Barneby pepper cress." Stanley Welsh gave this species the common name of "ridgecress" in *A Utah Flora* (Welsh et al. 1987). The Service has adapted Welsh's common name because it is cress (mustard) endemic to ridges and has retained the specific epitaph to honor the species' discoverer, thus the common name "Barneby ridge-cress." The Soil Conservation Service uses the common name "Barneby pepperweek" for this species.

L. barnebyanum is a perennial, herbaceous plant in the mustard family (Brassicaceae). It is approximately 2 to 6 inches (5 to 15 cm) high and usually forms raised clumps or cushions (pulvinate growth form) up to 8 inches (20 cm) wide. The species arises from a deep woody taproot; its stems are smooth and hairless with narrow leaves clustering at the base of the plant. The species' cream-colored flowers are about 0.25 inch (5 to 7 mm) across and alternate along a stem rising 1 to 2.5 inches (2.5 to 6 cm) above the base of the plant. The flowers begin to bloom in early May. *L. barnebyanum* seeds are quite small, about 1 mm across, and are borne in elliptical seed pods called silicles, which are about 0.2 inch (4 to 5 mm) long. The seeds are shed beginning in June and continuing into July.

The habitat of *L. barnebyanum* is a discontinuous series of marly shale barrens on three ridgelines on either side of Indian Creek on the northeast margin of Indian Creek Canyon about 3 miles south of Starvation Reservoir and the town of Duchesne, Utah. The species' habitat occurs at an elevation of 6,200 to 6,500 feet (1,850 to 1,950 m) on poorly developed soils derived from marly shales in a zone of interbedding geologic strata from the Uinta and Green River Formations (Reveal 1967, Welsh and Reveal 1977, Welsh 1978, Welsh et al. 1987, U.S. Fish and Wildlife Service 1989). The vegetation of the shale barrens, on which *L. barnebyanum* occurs, is dominated by plant species with pulvinate growth forms including: *Hymenoxys acaulis, Arenaria hookeri, Townsendia mensana, Parthenium ligulatum,* and *L. barnebyanum* itself. Other associated plant species include: *Eriogonum batemanii, Astragalus*

spatulatus, and *Castilleja scabrida*. The shale barren pulvinate plant community of *L. barnebyanum* is a small inclusion within the broader pinon juniper woodland community, dominated by pinon pine (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*) which characterize the general area (Welsh 1978, U.S. Fish and Wildlife Service 1989).

L. barnebyanum is known from one population with three distinct stands with a total range that is about 4 miles across on the Uintah and Ouray Reservation (Reservation) of the Ute Indian Tribe (Tribe). The entire population of *L. barnebyanum* is experiencing or vulnerable to off-road vehicle damage and is directly adjacent to active oil and gas fields. Continued unrestricted off-road vehicle use and future development of those oil and gas fields is likely to jeopardize the continued existence of this species unless specific measures are taken to protect the occupied habitat of *L. barnebyanum*. The total population of *L. barnebyanum* is estimated to be about 5,000 individuals with an occupied habitat of less than 500 acres (U.S. Fish and Wildlife Service 1989).

Section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report as a petition to list those taxa named therein under Section 4(c)(2) of the Act (petition acceptance is now governed by Section 4(b)(3) of the Act), and its intention to review the status of thos plants. *L. barnebyanum* was included in the July 1, 1975, notice on list "A" as endangered.

L. barnebyanum was proposed by the Service for listing as endangered along with some 1,700 other vascular plant taxa on June 16, 1976 (41 FR 24523). General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn, though proposals published before the date of enactment of the 1978 amendments could not be withdrawn before the end of a 1-year grace period beginning on the date of enactment. On December 10, 1979, the Service published a notice of withdrawal of that portion of the June 16, 1976, proposal that had not been made final (44 FR 70796), including *L. barnebyanum*.

The July 1975 notice was updated by notices in the **Federal Register** on December 15, 1980 (45 FR 82480), and again on September 27, 1985 (50 FR 39526). Both of the later notices included *L. barnebyanum* as a category 1 species. Category 1 comprises taxa for which the Service presently has significant biological information to support their being proposed to be listed as endangered or threatened species.

Section 4(b)(3)(B) of the 1982 amendments to the Act requires the Secretary of the Interior to make findings on certain petitions within 1 year of their receipt. Section 2(b)(1) of the Act's amendments of 1982 further requires that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. Since the 1975 Smithsonian report and the Service's 1980 and 1985 notices were accepted as petitions, all the taxa contained in those notices, including *L. barnebyanum*, were treated as being newly petitioned on October 13, 1982. The deadline for a finding on such petitions, including that for *L. barynebyanum*, was October 13, 1983. Beginning on October 13, 1983, the Service has made successive 1-year findings that the petition to list *L. barnebyanum* was warranted, but precluded by other listing actions of higher priority. This proposal constitutes the next 1-year petition finding for this species.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lepidium barnebyanum* Reveal (Barneby ridge-cress) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The past distribution of *L. barnebyanum* is unknown (Welsh 1978). The species is evidently a narrow soil endemic, being restricted to a white-colored marly shale lens near the contact of Green River and Uinta geologic formations (Reveal 1967, Welsh and Reveal 1977, Welsh 1978, Welsh et al. 1987, U.S. Fish and Wildlife Service 1989). Similar shale barren habitat occupied by many of the same species sympatric with *L. barnebyanum* (see "Background" section above) have been searched for additional populations of *L. barnebyanum* in the Uinta Basin of northeast Utah and adjacent Colorado; however, no populations of the plant are known except for the one in the northern portion of Indian Creek Canyon (Reveal 1967, Welsh 1978, U.S. Fish and Wildlife Service 1989). The total population of *L. barnebyanum* is estimated to be about 5,000 individuals on marly shale barrens on three ridgelines in the northeast portion of Indian Creek Canyon in Duchesne County, Utah (U.S. Fish and Wildlife Service 1989).

The occupied habitat of *L. barnebyanum* is being impacted by trampling from off-road vehicles such as motorcycles and four-wheeled all-terrain vehicles which concentrate on the sparsely vegetated ridgelines which are *L. barnebyanum's* only habitat (U.S. Fish and Wildlife Service 1989). In addition, the habitat of *L. barnebyanum* is adjacent to a developed oil and gas field with several wells within 5 miles of the species' habitat. The location of the sites of *L. barnebyanum* habitat on the top of relatively level ridgelines in an area of very steep general topographic relief exposes those populations to an increased likelihood of habitat destruction from off-road vehicle trail riding, and road and well site construction in connection with oil and gas development (Welsh 1978, U.S. Fish and Wildlife Service 1989). With such a small population and limited occupied habitat, any destruction, modification or curtailment of the habitat would have a highly negative impact on the species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* No threats to *L. barnebyanum* from overutilization for commercial, recreational, scientific, or educational purposes are currently known.

C. *Disease or predation.* No significant threats to *L. barnebyanum* from disease or predation are currently known.

D. *The inadequacy of existing regulatory mechanisms. L. barnebyanum* is not currently protected by any Federal or State law or regulation. The Bureau of Indian Affairs is aware of the precarious status of this species and as a matter of policy attempts to direct activities which may threaten the species away from its habitat on the Uintah and Ouray Reservation of the Ute Indian Tribe. However, the Bureau of Indian Affairs lacks the explicit, statutory authority necessary to protect the species. The listing of *L. barnebyanum* will significantly assist the Bureau of Indian

Affairs in providing for the protection of this species and its habitat and will encourage active management through the "Available Conservation Measures" discussed below.

E. *Other natural or manmade factors affecting its continued existence.* Compared to closely related taxa in the same genus, recent studies have shown *L. barnebyanum* to have a reduced seed/ovule ratio, i.e., a smaller percentage of ovules (embryonic seeds) becoming mature seeds (C. Davern, University of Utah, pers. comm., 1988). This would tend to lower reproductive success and reduce population viability. The restricted range and population of *L. barnebyanum* increases the possibility that inadvertent disturbance, either natural or man caused, could destroy a significant portion of this species' population and habitat.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *lepidium barnebyanum* as endangered. The species is threatened by surface disturbance that is currently occurring from off-road vehicles and will probably intensify in the near future and by future energy development within its habitat. These factors could cause the species to become extinct within the foreseeable future throughout all or a significant portion of its range. Given the species' highly restricted distribution and the likelihood of future habitat destruction, the proposed designation of endangered is considered by the Service to be a more prudent designation than threatened for *L. barnebyanum*. For the reasons given below, it is not considered prudent to propose designation of critical habitat.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat for *L. barnebyanum* is not prudent because possible adverse consequences from vandalism would likely outweigh the minimal benefits accruing from critical habitat designation.

As noted under Factor "A," *L. barnebyanum* occupies limited habitat on the top of three relatively level ridgelines. Designation of critical habitat would entail publication of a detailed description and map of this habitat in the Federal Register, exposing the species to the threat of vandalism. Lacking mobility, plants are more vulnerable to vandalism than animals. One person could easily vandalize the single small *L. barnebyanum* population with an off-road vehicle.

Moreover, few additional benefits would be provided to the species by the critical habitat designation that would not already be provided by listing the species as endangered, particularly as the entire population is located on lands under Federal jurisdiction. Any Federal action that would impact the plant's habitat would affect the plants as rooted organisms and, consequently, would be addressed through section 7 consultation. Section 9(a)(2)(B) of the Act makes it unlawful to remove and reduce to possession any endangered species of plant from areas under Federal jurisdiction or to maliciously damage or destroy such species on any such area. The Tribe, Bureau of Indian Affairs, and Bureau of Land Management are aware of the occurrence of *L. barnebyanum* on Tribal lands and of their obligations under the Act. Protection of species' habitat will also be accomplished through the recovery process.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, Indian, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The entire known population of *L. barnebyanum* is on the Uintah and Ouray Reservation of the Ute Indian Tribe. The Bureau of Indian Affairs is responsible for assisting the Tribe in the resource management of Reservation lands and as such would be responsible for the conservation of the plant on Tribal lands under authority of the Act. The Bureau of Land Management is responsible for the leasing of minerals under Federal jurisdiction, including those on Indian reservations. Both of these Federal agencies would be responsible for ensuring that land actions in general, and those associated with mineral leasing specifically, are not likely to jeopardize the continued existence of *L. barnebyanum*.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for listed plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of listed plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few, if any, trade permits would ever be sought or issued for *L. barnebyanum* since the species is not common in cultivation or in the wild. Requests for

copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203–3507 (703/358–2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *L. barnebyanum*;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the State Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Salt Lake City, Utah (see ADDRESSES above).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Hitchcock, C.L. 1950. On the subspecies of *Lepidium montanum*. Madroño 10:155–159

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Welsh, S.L. 1978. Status Report: *Lepidium barnebyanum*. Brigham Young University Herbarium, Provo, Utah. 4 pp.

Welsh, S.L., N.D. Atwood, S. Goodrich, L.C. Higgins. 1987. A Utah flora. Great Basin Naturalist Memoirs, Number 9. 894 pp.

Welsh, S.L., and J.L. Reveal. 1977. Utah flora: Brassicaceae (Cruciferae). Great Basin Naturalist 37(3):279–365.

Author

The primary author of this proposed rule is John L. England, botanist, U.S. Fish and Wildlife Service, Salt Lake City, Utah (801/524–4430 or FTS 588–4430, see ADDRESSES above).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1362–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h)* * *

SPECIES		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard Family						
Lepidium barnebyanum	Barneby ridge-cress (-pepper cress)	U.S.A. (UT)	E		NA	NA

Dated: October 23, 1989.

Sam Marler,

Acting Director, Fish and Wildlife Service.

[FR Doc. 89–27675 Filed 11–24–89; 8:45 am]

BILLING CODE 4310–551–M

Notices

Federal Register
Vol. 54, No. 226
Monday, November 27, 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

Commodity Credit Corporation

Export Enhancement Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: This notice sets forth criteria for determining the overall annual program level for Commodity Credit Corporation's (CCC) Export Enhancement Program (EEP) and for determining the review and selection of individual EEP sales initiatives.

FOR FURTHER INFORMATION CONTACT: John J. Reddington, Deputy Assistant Administrator, Commodity and Marketing Programs, Foreign Agricultural Service, Room 5087–S South Building, Department of Agriculture, Washington, DC 20250–1000 or telephone at (202) 447–7791 for information regarding the criteria and Lawrence McElvain at (202) 447–6211 for information on participation in EEP.

ADDRESS: Comments should be submitted to the General Sales Manager, Foreign Agricultural Service, USDA.

SUPPLEMENTARY INFORMATION: On June 5, 1985, CCC published in the **Federal Register** (50 FR 23750) a Notice with respect to the conduct of an EEP. Under the program, agricultural commodities owned by CCC are made available as a bonus to U.S. exporters to expand export sales of specified U.S. agricultural commodities in targeted markets. The objectives of the program are to increase U.S. agricultural commodity exports and to encourage trading partners to begin serious negotiation on agricultural trade problems. The Notice set forth a list of the criteria that each EEP initiative would be required to meet.

After experience with the operation of EEP for over four years and suggestions from the public and other interested federal agencies, CCC has adopted revised criteria which will now be used to determine the overall annual program level for EEP sales initiatives. These criteria will replace the EEP criteria previously published in the **Federal Register**. The other provisions of the previous notice remain unchanged.

EEP Criteria

The following criteria are interrelated and are to be considered together to result in the selection of commodities and countries for EEP sales opportunities which best meet the program's objectives.

- *Trade Policy Effect*—The expected contribution of proposed EEP initiatives in furthering the Uruguay Round and other trade policy negotiations shall be considered. All EEP initiatives must further the U.S. trade policy negotiating strategy of countering competitors' subsidies and other unfair trade practices by displacing such countries' subsidized exports in targeted countries. Targeted countries are those where U.S. sales have been non-existent or displaced, or market share has been lost because of competition from subsidized exports.
- *Export Effect*—Consideration shall be given to the contribution which EEP initiatives will make toward realizing U.S. agricultural export goals. All EEP initiatives must demonstrate a potential to develop, expand, or maintain markets for U.S. agricultural commodities with consideration being given to the United States' historical market share and long-term commercial relationships of the U.S. and targeted countries. Efforts will be concentrated on export sales of those commodities which would be competitive in the absence of competitors' export subsidies.
- *Effects on Nonsubsidizers*—The effect that EEP sales have on nonsubsidizing exporters of agricultural products shall be considered. Individual EEP initiatives will not be approved if it is determined that sales under which a proposed EEP bonus would be paid would have a more than a minimal effect on nonsubsidizing exporters in the market. CCC will consult with representatives of targeted countries, where practical and appropriate, to review this potential effect.
- *Subsidy Requirements*—The subsidy requirements of EEP initiatives compared to expected benefits shall be considered. The overall program level for EEP, as well as the amount of bonus awarded under individual EEP initiatives, will be maintained at the minimum levels necessary to achieve the expected benefits of the program's export expansion objective, as well as the anticipated long-term benefits from multilateral agricultural trade policy reform.

Signed at Washington, DC November 3, 1989.

F. Paul Dickerson,

General Sales Manager and Vice President, Commodity Credit Corporation.

[FR Doc. 89–27685 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

New Minimum Fee for Special-Use Authorizations

AGENCY: Forest Service, USDA.

ACTION: Notice; adoption of a new minimum annual fee for special-use authorizations.

SUMMARY: The Regional Forester, Northern Region, Forest Service, is adopting a new general minimum fee for special-use authorizations on National Forest System (NFS) lands in Montana, North Dakota, part of South Dakota and north Idaho. As required by the Federal Land Policy and Management Act of 1976 (FLPMA), this fee is determined under sound business management principles. The general minimum fee is, when applicable, the least amount of annual rent that will be billed and collected for special use privileges on NFS lands within the Northern Region.

EFFECTIVE DATE: Immediately for new special-use authorizations issued on and after the date of this notice. Special-use authorizations issued prior to the date of this notice shall become subject to the new fee with annual fee billings for calendar year 1991.

FOR FURTHER INFORMATION CONTACT: Jim Schoenbaum (406–329–3601) or Jim Hathaway (406–329–3110).

SUPPLEMENTARY INFORMATION: On August 3, 1989, the Regional Forester for the Northern Region announced, by notice published in the **Federal Register** (54 FR 31976), a proposed new general minimum annual special use rental fee of $45. Written comments on the

proposal were solicited and due on or before September 18, 1989.

A minimum fee is defined as the lowest fee established by the Forest Service for particular uses. The among set for a specific type of use reflects, amount other things, fair market value as established by sound business management principles. The general minimum fee discussed in this Notice applies to all special uses in the Northern Region, unless a higher minimum fee has been established for a specific kind of use.

The proposed general minimum fee was developed by adjusting the former $25 amount, adopted in 1979, through application of the cumulative change in the Implicit Price Deflator—Gross National Product (IPD–GNP) index to June 1989. Further, the proposal provided for periodic minimum fee adjustments at 5-year intervals. The next periodic adjustment would be based on the cumulative IPD–GNP index for the third quarter 1989 through the second quarter 1995. That next change would become effective in calendar year 1996.

Notice of the proposal was provided to all Northern Region special-use authorization applicants and holders who, prospectively, might be effected by the new fee. Notices were mailed to holders currently paying annual fees of $45 and less whether the amount was a minimum, partially waived, or full fair market value fee. Holders whose fees are presently set aside by virtue of previously existing "free use" authorities, such as the Secretary of Agriculture's former L–2, U–11, and 36 CFR 251.1 regulations, were also provided copies.

There are approximately 6000 special-use authorizations in the Northern Region. Of these, the following estimated numbers of special-use authorizations stand to be affected by a new minimum fee:

1. Authorizations with fees still being administered under the former "free use" authorities	200
2. Authorizations for which the former minimum fee ($25) is being charged	1400
3. Authorizations for which the current fee ($26–$45) will be affected by the new $45 minimum fee	280
Total	1880

Analysis of Public Comment

The Northern Region received 53 responses to the proposal, four of which came from non-holders. Overall, this represents less than a three (3) percent return. The number and percent of respondents, by category of special-use authorization, are:

Category	Number	Percent
Non-holders & State Government Representatives	4	7
Holders:		
Recreation related	1	2
Agricultural related	3	5
Cultural Resources	2	4
Oil & Gas Pipelines	1	2
Aviation related	1	2
Transportation—roads	18	34
Communications	2	4
Water Transmission	20	38
Water Impoundment	1	2
	53	100

All comments received have been reviewed and given consideration in reaching a decision. A summary of the major comments received and the Forest Service response by topic follows.

1. Fee Levels

Many respondents (45) felt that the proposed $45 minimum fee was excessive, primarily because of the $20 increase from $25 to $45. Several suggested that the fees remain at $25, pointing out that an 80% ($20) annual increase all at once was excessive. Seven respondents felt that an increased minimum fee would impact senior citizens on fixed incomes. A few persons commented that if the minimum fee were increased, they would give up their special-use authorizations since other alternatives were available to them which did not require use of NFS lands. Three respondents indicated they would relinquish their special-use permit in the event of a minimum fee increase, apparently since their need and value of the use were not commensurate with the cost.

Four respondents stated they had no objections to the proposed fee increase.

Five respondents said that the facility authorized by special-use permit was only available for seasonal, not year-round, use due to weather or need, and that Forest Service fees should consider such use limitations. One respondent commented that a minimum fee increase would raise his cost of doing business.

In analyzing these comments the Forest Service recognizes normal concerns involving a fee increase of any amount. Although the proposed increase is 80%, this amounts to a $20 annual increase. Earlier minimum fee policies have not provided for periodic reviews and adjustments to maintain minimum fees at a level reasonably current with values and forces in the economy. The periodic adjustment procedure outlined in the proposal will assure that future adjustments are timely and the amount of adjustment limited.

Many minimum fee special-use authorizations provide benefits of a private and personal nature to the holders, often in connection with the holder's private land. Permit holders having alternatives available which do not require the use of NFS lands may wish to consider relinquishing their special-use permits and avoid a fee entirely. These are individual decisions which may be mutually beneficial to the holder and Forest Service in some cases. Commentors on seasonal use may not recognize that, while their personal use may be seasonal or of short duration, their authorized facilities often occupy and encumber NFS lands and are available for their use year long. The presence of these facilities may also limit a full range of National Forest management options and alternatives.

The term "sound business management principles" is used in relation to the establishment of fair market value. These principles include, but are not limited to, appraisals, market studies, competitive bid, negotiation, and administrative costs as components of the process used to obtain the appropriate charge for the various kinds of special uses. These principles and procedures are common in the private sector as well as with Federal, state and local agencies.

The Northern Region Minimum Fee Study included consideration of a great deal of information gathered in a 1985 minimum study which reviewed minimum fee policies and charges of large landowners, such as timber and ranch companies, and state agencies within and adjoining the Northern Region. That study concludes that landowners (companies and agencies) with demands upon their property which impact both the property and the manager's time are rapidly moving toward easily applied fee schedules for such uses, recognizing minimum fees as sound business.

The use of a general minimum fee is common in the private sector, and represents the intrinsic fair market value for the use. Fair market value incorporates several interrelated factors, which may include the suitability of the location for the use, planned investment cost, projected income, the number of available alternatives, competition for the site, and the administrative costs involved. For smaller uses, in areas of low demand, and where there is an adequate supply of available sites, the administrative cost of the use makes up a significant percentage of the market

value. This sets the floor or minimum for the rental fee for these uses.

Of the approximately 1880 notices mailed out, it is important to note that less than 3%, or 53 parties, responded with comments, and 4 did not object to an increase. The very low number of permit holders responding suggests that a large majority have no concern with a proposed new minimum fee of $45. Those responding offered no new information that was not considered and evaluated in developing the Northern Region's general minimum fee. The minimum fee study recognized that while there was support for a general minimum fee of $57, a lower fee of $45 coupled with regular updating was considered most equitable to the holders and would result in a fair and equitable fee for the use of NFS lands. That study recommended a general minimum fee of $45, which is well below a fee of $57 also supported by the study.

With consideration to all information available, including the comments of all respondents, a $45 general minimum fee is found to be equitable in the Northern Region, and is adopted.

2. Fee Basis

A number of respondents also commented on various aspects relative to the basis of Forest Service fees. Nine felt that their authorized use did not involve any costs to the Forset Service and asserted that, therefore, no fee should be charged them. Several respondents felt that fees should not be based on agency administrative costs, and that administrative efficiencies through centralized procedures and consolidated permits be considered as an alternative to fee increases. Three respondents suggested that there should be no fee when NFS lands and not impacted, and several others suggested there be a second fee schedule for small, low-impact users.

From an administrative perspective, recognizing the National Forest management responsibilities Congress has required of the Forest Service, it is very difficult to identify special-use authorizations which do not impact the land and its resources and also not affect agency administrative costs. As outlined in the proposal, Congress has provided specific direction regarding the charging of fees for the use of NFS lands and facilities, and the minimum fee proposal reflects sound business management principles.

Three respondents expressed concern for the requirement of a fee on the basis that the Forest Service occupied their lands without payment of a fee. Similarly, two persons felt that no fee should be charged in exchange for granting the Forest Service reciprocal use of their lands.

Secretary of Agriculture's Regulations 36 CFR 251.57(b)(5) provides for waiver of fees in reciprocity for a right-of-way conveyed to the United States. These comments will be referred to Forest Supervisors for further consideration.

3. Fee Waiver

Three respondents, including one Federal agency and one State government agency, requested fee waivers. Federal agencies are exempt from fees, as provided by Secretary of Agriculture's Regulation 36 CFR 251.57(c). State governmental agencies may qualify for a fee waiver under authority of § 251.57(b). As stated in the proposal, a change in minimum fees has no effect on authority or procedures for fee waiver. Decisions on fee waivers will remain with the authorized officer; however, no partially waived (reduced) fee shall be less than the established minimum fee for the user.

4. Adjustment Indexing

One respondent disagreed with use of the IPD–GNP index on the grounds that it does not accurately portray economic conditions in the mid-section of the country. While we recognize that there are regional differences in price increases for various products and services, we find that a National index is commonly used to adjust rents in the private market. We selected the IPD–GNP index over the much-publicized Consumer Price Index-Urban (CPI–U) because it relates more closely to land values.

Implementation

The general minimum fee of $45 will apply on the date of this publication in the **Federal Register** to new special-use authorizations. Holders of outstanding special-use authorizations affected by this change will be provided written notification by 12/31/89 that the new minumum fee will be effective and included with billings for Calendar Year 1991 fees. This procedure will provide approximately one year of advance notice to current permit holders and allow them to adjust for any increase from past fees.

Those permit holders to be provided with notice of this change in general minimum fees include: (1) Holders currently charged a fee, minimum or otherwise, of $25 and less; (2) Holders currently charged fees of $26 to $45 whose fees may be adjusted to $45; and (3) Holders of older special-use authorizations issued under rescinded authorities for free use, such as Secretary of Agriculture's Regulations L–2, U–11, or 36 CFR 251.2. For this latter category, all existing free special-use authorizations will be reviewed within five years of the effective date of this notice for determination as to whether a full fee is appropriate or qualification for fee waiver might exist. All permit holders in this category will be provided advance notice of this review when initiated by Forest Supervisors.

Minimum Fee Adjustments

In the future, the Northern Region's general minimum fee will be reviewed at 5-year intervals beginning with 1995 for implementation with Calendar Year 1996 fees, and updated by application of the percent of change in the Implicit Price Deflator-Gross National Product (IPD–GNP) index as of June 30 of the review year.

Situations may arise where a special minimum fee is appropriate due to the unique nature of a proposed use or availability of credible information supporting a different basis for a minimum fee. Such cases will be few in number; however, Forest Supervisors are authorized to base minimum fees for unique kinds of uses on alternative methods, after consultation with and concurrence of the Regional Review Appraiser.

Dated: November 14, 1989.

John M. Hughes,

Deputy Regional Forester.

[FR Doc. 89–27709 Filed 11–24–89; 8:45 am]

BILLING CODE 3410–11–M

Commission on Agricultural Workers

This notice announces the first formal meeting of the Commission.

Time: 9:30 a.m.–1:30 p.m., December 14, 1989.

Place: The Highland Hotel, Churchill Room, 1914 Connecticut Avenue, NW, Washington, DC 20009.

Status: Open meeting except portions may be closed to discuss matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United States Code.

Contact: Richard Peterson, Telephone (202) 673–5348.

Dated: November 21, 1989.

Richard R. Peterson,

Acting Executive Director, Commission on Agricultural Workers.

[FR Doc. 89–27795 Filed 11–22–89; 10:21 am]

BILLING CODE 6820–62–M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next scheduled meeting is Thursday, 14 December 1989 at 10 a.m. at the Commission's offices at 708 Jackson Place, NW., Washington, DC 20006 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the offices (566–1066) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, 17 November 1989.

Charles H. Atherton,

Secretary.

[FR Doc. 89–27710 Filed 11–24–89; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990: Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 27, 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 June 16, September 15, 29 and October 6, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 25601, 38266, 40160 and 41327) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities 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 commodities 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 commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1990:

Commodities

File, Work Organizer
- 7520–00–286–1724
- 7520–00–286–1725
- 7520–00–286–1726

Detergent, General Purpose
- 7930–00–515–2477
- 7930–00–526–2919
- 7930–00–526–2920

Services

Janitorial/Custodial, Edward Zorinsky Federal Building, U.S. Post Office and Courthouse, Omaha, Nebraska.

Janitorial/Custodial, Building 2740, Naval Air Station, Whidbey Island, Washington.

Beverly L. Milkman,

Executive Director.

[FR Doc. 89–27697 Filed 11–24–89; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1990: Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: December 27, 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.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodites and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1990, which was published November 3, 1989 (54 FR 46540):

Commodities

Slacks, Woman's
- 8410–01–107–0262
- 8410–01–107–0263
- 8410–01–107–0264
- 8410–01–107–0265
- 8410–01–107–0266
- 8410–01–107–0267
- 8410–01–107–0268
- 8410–01–107–0269
- 8410–01–107–0270
- 8410–01–107–0271
- 8410–01–107–0272
- 8410–01–107–0273
- 8410–01–107–0274
- 8410–01–107–0275
- 8410–01–107–0276
- 8410–01–107–0277
- 8410–01–107–0278
- 8410–01–107–0279
- 8410–01–107–0280
- 8410–01–107–0281
- 8410–01–107–0282
- 8410–01–107–0283
- 8410–01–107–0284
- 8410–01–107–0285
- 8410–01–107–0286
- 8410–01–107–0287
- 8410–01–107–0288
- 8410–01–107–0289
- 8410–01–107–0290
- 8410–01–107–0291
- 8410–01–107–0292
- 8410–01–107–0293
- 8410–01–107–0294
- 8410–01–107–0295
- 8410–01–107–0296
- 8410–01–107–0297
- 8410–01–107–0298
- 8410–01–107–0299
- 8410–01–107–0301
- 8410–01–107–0302

Services

Cutting and Assembly of FTESFB System for C-130
Robins Air Force Base, Georgia
Janitorial/Custodial, Air National Guard, Portland Air National Guard Based, Portland, Oregon.
Janitorial/Custodial, Fort Meade, Maryland.
Janitorial/Custodial, Lafayette Building, 811 Vermont Avenue, NW., Washington, DC.

Deletions

It is proposed to delete the following commodities and services from Procurement List 1990, which was published November 3, 1989 (54 FR 46540):

Commodities

Pallet, Material Handling
3990-00-L77-0044
Clothing, Operating Room
6530-00-009-7174
6530-00-158-9890
6530-00-172-3506
6530-00-172-3507
6530-00-172-3509
Gown, Operating, Surgical
6532-00-009-2034
6532-00-009-2035
Suit, Convalescent
6532-01-076-7369
6532-01-076-8683
6532-01-076-8684
6532-01-076-9769
Frame, Picture
7105-00-149-1276

Services

Grounds Maintenance, Hill Air Force Base, Utah.
Janitorial/Elevator Operator, VA Clinic Building, 17 Court Street, Boston, Massachusetts.
Major Mechanical Operation, The Carter Presidential Library, Atlanta, Georgia.
Repair Service for Electrode Holder Assemblies, Bremerton, Washington.

Beverly L. Milkman,

Executive Director.

[FR Doc. 89-27698 Filed 11-24-89; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF COMMERCE

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

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

Agency: Bureau of Export Administration

Title: National Security Assessment of Defense Subcontractor Foreign Dependency, OMB No. 0694-0061

Form Number: BXA-9061

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

Burden: 3,000 respondents; 4,500 reporting hours. Average time per respondent is 1.5 hours.

Needs and Uses: Information will be collected from 3,000 firms at the defense contractor level to determine the magnitude and impact of foreign dependency on surge/mobilization capabilities. Vulnerabilities and other problems related to foreign dependency will be identified and corrective options recommended to the Defense Community.

Affected Public: Businesses or other for-profit institutions; small businesses or organizations.

Frequency: One time

Respondent's Obligation: Mandatory

OMB Desk Officer: Donald Arbuckle

OMB Phone Number: 377-7340

Copies of the above information collection proposal can be obtained by calling or writing the DOC Clearance Officer, Edward Michals (202) 377-3271, U.S. Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: November 20, 1989.

Edward F. Michals,

Departmental Clearance Officer, Office of Management and Clearance.

[FR Doc. 89-27634 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-CW-M

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

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

Agency: National Oceanic and Atmospheric Administration

Title: Pacific Billfish Angler Survey

Form Number: NOAA Form 88-10; OMB-0648-0020

Type of Request: Request for extension of OMB approval of a currently cleared collection

Burden: 2,400 respondents; 168 reporting hours; average hours per response—.07 hours

Needs and Uses: Recreational fishermen who fished in the Pacific for billfish are asked to supply information on their previous year's effort and catch. The information is used in studies of the fishery and to help make management decisions.

Affected Public: Individuals, businesses or other for-profit, small businesses or organizations

Frequency: Annual

Respondent's Obligation: Voluntary

OMB Desk Officer: Russell Scarato, 395-7340

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

Dated: November 20, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-27635 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held December 19, 1989, at 9:30 a.m., in the Herbert C. Hoover Building, Room 1617-F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C.

552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information, call Ruth D. Fitts at 202–377–4959.

Dated: November 20, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 89–27632 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DT-M

Export Administration

[Docket Nos. 9126–01 and 9127–01]

Action Affecting Export Privileges: Thomas Lee, a.k.a. Yuk Sang Lee, and National Electronics

Summary

The Order of Dismissal of the Administrative Law Judge dated October 18, 1989, dismissing the cases against Thomas Lee and National Electronics is vacated, and the cases are remanded to the Administrative Law Judge for further proceeding consistent with this Order.

The Administrative Law Judge, in an Order of Dismissal dated October 18, 1989, dismissed the cases against the respondents on the grounds that the agency had not proceeded with default submissions. The Administrative Law Judge stated that default proceedings would be the proper procedure even in a situation, such as this one, in which there is evidence the respondent had no actual notice of the charges, because the charging letters had been returned to the agency. The Administrative Law Judge noted that the respondent might have remedies under 15 CFR 788.18 (request for reconsideration). Because of due process concerns with proceeding against a respondent whom the agency is aware does not have notice of the charges, the cases are remanded to the Administrative Law Judge with instructions to stay the proceedings against the respondents in order to allow the agency to effect service upon the respondents.

Order

On October 18, 1989, the Administrative Law Judge entered an Order of Dismissal in the cases referred to above. The Order of Dismissal was referred to me pursuant to the Export Administration Amendments Act of 1985. 50 U.S.C. App. 2412, and 15 CFR 788.17(a), for final action. I hereby vacate the Order of Dismissal, and remand the cases to the Administrative Law Judge for further consideration. The proceedings are to be stayed while the agency continues its efforts to locate the respondents.

Dated: November 17, 1989.

Dennis E. Kloske,

Under Secretary for Export Administration.

Order of Dismissal

The above are two of five related cases. Charging letters in these two cases were filed with this office at the time of issuance, on June 27, 1989. After some communication with and between Counsel, the Agency gave notice that it was withdrawing the charging letters in the other three related cases on September 26, 1989. In these remaining two cases it is represented that service has never been made upon the Respondents and that correspondence has been returned.

Agency Counsel contends that a default order is not appropriate because the Respondents are known not to have been actually served because the correspondence addressed to them was returned undelivered. On the other hand the regulations 50 CFR 788.4(b) provides "A charging letter, * * * shall be served upon respondent:

(2) By mailing a copy by registered or certified mail addressed to the respondent at his last known address:

If, as I perceive the program, the aim is principally to inform exporters to avoid transactions with those who disregard the statute and regulations, then changes of address, names, or other devices which avoid identification and or service upon charged individuals, whether intended to effect that result or not, should not be honored. While adjudication is in absentia or without actual notice is distasteful, the integrity of the system and the protection of legitimate businesses sometimes warrants a draconian approach. The Respondent in such situation is not without remedy or relief. If such action is taken the regulations specifically provide a process for reopening and reconsideration (15 CFR 788.18).

In any event, this matter has been before this Tribunal for more than three months and the Agency has elected not to proceed until it finds Respondents, which may be soon, or may be never. The docket should not be tied up, or appear to carry ghost cases, which cannot be moved to adjudication. I have repeatedly counseled that the Agency should ascertain the current addresses of parties before attempting to initiate proceedings. However, those admonitions have been ignored. Dealing with old, stale cases is difficult. Inability to notify the parties is but one of the troublesome aspects. No purpose is to be served by wasting substantial and continuing effort in matters such as this.

The request to further stay these proceedings indefinitely is Denied.[1] The cases are Dismissed.

Dated: October 18, 1989.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 89–27636 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DT-M

Bureau of Export Administration

Fiber Optics Subcommittee, Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Fiber Optics Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held December 14, 1989, 1:30 p.m., at the Herbert C. Hoover Building, Room 2830B, 14th Street & Constitution Avenue, NW., Washington, DC. The Fiber Optics Subcommittee was formed to study fiber optic communications equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

General Session

1. Opening Remarks by the Chairman
2. Presentation of Papers or Comments by the Public
3. Future Meeting Dates

[1] In his Motion, Agency Counsel alludes to one of the cases which has been withdrawn and takes issue with my comment that proceeding against the defunct and lapsed corporation, in these circumstances, is ludicrous. His comments are devoid of merit. It serves no purpose to proceed against long dead persons in this situation whether they are human beings or corporations. The Table of Denied parties must be maintained as a viable useful list to the business community. It is occasionally purged of obsolete and deceased parties. To clutter the list with dead bodies simply serves no purpose.

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377–2583.

Dated: November 20, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89–27669 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DT-M

Radio Subcommittee, Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Radio Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held December 14, 1989, 1:30 p.m., Herbert C. Hoover Building, Room 1092, 14th Street & Constitution Ave., NW. Washington, DC. The Radio Subcommittee was formed to study radio equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

General Session

1. Opening Remarks by the Chairman
2. Presentation of Papers or Comments by the Public
3. Future Meeting Dates

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portion thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377–2583.

Dated: November 20, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89–27670 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DT-M

Switching Subcommittee, Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held December 14, 1989, 1:30 p.m., Herbert C. Hoover Building, Room 1617F, 14th Street & Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

Open Session

1. Opening remarks by the Chairman
2. Presentation of papers or comments by the public
3. Future meeting dates

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM program and strategic criteria related thereto

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, 4069A, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified material listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or

portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377–2583.

Dated: November 20, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 89–27671 Filed 11–24–89; 8:45 am]

BILLING CODE 3510–01–M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held December 14, 1989, 9:30 a.m., Room 1617–F, at the Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment or technology.

Agenda

Open Session

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Old business: Combining Radio and Fiber Optics Subcommittees.
4. Review of Regulations: Annual review of the list pursuant to sections 5(c)(3) and 5(c)(4) of the Act:
   i. ECCN 1501A (Navigation, direction finding, radar and airborne communication equipment)
   ii. ECCN 1502A (Communication, detection or tracking equipment using ultra-violet radiation, infrared radiation or ultrasonic waves).
5. New Business.
6. Future Meeting Dates.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes, call Lee Ann Carpenter at (202) 377–2583.

Note: The Telecommunications Equipment Technical Advisory Committee is considering modernization of ECCN's 1516, 1517, 1519, and 1520. The emphasis is on eliminating inconsistencies and on coverage of state-of-the-art equipment. It is not the intent of this review to recommend relaxation of controls except as incidental to the modernization. Comments from the public are invited.

Dated: November 20, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89–27672 Filed 11–24–89; 8:45 am]

BILLING CODE 3510–DT–M

MCTL Implementation Technical Advisory Committee; Partially Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held December 13, 1989 at 9:30 a.m., in the Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis in the implementation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations as needed. The meeting is called on short notice because of COCOM deliberations which have just recently been scheduled.

Agenda: General session

1. Opening Remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Review of Working Group Activities on the following:

(a) Compliance with Decontrol Mandates of the Export Administration Regulations (EAA).

(b) Rationalize Controls on Intangible Technical Data Transfers.

(c) Remove U.S. Controls on Reexports from COCOM.

(d) Review and Monitor the List Review Process and TAC Utilization.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue, NW., Room 4069A, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: November 20, 1989.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 89–27633 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 29–89]

Foreign-Trade Zone 27—Boston, MA; Application for Subzone Sites, Polaroid Corporation, Massachusetts

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority (Massport), grantee of FTZ 15, requesting special-purpose subzone status for seven Polaroid Corporation production facilities in Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 8, 1989.

Polaroid Corporation is an international producer and distributor of instant photographic cameras, film, photographic supplies and electronic imaging/recording devices. It has plants in the United States, Netherlands, United Kingdom, and Mexico, and has annual sales of some $1.8 billion.

The proposed sites include most of the company's production, packaging, warehouse/distribution, and research facilities (12,000 employees) in the Boston and New Bedford areas: (1) Norwood Plant (224 acres), 1 Upland Road, Norwood; (2) Needham Plant (36 acres), Needham Industrial Park, Needham; (3) New Bedford Plant (126 acres), 100 Duchaine Blvd., New Bedford; (4) Waltham Plant (212 acres—3 sites), 868 Winter Street., 1265 Main St., and 103 Fourth St., Waltham; (5) Freetown Plant (171 acres), 238 Main St., Assonet; (6) Boston Plant (.5 acres), 716 Columbus Ave., Boston; and (7) Cambridge Plant (Corporate headquarters (22 acres), Main & Osborne Sts., Cambridge.

The Polaroid facilities are primarily engaged in the production and distribution of cameras and related equipment, film, photographic chemicals, and information recording devices. Foreign materials account for some 50 percent of the value of the finished products. For cameras, foreign materials include camera bodies, circuit boards, capacitors, motors, lens and miscellaneous camera parts. For film, the foreign materials involve a variety of chemicals including PSD 15 dye, hexadecylsalfanimido indole, acetates, toluenes, and alcohol and benzene compounds. For the electronic recording devices, the foreign components include capacitors, resistors and transformers.

Zone procedures would exempt Poloraoid from Customs duty payment of the foreign materials used in its exports. On its domestic sales, it would be able to choose the duty rates that apply to finished products (cameras—3.0%; film—3.9%; electronic imaging equipment—4.2%). The duty rates on the foreign camera materials range from 2.8 to 10.0 percent, the rates on the foreign chemicals used in film production range from 3.8 to 20 percent, and the rates on the foreign components used in electronic device production range from 6.0 to 10.0 percent. The application indicates that the savings from zone procedures will help improve the international competitiveness of the company's U.S. plants.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 10 Causeway Street, Boston, Massachusetts 02222–1056; and, Colonel Daniel M. Wilson, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02254–9149.

Comments concerning the proposed foreign-trade subzone are invited in writing from interested parties. The shall be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 7, 1990.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, World Trade Center, Suite 307, Commonwealth Pier Area, Boston, Massachusetts 02210.

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

Dated: November 17, 1989.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89–27637 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DS-M

[Docket 3–88]

Foreign-Trade Zone 134—Chattanooga, Tennessee; Withdrawal of Application for Proposed Subzone at the Komatsu Construction/Industrial Equipment Plant

Notice is hereby given of the withdrawal of the application submitted by the partners for Economic Progress, Inc., grantee of Foreign-Trade Zone 134, for a subzone at the construction/industrial equipment plant of Komatsu America Manufacturing Corporation in Chattanooga, Tennessee. The application was filed on January 18, 1988 (53 FR 2261, 1/27/88).

The case has been withdrawn without prejudice and FTZ Board Docket 3–88 is closed.

Dated: November 17, 1989.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 89–27638 Filed 11–24–89; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A–122–016]

Choline Chloride from Canada; Termination of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On January 31, 1989, the Department of Commerce initiated an administrative review of the antidumping duty order on choline chloride from Canada (54 FR 4872). The Department is now terminating that review.

EFFECTIVE DATE: November 27, 1989.

FOR FURTHER INFORMATION CONTACT: Maureen McPhillips or Richard Rimlinger, Office of Antidumping Duty Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–1131.

Termination of Review

On January 31, 1989, we published a notice of initiation of administrative review of the antidumping duty order on

choline chloride from Canada (54 FR 4872). That notice stated that we would review Chinook Chemicals Company, Ltd. for the period January 9, 1988 through October 31, 1988.

We subsequently published a notice of "Final Results of Antidumping Duty Administrative Review and Revocation of Antidumping Order" (54 FR 41316). The revocation became effective on January 8, 1988. As a result, we are terminating the review for the period January 9, 1988 through October 31, 1988.

This termination of review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.25 of the Commerce Department's regulations published in the **Federal Register** on March 28, 1989 (54 FR 12742) (to be codified at 19 CFR 353.25).

Dated: November 15, 1989.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-27640 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-402]

Dried Heavy Salted Codfish From Canada;

AGENCY: Import Administration/ International Trade Administration/ Department of Commerce.

ACTION: Final results of changed circumstances administrative review, revocation of antidumping duty order, and termination of administrative review.

SUMMARY: The Department of Commerce (the Department) has determined to revoke the antidumping duty order on certain dried heavy salted codfish from Canada. The revocation covers all shipments of the subject merchandise from Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986, and any other shipments of the subject merchandise by other producers/ exporters entered, or withdrawn from warehouse, for consumption on or after July 1, 1987.

We gave interested parties an opportunity to comment on our preliminary results of the changed circumstances administrative review. We received no comments. Therefore, the revocation becomes effective as stated above.

EFFECTIVE DATE: November 27, 1989.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Richard Rimlinger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/1130.

SUPPLEMENTARY INFORMATION:

Background

By letter dated August 31, 1989, Codfish Corporation, the petitioner in this administrative proceeding, stated that it was no longer interested in maintaining the antidumping duty order covering the subject merchandise. As a result, on October 10, 1989, the Department of Commerce published in the **Federal Register** (54 FR 41479) a "Notice of Initiation and Preliminary Results of Changed Circumstances Administrative Review; Consideration of Revocation; and Intent to Revoke Antidumping Duty Order" on certain dried heavy salted codfish from Canada (50 FR 27836, July 8, 1985). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Under section 751 (b) and (c) of the Tariff Act, as well as § 353.25(d) of the Department's regulations (54 FR 12780, March 28, 1989) (to be codified at 19 CFR 353.25(d)), the Department may revoke an antidumping duty order that is no longer of interest to domestic interested parties.

Scope of Review

Imports covered by this review are shipments of certain dried heavy salted codfish, including soft-dried codfish, from Canada. The term "certain dried heavy salted codfish" covers dried heavy salted codfish, including soft dried, whole or processed by removal of heads, fins, viscera, scales, vertebral columns, or any combination thereof, but not otherwise processed, and not in airtight containers. During the review period, such merchandise was classifiable under item 111.2200 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under items 0305.30.60 and 0305.51.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS numbers are provided for convenience and for Customs purposes. The written description remains dispositive.

The changed circumstances administrative review and revocation cover all shipments of the subject merchandise from Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986, and any other shipments of the subject merchandise by other producers/ exporters entered, or withdrawn from warehouse, for consumption on or after July 1, 1987.

Final Results of Review and Revocation of Antidumping Duty Order

We invited interested parties to comment on the preliminary results of the changed circumstances administrative review and tentative determination to revoke the antidumping duty order. We received no comments. Therefore, we are revoking the order on certain dried heavy salted codfish from Canada. This revocation applies to all shipments of the subject merchandise from Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986, and any other shipments of the subject merchandise by other producers/ exporters entered, or withdrawn from warehouse, for consumption on or after July 1, 1987. We selected these dates as the effective dates of the revocation in accordance with section 751(c) of the Tariff Act because these entries are the only ones that have not been liquidated and are not subject to final results of an administrative review.

The Department will instruct the Customs Service to proceed with liquidation, without regard to antidumping duties, of all unliquidated entries of this merchandise from Bay Harbour entered, or withdrawn from warehouse, for consumption on or after July 1, 1986, and any other shipments of the subject merchandise by other producers/exporters entered, or withdrawn from warehouse, for consumption on or after July 1, 1987. We will further instruct the Customs Service to refund with interest any estimated antidumping duties collected with respect to entries described above.

As a result of this revocation, we are terminating the administrative review covering the period July 1, 1987 through June 30, 1988, which was initiated by the Department on August 30, 1988 (53 FR 33163).

This changed circumstances administrative review, revocation of antidumping duty order, termination of review, and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b) and (c)) and §§ 353.22(f) and 353.25(d) of the Department's regulations (54 FR 12778-12781, March 28, 1989, to be codified at 19 CFR 353.22(f) and 353.25(d)).

Dated: November 16, 1989.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-27639 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

Improving U.S. Participation in International Standards Activities; Opportunity for Interested Parties to Comment

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of hearing.

SUMMARY: This is to advise the public that the National Institute of Standards and Technology (NIST) will hold a public hearing to gather information, insights, and comments related to improving U.S. participation in international standards-related activities and to possible Government actions.

DATE: The hearing will be held at 9:30 a.m. on Tuesday, April 3, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley I. Warshaw, Director, Office of Standards Services, National Institute of Standards and Technology, Administration Building, Room A–603, Gaithersburg, MD 20899; (301) 975–4000.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is required to oversee and promote U.S. participation in international standards activities under Section 413 of the Trade Agreements Act of 1979. That legislation also authorizes the Secretary of Commerce to make appropriate arrangements to ensure adequate representation of U.S. interests as necessary.

Consistent with the Secretary's responsibilities and the growing importance of international standardization to the United States, NIST will hold a public hearing to solicit views and recommendations concerning the Government's role. The central purpose of the hearing is to assess the current situation and to seek suggestions for improvement, especially regarding mechanisms for coordinating U.S. participation in international standards activities. Government policy is to improve the acceptance overseas of U.S. technology and manufacturing practice and to promote more effective U.S. contributions to international standardization, certification, quality assurance, and testing activities.

The hearing is expected to include expressions of views on potential models for government-private sector interactions, such as the Standards Council of Canada or any others. Views are solicited with respect to currently experienced effectiveness and the likely improvements from possible changes in procedures or areas of responsibility.

The following representative subjects may be discussed by participants in the hearing. They are offered as general guidelines to stimulate contributions from interested parties, but are not intended as limitations on subject matter or documented points of view.

Overview

Does the U.S. standards systems, as presently constituted, adequately serve the Nation's trading needs in today's international climate? Identify any weaknesses that require strengthening.

Is there adequate participation by representatives of the public and private sectors? In other countries governments play a more formal role in standards. Are their systems more effective than ours? What should be the U.S. Government's role? If more coordination is needed among the many U.S. interests concerned with standards and trade, what changes might be beneficial? Is the Standards Council of Canada a model which the United States should consider?

Standards Participation

Does your organization send representatives to participate in international standards committee meetings? On a regular and continuing basis? Cite mechanisms which permit such participation and describe deterrents and possible techniques for improvement.

Who in your organization has responsibility for international standards activities? Describe the degree to which committee organization and procedures facilitate or hinder adequate participation and compare with efforts from other countries. Is the current U.S. standards infrastructure sufficiently supportive of and adequate for your organization's interests? Suggest any mechanisms that might improve the situation for your organization.

Are you an active participant in one or more technical advisory groups (TAGs)? Is there broad and adequate representation from the various U.S. interests? Describe the success or failure of the TAG in providing the needed forum for developing the U.S. position, and the ability of U.S. delegates to gain international acceptance of a U.S. TAG position. What factors contribute to success and/or failure?

How can we best ensure appropriate technical and financial support for international standardization activities? Should the Government help finance participation, especially by small and medium-sized companies?

Standards Usage

What is the relative utility of domestic and international standards for your operations? What standards do you use for trading in foreign markets? Describe any problems you encounter with language, units of measure, obsolescence, etc.

Have you encountered any standards-related trade barriers? Document experiences.

Testing and Certification

Describe any problems associated with acceptance of your products in foreign markets, including any burdensome testing or re-testing that you have experienced. Do you rely on any existing agreements for acceptance of U.S. test data? Do you use the services of domestic testing and certification bodies, and have you relied on self-certification for either domestic or foreign sales?

Describe any barriers to the acceptance of your product in foreign markets, including the role of testing. What is the impact of the cost of testing and/or certification on your gaining produce acceptance? What strategies do you recommend for improving export potential?

The information and comments obtained from the public hearing will be used to make recommendations to the Secretary of Commerce to improve the effectiveness of U.S. participation in international standards-related activities, coordination with the private sector, and delegation of any appropriate responsibilities to achieve these objectives.

The hearing will be held at 9:30 a.m. on April 3, 1990, in the Auditorium at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230. Persons who wish to participate in the hearing must submit a written request to Dr. Stanley I. Warshaw, Director, Office of Standards Services, National Institute of Standards and Technology, Administrative Building, Room A–603, Gaithersburg, MD. 20899. Requests should contain: (1) The person's name, address, telephone and facsimile numbers, and affiliations; (2) the number of participants; (3) the reason for attending; and (4) a list of points to be discussed. Oral presentations will be limited to topics specified in the written requests. Individuals who are unable to attend the hearing may submit written comments

to Dr. Stanley Warshaw at the above address. Both requests and comments must be received by March 22, 1990. Those persons wishing to appear at the hearing will be notified of the time allotted for their presentations.

Dated: November 21, 1989.

Raymond G. Kammer,

Acting Director.

[FR Doc. 89-27699 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Program and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Delaware, Rhode Island, and Maine Coastal Management Programs, and the New York (Hudson River), Alabama (Weeks Bay), and California (Tijuana River) National Estuarine Research Reserves. Section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), requires a continuing review of the performance of each coastal state with respect to funds authorized under the CZMA and to the implementation of its federally approved Coastal Management Program. The states evaluated were found to be adhering to the programmatic terms of their financial assistance awards and to their approved coastal management programs; and to be making progress on award tasks, special award conditions, and significant improvement tasks aimed at program implementation and enforcement, as appropriate. Accomplishments in implementing Coastal Management Programs were occurring with respect to the national coastal management objectives identified in section 303(2) (A)–(I) of the CZMA. A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235 (telephone 202/673-5104).

Federal Domestic Assistance Catalog 11.419. Coastal Zone Management Program Administration.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 89-27729 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-08-M

Intent to Evaluate the Performance of Several Coastal Management Programs

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resources Management (OCRM), announces its intent to evaluate the performance of the Guam Coastal Management Program (CMP), Northern Marianas CMP, and Oregon CMP, the interstate allocation award to the National Coastal Resources Research and Development Institute and the Rookery Bay (Florida) National Estuarine Research Reserve through March 31, 1990. Evaluation of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA), which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings regarding the extent to which the state has implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2) (A) through (I) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. Evaluation of the interstate allocation award under CZMA section 309 will be conducted under CZMA section 312, which requires the review of any grant, loan or cooperative agreement funded under the CZMA. Evaluation of the National Estuarine Research Reserve will be conducted pursuant to section 315(f) of the CZMA, which requires the periodic review of the performance of each reserve with respect to its operation and management. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and with members of the public. Public meetings will be held as part of the site visits. The respective state will issue notice of these meetings. Copies of each state's most recent performance report, as well as OCRM's notification letter and supplemental information request letter to the state are available upon request from the OCRM. Written comments from all interested parties on each of these programs are encouraged at this time. Please direct comments to John H. McLeod (see further information contact below). OCRM will place a subsequent notice in the **Federal Register** announcing the availability of the Final Findings based on each evaluation.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235 (telephone: 202/673-5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: November 15, 1989.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 89-27730 Filed 11-24-89; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCY: 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 requirements regarding Contractor's Signature Authority.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Moss, Office of Federal Acquisition Policy, GSA (202) 523–5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. Purpose

Entities doing business with the Government must identify those persons who have authority to bind the principal. This information is needed to ensure that Government contracts are legal and binding.

The information is used by the contracting officer to ensure that authorized persons sign contracts.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 12,000; responses per respondent, 10; total annual responses, 120,000; hours per response, .017; and total response burden hours, 2,040.

Obtaining copies of proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0033, Contractor's Signature Authority.

Dated: November 17, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–27711 Filed 11–24–89; 8:45 am]

BILLING CODE 6820–JC–M

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 requirements regarding Authorized Negotiators.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Moss, Office of Federal Acquisition Policy, GSA (202) 523–5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. Purpose

Firms offering supplies or services to the Government under negotiated solicitations must provide the names, titles, and telephone numbers of authorized negotiators to assure that discussions are held with authorized individuals.

The information collected is referred to before contract negotiations and it becomes part of the official contract file.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 61,875; responses per respondent, 8; annual responses, 495,000; hours per response, .017; and total response burden hours, 8,415.

Obtaining Copies of Proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0048, Authorized Negotiators.

Dated: November 17, 1989.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–27712 Filed 11–24–89; 8:45 am]

BILLING CODE 6820–JC–M

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 requirement concerning Information Regarding Previous Contracts.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Moss, Office of Federal Acquisition Policy, GSA (202) 523–5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. Purpose

When the same item or class of items is being acquired by more than one agency, the exchange and coordination of pertinent information, particularly cost and pricing data, is necessary to promote uniformity of treatment of major issues and the resolution of particularly difficult or controversial issues. For this reason, the contracting officer, early in a negotiation of a contract, or in connection with the review of a subcontract must request the contractor to furnish information as to the contractor's or subcontractor's previous Government contracts and subcontracts for the same or similar end items and major subcontractor components. This information is particularly beneficial during the period of acquisition planning, presolicitation, evaluation, and preaward survey. The information is used to determine a firm's responsibility.

b. Annual Reporting Burden:

The annual reporting burden is estimated as follows: Respondents, 2,000; responses per respondent, 10; total annual responses, 20,000; hours per response, 25; and total response burden hours, 5,000.

Obtaining Copies of Proposals: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0036, Information Regarding Previous Contracts.

Dated: November 17, 1989

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 89–27713 Filed 11–24–89; 8:45 am]

BILLING CODE 6820–JC–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER90-68-000, et al.]

Portland General Electric Co., et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

November 17, 1989.

Take notice that the following filings have been made with the Commission:

1. Portland General Electric Company

[Docket No. ER90-68-000]

Take notice that on November 15, 1989, Portland General Electric Company (PG&E) tendered for filing its revised Average System Cost (ASC) rate which became effective with service on and after October 14, 1987. This filing includes a revised Appendix 1, Exhibit C of the Residential Purchase and Sale Agreement along with the authorization to implement the tariff change from the Public Utility Commission of Oregon.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

2. Union Electric Company

[Docket No. ER90-67-000]

Take notice that Union Electric Company on November 14, 1989, tendered for filing Substitute Power Agreements with varying dates in 1989, with the Cities of Clarksville, Perry, Hannibal, Farmington, Centralia, Kirkwood, Rolla, St. James, and Owensville, Missouri; Citizens Electric Corporation; Sho-Me Power; and West Point Municipal Utility System, providing for the sale of substitute electric service.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Oklahoma

[Docket No. ER90-66-000]

Take notice that on November 13, 1989, Public Service Company of Oklahoma (PSO) submitted for filing an executed Letter Agreement, dated September 20, 1989, between PSO and the Southwestern Power Administration (SWPA) amending the contract, dated November 10, 1977, between PSO and SWPA. The amendment is technical in nature, modifying certain scheduling arrangements between the two parties. PSO seeks an effective date of September 29, 1989, and, according seeks waiver of the Commission's notice requirements.

Copies of this filing were served upon SWPA and the Oklahoma Corporation Commission. Copies of the transmittal letter only were served on PSO's other wholesale customers.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa Public Service Company

[Docket No. ER90-6-000]

Take notice that on November 14, 1989, Iowa Public Service Company amended its filing regarding a Letter Agreement dated August 18, 1989, whereby Iowa Public Service Company (IPS) will sell to Dairyland Power Cooperative (Dairyland) energy for a period commencing September 16, 1989 and ending October 13, 1989. IPS requests that the negotiated Agreement be made effective as of September 16, 1989.

Copies of this filing were served on Dairyland and the Iowa Utilities Board.

Comment date: December 4, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. Oklahoma Gas and Electric Company

[Docket No. ER90-71-000]

Take notice that on November 16, 1989, Oklahoma Gas and Electric Company (OG&E) tendered for filing a set of three Amended Appendices between OG&E and the Oklahoma Municipal Power Authority (OMPA).

The Amendments modify the Transmission Service Agreement Appendix "A", Appendix "B" and Appendix "D".

Copies of this filing have been served on OMPA, the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission.

Comment date: December 4, 1989, in accordance with Standard Paragraph E at the end of this noltice.

6. Long Lake Energy Corporation

[Docket No. EL90-4-000]

Take notice that on November 6, 1989, Long Lake Energy Corporation (Long Lake) submitted for filing a petition for a declaratory order. Long Lake requests the Commission to declare that Long Lake's present ownership interest in Commonwealth Atlantic Limited Partnership (Commonwealth), an entity that intends to build and operate a 240 MW powerplant by March 1992, will not affect the status under the Public Utility Regulatory Policies Act of 1978 of the qualifying facilities that Long Lake now owns. In addition, Long Lake requests that the Commission determine that its ownership interest in Commonwealth does not trigger section 292.206(b) of the Commission's regulations, 18 CFR 292.206(b) (1989), with respect to Long Lake and any other person.

Comment date: December 15, 1989, in accordance with Standard Paragraph E end of this notice.

7. Consumers Power Company

[Docket No. ER90-69-000]

Take notice that Consumers Power Company (Consumers Power) on November 15, 1989 tendered for filing proposed changes in its FERC Electric Service Tariff, First Revised Volume No. 1. Consumers Power states that the following wholesale customers in the State of Michigan would be affected by the changes: City of Eaton Rapids, City of Charlevoix, Edison Sault Electric Company, City of Harbor Springs, City of Petoskey, Village of Chelsea, City of Portland, City of St. Louis, Wolverine Power Supply Electric Cooperative, Inc., City of Bay City, Southeastern Michigan Rural Electric Cooperative, Alpena Power Company, City of Lowell, and City of Hart.

Consumers Power states that the proposed changes in capacity and energy charges, based on agreements with each of its wholesale electric customers, are designed to permit Consumers Power to secure 3.25 percent annual increase in base wholesale rates over the 1990–1996 period. The filing also contains various tariff changes large to clarify provisions governing the application of the Maximum Demand, On-Peak Billing Demand, Metering Adjustment, Substation Ownership, and Transmission Charge for Service from the Delivery Point to Additional Metering Points as well as various rules in the Standard Rules and Regulations applicable to Wholesale for Resale Electric Service. The requested effective date of the proposed changes is January 1, 1990.

Consumers Power states that the increase in rates is necessary to recover increased operating costs, fixed costs including a reasonable return on investment, and fifty percent of its prudent investment in its abandoned Midland nuclear plant consistent with the formula prescribed in FERC Opinion No. 295.

Copies of the filing were served upon Consumers Power's jurisdictional customers and on the Michigan Public Service Commission.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

8. Royster Phosphates, Inc.

[Docket No. QF90-24-000]

On November 3, 1989, Royster Phosphates, Inc. (Applicant) of, P.O. Drawer 797, Mulberry, Florida 33860, submitted for filing an application for

certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Manatee County, Florida. The facility will consist of a boiler and an extraction/condensing steam turbine generating unit. Extraction steam will be used to supply a portion of the thermal needs of a fertilizer manufacturing process. The electric power production capacity of the facility will be 40 MW. The primary energy source will be waste heat from the phosphate fertilizer manufacturing plant. Installation will begin between January and July, 1990.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

9. Arkansas Power & Light Company

[Docket No. ER90–65–000]

Take notice that on November 13, 1989, Arkansas Power & Light Company (AP&L) submitted for filing a proposed plan to distribute $330,347 to its wholesale customers resulting from FERC approval of an Offer of Settlement filed in FERC Docket Nos. FA86–19–002, *et al.*

Copies of the filing have been served on AP&L's wholesale customers.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. EL90–6–000]

Take notice that Illinois Power Company (Illinois Power) on October 26, 1989, filed a Petition for Waiver of Regulations.

By this Petition Illinois Power requests waiver, in the event the Commission determines that a waiver is required, of § 35.14(a)(6) of the Commission's Regulations and any other regulations of the Commission necessary to permit Illinois Power to recover through its wholesale fuel adjustment clause: (i) certain amounts paid in consideration for release from a coal supply agreement and related transportation agreements; and (ii) certain charges from Electric Energy Incorporated which charges reflected amounts paid in consideration for release from coal supply contracts. Illinois Power states that the coal supply contract buyout costs were related only to the purchase and transportation of coal and contained no litigation or administrative expenses. Further, Illinois Power states that the sole purpose of the coal supply contact buyout was to enable Illinois Power to take advantage of an opportunity to purchase coal from another supplier at significantly lower costs. As a result of the coal supply contract buyout, Illinois Power states that both its retail and wholesale customers realized significant cost savings.

Comment date: December 7, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–27687 Filed 11–24–89; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 1432–004, et al.]

Hydroelectric Applications; Wards Cove Packing Co., et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. Type of Application: New Minor License.

b. Project No.: 1432–004.

c. Date Filed: June 22, 1989.

d. Applicant: Wards Cove Packing Company.

e. Name of Project: Dry Spruce Bay.

f. Location: On Dry Spruce Bay partially within land administered by the Bureau of Land Management, in the Kodiak Island Borough of Alaska.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. R. Eldridge Hicks, Hicks, Boyd, Chandler & Falconer, 550 W. 7th Avenue, Suite 1530, Anchorage, AK 99501.

i. FERC Contact: Mr. William Roy-Harrison (202) 357–0845.

j. Comment Date: January 2, 1990.

k. Description of Project: The existing project has the following facilities: (1) Two ditches diverting runoff from the sides of two unnamed creeks into the project, one is 50-foot-wide and 920-foot-long, the second is 50-foot-wide and 1,055-foot-long; (2) an upper storage pond with 62-acre-foot capacity controlled by an earthen dam, 200-foot-long and 60-foot-wide with a maximum height of 6 feet; (3) a water conveyance system from the upper pond to a lower pond consisting of: a 170-foot-long wooden flume; a 275-foot-long, 12-inch-diameter wood stave pipe and a 200-foot-long overflow ditch; (4) a lower storage pond with 9-acre-foot capacity controlled by an earthen dam 200-foot-long and 60-foot-wide with a maximum height of 6 feet; (5) a 6,772-foot-long pipeline from the lower pond to the powerhouse consisting of an upper section of 8-inch-diameter pvc pipe inside the original wood stave pipe and the remaining section a 4,482-foot-long, 12-inch-diameter steel pipe; (6) a powerhouse on a concrete slab foundation containing a Pelton wheel turbine generating unit with a rated capacity of 75 kilowatts; and (7) related facilities. The applicant estimates an average annual energy generation of 300,000 KWh, and will use this energy on site at the Port Bailey seafood processing plant.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

2a. Type of Application: New License.

b. Project No.: 1953–003.

c. Date Filed: June 29, 1989.

d. Applicant:: Consolidated Water Power Company.

e. Name of Project: DuBay Project.

f. Location: On the Wisconsin River in Marathon, Portage, and Wood Counties, Wisconsin.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Kenneth K. Knapp, Consolidated Water Power Company, 231 First Ave. North, P.O. Box 8050, Wisconsin Rapids, WI 54485, (715) 422–3073.

i. FERC Contact: Robert Bell (202) 357–0806.

j. Comment Date: January 26, 1990.

k. Description of Project: The project as licensed consists of the following: (1) A 730-foot-long concrete gravity dam comprising 2 non-overflow sections; a spillway section with 11 tainter gates and an intake section varying in height from 20 feet to 36 feet; a 7,900-foot-long

earthen dike on the west abutment and a short earthen dike at the east abutment; (2) an impoundment having a surface area of 7,800 acres with a storage capacity of 128,000 acre-feet and normal water surface elevation of 1,116.2 feet msl; (3) an integral intake powerhouse containing four generating units having a total installed capacity of 7,200 kW; (4) a substation containing three single-phase OA/FA type, 2,500 kVA oil-filled transformers at a voltage rating of 4.14/46 kV; (5) a 21-mile-long, 46-kV transmission line; and (6) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant estimates the average annual generation would be 43.2 GWh and own all existing project facilities. All project energy generated would be utilized by the Applicant for sale to its customers.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act. Based on the license expiration of June 30, 1991, the Applicant's estimated net investment in the project would amount to $1,345,000.

l. This notice also consists of the following standard paragraphs: B, C, and D1.

3a. Type of Application: Amendment of License

b. Project No: 2233–019.

c. Date Filed: February 24, 1989.

d. Applicant: James River Corporation.

e. Name of Project: Willamette Falls Project.

f. Location: Clackamas, Oregon.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Applicant Contact: Mr. R.E. Bennett, Plant Manager, James River Corporation, 4800 Mill St., West Linn, OR 97068, (503) 656–2951.

i. FERC Contact: Robert Crowley, (202) 357–0664.

j. Comment Date: December 22, 1989.

k. Description of Amendment: The licensee requests the Commission to allow the removal of 10 hydroelectric generating units because of excessive operation and maintenance costs and agency restrictions on the use of stream flow for power generating purposes.

Granting the licensee's request would reduce the project's installed capacity from 47,000-hp to 34,600-hp.

T3lT1. This notice also consists of the following standard paragraphs: B, C, and D2.

4a. Type of Application: Amendment of License

b. Project No: 2741–007.

c. Date Filed: July 31, 1989.

d. Applicant: Kings River Conservation District.

e. Name of Project: Pine Flat.

f. Location: On the Kings River in Fresno County California.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. Applicant Contact: Mr. Jeff Taylor, 4886 East Jensen Avenue, Fresno, CA 93725, (209) 237–5567.

i. FERC Contact: John Warner, (202) 357–0662.

j. Comment Date: December 21, 1989.

k. Description of Project: The Kings River Conservation District requests to amend the license for the Pine Flat Project to delete license article 35.

l. Purpose of Project: The licensee proposes to have article 35, which requires that the licensee release a continuous minimum flow of 25 cubic feet per second (cfs) into the Kings River below the project, deleted from its license. The licensee states that the U.S. Army Corps of Engineers (Corps) has total control of the dam's sluice gates. The licensee states that it cannot control flow releases when the project is not operating. Although the Corps routinely releases a 25 cfs minimum flow at all times, the licensee cannot control these releases and therefore requests the elimination of this requirement from its license.

m. This notice also consists of the following standard paragraphs: B, C, and D2.

5a. Type of Application: Surrender of License

b. Project No.: 2803–010.

c. Date filed: August 7, 1989.

d. Applicant: Pennsylvania Hydroelectric Development Corporation.

e. Name of Project: Flat Rock Dam.

f. Location: On the Schuylkill River on the border between Philadelphia and Lower Marion Township, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Lawrence Gleeson, President, Pennsylvania Hydroelectric Development Corporation, P.O. Box 814, King of Prussia, PA 19046, (215) 337–1333.

i. FERC Contact: Mary Nowak, (202) 376–9634.

j. Comment Date: December 27, 1989.

k. Description of Project: The license for this project was issued on August 16, 1988, for an installed capacity of 3,250 kilowatts. The licensee states that it has determined that the project would be economically infeasible. No construction has commenced at the project site.

1. This notice also consists of the following standard paragraphs: B and C.

6a. Type of Application: Amendment of License

b. Project No.: 2997–013.

c. Date filed: June 26, 1989.

d. Applicant: South Sutter Water District.

e. Name of Project: Camp Far West Project.

f. Location: On the Bear River in Placer and Yuba Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Robert L. Melton, South Sutter Water Disctrict, 2464 Pacific Avenue, Trowbridge, CA 95659, (916) 656–2242.

i. FERC Contact: Nanzo T. Coley, (202) 357–0840.

j. Comment Date: December 18, 1989.

k. Purpose of Proposed Action: On July 2, 1981 a major license was issued to South Sutter Water District (licensee) to operate and maintain the Camp Far West Project No. 2997. The licensee propose to amend its license be deleting from the license the 1.92-mile long, 60-kV transmission line, which was constructed by Pacific Gas and Electric Company (PG&E). The licensee also propose that the transmission line be owned, operated and maintained by PG&E. This proposal will be acted on under separate action.

l. This notice also consists of the following standard paragraphs: B and C.

7a. Type of Application: Surrender of License

b. Project No.: 4060–007.

c. Date Filed: October 10, 1989.

d. Applicant: Willwood Irrigation District.

e. Name of Project: Willwood Hydroelectric.

f. Location: At the Willwood Diversion Dam on the Shoshone River in Park County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r).

h. Applicant Contact: Mr. Laness Northrup, Willwood Irrigation District, Powell, Wyoming 82435.

i. Commission Contact: Mr. James Hunter, (202) 357–0843.

j. Comment Date: December 18, 1989.

k. Description of Proposed Action: The licensee requests surrender of its license because of a lack of financing and/or a purchase agreement at an economical price for the project output.

The project would have consisted of: (1) A penstock connecting to an existing closed off 7-foot-diameter conduit through the dam; (2) a powerhouse at the toe of the dam containing a generating unit rated at 1,870 kW; (3) a

transmission line; and (4) an access road.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

8a. Type of Application: Transfer of License

b. Project No.: 5264–004.

c. Date Filed: October 3, 1989.

d. Applicant: L. Maurice Baker (Licensee) and Pacific Oregon Corp. (Transferee).

e. Name of Project: Stone Creek/Shellrock Creek.

f. Location: On Shellrock Creek and Oak Grove Fork, tributaries of the Clackamas River within the Mount Hood National Forest, in Clackamas County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r).

h. Applicant Contact:

Mr. L. Maurice Baker, 804 Spalding Building, 319 Southwest Washington, Portland, OR 97204, (503) 224–3020; Mr. McNeill Watkins II, Bishop, Cook, Purcell & Reynolds, 1400 L Street, NW., Washington, DC 20005, (202) 371–5785.

i. FERC Contact: Julie Bernt, (202) 357–0839.

j. Comment Date: December 7, 1989.

k. Description of Project: On September 15, 1989, a new license was issued to L. Maurice Baker for the construction, operation, and maintenance of the Stone Creek/Shellrock Creek Project No. 5264. It is proposed to transfer the license to Pacific Oregon Corp. The purpose of this proposed license transfer is to facilitate financing for project development.

The licensee certifies that it has fully complied with the terms and conditions of its license and obligates itself to pay all annual charges accrued under the license to the date of transfer. The transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it were the original licensee.

1. This notice also consists of the following standard paragraphs: B and C.

9a. Type of Application: Major License

b. Project No.: 5984–000.

c. Date Filed: February 16, 1987.

d. Applicant: Niagara Mohawk Power Corporation.

e. Name of Project: Oswego Falls Project.

f. Location: On the Oswego River in Oswego and Onondaga Counties, New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a) 825(r).

h. Applicant Contact: Mr. Michael Murphy, Niagara Mohawk Power Corporation, 300 Erie Boulevard West Syracuse, NY 13202

i. FERC Contact: Robert Bell (202) 376–9237.

j. Comment Date: February 13, 1990.

k. Competing Application: Project No. 10457–000.

Date Filed: August 18, 1987

l. Description of Project: The proposed project would consist of: (1) The existing 2 section Oswego Falls Dam, 1 208-foot-long, 12-foot 8-inch high weir section and a 108-foot-long, 15-foot-high spillway section; (2) 1.5-foot-high flashboards; (3) an impoundment having a surface area of 580 acres with a storage capacity of 5540-acre-feet and a normal water surface elevation of 353.3 feet USGS; (4) two gated forebay structures; (5) two intake structures; (6) two powerhouses: The East powerhouse containing 3 generating units with a total installed capacity of 4500 kW, The West powerhouse containing 5 generating units with a total installed capacity of 7010 kW; (7) two 2.4-kV transmission lines 500-feet-long; (8) the existing tailrace; and (8) appurtenant facilities. The dam and existing power facilities. The dam and existing power facilities are owned by Niagara Mohawk Power Corporation and the lock structure is owned by the New York State Department of Transportation. The applicant estimates the average annual generation would be 60,390 MWh.

m. Purpose of Project: All project energy generated would be used for distribution to its customers.

n. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

10a. Type of Filing: Transfer of License

b. Project No.: 10198–008.

c. Date Filed: October 10, 1989.

d. Applicants: Pelican Utility Company and PUI Acquisition Corporation.

e. Name of Project: Pelican Hydroelectric Water Power Project.

f. Location: On Pelican Creek within the Tongass National Forest in the borough of Sitka, on Chichagof Island, Alaska.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. Applicant Contact: Michael J. Danaher, Wilson, Sonsini, Goodrich & Rosati, Professional Corporation, Two Palo Alto Square, Suite 900, Palo Alto, California 94306, (415) 493–9300.

i. FERC Contact: Thomas Dean, (202) 357–0841.

j. Comment Date: December 18, 1989.

k. Description of Application: Pelican Utility Company (transferor) proposes to transfer its license issued on April 27, 1988, to PUI Acquistion Corporation (transferee). The transferee is a corporation organized under the laws of the State of Alaska, and domesticated in the State of Alaska, with its head office in Seattle, Washington.

1. This notice also consists of the following standard paragraphs: B and C.

11a. Type of Application: Minor License

b. Project No.: 10684–000.

c. Date Filed: November 1, 1988.

d. Applicant: Lansing Board of Water and Light.

e. Name of Project: Moores Park Dam.

f. Location: On the Grand River in the City of Lansing, County of Ingham, Michigan.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791(a)–825(r).

h. Applicant Contact: Mr. Joe Pandy, Jr., P.O. Box 13007, Lansing, MI 48901, (517) 371–6710.

i. FERC Contact: Charles T. Raabe (202) 376–9778.

j. Comment Date: December 27, 1989.

k. Description of Project: The existing project consists of: (1) A 190-foot-long, 21-foot-high reinforced-concrete gravity-type dam having three 20-foot-long tainter gates and having a 117-foot-long overflow-type spillway surmounted by wooden flashboards; (2) a reservoir having a 240-acre surface area and a 2,000 acre-foot storage capacity at normal water surface elevation 833.5 feet; (3) an integral powerhouse at the left (north) abutment containing two 540-kW generating units each operated under a 15-foot head and at a flow at 600 cfs; (4) a 200-foot-long, 4,160-volt underground transmission line and a 4,160/13,200-volt transformer; and (5) appurtenant facilities.

The existing hydroelectric facilities were constructed in 1908. No change to the current run-of-river operation is proposed. The average annual electrical generation has approximated 2,210,000 kWh. The primary function of the facility is to provide cooling water and house service power for the nearby Eckert Station-a coal-fired power plant.

1. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

12a. Type of Application: Preliminary Permit

b. Project No.: 10835–000.

c. Date Filed: October 16, 1989.

d. Applicant: Coon Rapids Dam Associates.

e. Name of Project: Coon Rapids Dam.

f. Location: On the Mississippi River, near Coon Rapids, in Anoka and Hennepin Counties, Minnesota.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: David K. Iverson, Synergics, Inc., 191 Main Street, Annapolis, MD 21401, (301) 268–8820.

i. FERC Contact: Mary Nowak (202) 357–0804.

j. Comment Date: January 16, 1990.

k. Description of Project: The proposed project would consist of the following facilities: (1) An existing dam comprising 2 dikes, one 75 feet long and the other 450 feet long, a 1,005-foot-long gated spillway section with 28 bays, each 33 feet wide, and an 85-foot-long non overflow section; (2) an existing reservoir that has a surface area of 485 acres and a normal elevation of 830.1 feet mean sea level; (3) a new powerhouse containing two generating units with a total rated capacity of about 10.5 megawatts; (4) a transmission line approximately 1,600 feet long; and (5) appurtenant facilities. The existing dam is owned by Hennepin County Park Reserve District. The applicant estimates that the cost of the studies is approximately $100,000. The applicant estimates that the average annual generation is 47.5 gigawatthours.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

13a. Type of Application: Preliminary Permit

b. Project No.: 10820–000.

c. Date filed: September 18, 1989.

d. Applicant: JDJ Company.

e. Name of Project: Lake Livingston Hydro Project.

f. Location: On the Trinity River near Livingston, Polk County, Texas.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Doyle W. Jones, P.E., Route 5, Box 483, Malvern, AR 72104, 501–844–4435; Stewart Noland, P.E., 5210 Sherwood Road, Little Rock, AR 72207, 501–661–9228.

i. FERC Contact: Ed Lee (202) 357–0809.

j. Comment Date: January 3, 1990.

k. Description of Project: The proposed project would consist of: (1) The existing 14,400-foot-long and 90-foot high Lake Livingston Dam; (2) the existing 82,600-acre Lake Livingston reservoir; (3) proposed 800-foot-long headrace; (4) a proposed intake structure connected to two 19-foot-diameter and two 15.5-foot-diameter steel penstocks, each about 450-foot-long; (5) a new concrete powerhouse located east of the east abutment and housing two 10–MW and two 15–MW generating units for a total installed capacity of 50 MW; (6) a proposed 2,000-foot-long tailrace; (7) a new 2-mile-long, 138–kV transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual generation would be 178 GWh. The cost of the work and studies to be performed under the permit would be $50,000. The site is owned by the Trinity River Authority of Texas, 5300 South Coleus Street, Box 60, Arlington, Texas 76010. The Applicant proposes that all power generated will be sold to a local utility company.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2

14a. Type of Application: License for Transmission Line Only

b. Project No.: 10821–000.

c. Date filed: August 29, 1989.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: Camp Far West Transmission Line Project.

f. Location: On the Bear River in Placer and Yuba Counties, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Rodney J. Strub, Pacific Gas and Electric Company, 77 Beale Street, Room F–759, San Francisco, CA 94106, (415) 972–5310.

i. FERC Contact: Mr. Nanzo Coley, (202) 357–0840.

j. Comment Date: December 18, 1989.

k. Purpose of Proposed Action: On July 2, 1981, a major license for the Camp Far West Project No. 2997 was issued to South Sutter Water district (licensee). The license includes a 1.92-mile long, 60–KV transmission line, which was constructed by Pacific Gas and Electric Company (PG& E). It is proposed that PG&E be granted a license to own, operate and maintain this line. Under a separate proposed action, the licensee has requested that its license be amended by deleting the transmission line.

1. This notice also consists of the following standard paragraphs: B and C.

15a. Type of Application: Preliminary Permit

b. Project No.: 10827–000.

c. Date filed: October 3, 1989.

d. Applicant: North Jersey District Water Supply Commission.

e. Name of Project: Monksville Dam.

f. Location: On the Wanaque River, Monksville Reservoir, in Passaic County, New Jersey.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Michael Restaino, Executive Director, North Jersey District Water Supply Commission, I F.A. Orechio Drive, Wanaque, NJ 07465, (201) 835–3600.

i. FERC Contact: Mary Nowak (202) 357–0804.

j. Comment Date: January 3, 1990.

k. Description of Project: The proposed project would consist of the following facilities: (1) An existing concrete gravity dam 150 feet high and 2,200 feet long; (2) an existing reservoir with a surface area of 505 acres and a total storage capacity of 21,500 acre-feet at a crest elevation of 400 feet mean sea level; (3) an existing penstock 40 feet long and 4 feet in diameter; (4) a proposed powerhouse containing one generating unit at a total installed capacity of 960 kilowatts; and (5) appurtenant facilities. The existing dam is owned by the North Jersey District Water Supply Commission and the Hackensack Water Company. The applicant estimates that the cost of the studies under permit would be about $200,000. The applicant estimates that the average annual generation would be approximately 3.35 gigawatthours.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A3. *Development Application*—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular

application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. *Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203–RB, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other Federal, state, and local agencies that receive this notice through direct mailing from the commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing commetns, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: November 21, 1989, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 89–27686 Filed 11–24–89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI76–804–001 et al.]

Conoco Inc. et al.; Applications for Certificates and Abandonment of Service [1]

November 16, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 5, 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 Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI76-804-001, B, November 2, 1989.	Conoco Inc., P.O. Box 2197, Houston, TX 77252.	Tennessee Gas Pipeline Co., West Cameron Area, Offhsore Louisiana.	The lease covering West Cameron Blk. 69 expired on January 31, 1989.
CI77-492-000, C, November 3, 1989.	Union Exploration Partners, Ltd., P.O. Box 7600, Los Angeles, CA 90051.	Texas Eastern Transmission Corp., West Cameron Blocks 593 and 594, Offshore Louisiana.	Application to add depths pursuant to a contract amendment dated March 13, 1989.
CI90-4-000 (CI66-176), F, October 23, 1989.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221-2819.	Arkla Energy Resources, a Division of Arkla, Inc., Wilburton Field, Latimer County, OK.	Acreage acquired September 1, 1987 from Texaco Producing Inc.
CI90-11-000, E, November 3, 1989.	Sonat Exploration Co., P.O. Box 1513, Houston, TX 77251-1513.	Tennessee Gas Pipeline Co., Bethany Field, Panola County, TX.	Acreage acquired October 1, 1988 from Petroleum Production Management, Inc.
CI90-12-000, A, November 6, 1989.	Mesa Operating Limited Partnership, P.O. Box 2009, Amarillo, TX 79189-2009.	Northern Natural Gas Co., Division of Enron Corp., Hugoton Field, Morton County, KS.	New lease acquired for acreage previously dedicated by OXY USA Inc. in Docket No. G-4579.
CI90-13-000, A, November 6, 1989.	Mesa Operating Limited Partnership.....	Williams Natural Gas Co., Hugoton Field, Morton County, KS.	New lease acquired for acreage previously dedicated by Amoco Production Co. in Docket No. G-4904.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession.

[FR Doc. 89-27651 Filed 11-24-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP90-220-000, et al.]

Panhandle Eastern Pipe Line Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Panhandle Eastern Pipe Line Co.

[Docket No. CP90-220-000]

November 16, 1989.

Take notice that on November 7, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001 filed in Docket No. CP90-220-000, a request pursuant to sections 7(b) of the Commission's Regulations under the Natural Gas Act, as amended, for authorization to abandon a part of the sales service provided to United Cities Gas Company (United Cities), and existing jurisdictional sales customer, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle states that the abandonment represents a 15% reduction of United Cities' sales contract demand level, which was converted to firm transportation service on October 1, 1989, pursuant to § 284.10 of the Commission's Regulations. The resulting firm transportation is being performed in accordance with the terms and conditions of Panhandle's Rate Schedule PT-Firm.

Panhandle also requests an October 1, 1989 effective date for the abandonment authorization which will coincide with the date of the conversion.

Pursuant to 18 CFR 284.10(d)(2) the exercise of the customer's option to convert constitutes consent to the proposed abandonment.

Comment date: December 7, 1989, in accordance with Standard Paragraph F at the end of this notice.

2. Natural Gas Pipeline Co. of America

[Docket No. CP90-219-000]

November 16, 1989.

Take notice that on November 7, 1989, Natural Gas Pipeline Company of America (Natural), file in Docket No. CP90-219-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport natural gas under its blanket certificate issued in Docket No. CP86-582-000 on behalf of Anthem Energy Company (Anthem), a marketer, all as more fullyset forth in the request on file with the Commission and open to public inspection.

Natural indicates that service commenced September 1, 1989, as reported in Docket No. ST90-411-000 and estimates the volumes transported to be 100,000 MMBtu on a peak day, 20,000 MMBtu on an average day and 7,300,000 MMBtu annually. Natural also states that consistent with its Rate Schedule, Anthem may request and Natural may agree to accept additional quantities as overun gas.

Natural avers that there will be no new facilities constructed to perform the service.

Comment date: December 7, 1989, in accordance with Standard Paragraph F at the end of this notice.

3. El Paso Natural Gas Co.

[Docket No. CP90-225-000]

November 16, 1989.

Take notice that on November 9, 1989, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90-225-000 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 V.H.C. Gas Systems, L.P. (V.H.C.), a broker, 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 September 1, 1989, under its Rate Schedule T-1, it proposes to transport up to 515,000 MMBtu per day equivalent of natural gas for V.H.C 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 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 October 7, 1989, as reported in docket No. ST90-174. El Paso further advises that it would transport 515,000 MMBtu on an average day and 187,975,000 MMBtu annually.

Comment date: January 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. Algonquin Gas Transmission Co.

[Docket No. CP90-232-000]

November 16, 1989.

Take notice that on November 9, 1989, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP90-232-000, a request pursuant to §§ 17.205 and 284.223 of the Commission's Regulations under the Natural Gas Act, to transport on an interruptible basis under its blanket certificate Docket No. CP89-948-000, a maximum of 255,000 MMBtu of natural gas for Citizens Gas Supply Corporation, all as more fully set forth in the request

on file with the Commission and open to public inspection.

Algonquin states that service commenced September 22, 1989, under § 284.223(a) of the Commission Regulations, as reported in Docket No. ST90–220–000 and estimates the volumes transported to be 255,000 MMBtu per day on peak day and average day and 93,075,000 MMBtu on an annual basis.

Algonquin indicates that it will receive the gas from various existing points of receipt located in New York, New Jersey, Connecticut and Massachusetts. Algonquin would then transport and redeliver the gas, less fuel and unaccounted for line loss gas, to Tennessee Gas Pipeline Company in Bergen County, New Jersey and Worcester County, Massachusetts.

Algonquin also states that no new facilities are required to provide this service.

Comment date: January 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corp.

[Docket No. CP90–244–000]

November 17, 1989.

Take notice that on November 15, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP90–244–000 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 Eaton Corporation (Eaton), 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 per day for Eaton. Texas Gas states that construction of facilities would not be required to provide the proposed service.

Texas Gas further states that the maximum day, average day, and annual transportation volumes would be approximately 2,000 MMBtu, 1,400 MMBtu and 504,000 MMBtu respectively.

Texas Gas advises that service under § 284.223(a) commenced October 1, 1989, as reported in Docket No. ST90–167.

Comment date: January 2, 1990 in accordance with Standard Paragraph G at the end of this notice.

6. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–247–000]

November 17, 1989.

Take notice that on November 15, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–247–000 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 Entrade Corporation (Entrade), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, 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.

Panhandle states that pursuant to a transportation agreement dated September 22, 1989, under its Rate Schedule PT, it proposes to transport up to 150,000 dekatherms (dt) per day equivalent of natural gas for Entrade. Panhandle states that it would transport the gas from receipt points in Colorado, Illinois, Kansas, Michigan, Ohio, Oklahoma, Texas and Wyoming, and deliver such gas, less fuel used and unaccounted for line loss, to redelivery points in Adams County and Well County, Indiana.

Panhandle advises that service under § 284.233(a) commenced October 1, 1989, as reported in Docket No. ST90–318 Panhandle further advises that it would transport 150,000 dt on an average day and 54,750,000 dt annually

Comment date: January 2, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–249–000]

November 17, 1989.

Take notice that on November 15, 1989, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP90–249–000 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 Anadarko Trading Company (Anadarko), a marketer, under the blanket certificate issued in Docket No. CP86–585–000, 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.

Panhandle states that pursuant to a transportation agreement dated May 24, 1989, under its Rate Schedule PT, it proposes to transport up to 100,000 dekatherms (dt) per day equivalent of natural gas for Anadarko. Panhandle states that it would transport the gas from receipt points in Texas, Oklahoma, Colorado, Kansas, Michigan, Ohio, and Illinois, and deliver such gas, less fuel used and unaccounted for line loss, to Northern Natural (Greensburg) in Kiowa County, Kansas.

Panhandle advises that service under § 284.223(a) commenced October 6, 1989, as reported in Docket No. ST90–188. Panhandle further advises that it would transport 100,000 dt on an average day and 36,500,000 dt annually.

Comment date: January 2, 1990, 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 and 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. 89-27655 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-11879-000 et al.]

Texaco Inc. et al., Applications for Termination or Amendment of Certificates [1]

November 16, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for authorization to terminate or amend certificates as described herein, all as more fully described in the respective applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 5, 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 Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Description
G-11879-000, D, Oct. 27, 1989	Texaco Inc., P.O. Box 52332, Houston, TX 77052.	Texas Eastern Transmission Corp., Del Grullo, et al. Fields, Kleberg and San Patricio Counties, TX.	Assigned June 1, 1989 to Jim Monk Corp.
CI61-1438-000, D, Nov. 6, 1989	Texaco Inc	Florida Gas Transmission Co., Lake Mongoulois Field, St. Martin Parish,LA.	Assigned Jan. 1, 1989 to Plains Resources Inc.
CI62-942-001, D, Oct. 27, 1989	Conoco Inc., P.O. Box 2197, Houston, TX 77252.	Northern Natural Gas Co., Division of Enron Corp., Eumont-Monument Field, Lea County, NM.	Assigned Sept. 1, 1989 to Morexco, Inc.
CI72-878-001, D, Oct. 24, 1989	Enron Oil & Gas Co., P.O. Box 1188, Houston, TX 77251.	Northwest Pipeline Corp., Natural Buttes Field, Uintah County, UT.	Assigned Sept. 1, 1988 and Jan. 1, 1989 to Bar Mesa Resources, Inc.
CI83-411-001, D, Nov. 6, 1989	Texaco Producing Inc., P.O. Box 52332, Houston, TX 77052.	Florida Gas Transmission Co., Lake Mongoulois Field, St. Martin Parish, LA.	Assigned Jan. 1, 1989 to Plains Resources Inc.
CI90-6-000 (CI79-628), D, Oct. 20, 1989	Marathon Oil Co., P.O. Box 3128, Houston, TX 77253.	ANR Pipeline Co., High Island Area, Offshore	Assigned July 1, 1989 to Phillips Petroleum Co.
CI90-9-000 (CI74-370), D, Oct. 24, 1989	Columbia Gas Development Corp., P.O. Box 1350, Houston, TX 77251.	Columbia Gas Transmission Corp., St. Paul Bayou Field, Terrebonne Parish, LA.	Assigned May 19, 1988 to Castex Energy, Inc.
CI90-10-000 (G-5312), D, Oct. 30, 1989	Texaco Producing Inc	Tennessee Gas Pipeline Co., Logansport Field, Desoto Parish, LA.	Assigned Dec. 15, 1988 to Marshall Exploration Inc.
CI90-14-000 (CI68-1429-001), D, Nov. 2, 1989	Columbia Gas Development Corp	Natural Gas Pipeline Co. of America, West Cameron Block 225, Offshore Louisiana.	Assigned Nov. 1, 1984 to Tenneco Oil Co. and July 1, 1989 to CNG Producing Co.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Assignment of acreage; E—Succession; F—Partial Succession.

[FR Doc. 89-27652 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-40-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

November 16, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on November 9, 1989 submitted as part of its FERC Gas Tariff, Second Revised Volume No. 1 tariff sheets which set forth the terms and conditions of a new Rate Schedule PSS-T pursuant to which Algonquin will render a firm transportation service for six proposed Algonquin Shippers. Algonquin's related facilities and the first phase of Rate Schedule PSS-T service were authorized by the Commission in its Order issued on June 7, 1989 (47 FERC ¶ 61,341). Algonquin's Filing which includes Rate Schedule PSS-T and related Form of Service Agreement, Index Sheets and Rate Sheet reflecting an interim rate proposed in a concurrent filing is on file with the Commission and available for public inspection.

Algonquin states that it is concurrently filing an application to amend the June 7, 1989 certificate ("Amendment") requesting authority to provide firm service at a reduced level and best efforts service above that level to the authorized delivery quantities. Algonquin states that the Amendment reflects the fact that construction delays result in Algonquin being unable to complete all certificated facilities in time to offer full firm service this winter. Pending completion of all authorized facilities Algonquin is offering firm service at a reduced level at a rate consistent with investment in facilities which are scheduled to be complete December 15, 1989, all as more fully set forth in Algonquin's application to amend.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE, Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 24, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants, parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27654 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-239-013]

Boundary Gas, Inc.; Proposed change in FERC Gas Tariff

November 17, 1989.

Take notice that on November 14, 1989, Boundary Gas, Inc. ("Boundary") tendered for filing a proposed change to its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Tariff Sheet No. 43 to supersede First Revised Tariff Sheet No. 43.

Boundary states that the purposes of this filing are: (i) To correct an inadvertent mistake in First Revised Tariff Sheet No. 43, which was filed on September 21, 1989 and stated incorrectly that one Boundary Repurchaser, National Fuel Gas Supply Corporation, would pay its Gas Research Institute surcharge directly to the FERC, rather than to the Gas Research Institute; and (ii) to change the effective date of all of the revised tariff sheets filed on September 21, 1989 from November 1, 1989 to January 1, 1990.

Copies of the filing have been served upon each of the Boundary Repurchasers, their respective state regulatory agencies and all intervenors in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before November 27, 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. 89-27644 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-63-002]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

November 17, 1989.

Take notice that on November 14, 1989, Carnegie Natural Gas Company ("Carnegie") submitted for filing in compliance with the Commission's Order of October 30, 1989, in the above-referenced docket, the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Corrected Sixteenth Revised Sheet No. 47
Corrected Sixteenth Revised Sheet No. 48

These sheets contain the rates applicable to Carnegie's refiled Annual PGA, and Carnegie states that these sheets accurately reflect the rates that Texas Eastern Transmission Corporation originally proposed to become effective September 1, 1989. Further, Carnegie states that the rates on these sheets have been superseded by subsequent PGA filings.

Carnegie states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party 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. 89-27645 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-30-026]

Colorado Interstate Gas Co.; Compliance Tariff Filing

November 17, 1989.

Take note that on November 14, 1989, Colorado Interstate Gas Company ("CIG") tendered for filing certain tariff sheets which reflect the approval by the Commission of CIG's July 26, 1989 Offer of Settlement. CIG states that it is not at this time agreeing that the November 8, 1989 Order is acceptable to CIG under the terms of the Stipulation and Agreement. CIG states that it will seek clarification of the November 8 Order with respect to the application of the Policy Statement on Interstate Pipeline Rate Design to the settlement. CIG further states that it is placing into effect the settlement rates only through December 31, 1989 pending receipt of clarification acceptable to CIG, including clarification that no policy statement changes will have any impact on any rates in effect prior to the date of the final order requiring such changes. Should CIG not receive such clarification, it states that the rates in effect on September 30, 1989 inclusive of all PGA, surcharges, ACA and GRI adjustments shall become effective on January 1, 1990 unless CIG extends the term of the interim rates.

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 27, 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. 89-27646 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-2190-000]

Columbia Gulf Transmission Co.; Notice of Application

November 17, 1989.

Take notice that on September 28, 1989, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for permission to abandon a firm transportation service for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that by Commission order issued July 6, 1983, in Docket No. CP83-232 Columbia Gulf is authorized to transport for United on a firm basis volumes produced from the United Trahan No. One Well. Columbia Gulf states that Columbia Gulf receives up to 2,000 Mcf per day from United at a point of interconnection with Columbia Gulf's line in Vermillion Parish, Louisiana and redelivers the gas to United at the outlet of Sea Robin Pipeline Company's (Sea Robin) measuring station at or near the terminus of Sea Robin's offshore pipeline near Erath, Louisiana. Columbia Gulf states that United invoked its contractual right to terminate the service by letter dated March 28, 1989. Columbia Gulf indicates that it has been informed that United expects to replace the firm transportation service with an interruptible transportation service to be performed under Columbia Gulf's blanket certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1989, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 Columbia Gulf to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27650 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-2-4-000]

Granite State Gas Transmission, Inc.; Proposed Change in Rates

November 17, 1989.

Take notice that on November 13, 1989, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing Twenty-First Revised Sheet No. 8 in its FERC Gas Tariff, First Revised Volume No. 1, for effectiveness on November 1, 1989.

According to Granite State, it provides a storage service for Bay State Gas Company under its Rate Schedule GSS with storage capacity provided in a facility operated by CNG Transmission Corporation (CNG). It is further stated that Granite State's Rate Schedule GSS tracks changes made by CNG under its Rate Schedule GSS pursuant to which Granite State obtains storage capacity from CNG.

Granite State further states that CNG filed changes in its Rate Schedule GSS rates in Docket No. RP85-169-45 on October 30, 1989 for effectiveness on November 1, 1989. According to Granite State, the revised rates for its Rate Schedule GSS service on Twenty-First Revised Sheet No. 8 track the changes filed by CNG for its Rate Schedule GSS service.

According to Granite State, copies of its filing were served upon Bay State Gas Company and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

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 sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 27, 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. 89-27647 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-47-002]

Natural Gas Pipeline Co. of America; Change in PGA Tariff Procedure

November 17, 1989.

Take notice that on November 13, 1989, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff) the below listed tariff sheets to be effective January 1, 1989.

Substitute Fifth Revised Sheet Nos. 121C and 121D

Substitute Third Revised Sheet Nos. 121E and 121F

Natural states that this filing complies with the Commission's July 11 and August 22, 1989 letter orders issued at Docket Nos. RP89-47-000 and RP89-47-001. Said orders granted Natural's request for waiver of Section 154.305(h)(3)(ii)(D) of the Commission's Regulations effective January 1, 1989. The waiver will allow Natural to calculate carrying charges on the Account No. 191 balance using Natural's Temporary LIFO Liquidation Account as the offset rather than the rolling weighted average method set forth in the Regulations. The orders required Natural to file revised tariff sheets to § 18.85 of its tariff to clearly set forth the methodology which Natural will use to compute its carrying costs on Account No. 191, including a description of how the Temporary LIFO Liquidation Account is determined.

A copy of the filing is being mailed to Natural's jurisdictional sales 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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 27, 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. 89-27648 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-160-005]

Trunkline Gas Co.; Notice of Compliance Filing

November 17, 1989.

Take notice that on November 13, 1989 Trunkline Gas Company (Trunkline) tendered for filing the revised tariff sheets as listed on Appendices A and B attached to the filing.

Trunkline states that on September 29, 1989 Trunkline filed revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2 in the above-referenced proceeding to comply with the Commission's Order dated May 31, 1989. By Order bearing an October 31, 1989 issue date, the Commission rejected those tariff sheets. In its Order on Rehearing, also bearing an October 31, 1989 issue date, the Commission permitted Trunkline to recover certain LNG charges in the demand component of its rates.

Trunkline further states that the tariff sheets submitted herewith reflect Trunkline's originally filed classification of the LNG Minimum Bill costs to the demand component of Trunkline's sales rates as approved by the Commission in the aforementioned Order.

Trunkline states that this filing by Trunkline satisfies the requirements of the Commission's Orders dated May 31, 1989 and October 31, 1989 in this proceeding and is made under compulsion of such latter Orders. This filing is without prejudice to Trunkline's rights on rehearing or in any judicial review proceeding or its position in this proceeding. Trunkline expressly reserves the right to implement its originally filed rates in this case effective November 1, 1989 upon securing appropriate approvals and to surcharge to recover (through direct billing or other appropriate means) the amounts eliminated by the Commission's October 31, 1989 Orders or other amounts which are thereby excessively attributed to Trunkline's off-peak rate levels.

Copies of this letter and enclosures are being served on all jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such protests should be filed on or before November 27, 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. 89-27649 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP90-221-000]

Trunkline Gas Co. and Panhandle Eastern Pipe Line Co.; Notice of Application

November 17, 1989.

Take notice that on November 8, 1989, Trunkline Gas Company (Trunkline) and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251-1642, filed jointly in Docket No. CP90-221-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon firm and interruptible transportation service provided to United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that pursuant to Rate Schedule T-56, Trunkline provides 40,000 Mcf per day of firm transportation service and 20,000 Mcf per day of interruptible transportation service for United. Trunkline further states that pursuant to Rate Schedule T-78, Trunkline provides 10,000 Mcf per day of firm transportation service for United. Panhandle also indicates that pursuant to Rate Schedule T-53, it provides 1,200 Mcf per day of firm transportation service and 800 Mcf per day of interruptible transportation service for United.

Panhandle states that pursuant to Panhandle's Rate Schedule T-33, which is in conjunction with Trunkline's Rate Schedule T-53, Panhandle provides 1,200 Mcf per day of firm transportation service and 800 Mcf per day of interruptible transportation service for United.

Trunkline and Panhandle state that pursuant to Letters of Agreement dated November 6, 1989, between United, Trunkline and Panhandle, the parties have agreed to terminate transportation service under each of aforementioned rate schedules effective December 1, 1989.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 24, 1989, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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 Trunkline and

Panhandle to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27653 Filed 11-24-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

Presidential Permit PP-85-A Authorizing Westmin Mines, Inc. To Construct, Connect, Operate, and Maintain Electric Transmission Facilities Across the International Border Between the United States and Canada

Background

On July 17, 1987, Westmin Resources Limited filed an application with the Economic Regulatory Administration (ERA) [1] of the Department of Energy (DOE) for a Presidential permit pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038. The applicant requested authority to construct, connect, operate, and maintain a 35-kilovolt (kv) transmission line which would cross the U.S. international border from British Columbia, Canada, pass through the State of Alaska, and re-enter British Columbia at a second point on the U.S. international border. The proposed line would cross the U.S.-Canadian border in the city of Hyder, Alaska, traverse about 7.4 miles of U.S. territory and re-enter Canada at a point approximately 8 miles north of Hyder, Alaska. All construction in Alaska would be within the right-of-way of the Granduc Road, a pre-existing gravel road.

Subsequent to this filing, the applicant requested that, if the ERA should determine it to be in the public interest to issue the subject permit, the permit be issued in the name of Westmin Resources, Inc. (Westmin), the wholly owned U.S. subsidiary of Westmin Resources Limited.

In connection with the DOE's responsibilities under the National Environmental Policy Act of 1969 (NEPA), the DOE reviewed an Environmental Assessment (EA) published on May 17, 1988, by the U.S. Forest Service (USFS). The USFS prepared this EA in connection with its issuance of a special use permit to construct a portion of the proposed line through a National Forest. The DOE, after staff review and analysis of USFS' EA, determined that the EA adequately addressed the environmental effects of Westmin's proposal. On July 28, 1988, the DOE adopted this EA and determined that the issuance of this permit would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA, 42 U.S.C. 4321, *et seq.*

After review and evaluation of the information submitted by the applicant, it was determined that the operation of the proposed transmission line would not impair the reliability of the electric power supply system of the U.S. Details of this determination were made part of the permanent docket file.

The Secretary of State by letter dated September 8, 1988, and the Secretary of Defense by letter dated September 6, 1988, recommended that the Presidential permit be granted. Accordingly, on October 5, 1988, Presidential Permit PP-85 was issued to Westmin Resources, Inc.

On May 20, 1989, Westmin Resources, Limited (Westmin), on behalf of its wholly-owned subsidiary Westmin Resources, Inc. (WRI), applied to the Office of Fossil Energy (FE) of the Department of Energy (DOE) for the reissuance of Presidential Permit PP-85 to Westmin Mines, Inc. (WMI), a new U.S. corporation which is indirectly controlled by Westmin. This request was occasioned by a reorganization within the Westmin group of companies.

Since the reissuance of this permit does not require new construction or a change in the operation of the previously authorized facilities, the conclusion reached from the environmental and electric reliability analyses prepared for the original permit remain valid for this action. Also the Secretary of Defense and the Secretary of State have concurred in the reissuance of the permit. Accordingly, the DOE finds that the reissuance of Presidential Permit PP-85 to Westmin Mines, Inc., is consistent with the public interest.

Authorization

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (title 10, Code of Federal Regulations, § 205.320 *et seq.*), permission hereby is granted to WMI to construct, connect, operate, and maintain at the international border of the United States and Canada, one 35-kV, alternating current (ac) transmission line as further described in *Article 2* below, upon the following conditions:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this permit. This permit may be modified or revoked by the President of the United States without notice, or by the DOE after public notice, and may be amended by the DOE after proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities, and all supporting structures within the right-of-way occupied by such facilities:

One 35-kilovolt, 3-phase electric transmission line which will cross the U.S. international border from British Columbia, Canada, pass through the State of Alaska, and re-enter British Columbia at a second point on the U.S. international border. The proposed line shall pass through Alaska for about 7.4 miles, most of which shall be located in the Tongass National Forest. Approximately 2.5 miles of the proposed 7.4 miles of transmission line shall be constructed underground, using 300 MCM (thousand circular mils) cable, and the remaining 4.9 miles constructed above ground on wooden poles, using 266.8 ACSR (aluminum cable, steel reinforced) conductor. All construction in Alaska shall be within the right-of-way of the existing Granduc Road (also known as the Salmon River Highway).

These facilities are more specifically shown and described in the application filed by the applicant on July 17, 1987.

Article 3. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change shall have been approved by the DOE.

Article 4. WMI or its agent shall at all times maintain the facilities covered by this permit in a satisfactory condition such that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

Article 5. The operation and maintenance of the facilities covered by this permit shall be subject to the inspection and approval of a properly designated representative of the DOE, who shall be an authorized representative of the United States for such purposes. WMI shall allow officers or employees of the United States with written authorization free and unrestricted access into, through, and across any lands occupied by these facilities in the performance of their duties.

Article 6. WMI shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. WMI shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing

[1] On January 6, 1989, the authority to issue Presidential permits was transferred from the Economic Regulatory Administration to the Assistant Secretary for Fossil Energy. DOE Delegation Order No. 0204-127 specifies the transferred functions (54 FR 11436, March 20, 1989).

within one-half mile of the center of the transmission circuit are the only ones that must be resolved. WMI shall maintain written records of all complaints received and of the corrective actions taken.

Article 7. The United States shall not be responsible or liable: For damages to or loss of the property of, or injuries to, persons; for damages to or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of WMI officers, agents, servants or employees, or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and WMI shall hold the United States harmless from any and all such claims.

Article 8. WMI shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between the United States and Canada over the facilities authorized herein. WMI shall prepare, maintain and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish the DOE an annual report, which will be due on or before February 15th of each year, detailing the transmission of such electric energy, as follows: (1) The gross amount of kilowatt-hours of electric energy received or delivered; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month of the preceding calendar year.

Article 9. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to title 10, Code of Federal Regulations, section 205.323, has been received by the DOE. Upon recepit by the DOE of such an application, this existing permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 10. Upon the termination, revocation or surrender of this permit the 35–kV ac transmission line, which is owned, connected, operated, and maintained by WMI and described in Article 2 of this permit, shall be removed within such time as DOE may specify and at the expense of WMI. If WMI fails to remove such facilities or any portion thereof authorized by this permit, DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of WMI. WMI shall have no claim for damages by reason of such possession, removal or repair. However, upon a showing by the relevant owner that certain facilities authorized herein, such as portions of its rights-of-way or the transmission line within the United States, are useful to other utility operations within the bounds of the United States, the DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 11 This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

In witness whereof, I, Constance L. Buckley, Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy, hereunto sign my name, this 13 day of November, 1989, in the city of Washington, District of Columbia.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs Office of Fossil Energy.

[FR Doc. 89–27706 Filed 11–24–89; 8:45 am]

BILLING CODE 6450–01–M

U.S. ENVIRONMENTAL PROTECTION AGENCY

[FRL 3691–2]

Science Advisory Board; Environmental Engineering Committee, Leachability Subcommittee, Open Meeting: December 15–16, 1989

Under Public Law 92–463, notice is hereby given that the Science Advisory Board's Leachability Subcommittee of the Environmental Engineering Committee (EEC), will meet December 15–16, 1989 in Room 909 of the Houston Medical Center Hilton, 6633 Travis; Houston, Texas 77030–9945. The meeting will begin at 3:15 p.m. on Friday and 8:00 a.m. on Saturday and adjourn no later than 12:00 noon on Saturday, December 16.

The purpose of the meeting is to conduct a planning and scoping session on the generic topic of leachability. This meeting is being conducted in consort with a workshop in Houston at the Houston Medical Center Hilton to identify, summarize and evaluate potential methods that can be used to estimate the migration potential of inorganics and organics found at hazardous waste sites. The workshop is a cooperative effort of Dr. Raymond Loehr and the University of Texas, the National Center for Ground Water Research, the Electric Power Research Institute, and the U.S. Environmental Protection Agency's Robert S. Kerr Environmental Research Laboratory in Ada, Oklahoma. While leachability phenomena will be discussed generically, it is expected that topics related to this area such as TCLP (Toxicity Characteristic Leaching Procedure), will be discussed.

The Science Advisory Board meeting of December 15 and 16 is open to the public. Any member of the public wishing further information on the meeting or those who wish to submit written comments should contact Dr. K. Jack Kooyoomjian, Executive Secretary, or Mrs. Marie Miller, Secretary, Science Advisory Board, (A101–F), U.S. Environmental Protection Agency, Washington, DC 20460, at 202/382–2552 by December 8, 1989. Seating at the meeting will be on a first come basis.

Dated: November 16, 1989.

Donald G. Barnes,

Director, Science Advisory Baord.

[FR Doc. 89–27728 Filed 11–24–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL 3683–3]

Public Water Supply Supervision Program; Program Revision for State of Alabama

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Alabama is revising its approved State Public Water Supply Supervision Primary Program. Alabama has adopted (1) drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight Volatile organic chemicals promulgated by EPA on July 8, 1987 (52 FR 25690) and (2) public notice regulations that correspond to the revised EPA public notice requirements promulgated on October 28, 1987 (52 FR 41534). EPA has determined that these two sets of State program revisions are

no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

DATES: All interested parties are invited to request a public hearing. A request for a public hearing must be submitted on or before December 27, 1989, to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made on or before December 27, 1989, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective December 27, 1989.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Public Water, Alabama Department of Environmental Management, 1751 Federal Drive, Montgomery, Alabama 36109; and

Regional Administrator, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Carla E. Pierce, EPA, Region IV, Drinking Water Section at the Atlanta address given above; telephone 404/347-2913, (FTS) 257-2913.

Authority: Sec. 1413 of the Safe Drinking Water Act, as amended, (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: November 15, 1979.

W. Ray Cunningham,

Director, Water Management Division.

[FR Doc. 89-27664 Filed 11-24-89; 45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests 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. The proposed report form under review is listed below.

DATE: Comments must be received on or before January 11, 1990. If you anticipate commenting on a report form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and Agency Clearance Officer of your intent as early as possible.

ADDRESS: Copies of the proposed report form, the request for clearance (Standard Form 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

EEOC Agency Clearance Officer: Margaret P. Ulmer, Office of Management, Room 2220, 1801 L Street, NW., Washington, DC 20507; Telephone: (202) 663-4279.

OMB Reviewer: Joseph Lackey, Human Resources and Housing Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone: (202) 395-7316.

Type of Request: Extension (No change)

Title: Employer Information Report EEO-1

Form Number: Standard Form 100

Frequency of Report: Annually

Type of Respondent: Private employers with 100 or more employees and certain Federal government contractors with 50 or more employees.

Standard Industrial Classification (SIC) Code: Multiple

Description of Affected Public: IND/HHID and Farms and Businesses/INST

Responses: 126,700

Reporting Hours: 528,500

Federal Cost: $675,000

Applicable under Section 3504(h) of Public Law 96-511: Not applicable

Number of Forms: 1

Abstract-Needs/Users: EEO-1 data are used by EEOC to investigate charges of discrimination against employers in private industry. Data are shared with several Federal government agencies, particularly the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor. Under Section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-1 data are also shared with approximately 127 State and local FEPC agencies.

For the Commission.

John Seal,

Management Director, Equal Employment Opportunity Commission.

[FR Doc. 89-27708 Filed 11-24-89; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 17, 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: 3060-0003.

Title: Application for Amateur Radio Station and/or Operator License.

Form Number: FCC 610.

Action: Revision.

Respondents: Individuals or households.

Frequency of Response: On occasion.

Estimated Annual Burden: 95,050 Responses; 7,889 Hours.

Needs and Uses: FCC Rules require that applicants file FCC Form 610 to apply for a new, renewal, or modified amateur radio station and/or operator license. Commission personnel will use the data to determine eligibility for radio

station authorization and to issue a radio station/operator license. Data is also used by Compliance personnel in conjunction with field engineers for enforcement and interference resolution purposes.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-27630 Filed 11-24-89; 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: New collection.

Title: Application to participate in a conversion transaction.

Form Number: None (letter application).

Frequency of Response: On occasion.

Respondents: Any insured depository institution applying for approval from the FDIC to participate in a conversion transaction which involves the transfer of deposits between a member of the Savings Association Insurance Fund and a member of the Bank Insurance Fund.

Number of Respondents: 35.

Number of Responses Per Respondent: 1.

Total Annual Responses: 35.

Average Number of Hours Per Response: 3.

Total Annual Burden Hours: 105.

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, Assistance 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.

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 implement a new collection of information from certain insured depository institutions. The proposed collection of information involves requiring a depository institution that wishes to obtain the FDIC's approval to participate in a conversion transaction to submit a letter application. Such transactions generally involve the transfer of deposits between the Savings Association Insurance Fund and the Bank Insurance Fund. The new application requirement is based on statutory requirements contained in the recently enacted Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). Under FIRREA (section 206(a)(7), Pub. L. 101-73), no insured depository institution may participate in a conversion transaction without the prior approval of the FDIC. The letter application enables the FDIC to give such approval.

Dated: November 20, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-27661 Filed 11-24-89; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; American President Lines, Ltd. et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010689-038

Title: Transpacific Westbound Rate Agreement.

Parties:

American President Lines, Ltd.
Hanjin Container Lines, Ltd.
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner System
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
Orient Overseas Container Line, Inc.

Synopsis: The proposed amendment would permit the parties to expand the scope of the Agreement and to establish a separate section covering the trade to India, Pakistan, Bangladesh, and Burma from U.S. ports and points via such ports. Membership in this section will be open to all carries operating in the "sub-continent trade," whether or not the carrier is a party to the remainder of the Agreement. The amendment would permit the parties to this section to discuss and agree upon specified matters, including rates, in the sub-continent trade. However, adherence to any agreement reached would be voluntary.

Agreement No.: 232-011258

Title: Chiquita Brands, Inc. Chiquita/Promotora de Navigacion Space Charter and Sailing Agreement.

Parties:

Chiquita Brands, Inc.
Promotora de Navigacion, S.A.

Synopsis: The proposed agreement would permit the parties to charter space aboard one another's vessels in the trade between ports and points in the United States (including Alaska, Hawaii and all U.S. territories and possessions) and ports and points in Costa Rico. It would also permit the parties to coordinate sailings in the trade and to agree upon the formation of a joint service between themselves in the Agreement trade.

By Order of the Federal Maritime Commission.

Dated: November 20, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-27642 Filed 11-24-89; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Applicants

Notice is given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations,

Federal Maritime Commission, Washington, DC 20573.

Modern Cargo Services, Inc, 8358 N.W. 66th Street, Miami, FL 33166, Officer: Arnold E. Arrazola, President;

Seibu Transportation Co., Ltd., dba Seibu Air & Sea Services; 752 So. Glasgow Ave., Inglewood, CA 90301, Officers: Yoshiaki Tsutsumi, Chairman, Hiroshi Nagai, President, Kazuma Goto, Managing Director, Kinya Yajima, Managing Director, Yashuhiro Tsutsumi, Director;

International Express Cargo Services, Inc., 18141 SW 84th Ave., Miami, Florida 33157, Officers: Dora Del Castillo, President, Walter Boria, Vice President, Juan Boria, Vice President;

Nakamura (U.S.A.), Inc., 1326 Fifth Ave, #426, Seattle, WA 98101, Officers: Nazamusa Okamura, President & Director, Terasu Nakahara, V. President/Director/ Treasurer, Nakamura Stevedores & Transportation Co. Ltd., Stockholder;

Kil Moon Chang, 17224 Betty Place, Cerritos, CA 90701, Officer: Sole Proprietor;

Queirolo USA, Inc., 102–03 101 St., Ave., Ozone Park, NY 11416, Officers: Michelle Lupo, President & Director, Fabio Domenichini, Vice President, Paolo Queirolo, Vice President;

New Wave Transport (U.S.A.), Inc., 444 West Ocean Boulevard, Suite 1508, Long Beach, CA 90802, Officers: Keiichi Kanemitsu, President/Treasurer/Director, Brian J. McQuade, Asst. Vice President;

Apex Int'l. Forwarding Co., Inc., 2580 St. Cloud Dr., San Bruno, CA 94066, Officer: Vicky P. Cheung, President;

Cortez Customhouse Brokerage Company, 4950 W. Dickman Road, Battle Creek, MI 49015, Officers: David P. Taylor, President/ Secretary, Harold Henderson, Vice President/Gen. Manager, Margaret B. Henderson, Director, Mary Ann Crete, Director;

Compass Marine Services (U.S.A.) Inc., dba Compass Marine (USA), 16040 Christensen Road, Suite 208, Seattle, WA 98188, Officers: John F. Cunningham, Director, Lorraine S. Cunningham, Director, Thomas M. Alderson, Manager;

Transit King City/Northway Forwarding, Ltd., 5441 Notre-Dame Ouest, Montreal, Quebec, Canada H4C–1T7, Officers: Gerald P. Gamache, President, Michel O. Berard, Director;

C & Y International Inc., 701 5th Ave., Suite 3488, Seattle, WA 98104, Officers: Gordon J. Yeh, President/Treasurer, Yiel-Hung Chen Yeh, Secretary, Yuan Hong Chen, Vice President, Whitney Bowles, Vice President Operations;

Kook Joo Song Freight Forwarding, 1800 Studebaker Rd., Suite 765, Cerritos, CA 90701, Officer: Kook Joo Song, Sole Proprietor;

Ocean Air International, 5333 Tally Green Dr., Marietta, GA 30068, Officer: Gunter Wegner, Sole Proprietor;

Wisco International, Forwarders, Inc., 114–16 Rockaway Blvd, So. Ozone Park, NY 11420, Officer: Angel Ithier, President.

By the Federal Maritime Commission.

Dated: November 20, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89–27643 Filed 11–24–89; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Greater Ohio River 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 December 15, 1989.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Greater Ohio River Corporation,* Columbus, Ohio; to merge with Tonti Financial Corporation, Columbus, Ohio, and thereby indirectly acquire First Bank of Ohio, Tiffin, Ohio.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Beacon Capital Corporation,* Henderson, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Franklin National Bank, Louisburg, North Carolina, a *de novo* bank, and acquire Vance National Bank, Henderson, North Carolina, a *de novo* bank.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60609:

1. *Tremont Bancorp, Inc.,* Tremont, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank in Tremont, Tremont, Illinois.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *ISBC Holding Company,* Denver, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Independent State Bank of Colorado, Denver, Colorado.

Board of Governors of the Federal Reserve System, November 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–27666 Filed 11–24–89; 8:45 am]

BILLING CODE 6210–01–M

Northern Missouri Bancshares, Inc., et al; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f), of the Board's Regulation Y (12 CFR 225.23(a) (2) or (f) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 15, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Northern Missouri Bancshares, Inc.*, Unionville, Missouri; to acquire Harrison County Bancshares, Inc., Bethany, Missouri, and thereby engage in the sale of general lines of insurance in Bethany, Missouri, a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A); and providing securities brokerage services to the public ("discount brokerage") pursuant to § 225.25(b)(15) of the Board's Regulation Y. Applicant has previously applied to acquire Harrison County Bancshares, Inc. banking subsidiaries.

Board of Governors of the Federal Reserve System, November 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-27667 Filed 11-24-89; 8:45 am.]

BILLING CODE 6210-01-M

Change in Bank Control Notices; Acquisitions of Shares of Banks of Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 8, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *William E. Welch*, Chillicothe, Missouri; to acquire an additional 0.18 percent of the voting shares of Citizens Bancshares Company, Chillicothe, Missouri, and thereby indirectly acquire Citizens Bank & Trust, Chillicothe, Missouri, and First Bank of Maryville, Maryville, Missouri.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *James W. Priour, III*, Kerrville, Texas, to acquire 20 percent; Stanley C. Jones, Houston, Texas, to acquire 15 percent; Tex D. Hood, Kerrville, Texas, to acquire 20 percent; Paul L. Sachleben, Austin, Texas, to acquire 2.5 percent; Brett W. Smith, Kerrville, Texas, to acquire 7.5 percent; Bobby G. Waddell, Kerrville, Texas, to acquire 7.5 percent; John and Lynda Comegy's Family Trust, Kerrville, Texas, to acquire 10 percent; and Premier Bancshares Employee Stock Ownership Plan, Kerrville, Texas, to acquire 7.5 percent of the voting shares of Premier Bancshares, Inc., Kerrville, Texas, and thereby indirectly acquire Bank of Kerrville, Kerrville, Texas, and Texas National Bank of Victoria, Victoria, Texas.

Board of Governors of the Federal Reserve System, November 20, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-27668 Filed 11-24-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of the Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register**.

The Secretary of the Treasury has certified a rate of 15.5% for the quarter ended September 30, 1989. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: November 17, 1989.

Dennis Fisher,

Deputy Assistant Secretary, Finance.

[FR Doc. 89-27623 Filed 11-24-89; 8:45 am]

BILLING CODE 4150-04-M

Social Security Administration

Revised Redelegations of Authorities Concerning Social Security Coverage for Employees of State/Local Governments and Interstate Instrumentalities

Under section 218 of the Social Security Act, as amended (the Act), the Secretary of Health and Human Services (the Secretary) shall enter into an agreement (Social Security coverage agreement) with any State, at the request of that State, and may enter into an agreement with an instrumentality of two or more States (interstate instrumentality), at the request of that interstate instrumentality, for the purpose of extending the social insurance system established by title II of the Act to services performed by individuals as employees of the State or any of its political subdivisions, or as employees of the interstate instrumentality. Section 218 of the Act also provides the Secretary with authority for other program functions required to carry out the purposes of these Social Security coverage agreements. Subject to specified reservations of authority to the Secretary, the Secretary's authority under section 218 of the Act has been delegated to the Commissioner of Social Security (the Commissioner), with authority to redelegate (see Statement of Organization, Functions and Delegations of Authority published in the **Federal Register** at 33 FR 5836-37 on April 16, 1968).

As appropriate, the then Acting Commissioner redelegated various authorities under section 218 of the Act to subordinate Social Security Administration (SSA) positions on February 3, 1981. Since that time, however, section 218(g) of the Act was amended by section 103 of Public Law No. 98-21 (the Social Security Amendments of 1983) to prohibit termination of Social Security coverage agreements, either in their entirety or with respect to any coverage group, on or after April 20, 1983. Section 218(g) of the Act was subsequently redesignated as section 218(f) by section 9002(c)(1) of Public Law No. 99-509 (the Omnibus Budget Reconciliation Act of 1986). Also, sections 9129 and 13205 of Public Law No. 99-272 (the Consolidated Omnibus

Budget Reconciliation Act of 1985) extended Medicare coverage and applied the hospital insurance tax portion of the Federal Insurance Contributions Act to wages for services rendered after a specified time by newly hired employees of State Governments and their political subdivisions. For certain other State and local Government employees, optional coverage can be provided by voluntary agreements with the Secretary under section 218(n) of the Act. Section 218(v) was redesignated as section 218(n) by section 9023(c) of Public Law No. 100–203 (the Omnibus Budget Reconciliation Act of 1987).

In addition, Public Law No. 99–509 (the Omnibus Budget Reconciliation Act of 1986) repealed certain subsections of section 218 of the Social Security Act, effective with respect to payments due on wages paid after December 31, 1986. The subsections repealed were 218 (e), (h), (i), (j), (q), (r), (s), (t) and (w).

As a result of the above changes in the law and SSA organizational realignments, I hereby rescind the existing redelegtions of authorities related to Social Security coverage agreements under section 218 of the Act and replace them with the following revised redelegations.

Authorities

1. Authority to enter into Social Security coverage agreements with States or interstate instrumentalities, under sections 218(a)(1) and 218(g)(1) of the Act.

2. Authority to execute modifications of existing Social Security coverage agreements with States or interstate instrumentalities, under sections 218(c)(4) and 218(g)(1) of the Act.

3. Authority to enter into Social Security coverage agreements with States or interstate instrumentalities for the purpose of extending the health insurance system established by title XVIII of the Act and sections 226 and 226A of title II of the Act to services performed by employees of State/local Governments or interstate instrumentalities under section 218(n) of the Act.

4. Authority to execute modifications of existing Social Security coverage agreements with States or interstrate instrumentalities for the purpose of extending the health insurance system established by title XVIII of the Act and sections 226 and 226A of title II of the Act to services performed by employees of State/local Governments or interstate instrumentalities under section 218(n) of the Act.

5. Authority to approve the removal of a legally dissolved entity from coverage under a Social Security coverage agreement.

6. Authority, under section 218(e)(1) of the Act, to grant extensions of time filing contribution returns (limited to period prior to July 1, 1980 and to periods covered by agreements or modifications for new coverage under Social Security coverage agreements) or relevant wage reports (for all periods), where States or interstate instrumentalities request extensions and show "good cause" for such action.

7. Authority, under section 218(s) of the Act, to grant States or interstate instrumentalities extensions of time, if requested by them and upon their showing "good cause," for submission of additional information or argument on requests for reviews of:

a. Assessments of amounts due;

b. Disallowances of claims for credits/refunds of overpayments; or

c. Allowances or credits/refunds for overpayments.

8. Authority to enter into agreements with States or interstate instrumentalities on extensions of time limitations for assessments of amounts due or allowances/disallowances of credits/refunds of overpayments under sections 218(q)(4)(A) and 218(r)(2)(A) of the Act.

9. Authority, under sections 218(e)(1) and 218(j) of the Act, to issue to States or interstate instrumentalities notices overpayments/underpayments for reports of earnings, Federal determinations of errors, and corrections/adjustments to reports of earning filed and interest charges due.

10. Authority to issue statutory assessment notices of amounts due from States or interstate instrumentalities under section 218(q) of the Act.

11. Authority to allow/disallow States or interstate instrumentalities credit or refund of overpayments under section 218(r) of the Act.

12. Authority, under section 218(s) of the Act, to review and decide appeals filed by States or interstate instrumentalities concerning assessments of amounts due by them, disallowances of their claims for credits or refunds of overpayments, or allowances to them of credits or refunds of overpayments.

13. Authority to grant or deny requests by States or interstate instrumentalities for additional time to file appeals pursuant to section 218(s) of the Act.

Delegates	Scope of authority
a. Deputy Commissioner for Programs.	a. Authorities 1–8, 10–13.
b. Associate Commissioner and Deputy Associate Commissioner for Retirement and Survivors Insurance.	b. Authorities 1–8, 10 and 11.
c. Director and Deputy Director, Division of Earnings and Adjustments, Office of Central Records Operations.	c. Authorities 9–11.
d. Regional Commissioners and Deputy Regional Commissioners.	d. Authorities 1–5 and 8 for cases within their respective regional jurisdiction.
e. Assistant Regional Commissioners and Deputy Assistant Regional Commissioners for Programs..	e. Authorities 2, 4, 5 and 8 for cases within their respective regional jurisdiction.
f. District Managers and Assistant District Managers serving as liaison between SSA and State agencies (District/Assistant District Managers of Parallel Social Security offices).	f. Authority 8 for agreements within the jurisdiction of District/Assistant District Managers of parallel Social Security offices, except those agreements which extend a period previously extended.
g. All positions in the direct line of management above the positions specified in items c., d. and f. above.	g. The authorities redelegated to the positions specified in items c., d. and f. above respectively.

Conditions

(1) The Commissioner, Deputy Commissioner for Programs or Associate Commissioner for Retirement and Survivors Insurance shall refuse to enter into a proposed Social Security coverage agreement, or a proposed modification of an existing coverage agreement, because the proposed agreement/modification is inconsistent with Federal or State law.

(2) The offset authority contained in section 218(j) of the Act, which relates to deductions for failure by States or interstate instrumentalities to make timely payments, is reserved to the Secretary.

(3) The Office of the General Counsel, Department of Health and Human Services, shall review agreements and modifications of agreements under section 218 of the Act for legal form and substance before they may be approved by the above delegates.

(4) As the result of section 9002(d) of Public Law No. 99–509, authorities 6–13 and condition (2) will remain in effect only until all matters regarding payments due on wages paid before January 1, 1987 are resolved, subject to the statute of limitations and any extension(s) of those time limitations. Statutory references in authorities 6–13

and condition (2) reflect provisions in effect prior to the enactment of section 9002 of Public Law 99–509.

(5) These revised redelegations must be exercised in accordance with all pertinent provisions of law, regulations, policies, procedures, operating instructions and other requirements.

(6) Further redelegations are not authorized.

These revised redelegations are effective on the date that they are published in the **Federal Register** and replace those previous redelegations approved by the Acting Commissioner on February 3, 1981. I hereby affirm and ratify any actions by the above delegates which may constitute the exercise of any of the subject authorities before the date that these revised redelegations are published in the **Federal Register.**

Dated: November 6, 1989.

Gwendolyn S. King,

Commissioner of Social Security.

[FR Doc. 89–27682 Filed 11–24–89; 8:45 am]

BILLING CODE 4190–11–M

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Notice is hereby given that subchapter S5E, subsections S5E.10 and S5E.20 are being amended. The titles of a regional component as well as a position title used in a functional statement are being changed to more accurately describe the organization and function. Also, Standard Administration Codes are being realigned for the Office of External Affairs. The changes are as follows:

Subsection S5E.10 *The Office of Public Affairs*—(Organization):

G. The Office of External Affairs (S5EM):

Revised the Standard Administrative Code (SAC) to (S5EK).

1. The Community Affairs Staff (S5EP1): Revise the SAC code to (S5EK3).

2. The External Liaison Staff (S5EM2): Revise the SAC code to (S5EK4).

3. The Regional External Affairs Staff (S5EM3): Revise the title and SAC code to: The Regional Public Affairs Staff (S5EK6).

4. The Regional Support and Special Projects Staff (S5EM4).

Revise the SAC code to (S5EK5).

Subsection S5E.20 *The Office of Public Affairs*—(Functions):

G. The Office of External Affairs (S5EM):

Revise the SAC code to (S5EK).

1. The Community Affairs Staff (S5EP1): Revise the SAC code to (S5EK3).

2. The External Liaison Staff (S5EM2): Revise the SAC code to (S5EK4).

3. The Regional External Affairs Staff (S5EM3): Revise the title and the SAC code to: The Regional Public Affairs Staff (S5EK6).

a. Second line, last word—substitute "public" for "external."

4. The Regional Support and Special Project Staff (S5EM4):

Revise the SAC code to (S5EK5).

a. Change the first sentence to read: Serves as primary liaison with the Regional Public Affairs Officer keeping them informed of SSA and HHS public information policy, plans and activities.

Dated: November 7, 1989.

John R. Dyer,

Deputy Commissioner for Management.

[FR Doc. 89–27683 Filed 11–24–89; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202–395–7340.

Title: Procedures for Establishing that an American Indian Group Exists as an Indian Tribe, 25 CFR part 83.

OMB Approval number: 1076–0104.

Abstract: The regulations contain seven criteria to be addressed by American Indian groups seeking Federal acknowledgment. The process provides groups and opportunity to present their arguments for recognition.

Bureau Form Number: BIA–8304, BIA–8305, BIA–8306.

Frequency: One-time.

Description of Respondents: Unrecognized American Indian groups.

Estimated Completion Time: 2,629.50 hours.

Annual Responses: 4.

Annual Burden Hours: 10,518.

Bureau clearance officer: Cathie Martin 202–343–3577.

Dated: November 16, 1989.

Hazel E. Elbert,

Deputy to the Assistant Secretary—Indian Affairs (Tribal Services).

[FR Doc. 89–27714 Filed 11–24–89; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[CA–010–00–4212–13, CA 25889]

Realty Action: Exchange of Public and Private Lands in El Dorado County, California

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The following described public land is being considered for acquisition by the United States via and exchange under the authority of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Note: Not all of the land identified below will be exchanged. Some may be deleted to eliminate possible conflicts that could arise during processing. The final selection of properties will be made to achieve comparable values between the offered and selected lands.

Selected Public Land

El Dorado County

T. 9N., R. 9E., MDM
Parcel—A (120ac.)
Sec. 22: E½NW¼, NE¼SW¼
Parcel B— (22.70 ac.)
Sec. 29: lot 7 (cancelled M.S. 1453)
Sec. 32: lot 3 (cancelled M.S. 1453)
Parcel C (160ac.)
T. 9N., R. 11E., MDM
Sec. 12: W½NW¼, N½SW¼

In exchange for Federal land listed above, the United States proposes to acquire one or more of the following properties through the American River Land Trust, 8913 Highway 49, Coloma, Ca. 95613.

Offered Private Land

El Dorado County

T. 11 N., R. 9E., MDM
Sec. 21: that portion of the W½ lying west of the centerline of the South fork of the American River.
Sec. 28: that portion of the N½NW¼ lying west of the centerline of the S.F. of the American River.
Sec. 29: that portion of the SE¼, and the S½SW¼ lying southeast of the

centerline of the S.F. of the American River.
T. 11 N., R. 10 E., MDM
Sec 27: E½, E½W½, NW¼NW¼

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire non-Federal land located on the South Fork of the American River that is valuable for public recreation.

The Federal lands which are also located in El Dorado County would be transferred subject to a reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1980 (43 U.S.C. 945). Parcel B (former M.S. 1453) may include an additional reservation whereby the patent would issue subject to the valid existing rights of the following mining claims: CA MC 188658, CA MC 188659.

All necessary clearances including clearances for archaelology, rare plants and animals would be completed prior to any conveyance of title by the U.S.

The slected Federal land described above is hereby segregated from settlement, location and entry under the public land laws and from the mining laws for a period of two years from the date of publication of this notice in the Federal Register.

FOR ADDITIONAL INFORMATION: Contact Mike Kelley, (916) 985–4474 or at the address below.

ADDRESS: For a period of 45 days from publication of this notice in the Federal Register, interested parties may submit comments to the District Manager c/o Area Manager, Folsom Resource Area, 63 Natoma St., Folsom, Ca. 95630.

Dated: November 16, 1989.

D.K. Swickard,

Area Manager.

[FR Doc. 89–27715 Filed 11–24–89; 8:45 am]

BILLING CODE 4310–40–M

[OR 45444; OR–120–00–4212–13: GPO–060]

Exchange of Public Lands in Coos County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following described public land, located on the North Spit of Coos Bay, Oregon is being considered for transfer out of Federal ownership by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Willamette Meidian, Oregon

T. 25 S., R. 13 W.
Sec. 18: Lot 7, E½NE¼NW¼, E½SW¼ NE¼NW¼, SE¼NW¼
Sec. 7: Lot 6, SE¼SE¼SW¼, portion Lot 5 lying northwest of Trans Pacific Parkway and southeast of existing effluent lagoon, portion Lot 7 and SE¼NE¼ lying south and east of effluent lagoon, portion lot 8 lying west of Trans Pacific Parkway

In exchange for all or a portion of these lands, the United States could acquire all or a portion of the following described lands from the exchange proponent:

Willamette Meridian, Oregon

T. 25 S., R. 13 W.
Sec. 18: Lot 4, NE¼SW¼, portion of accreted land adjacent to Lot 3
Sec. 19: Lot 4, portion of accreted land adjacent to Lot 4
T. 25 S., R. 14 W.
Sec. 24: Lot 4
Sec. 25: Lot 1
T. 29 S., R. 15 W.
Sec. 35: Lots 1, 2, SE¼SW¼

The exchange proponent, the Oregon International Port of Coos Bay, has submitted a written proposal concerning the land noted above indicating a public need for the federal lands for industrial expansion and development. The siting of a pulp mill is the intended use to be made of the federal lands. The private lands being considered could add important scenic quality, recreation and wildlife habitat values to adjoining Federal lands.

The final determination on disposal will await the completion of an appraisal, environmental analysis and other investigations and reports which will analyze potential impacts associated with the disposal of the federal lands and determine whether the exchange is in compliance with regulations, statutory laws, executive orders, and that the public interest will be well served by making this exchange.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws, including the mining laws, subject to valid existing rights, but not the mineral leasing laws or from exchange pursuant to the Federal Land Policy and Management Act of 1976.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the Federal Register of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

DATE: For a period of at least 60 days from the date of publication of this Notice in the Federal Register, interested parties may submit comments to the Coos Bay District Manager at the address shown below. No particular form of comment is required. An "Open House" presentation of the proposal will be held at the Coos Bay District Office (address shown below) on Tuesday, December 5, 1989 at 2:00 p.m. and 7:00 p.m., all interested persons are encouraged to attend.

ADDRESS: Detailed information concerning this proposed exchange is available from the Coos Bay District Office, BLM, 1300 Airport Lane, North Bend, Oregon 97459.

FOR FURTHER INFORMATION CONTACT: Richard Popp or Thom Green, Coos Bay District Office, at (503) 756–0100.

Dated: November 14, 1989.

Cary A. Osterhaus,

Acting District Manager.

[FR Doc. 89–27716 Filed 11–24–89 8:45 am]

BILLING CODE 4310–33–M

[ID–942–09–4730–12]

Idaho: Filing of Plats of Survey

The plats of survey of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10:00 a.m., November 16, 1989.

The plat representing the dependent resurvey of portions of the east boundary, subdivisional lines, Mineral Survey No. 6 and Mineral Survey No. 11, and the subdivision of certain sections, T. 3 N., R. 17 E., Boise Meridian, Idaho, Group No. 673, was accepted November 2, 1989.

The plat representing the dependent resurvey of portions of the east boundary and subivisional lines, and subdivision of section 24, T. 9 S., R. 11 E., Boise Meridian, Idaho, Group No. 690, was accepted November 7, 1989.

The plat representing the dependent resurvey of a portion of the subdivisional lines and subdivision of sections 18, 19, and 30, T. 9 S., R. 12 E., Boise Meridian, Idaho, Group No. 691, was accepted November 7, 1989.

These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: November 16, 1989.

Gary T. Oviatt,

Acting Chief, Cadastral Surveyor for Idaho.

[FR Doc. 89–27717 Filed 11–24–89; 8:45 am]

BILLING CODE 4310–66–M

DEPARTMENT OF INTERIOR

[WY-930-90-4332-09]

Availability of Mineral Survey Reports

AGENCY: Bureau of Land Management, Interior, Wyoming.

ACTION: Notice of availability of seven mineral survey reports produced by the U.S. Geological Survey and Bureau of Mines on nine Bureau of Land Management Wilderness Study Areas (WSA's) in Wyoming. Announcement of a sixty-day comment period to obtain previously unknown mineral information on the areas.

SUMMARY: The Federal Land Policy and Management Act (Pub. L. 94-579) requires the U.S. Geological Survey and the U.S. Bureau of Mines to conduct mineral surveys on certain BLM WSA's to determine the mineral values, if any, that may be present. The reports are for the Medicine Lodge, Alkali Creek, and Trapper Creek WSA's in Big Horn County; the Bobcat Draw Badlands WSA in Big Horn and Washakie Counties; the Encampment River Canyon, Prospect Mountain WSA's in Carbon County; the Sweetwater Canyon WSA in Fremont County; the Honeycomb Buttes WSA in Fremont and Sweetwater Counties; and the Owl Creek WSA in Hot Springs County, Wyoming. This notice gives the public an opportunity to obtain the reports and to review and offer previously unknown mineral information on these nine WSA's.

DATES: The public review of the seven mineral survey reports named in this Notice shall begin on November 27, 1989, and continue for sixty days (January 25, 1990).

ADDRESSES: All data and written comments should be directed to the State Director (WY-910), Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003. Copies of these reports must be purchased from: Books and Open-File Reports Section, U.S. Geological Survey, Federal Center, Box 25425, Denver, Colorado 80255.

FOR FURTHER INFORMATION CONTACT: Wayne Erickson, Wilderness Coordinator, (307) 772-2073, Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

SUPPLEMENTAL INFORMATION: The seven mineral reports are available for review or purchase from the Geological Survey. When ordering, the bulletin number and name should be used. The price listed is that charged by the Books and Open-File Reports Section, U.S. Geological Survey, (303) 276-7476, and includes third or fourth class mailing. First class or foreign mailings require an addition of ten percent.

Medicine Lodge, Alkali Creek, Trapper Creek WSA's
(U.S.G.S. 1756-A) $3.25; Big Horn County
Bobcat Draw Badlands WSA
(U.S.G.S. 1756-E) $3.25; Big Horn & Washakie Counties
Encampment River Canyon WSA
(U.S.G.S. 1757-F) $1.25; Carbon County
Prospect Mountain WSA
(U.S.G.S. 1757-E) $1.25; Carbon County
Sweetwater Canyon WSA
(U.S.G.S. 1757-D) $3.50; Fremont County
Honeycomb Buttes WSA
(U.S.G.S. 1757-B) $1.75; Fremont & Sweetwater Counties
Owl Creek WSA
(U.S.G.S. 1756-D) $1.50; Hot Springs County

The reports are also available for review in the offices of the BLM in Cheyenne, Rawlins, Rock Springs, and Worland, Wyoming. County libraries in Laramie County (Cheyenne), Big Horn County (Basin), Washakie County (Worland), Hot Springs County (Thermopolis), Sweetwater County (Green River), Fremont County (Lander) and Carbon County (Rawlins). Any new public comment information/data will be screened by the BLM. The Wyoming State Director may ask the Geological Survey or the Bureau of Mines to determine if the information contains significant new data or an interpretation that was not available at the time the mineral survey report was prepared. The Geological Survey or the Bureau of Mines would determine if additional field investigations should be undertaken. Recommendations for the designation of an area as wilderness will be made to the Secretary of Interior by the BLM. The Secretary shall, in turn, make recommendations to the President, who will advise Congress. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

Dated: November 15, 1989.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 89-27594 Filed 11-24-89; 8:45 am]

BILLING CODE 4310-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Environmental Assessment (EA); Bear River Migratory Bird Refuge, UT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (Service) intends to gather information necessary for preparation of a development and management plan and related environmental assessment (EA) for the Bear River Migratory Bird Refuge near Brigham City, Box Elder County, Utah. The development and management plan and related EA will address long-term wildlife management objectives, public use, new structural developments, water management, and additional land acquisition. The EA will evaluate alternatives and disclose environmental impacts of the plan. This notice is prepared as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EA. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received by December 27, 1989. Notices will be provided in local news media for any scheduled public meetings.

ADDRESS: Written comments should be addressed to: Galen Buterbaugh, Regional Director, Region 6, U.S. Fish and Wildlife Service (RW), P.O. Box 25486, DFC, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Al Trout, Refuge Manager, Bear River Migratory Bird Refuge, 862 South Main, Suite 9, Brigham City, Utah 84302. Telephone: (801) 723-5887.

SUPPLEMENTARY INFORMATION: The Service and Department of the Interior, propose to prepare a development and management plan and associated EA for the Bear River Migratory Bird Refuge near Brigham City, Utah. The plan will establish wildlife and wetland management objectives, wetland preservation and public use objectives, identify needs for structural developments, water management development, educational, public use development, and wetland habitat acquisition. The EA will evaluate the alternatives and disclose environmental impacts of the plan. The Service has identified the concept of a $23 million restoration, development, and land acquisition plan. About 38,000 acres are being considered for addition to the refuge. Fee and easement acquisition will be considered.

The Service is initiating this action subsequent to major flood damage caused by the rise of the Great Salt Lake. Many structural developments at the refuge were severely damaged or destroyed by the flood. Wetlands of

international significance to millions of shorebirds, waterfowl, and marsh birds are beginning to recover from the flood. The Service is now reevaluating the purposes of the existing refuge and the value of wetlands adjacent to the refuge to establish a long-term plan for development, management, and protection of lands at the Bear River delta.

The primary identified alternatives are:

(1) *No Action:* The Service would manage the existing refuge for migratory birds and restore only existing management structures. No land acquisition would occur.

(2) *Abandonment:* The Service would abandon the refuge. This may include management by other entities.

(3) *Enhanced Management for Migratory Birds:* This alternative would focus on the continued management emphasis for migratory waterfowl, shorebirds, and marsh birds with only limited management objectives for public uses and wetland ecosystem values. New development will focus on development within existing refuge. No land acquisition would occur.

(4) *Enhanced Management for Migratory, Birds, Wetland Ecosystem and Public Use Values:* This alternative would broaden management objectives beyond migratory birds where possible. Public uses such as wildlife observation, education, interpretation, and hunting would be more common and receive management emphasis along with migratory birds. This alternative includes land acquisition for multiple resource values. Acquisition could include fee and easement.

The concept of acquiring additional land near Bear River Refuge was identified in the 1970's by the Utah Division of Wildlife Resources and the Service. The Service considered an attempt to acquire one ownership in the 1970's but was not successful. Management emphasis of the existing refuge and adjacent land has not been methodically evaluated since the Refuge establishment in 1928.

Major impacts of the development, management, and acquisition alternatives could be:

- Increased protection of wetland and wildlife resources.
- Increased access and use by people.
- Loss of waterfowl and migratory bird habitat to public uses and developments.
- Increased disturbance of waterfowl and migratory birds from increased public uses.
- Competition with agriculture and municipal interest for water.
- Increased economic stimulus to local economy with public uses and development.
- More protection of wetland ecosystem values.
- Loss of agriculture production with land acquisition.

The environmental review of this project will be conducted in accordance with the requirements of the NEPA, as amended (42 U.S.C. 4371 *et seq.*), NEPA regulations (40 CFR 1500–1508), and other appropriate Federal regulations, and Service procedures for compliance with those regulations.

We expect the draft plan and EA to be available to the public by April 1990.

Dated: November 13, 1989.

Galen Buterbaugh,

Regional Director.

[FR Doc. 89–27617 Filed 11–24–89; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

November 20, 1989.

The Office of Management and Budget (OMB) has been sent the following proposals for the collection of information for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information: (1) The title of the form/collection; (2) the agency form number, if any, and the applicable component of the Department sponsoring the collection; (3) how often the form must be filled out or the information is collected; (4) who will be asked or required to respond, as well as a brief abstract; (5) an estimate of the total number of respondents and the amount of time estimated for an average respondent to respond; (6) an estimate of the total public burden (in hours) associated with the collection; and, (7) an indication as to whether section 3504(h) of Public Law 96–511 applies. Comments and/or suggestions regarding the item(s) contained in this notice, especially those regarding the estimated response time, should be directed to the OMB reviewer, Mr. Edward H. Clarke, on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Larry E. Miesse, on (202) 633–4312. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Larry E. Miesse, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) Guam Visa Waiver Agreement.

(2) I–760. Inspections Division, Immigration and Naturalization Service.
(3) On occasion.
(4) Businesses or other for-profit, non-profit institutions, small businesses or organizations. Public Law 99–396 provides for certain aliens to be exempt from the nonimmigrant visa requirement if seeking entry into and stay on Guam as a visitor under certain conditions. This form is the agreement between the carrier of the alien and the United States. Application by the alien is made on another form, the I–736.
(5) 5 respondents at one hour per response.
(6) 5 estimated annual burden hours.
(7) Not applicable under 3504(h).

(1) Application for Temporary Replacement Card.

(2) I–695. Immigration and Naturalization Service.
(3) On occasion.
(4) Individuals or households. The Immigration Reform and Control Act of 1986, Public Law 99–603, provides for the procedures to be used for the application for replacement of form I–688, Temporary Resident Card.
(5) 195,000 estimated annual respondents at .166 hours per response.
(6) 32,370 estimated annual public burden hours.
(7) Not applicable under 3504(h).,

(1) Notice of Appeal.

(2) I–694. Immigration and Naturalization Service.
(3) On occasion.
(4) Individuals or households. This form is used in considering appeals of denials of temporary and permanent residence status by legislation applicants and special agricultural workers.
(5) 13,000 estimated annual rsponses at .5 hours per response.

(6) 6,500 estimated annual public burden hours.

(7) Not applicable under 3504(h).

Larry E. Miesse,

Department Clearance Officer, Department of Justice.

[FR Doc. 89-27718 Filed 11-24-89; 8:45 am]

BILLING CODE 4410-10-M

Joint Newspaper Operating Agreement

Notice is hereby given that the Attorney General has granted a further extension of the date for submitting written comments and requests for a hearing concerning the application by the Las Vegas Sun and the Las Vegas Review-Journal for approval of a joint operating arrangement (JOA) under the Newspaper Preservation Act, 15 U.S.C. 1801, *et seq.*

The original notice that the two newspapers had filed an application appeared in 54 FR 33984 on August 17, 1989. The deadline for public comments and/or requests for a hearing, as well as for submission by the Antitrust Division of a report responding to the JOA, is normally 30 days from that date. However, in an order signed on October 25, 1989, the Attorney General extended the public comment period and the time for submission of the Antitrust Division's report to November 20, 1989.

On November 17, 1989, the Attorney General granted an additional extension of the reporting and public comment deadline, until December 4, 1989. Interested persons may now file their comments or requests for a hearing by mailing or delivering five (5) copies to the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, Washington, DC 20530, by that date.

Any replies to comments or hearing requests filed in accordance with the December 4, 1989 deadline must be made within 30 days after the filing of such comment or request, or by January 3, 1990.

FOR INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division, 202-633-3452.

Dated: November 20, 1989.

Harry J. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 89-27662 Filed 11-24-89; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-23,574]

Elco Dress Co., Inc., Holyoke, MA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 6, 1989 in response to a worker petition which was filed on November 6, 1989 by the International Ladies' Garment Workers Union on behalf of workers at Elco Dress Company, Incorporated, Holyoke, Massachusetts.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued [TA-W-23,468]. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 17th day of November 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-27702 Filed 11-24-89; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

[TA-W-23,557]

North American Textile, Inc., Covington, VA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on October 30, 1989 in response to a worker petition which was received on October 30, 1989 on behalf of workers at North American Textile, Inc., Covington, Virginia. The workers produced window valances.

The investigation revealed that North American Textile, Inc., Covington, Virginia was in operation from June 26, 1989 through August 18, 1989. Since North American Textile, Inc. was in business less than two months, employees of the firm would not able to qualify for benefits under the Trade Act of 1974. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 17th day of November 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 89-27703 Filed 11-24-89; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Job Training Partnership Act: Announcement of Proposed Noncompetitive Grant Awards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award a noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award a grant on a noncompetitive basis to the Manpower Demonstration Research Corporation (MDRC) for the provision of specialized services under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that this grant agreement will be executed by December 15, 1989, and will be funded for two years. Submit comments by 4:45 p.m. (Eastern Time), on December 12, 1989.

ADDRESS: Submit comments regarding the proposed assistance award to: U.S. Department of Labor, Employment and Training Administration, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Charlotte Adams; Reference FR-DAA-101.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to the Manpower Demonstration Research Corporation. The proposed grantee's follow-up analysis was extended from two years to four years. This extension will make it possible to have a meaningful evaluation of the effect of skills trainings and basic education which appears over a long period of time; will provide for valuable data for cost/benefit analysis; and will provide timely information on the likely outcome of the proposed changes in the JTPA programs. Funds for this activity are authorized by the Job Training Partnership Act (JTPA), as amended, Title IV-Federally Administered Programs. The proposed funding is approximately $250,000 and the project will be completed in two years.

Signed at Washington, DC, on November 17, 1989.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 89-27700 Filed 11-24-89; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act: Announcement of Proposed Noncompetitive Grant Awards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award a noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award a grant on a noncompetitive basis to the National Governor's Association for the provision of specialized services under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that this grant agreement will be executed by December 20, 1989, and will be funded for two years. Submit comments by 4:45 p.m. (Eastern Time), on December 12, 1989.

ADDRESS: Submit comments regarding the proposed assistance award to: U.S. Department of Labor, Employment and Training Administration, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Gwendolyn Simms; Reference FR-DAA-101.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to the National Governor's Association. This project is comprised of two distinct parts with two separate purposes:

(1) *Coordination/Linkages*—grantee will provide technical assistance to States/substate service providers on successful efforts to coordinate/link public and private sector programs serving dislocated workers; and (2) *Financial Resource Management*—grantee will provide technical assistance and training to program administrators and operators on programmatic aspects of financial resources management for programs under the Economic Dislocation and Worker Adjustment Assistance (EDWAA) provision of the Job Training Partnership Act (JTPA). Funding for this activity is authorized by the Job Training Partnership Act (JTPA), as amended, Title IV—Federally Administered Programs. The proposed funding is approximately $475,000 for a period of twelve (12) months.

Signed at Washington, DC on November 17, 1989.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 89-27701 Filed 11-24-89; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Shipyard Employment Standards Advisory Committee

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Shipyard Employment Standards Advisory Committee, established under the provisions of the Federal Advisory Committee Act (FACA) as amended (5 U.S.C. App. I), will convene on January 10, 1990, at 8:30 A.M. at the Holiday Inn Hotel, (Ballston) Route I-66 & Glebe Road, 4610 North Fairfax Drive, Arlington, VA 22203. This meeting is open to the public. The meeting will adjourn on January 11, 1990, at approximately 4:00 P.M. This meeting was originally scheduled for October 11 and 12, 1989, but was rescheduled to allow members more time to review the available materials. The agenda is as follows:

I. Call to order.
II. Review transcript of June 6-7, 1989 meeting.
III. Old Business. Discussion of the following standards:
  (a) Confined Space Entry on Vessels and in the Shipyard.
  (b) Lockout/Tagout Aboard Vessels and in the Shipyard including 29 CFR part 1915, subpart J, Ship's Machinery and Piping System.
  (c) 29 CFR part 1915, subpart F, General Working Conditions.
  (d) Working committee report to full committee on suggested revision to 29 CFR part 1915, subpart G, Material Handling, adding §§ 1910.179, 1910.180, and ANSI standards.
  (e) 29 CFR part 1915, Electrical Standards Revisions.
IV. New Business. Discussion of the following standards, as time permits.
  (a) 29 CFR part 1915, subpart P, Fire Protection.
  (b) 29 CFR part 1915, subpart Q, Hazardous Materials, covering §§ 1915.211 to 1915.221.
  (c) 29 CFR part 1915, subpart R, Commercial Diving, covering §§ 1915.231 to 1915.244.
  (d) 29 CFR part 1915, subpart T, Special Industries, covering §§ 1915.261 to 1915.263.
  (e) 29 CFR part 1915, subpart Z, Toxic and Hazardous Substances, covering §§ 1915.1000 to 1915.1001.

The Committee will consider oral presentations relating to agenda items. Persons wishing to address the Committee should submit a written request to Mr. Thomas Hall (address below) by the close of business, December 29, 1989. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. (202) 523-8617.

Signed at Washington, DC this 20th day of November, 1989.

G.F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 89-27641 Filed 11-24-89; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On October 13, 1989, the National Science Foundation published a notice in the **Federal Register** of permit applications received. Permits were issued to the following individuals on November 17, 1989:

Jonathan Berg
Mark Kurz
Malcolm Browne
Michael Lemonick
John Fanshawe
David Baron
Alan Hall

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 89-27618 Filed 11-24-89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Information, Robotics, and Intelligent Systems Advisory Committee

In accordance with the Federal Advisory Committee Act, Public Law 92–463 as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Information, Robotics, and Intelligent Systems

Date and Time: December 4–5, 1989, 8:30 to 5:30 daily

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of Meeting: All Open

Contact Person: Dr. Y.T. Chien, Division Director, Division of Information, Robotics, and Intelligent Systems, Room 310, National Science Foundation, 1800 G Sreet, NW., Washington, DC 20550. Telephone: (202) 357–9572. Anyone planning to attend this meeting should notify Dr. Chien no later than November 29, 1989.

Minutes: May be obtained from contact person listed above.

Purpose of Committee: To provide advice and recommendations concerning support of research in Information, Robotics, and Intelligent Systems.

Agenda:

December 4—Overview of the Division and Programs; (1) Discussion on International Cooperative Programs; (2) Discussion on Reserach trends/opportunities

December 5—Discussion on Strategic Issues and Divisional Initiatives: (1) Committee Business

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–27619 Filed 11–24–89; 8:45 am]

BILLING CODE 7555–01–M

Division of Microelectronic Information Processing Systems Advisory Committee; Meeting

The National Science Foundation announces the following meeting:

Name: Division of Microelectronic Information Processing Systems Advisory Committee

Date and Time: December 12, 1989, 8:30 a.m.—5:30 p.m. December 13, 1989, 8:30 a.m.—3:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Conference Room 543

Type of Meeting: Open

Contact Person: John R. Lehmann, Deputy Division Director, Microelectronic Information Processing Systems, National Science Foundation, 202/357–7853.

Minutes: May be obtained from contact person listed above.

Purpose of Committee: To discuss the content of the Division's program goals and objectives and to advise on areas and priorities, new initiatives and other topics of interest to the Division.

Agenda: Overview of the Division since the last meeting. Continuation of strategic planning for initiatives.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–27620 Filed 11–24–89; 8:45 am]

BILLING CODE 7555–01–M

Science and Technology Research Centers Advisory Committee; Meeting

The National Science Foundation announces the following meeting:

Name: Science and Technology Research Centers Panel of the Advisory Committee for Science & Technology Centers.

Date and Time: December 14–15, 1989, 8:30 a.m. to 5:00 p.m.

Place: Rooms 642, 643, 1242, 1243, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: William C. Harris, Director, Office of Science & Technology Centers Development (202) 357–9808, Room 533, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from Contact Person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for Science and Technology Research Centers.

Agenda: Review and evaluation of Science & Technology Research Centers Proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b[c], Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–27621 Filed 11–24–89; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG—0090, Vol. 12, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and by-product material are abnormal occurrences.

The report to Congress is for the second calendar quarter of 1989. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described.

For this reporting period, there was one abnormal occurrence at nuclear power plants licensed to operate, involving significant deficiencies in management controls at Surry Nuclear Power Station. There was one abnormal occurrence under other NRC—issued licenses; the event involved a medical therapy misadministration. One other abnormal occurrence, involving industrial radiography overexposures, was reported by an Agreement State (Texas).

The report also contains information updating some previously reported abnormal occurrences.

A copy of the report is available for public inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555, or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of NUREG–0090, Vol. 12, No. 2 (or any of the previous reports in this series), may be purchased form the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082. A year's subscription to the NUREG–0090 series publication, which consists of four issues, is also available.

Copies of the report may also be purchased form the National Technical Information Service, Springfield, VA 22161.

Dated at Rockville, MD this 17th day of November 1989.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 89–27612 Filed 11–24–89; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Nuclear Waste Nuclear Regulatory Commission; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 15th meeting on Wednesday, December 20, 1989, Room P–110, 7920 Norfolk Avenue,

Bethesda, MD, 8:30 a.m.—5:00 p.m. This meeting will be open to public attendance.

The purpose of the meeting will be to review and discuss the NRC staff's reevaluation of the U.S. Environmental Protection Agency's high-level waste disposal standards development, prepare a report to the Nuclear Regulatory Commission on ACNW Activities for the upcoming four months, and the Committee will discuss anticipated and proposed Committee activities, future meeting agenda, and organizational matters, as appropriate.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. The Office of the ACRS is providing Staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACRS as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACRS, Mr. Raymond F. Fraley (telephone 301/492–4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Dated: November 17, 1989.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 89–77613 Filed 11–24–89; 8:45 am]

BILLING CODE 7590–01–Mo

[Docket No. 50–309]

Maine Yankee Atomic Power Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 114 to Facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. The amendment was effective as of the date of issuance.

The amendment revised the Technical Specifications to provide up-to-date pressure/temperature limits for the operation of the reactor coolant system during heatup, cooldown, criticality and hydrotest.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which is set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on January 23, 1989 (54 FR 3167). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact (54 FR 47277) related to the action and has concluded that an environmental impact statement is not warranted and that the issuance of this amendment will not have a significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated December 2, 1988 (2) Amendment No. 114 to License No. DPR–36 and (3) the Commission's related Safety Evaluation and Environmental Assessement.

All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland, this 17th day of November, 1989.

For the Nuclear Regulatory Commission.

Eric J. Leeds,

Project Manager, Project Directorate I–3, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–27695 Filed 11–24–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request for Public Service Electric and Gas Company (the licensee) to withdraw a portion of its March 23, 1989 application for proposed amendments to Facility Operating License Nos. DPR–70 and DPR–75 for the Salem Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The Amendment requested approval of deletion of the table in the Unit 2 Technical Specifications that listed containment penetration overcurrent protection devices. Requirements were to be added to the Unit 1 and Unit 2 Technical Specifications for testing and control of these devices, including fuses. By letters dated August 25, 1989 and September 22, 1989, the licensee requested withdrawal of that portion of the March 23, 1989 application associated with fuses.

The Commission issued a Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing which was published in the **Federal Register** on May 31, 1989 (54 FR 23323).

For further details with respect to this action, see the application for amendment dated March 23, 1989, supplemental letter dated April 14, 1989, and the licensee's letters dated August 25, 1989 and September 22, 1989 that withdrew the portion applicable to fuses. The above documents are available for inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 16th day of November 1989.

For The Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89–27696 Filed 11–24–89; 8:45 am]

BILLING CODE 7590–01–M

Office of Management and Budget

Availability of Summary of Comments on Second Advance Notice of Further Policy Development on Dissemination of Information

AGENCY: Office of Management and Budget.

ACTION: Solicitation of public comment.

SUMMARY: On June 15, 1989, the Office of Management and Budget (OMB) published a notice soliciting further public comment regarding proposed changes to OMB Circular No. A–130, Management of Federal Information Resources, and the development of policy concerning the dissemination of information by executive branch agencies. This notice announces that members of the public may obtain a copy of OMB's summary of comments on the notice of June 15, 1989, from the address below.

For Copies of the Summary Contact: Information Policy Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 New Executive Office Building, Washington, DC 20503. Telephone: (202) 395–4814.

James M. MacRae, Jr.,

Acting Administrator and Deputy Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 89–27719 Filed 11–24–89; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–27449; File No. SR–GSCC–89–12]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Amending Rule 7

November 17, 1989.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 22, 1989, Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would modify GSCC's Rules and Procedures as per Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

(1) To date, GSCC has not made eligible for netting any Treasury Bills ("Bills"), largely because the volume of regular way trading in Bills is relatively small. While it plans to do so in the near future, GSCC proposes, in order to be able to provide a more effective netting operation for members, to change the comparison operation to facilitate the netting of forward-settling trades (such as when-issued trades) in Bills.

Currently, data on forward-settling trades do not pend in the system past the processing cycle during which the data are compared. Thus, forward-settling trades that are compared prior to the processing cycle before settlement day for the underlying transactions do not go into the net, and must be settled outside GSCC's Netting System.

Under the proposal, data on forward-settling Bill trades would not be dropped from the system upon comparison but, rather, would pend in the system until the processing cycle before the settlement date for the underlying securities, when such data would go into the net.

No changes to the netting operation are proposed. Novation of obligations would continue to occur only during the night before the settlement date. However, GSCC recognizes that netting forward-settling trades potentially poses multi-day market exposure to GSCC at the time of settlement because GSCC does not margin such trades during the period in which they are pending in the Comparison System. This concern would be addressed by GSCC in several ways.

First, the only securities subject to the proposed enhanced comparison feature are Treasury Bills, which have relatively limited price volatility. These securities (as well as all other securities that are eligible for netting) currently are margined on a "gross" position basis, without consideration of off-setting positions.

Also, GSCC would monitor the daily price movement of each Bill that is eligible for the net. If the price movement of a particular security breaks certain parameters, which would be set in consultation with the Membershp and Standards Committee with the help of historical price volatility data, GSCC could call for additional margin from members.

Moreover, GSCC would monitor, on a daily basis, member positions in forward-settling Bills; should a particular member's net settlement positions in forward-settling Bills reach a level that is of concern to GSCC, it would have the ability to request additional margin frm the member and/or make such member's trades in those securities ineligible for the net.

Furthermore, should a member become insolvent during the comparison period, that member's trades in forward-settling Bills could be made ineligible for the net.

Implementation of this proposal will provide GSCC members with the usual risk reduction and cost savings benefits enjoyed by them when additional securities are made eligible for netting. In addition, various other benefits will be realized. First, the prospect of having their forward-settling Bill trades netted will provide incentive for members to submit more Bill trades for comparison, thus increasing the comparison rate for such securities. Also, this would provide GSCC with experience and data that will be helpful in devising a sound approach to the netting of forward-settling Notes and Bonds. Moreover, in general, greater terminal usage by members would be encouraged.

(b) The proposed rule change will promote the prompt and accurate clearance of securities transactions for which GSCC is responsible and is, therefore, consistent with the requirements of the 1934 Act, as amended, and the rules and regulations thereunder applicable to self-regulatory organizations.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule will have an impact on, or impse a burden on, competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change have not been solicited or received. Members will be notified on the rule filing, and comments will be solicited, by an Important Notice. GSCC will notfy the Securities and Exchange Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons at invited to submit written data, views and agruments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File No. SR-GSCC-89-12 and should be submitted by December 18, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Exhibit A

Additional language is italicized. Deleted language is in [brackets].

Rule 7—Comparison System

Section 1—General

A Member *of the Comparison System* may submit to the Corporation for comparison trade data on any transaction calling for delivery of [Cleared] *Eligible* Securities between it and another [person] *Member of the Comparison System.* The Corporation will, in accordance with this Rule and the Procedures, handle the comparison of transactions reflected in trade data so submitted to it.

Section 2—Responsibilities of Members

Trade data submitted to the Corporation by a Member pursuant to Section 1 of this Rule shall be submitted in the form and manner, and in accordance with the time schedules, prescribed by, or pursuant to, this Rule or the Procedures.

The name of a Member printed, stamped or written on any form, document or other item issued by him pursuant to this Rule or the Procedures shall be deemed to have been adopted by him as his signature and shall be valid and binding upon him in all respects as though he had manually affixed his signature to such form, document or other item.

Each Member shall promptly check each document he receives from the Corporation pursuant to this Rule or the Procedures.

Any trade data submitted to the Corporation by a Member pursuant to Section 1 of this Rule which is not compared by the Corporation, or any such item compared by the Corporation which is subsequently deleted and not later compared, shall be adjusted directly between the parties.

Section 3—Binding Nature of Comparisons

Comparisons generated by the Corporation shall constitute the sole comparison for all trades in [Cleared] *Eligible* Securities for which Members have submitted data and which the Corporation has identified as compared trades. Each comparison generated by the Corporation as to any such correctly compared trade shall evidence a valid, binding and enforceable contract between the Members in respect of such trade. Any confirmations, comparison or other documentary evidence of any such trade, other than the comparison generated by the Corporation, shall not affect the existence or terms and conditions of such a valid, binding and enforceable contract between the Members in respect to such trade.

Section 4—Deletion of Trade Data

(a) Trade data submitted to the Corporation by a Member will pend in the Comparison System until the data is either compared or deleted, *except that data on forward-settling Treasury Bill trades will pend in the Comparison System until the processing cycle before the settlement day for the underlying securities.*

(b) Trade data submitted to the Corporation by a Member on transactions other than when-issued transactions that are not compared will be deleted from the Comparison System by the end of the processing cycle before the settlement day for the underlying securities.

(c) Trade data submitted to the Corporation by a Member on when-issued transactions entered into prior to auction date that are not compared will be deleted from the Comparison System by the end of the processing cycle before the auction date for the underlying securities. If the data have been compared, such data must be resubmitted by the Member parties to the transaction after the auction for comparison of final price and settlement money information. Resubmitted data, and data on when-issued transactions either not previously compared or not previously submitted, that is submitted on or after the auction date will be deleted from the Comparison System if not compared by the settlement date for the underlying securities.

Section 5—Maximum Period for the Pending of Data

Notwithstanding the above, the Corporation may establish in its Rules or Procedures alternative maximum time periods for the pending of trade data prior to deletion.

Section 6—Comparison of As-Of Transactions

Trade data on transactions that have been settled may be submitted for comparison. Such data will pend in the Comparison System until compared or deleted.

Section 7—Deletion of Data by One Party

A Member that has submitted to the Corporation trade data that has not been compared may have such data

deleted from the Comparison System upon providing appropriate instruction to the Corporation. Trade data that has been compared may be deleted upon receipt by the Corporation of appropriate instructions from both parties to the underlying transaction. Any trade data that is deleted from the Comparison System may be resubmitted at the later date.

Section 8—Reports to Reflect Deletions

Reports made available by the Corporation to Members delineating trade data that has been submitted for comparison shall also reflect any deletions of such data.

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B. Regular Way (Next-Day Settlement) and Forward Settling Transactions

* * * * *

2. *Resolution of Uncompared Trades*

(a) Pending compare data (see subparagraph 1(c) above) indicate trade data as submitted by the contra party. A Member will need to enter all data elements with respect to the trade to obtain a comparison against a pending compared trade.

(b) Members may delete uncompared trade data; Members also may correct uncompared trades by correcting trade input to resolve conflicts with data entered by contra parties.

(c) Compared trades cannot be modified by a Member if the modification would cause the trade to become uncompared. Compared trades can be canceled only by the mutual consent of both parties to the trade.

(d) All uncompared trade data automatically will be deleted at the earliest of the following: (i) the processing cycle during which the data are compared; (ii) the processing cycle before settlement day for the underlying securities; or (iii) the processing cycle during which the data reach the System maximum pend time as set by the Corporation.

C. When-Issued Transactions

Trade data for when-issued trades executed on a yield basis is submitted at the same time and in the same manner as specified in paragraph 1 of subsection B. The comparison operation is conducted in the same manner as comparison of regular-way transactions. Subsequent to the auction, Members resubmit the transaction for comparison on a price basis. This subsequent comparison also is conducted in the same manner as comparison of regular-way transactions. Trade data on when-issued transactions submitted on or before the auction date will be deleted by the earlier of the processing cycle during which the data are compared or the processing cycle after the auction date. Trade data on when-issued transactions submitted after the auction date will be deleted during the earlier of the processing cycle during which the data are compared or the processing cycle before the issue date for the underlying securities.

D. Forward-Settling Treasury Bill Transactions

Data on forward-settling Treasury Bill trades will pend in the Comparison System until the processing cycle before the settlement day for the underlying securities, unless deleted as provided for in Rule 7 or in these Procedures other than because of the comparison of such data.

[D] E. As-Of Transactions

Trade data submitted on or after the trades' settlement date may be submitted in the same manner as specified in Paragraph 1 of subsection B. Such trade data will be deleted during the earliest of the following: (i) the processing cycle during which the data are compared; (ii) the processing cycle before the underlying securities reach their maturity date; or (iii) the processing cycle during which the data reach the System maximum pend time as set by the Corporation.

[FR Doc. 89-27722 Filed 11-24-89; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Advisory Committee on International Law; Partially Closed Meeting

A meeting of the Advisory Committee on International Law will take place at 10:00 a.m. on Friday, December 8, 1989, in Room 1406 of the Department of State, 2201 C Street, NW., Washington, DC. The morning session wil not be open to the public; the afternoon session (2:00 p.m. to 3:00 p.m.) will be open to the public up to the capacity of the meeting room.

The subject meeting will focus on policy and legal issues relating to the joint United States/Soviet initiative to expand the compulsory jurisdiction of the International Court of Justice and Iran's case against the United States for the downing of Iran Air 655. As the morning session will include examination and discussion of material classified in accordance with Executive Order 12356 the disclosure of which could adversely affect the foreign policy interests of the United States, it has been closed pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9)(B).

Entry to the building is controlled and will be facilitated by advance arrangements. Members of the public desiring to attend the afternoon session should, prior to December 7, notify the Office of the Assistant Legal Adviser for United Nations Affairs (telephone (202) 647-6771) of their name, affiliation, address and telephone number in order to arrange admittance.

Dated: November 7, 1989.

Bruce C. Rashkow,

Executive Director.

[FR Doc. 89-27721 Filed 11-24-89; 8:45 am]
BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 89-11-43; Docket 44844]

Application of Brian Thompson Air Service For a Transfer of Certificate Authority to Koyukon Air, Inc. d/b/a Koyukon Airlines

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Koyukon fit and approving the transfer of the domestic section 401 certificate issued to Brian Thompson Air Service to Koyukon Air, Inc. d/b/a Koyukon Airlines, a newly formed corporation.

DATES: Persons wishing to file objections should do so no later than December 5, 1989.

ADDRESSES: Objections and answers to objections should be filed in Docket 44844 and addressed to the Documentary Services Division (C-55, Room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division (P-56, Room 6401), U.S. Department of Transportation, 400

Seventh Street, SW., Washington, DC 20590, (202) 366–2342.

Dated: November 20, 1989.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89–27681 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–62–M

Notice of Applicantions for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week ended November 17, 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: 46607

Date filed: November 16, 1989

Due Date for Answers, Conforming Applications, or Motion of Modify Scope: December 14, 1989

Description: Application of Aviation Asset Acquisition, Inc. pursuant to section 401 and 418, of the Act and subpart Q of the regulations requests that before December 1, 1989 it be granted and/or transferred all of the authority held by OLS (Primark Corporation) so that AAA can continue to provide all of the services previously held and operated by the predecessor company.

Docket Number: 46610

Date filed: November 17, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 15, 1989

Description: Application of Aerovias, S.A. pursuant to section 402 of the Act and subpart Q of the regulations requests amendment of its foreign air carrier permit to engage in foreign transportation of persons, property and mail between Guatemala City, on the one hand and Houston, Tx, on the other.

Docket Number: 46615

Date filed: November 17, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 15, 1989

Description: Joint Application of AMR Eagle, Inc., and Executive Air Charter, Inc. pursuant to section 401(h) of the Act and subpart Q of the Regulations, for approval of the transfer of Executive Air's certificate for Route 537 following acquisition of Executive Air Charter by AMR Eagle.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89–27680 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD 89–093]

Public Hearing; Proposed Widening of Newport Boulevard Bridge across Newport Bay, Mile 3.3, at Newport Beach, CA

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Eleventh Coast Guard District, at Newport Beach, California. The purpose of the hearing is to consider an application by the State of California and the city of Newport Beach to widen the Newport Boulevard Bridge across the Newport Bay, mile 3.3, at Newport Beach, California.

All interested persons may present data, views and comments, orally or in writing, concerning the impact of the proposed project on navigation and the human environment.

DATE: January 23, 1990, from 1 p.m. to 4 p.m. and from 7 p.m., until all speakers in attendance wishing to comment have provided comments.

ADDRESS: City of Newport Beach, Council Chambers, 3300 West Newport Boulevard, Newport Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry P. Olmes, Eleventh Coast Guard District (oan-br), building 10, room 214, Coast Guard Island, Alameda, California 94501–5100, telephone (415) 437–3514.

SUPPLEMENTARY INFORMATION: The purpose of the proposed project is to widen the bridge by 29 feet between 32nd Street and Pacific Coast Highway in the city of Newport Beach. The proposed widening will increase the width of the bridge from the existing 87 feet to 116 feet. Presently, the bridge provides 8.9 feet of vertical clearance above mean high water and 40.6 feet horizontal clearance between pier faces. These navigational clearances will not be changed by the proposed bridge widening. The Federal Highway Administration, as lead federal agency, has approved an Environmental Impact Statement (EIS) for this project on July 8, 1985, and a reevaluation of the EIS on June 29, 1989. Copies of the EIS and the reevaluation are available for review at the office of the Eleventh Coast Guard District, Building 10, room 214, Coast Guard Island, Alameda, California 94501–5100, from 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

The hearing will be informal. Representatives from the Coast Guard will preside at the hearing, make a brief opening statement and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify Mr. Jerry P. Olmes, at the above address by January 12, 1990. Such notification should include the appropriate time required to make the presentation. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated each person. Any limitation of time allocated will be announced at the beginning of the hearing. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing. Those wishing to make written comments only may submit those comments at the hearing, or to the Commander, Eleventh Coast Guard District, through February 9, 1990. A transcript of the hearing, will be available for public review at the office of the Eleventh Coast guard District approximately 30 days after the hearing date.

All comments, whether received in writing or presented orally at the public hearing, will be fully considered before final agency action is taken on the permit application

Authority: Sec. 502, 60 Stat. 847, as amended; 33 U.S.C. 525; 49 U.S.C. 1655(g)(c); 49 CFR 1.45(c).

Dated: November 20, 1989.

R. T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation, Safety and Waterway Services.

[FR Doc. 89–27656 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–14–M

Federal Railroad Administration

Petitions for Exemption or Waiver

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that four railroads have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with provisions of the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)).

The Hours of Service Act currently makes it unlawful for a railroad to require specified employees to remain on duty in excess of 12 hours. However, the Hours of Service Act contains a provision permitting a railroad which employs not more than 15 employees subject to the statute, to seek an exemption from the 12 hour limitation.

Connecticut Central Railroad (CCR)

FRA Waiver Petition Docket No. HS–89–9

The CCR seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The CCR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The CCR provides service over 32 miles of trackage between New Haven and Middleton, with branch lines extending the operation to Cromwell and Portland, all within the state of Connecticut.

The petitioner indicates that granting the exemption is in the public interest and will not adversely effect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Maryland and Delaware Railroad (M&D)

FRA Waiver Petition Docket No. HS–89–10

The M&D seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The M&D states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The M&D provides service over 119 miles of trackage on the Delmarva Peninsula, which is located on the eastern shore of the states of Delaware, Maryland and Virginia.

The petitioner indicates that granting the exemption is in the public interest and will not adversely effect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

AT&L Railroad Company (AT&L)

FRA Waiver Petition Docket No. HS–89–11

The AT&L seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The AT&L states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The AT&L provides switching service between Watonga and El Reno, Oklahoma, a distance of 39.7 miles.

The petitioner indicates that granting the exemption is in the public interest and will not adversely effect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

City of Prineville Railway (COP)

FRA Waiver Petition Docket No. HS–89–12

The COP seeks a continuation of a previously issued exemption so it may permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The COP states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The COP provides service over 25 miles of trackage from Prineville to Prineville Junction, Oregon, where it connects with both Burlington Northern and Union Pacific Railroads.

The petitioner indicates that granting the exemption is in the public interest and will not adversely effect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this waiver.

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled a public hearing since facts do not appear to so warrant. If any interested party desires a public hearing, he or she should notify FRA, in writting, before the end of the comment period and specify the basis for his or her request. Any communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number HS–89–12) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Communications received before January 12, 1990 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on November 16, 1989.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 89–27679 Filed 11–24–89; 8:45 am]

BILLING CODE 4910–06–M

Petition for Exemption or Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with a requirement of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST–84–21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before January 12, 1990 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

The Housatonic Rail Road Company (Waiver Petition Docket Number RSGM–89–7)

The Housatonic Rail Road Company (HRR) seeks a permanent waiver of compliance with the provisions of the Safety Glazing Standards (49 CFR part 223) for one locomotive. The petitioner states that the locomotive will operate approximately two days per week over 34.16 miles of track between Canaan and New Milford, Connecticut. HHR indicates that the area of operation is mostly wooded and includes four small towns. The petitioner states that vandalism in this location has not been a problem and therefore the application of certified glazing would not enhance either railroad or public safety.

New Jersey Transit Rail Operations (Waiver Petition Docket Number RSGM–89–9)

The New Jersey Transit Rail Operations (NJTRO) seeks a temporary waiver of compliance from the provisions of the Safety Glazing Standards (49 CFR part 223) for up to 81 Arrow III passenger cars. The petitioner states that all cars are equipped with FRA Type I glazing material in the end facing engineman's locations and with FRA type II material in the collision post and fireman's windows. The temporary waiver is requested through February 1990, to allow time to complete an ongoing glazing retrofit program.

Tennessee Southern Railroad (Waiver Petition Docket Number RSGM–89–10)

The Tennessee Southern Railroad (TSRR) seeks a permanent waiver of compliance from the provisions of the Safety Glazing Standards (49 CFR part 223) for six locomotives. The TSRR operates two lines, one between Columbia and Mount Pleasant, Tennessee, a distance of approximately 34 miles; and the other between Columbia, Tennessee and Florence, Alabama, a distance of approximately 80 miles. The areas of operation include the city limits of Columbia, Mount Pleasant, Pulaski and Lawrenceburg, Tennessee; several rural communities, through sparsely populated areas; and the city limits of Florence, Alabama. The maximum track speed is 20 miles per hour and the service schedule is weekly, Monday through Friday. The TSRR began operations in February 1989 and states that they operate with a brush free environment.

Parr Terminal Railroad (Waiver Petition Docket Number (RSGM–89–11)

The Parr Terminal Railroad seeks a permanent waiver of complicance with the provisions of the Safety Glazing Standards (49 CFR part 223) for one locomotive, PRT 1402. The locomotive, used primarily for switching service, operates over 1.9 miles of track in the confines of the Levin-Richmond Terminal Corporation, Richmond, California, with occasional switching to interchange tracks .25 mile outside property boundaries. The locomotive averages five yard movements per day and movements to interchange tracks approximately three times per week. Petitioner records indicate no accident/incident reports concerning vandalism.

The Quad-City Rocket, Inc. and the Iowa Interstate Railroad Ltd. (Waiver Petition Docket Number RSGM–89–12)

The Quad-City Rocket, Inc. and the Iowa Interstate Railroad Ltd. seek a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for five passenger cars. The passenger cars operate as part of an excursion dinner train over approximately 26 miles of the Iowa Interstate Railroad between Rock Island, Illinois and Wilton, Iowa.

The Denver Railway Car Company and the Galveston, Houston and Henderson Railroad Company (Waiver Petition Docket Number RSGM–89–13)

The Denver Railway Car Company and the Galveston, Houston and Henderson Railroad Company seek a temporary waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for one passenger car. The car will operate in excursion service over approximately 56 miles of track on the Harrisburg and Houston Railroad, located between Houston and Galveston, Texas. The temporary waiver is requested for a period of two years to allow time to complete the rebuilding of cars scheduled to be utilized in this excursion service.

Napa Valley Railroad Company (Waiver Petition Docket Number RSGM–89–15)

The Napa Valley Railroad Company seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for nine passenger cars and four locomotives. The equipment operates in the Napa Valley Wine Train over approximately 21.5 miles of track between Napa and St. Helena, California. The maximum authorized speed is 30 miles per hour. The petitioner indicates that since they began operations in 1986, there have been no reported accidents or broken glazing due to acts of vandalism. The carrier, therefore, feels that the application of certified glazing material would be an unnecessary financial burden.

Ogeechee Railway Company (Waiver Petition Docket Number RSGM–89–16)

The Ogeechee Railway Company seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for two locomotives. The petitioner, a newly formed short line railroad, plans to operate this equipment over two sections of track totaling approximately 43 miles. One section extends from Dover to Metter, Georgia, approximately 21 miles. The second section includes approximately 22 miles of track between Sylvania and Ardmore, Georgia. Both operating areas are primarily within sparsely populated rural regions, occasionally encountering small communities. Maximum operating speeds will be restricted to 20 miles per hour. There is no history of vandalism in either operating area. The carrier states that the installation of certified glazing in this equipment would present a substantial burden to its operating budget.

Youngstown and Southern Railway Company (Waiver Petition Docket Number RSGM–89–17)

The Youngstown and Southern Railway Company seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for one locomotive. The petitioner states that the total length of the railroad is 34 miles and that the locomotive operates mainly over a 10-mile section located between North Lima and Youngstown, Ohio. The area of operation is light industrial, commercial and rural. The carrier operates an average of two freight trains per week at a maximum speed of 10 miles per hour. The petitioner states that during the past 10 years, there have been no reported incidents of rock throwing or damage to locomotives due to vandalism. The carrier requests this waiver based on its financial condition and frequency of operation.

Eureka Southern Railroad Company, Inc. (Waiver Petition Docket Number RSGM–89–18)

The Eureka Southern Railroad Company, Inc. seeks a permanent waiver of compliance with certain provisions of the Safety Glazing Standards (49 CFR part 223) for 15 passenger cars. The petitioner, a short line railroad, operates approximately 142 miles of track through a rural area

between Willits and Eureka, California. There are approximately 300 public and 200 private crossings at grade. The equipment is operated in seasonal passenger service between May and October each year. The maximum authorized speed is 40 miles per hour. During train operations over the 5 years, there have been no reported accidents or broken glazing due to acts of vandalism. Vandalism has occurred to the cars during winter months while stored at Willits, California.

Issued in Washington, DC on November 16, 1989.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 27678 Filed 11–24–89; 8:45 am]

BILLING CODE 4910-06-M

[BS-Ap-No. 2872]

Public Hearing; Union Pacific Railroad Co.

The Union Pacific Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of 57 automatic signals from the automatic block signal system between Page and Fish Lake, Washington. This proceeding is identified as FRA Block Signal Application Number 2872.

The FRA has issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on January 24, 1990, in Room 3 at Great Northwest Federal Savings and Loan located at North 222 Wall Street in Spokane, Washington.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on November 16, 1989.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 89–27677 Filed 11–24–89; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP89–04; Notice 2]

Denial of Petition for Determination of Inconsequential Noncompliance; Union City Body Co., Inc.

This notice denies the petition by Union City Body Company, Inc. (Union City) of Union City, Indiana, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.101, Federal Motor Vehicle Safety Standard No. 101, *Controls and Displays.* The basis of the petition was that noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petiton was published on July 24, 1989, and an opportunity afforded for comment (54 FR 30814).

Standard No. 101 requires that the symbol for a combined windshield washing/wiping control be illuminated. Union City produced 447 X–950 walk-in vans from March 1988 through May 1989, that did not have illuminated windshield wash/wipe controls. Union City supported its petition for inconsequential noncompliance with the following:

(1) The Union City Body Company always strives to be in compliance with the regulations.

(2) The wash/wipe control contained the ISO symbol.

(3) These vehicles are driven by professional route drivers who are familiar with the controls of their vehicle.

(4) The number of controls in the instrument panel area is minimized to reduce confusion.

(5) The vehicles are sold primarily for the [sic] use in the franchised mobile tool business. Most vehicles retain the same ownership through the vehicle life.

No comments were received on the petition.

The purpose of the illumination requirements is to minimize the time a vehicle operator is diverted from the primary task of safe operation of the vehicle. If illumination is absent from the identification of a control, the time that a driver shifts attention from the road may be increased. The agency does not give much weight to the argument that only experienced drivers will operate the vehicles. Initially, the vehicles themselves will be new to experienced drivers, and in the course of the life of the vehicles, new drivers will be hired to operate them. Accordingly, the agency has concluded that the petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is denied.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 501.8

Issued on: November 20, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89–27657 Filed 11–24–89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: November 17, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Mint

OMB Number: New
Form Number: MF 1006
Type of Review: New Collection
Title: Qualitative Research/Purchasers of Numismatic Products
Description: This information collection will provide the U.S. Mint with valuable data on customer needs and behavior, and will aid in development and refinement of product positioning, creative strategy and creative executions for direct mail and print advertising. The U.S. Mint requires this collection as part of a direct marketing program for numismatic products.
Respondents: Individuals or households
Estimated Number of Respondents: 90
Estimated Burden Hours Per Response: 2 hours
Frequency of Response: One time only

Estimated Total Reporting Burden: 180 hours
Clearance Officer: Robert Parker, (202) 376–0557; United States Mint, Room 639, 633 3rd Street, NW., Washington, DC 20220
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89–27658 Filed 11–24–89; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Date: November 20, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0008
Form Number: IRS Forms W–2, W–2P, W–2C, W–2AS, W–2GU, W–2VI, W–3, W–3c, W–3PR, W–3SS
Type of Review: Revision
Title: Wage and Tax Statements
Description: Employers report income and withholding information on Form W–2. Payers report pension, annuity, retirement, and IRS distributions on Form W–2P. Forms W–2AS, W–2GU, W–2VI, and W–2CNMI are the U.S. Possessions versions of Form W–2. The Form W–3 series is used to transmit W–2s to the Social Security Administration (SSA). Individuals use Form W–2 to prepare their income tax return.
Respondents: Individuals or households, State and local governments, Farms, Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations
Estimated Number of Respondents: 6,192,000
Estimated Burden Hours Per Response:

W–2	28 minutes.
W–2P	18 minutes.
W–2AS	10 minutes.
W–2GU	20 minutes.
W–2VI	19 minutes.
W–3	25 minutes.
W–3c	20 minutes.
W–3CPR	20 minutes.
W–3PR	18 minutes.
W–3SS	19 minutes.

Frequency of Response: Annually
Estimated Total Reporting Burden: 1 hour
OMB Number: 1545–0160
Form Number: IRS Form 3520–A
Type of Review: Extension
Title: Annual Return of Foreign Trust with U.S. Beneficiaries
Description: U.S. persons who transfer property to a foreign trust (and the foreign trust has or acquires U.S. beneficiaries) file Form 3520–A. IRS uses Form 3520–A to determine the tax liability of the grantor if the trust has a U.S. beneficiary. The grantor or transferor of the trust is taxed under grantor trust rules.
Respondents: Individuals or households; Businesses or other for-profit; Small businesses or organizations
Estimated Number of Respondents/ Recordkeepers: 500
Frequency of Response: Annually
Estimated Burden Hours per Response/ Recordkeeper:
Recordkeeping: 25 hrs., 25 mins.
Learning about the law or the form: 53 mins.
Preparing and sending the form to IRS: 1 hr., 25 mins.
Estimated Total Reporting Burden: 15,860 hours
OMB Number: 1545–0909
Form Number: IRS Form 8210
Type of Review: Extension
Title: Self-Assessed Penalties Return
Description: Form 8210 is used by payers of interest and dividends to self-assess a penalty for each Form 1099–DIV, 1099–INT, 1099–PATR they did not file timely, filed with incorrect information, filed without a TIN, or each instance which they did not supply a copy to the payee.
Respondents: Individuals or households; State or local governments, Farms, Businesses or other for-profit; Small businesses or organizations
Estimated Number of Respondents: 291
Frequency of Response: Annually
Estimated Burden Hours Per Response:
Recordkeeping: 4 hrs., 4 mins.
Learning about the law or the form: 47 mins.
Preparing, copying, assembling and sending the form to IRS: 54 mins.
Estimated Total Reporting Burden: 1,676 hours
Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89–27659 Filed 11–24–89; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 226
Monday, November 27, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

November 21, 1989.

FCC To Hold Open Commission Meeting, Tuesday, November 28, 1989

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, November 28, 1989, which is scheduled to commence at 1:00 p.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

General—1—Title: Further Notice of Inquiry in the matter of advanced technologies for the Public Safety Radio Services (GEN Docket No. 88-441). Summary: The Commission will consider action regarding the use of advanced technologies for the Public Safety Radio Services.

General—2—Title: A Notice of Inquiry relating to Preparation for the International Telecommunication Union World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum. Summary: The Commission will consider a proceeding to generate public comment regarding its preparations for 1992 World Administrative Radio Conference dealing with Frequency Allocation Issues.

Private Radio—1—Title: Amendment of Part 90 of the Commission's Rules to provide for the use of the 220-222 MHz Band by the Private Land Mobile Radio Services. Summary: The Commission will consider a Notice of Proposed Rule Making proposing to adopt service rules for the use of the 220-222 MHz Band by the Private Land Mobile Radio Services.

Private Radio—2—Title: Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated filing Areas in the 896-901/935-940 MHz Bands Allotted to the Specialized Mobile Radio Service. Summary: The Commission will consider a Notice of Proposed Rule Making proposing changes to the rules relating to the Specialized Mobile Radio Service.

Common Carrier—1—Title: Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No. 85-166, Phase II, Part 1. Summary: The Commission will consider the lawfulness of certain special access rates.

Common Carrier—2—Title: Investigation of Special Access Tariffs of Local Exchange Carriers, CC Docket No. 85-166, Phase II, Part 1. Summary: The Commission will consider petitions for reconsideration of its Memorandum Opinion and Order in this docket, 4 FCC Rcd 4797 (1988).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, Telephone number (202) 632-5050.

Issued: November 21, 1989.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-27837 Filed 11-22-89; 12:32 pm]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:03 p.m. on Tuesday, November 21, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) Administrative enforcement proceedings; (2) matters relating to the Corporation's corporate activities; and (3) personnel matters.

At that same meeting the Board also considered a recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets (Case No. FL-89-0033 FirstSouth Savings and Loan Association, Pine Bluff, Arkansas).

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Ms. Judith A. Walter, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Mr. Jonathan Fiechter, acting in the place and stead of Director M. Danny Wall (Director of the Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: November 22, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-27838 Filed 11-22-89; 12:33 pm]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—November 30, 1989.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573-0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Fact Finding Investigation No. 17, Rates, Charges and Services Provided at Marine Terminal Facilities.
2. Docket No. 89-07—Inquiry Into Laws, Regulations and Policies of the Government of Ecuador Affecting Shipping in the United States/Ecuador Trade.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 89-27839 Filed 11-22-89; 12:28 pm]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m. Wednesday, November 29, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed 1990 Federal Reserve Bank of Kansas City employee salary structure adjustments.

2. Proposed 1990 Federal Reserve Bank of San Francisco employee salary structure adjustments.

Discussion Agenda

3. Proposed 1990 Federal Reserve Board budget.

4. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 22, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–27788 Filed 11–22–89; 9:50 am]

BILLING CODE 6210–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 10:30 a.m., Wednesday, November 29, 1989, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 22, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–27789 Filed 11–22–89; 9:50 am]

BILLING CODE 6210–01–M

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting of the Board of Directors

TIME AND DATE: 4:00 p.m.—Monday, December 4, 1989.

PLACE: Neighborhood Reinvestment Corporation, 1325 G Street, NW., Eighth Floor—Board Room, Washington, DC 20005.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Martha A. Diaz-Ortiz, Assistant Secretary, 376–2400.

Agenda

I. Call to Order and Remarks of Chairman
II. Approval of Minutes, September 7, 1989
III. Executive Director's Activity Report
IV. Personnel Committee Report
V. Budget Committee Report
VI. Treasurer's Report
VII. Appointment of Assistant Secretary

Martha A. Diaz,

Assistant Secretary.

[FR Doc. 89–27796 Filed 11–22–89; 10:14 am]

BILLING CODE 7570–03–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 13, 1989.

A closed meeting will be held on Tuesday, November 28, 1989, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 28, 1989, at 2:30 p.m., will be:

Institution of injunctive actions.
Opinion.
Settlement of administrative proceeding of an enforcement nature.
Settlement of injunctive actions.
Institution of administrative proceeding of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Underhill at (202) 272–2000.

Dated: November 21, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–27825 Filed 11–22–89; 12:31 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 54, No. 226
Monday, November 27, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[Docket No. 121RA-LDR; FRL-3625-9]

National Oil and Hazardous Substance Pollution Contingency Plan: Applicability of RCRA Land Disposal Restrictions to CERCLA Response Actions

Correction

Document 89-23721, beginning on page 41566 in the issue of Tuesday, October 10, 1989, was published in the **"Notices"** section of the issue. It should have appeared in the **"Proposed Rules"** section.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-010-10-4212-13/GPO-0001]

Albuquerque District, NM; Realty Action on Proposed Land Exchange in San Juan County, NM

Correction

In notice document 89-24177 beginning on page 42050 in the issue of Friday, October 13, 1989, make the following corrections:

1. On page 42050, in the third column, under the second **New Mexico Principal Meridian** heading, the second line should read "Sec. 29, S½NW¼NE¼, 20.0 acres".

2. On the same page, under the same heading, the 10th line should read "Sec. 29, W½NW¼NW¼SW¼, 5.0 acres".

3. On the same page, under the same heading, the 11th line should read "SE¼SE¼SW¼SW¼, 2.334 acres".

4. On the same page, under the same heading, the 14th and 15th lines should read "E½NW¼SW¼.....18.426 acresE½W½SW¼SW¼".

5. On the same page, in the third column, the last line should read "E½SW¼SW¼.....27.71 acres".

BILLING CODE 1505-01-D

Federal Register

Monday
November 27, 1989

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 270 et al.

Implementation of Technical and Miscellaneous Revenue Act of 1988; Pipe Tobacco; Temporary Rule and Notice of Proposed Rulemaking

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 270, 275, 290, 295, and 296

[T.D. ATF-289]

Implementation of the Technical and Miscellaneous Revenue Act of 1988; Pipe Tobacco

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, Temporary rule.

SUMMARY: This temporary rule amends regulations in 27 CFR parts 270, 275, 290, 295, and 296 to provide (1) for the taxation of pipe tobacco manufactured in or imported into the United States and (2) for the collection of floor stocks tax on all pipe tobacco held for sale on January 1, 1989, by any person. In addition, this document provides rules for the grandfathering of existing manufacturers of pipe tobacco into the current regulatory framework for other tobacco product manufacturers, and for the "use up" of current stocks of pipe tobacco package markings before compliance with new package marking requirements is mandatory.

The temporary regulations contained in this document will remain in effect until superseded by final regulations on this subject. A notice of proposed rulemaking inviting comments with respect to the temporary rule appears elsewhere in this issue of the **Federal Register**.

The amendments made by this Treasury decision implement section 5061 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647).

DATES: The effective date of the temporary rule is retroactive to January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Clifford A. Mullen, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6235, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566–7531.

SUPPLEMENTARY INFORMATION:

Tax on Pipe Tobacco

The Technical and Miscellaneous Revenue Act of 1988 ("TMRA" or the "Act"), (Pub. L. 100–647), was enacted on November 10, 1988. Section 5061 of the Act amended 26 U.S.C. 5701, to impose a tax at the rate of 45 cents per pound (and a proportionate tax at the like rate on all fractional parts of a pound), on all pipe tobacco manufactured in or imported into the United States. The tax is determined upon pipe tobacco removed from the factory or from internal revenue bond, or from Customs custody after December 31, 1988.

Pipe tobacco is defined in the Act to mean "any tobacco which because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe." The term does not include smoking tobacco products, such as roll your own cigarette tobacco, that are not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe. The act also contains a transitional rule which allows those who on the date of enactment, November 10, 1988, were engaged in the manufacture of pipe tobacco and who made an application for a permit prior to January 1, 1989, to continue to engage in such business pending final action on the application. In addition, by amending the definitions of the terms "Tobacco products" and "Manufacturer of tobacco products" to include pipe tobacco, the Act subjects manufacturers of such products to all the statutory and regulatory controls set forth in chapter 52 of the Internal Revenue Code of 1986 (IRC). These controls include tax payment, permit qualification, bonding, recordkeeping, and civil and criminal sanctions. This rule contains temporary regulations implementing the provisions of section 5061 of the TMRA described above. In addition, this temporary rule prescribes the packages, marks, labels, and notices for pipe tobacco.

Specifically, these regulations require that every package of pipe tobacco shall, before removal subject to tax, have imprinted thereon or on a label securely affixed to the package the designation "pipe tobacco," as well as a statement of the pounds and ounces of the product contained in the package. As an alternative to the designation "pipe tobacco," the package may be designated "Tax Class L." The Bureau believes that allowing the use of this alternative designation will avoid consumer confusion and facilitate the relabeling of many tobacco products which are subject to tax but which are currently labeled as "smoking tobacco" rather than "pipe tobacco." This document also contains a transitional rule for package markings for pipe tobacco which will allow manufacturers and importers to use up current stocks of packaging materials before compliance with the new package marking requirements is mandatory. Packages in use prior to January 1, 1989, may be used until March 31, 1990.

Floor Stocks Tax

Section 5061 of the TMRA also imposed a one-time floor stocks tax at the rate of 45 cents per pound (and a proportionate tax at the like rate on all fractional parts of a pound) on all pipe tobacco manufactured in or imported into the United States which is removed from a domestic factory or from customs custody before January 1, 1989, and held for sale on such date by any person. The person who held such pipe tobacco for sale was liable for payment of this tax on February 14, 1989. Rules for the collection of the pipe tobacco floor stocks tax are set forth in this document.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this document, because it is not required to be preceded by a general notice of proposed rulemaking under 5 U.S.C. 553(b), or any other statute, and because the revenue effects of the rulemaking on small businesses flow directly from the underlying statute. The temporary regulations contained in this rule are not expected to have any significant secondary or incidental effects on a substantial number of small entities Further, they will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Executive Order 12291

This rule is not a major rule within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have 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.

Paperwork Reduction Act

The requirements to collect information imposed by this rule have been approved by the Office of Management and Budget under section 3507 of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. chapter 35 (OMB Control Number 1512–0502). The estimated average burden associated with this collection of information is 5 hours and 30 minutes

per respondent or recordkeeper, depending on individual circumstances. Comments concerning this burden estimate and suggestions for reducing this burden should be directed to the Chief, Information Programs Branch, Room 7011, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, and to the Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms.

Administrative Procedure Act

Because this temporary rule merely extends existing procedures concerning tobacco products to the taxation of pipe tobacco, as provided by statute, it is found to be unnecessary and impracticable to issue these regulations with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

List of Subjects

27 CFR Part 270

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfer, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Electronic fund transfer, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, Tobacco products, U.S. possessions, Warehouses.

27 CFR Part 290

Administrative practice and procedure, Aircraft, Authority delegations, Cigarette papers and tubes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Penalties, Surety bonds, Tobacco products, Vessels, Warehouses.

27 CFR Part 295

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Excise taxes, Labeling, Packaging and containers, Tobacco products.

27 CFR Part 296

Authority delegations, Cigarette papers and tubes, Claims, Disaster assistance, Excise taxes, Floor stocks tax, Penalties, Seizures and forfeitures, Surety bonds, Tobacco products.

Authority and Issuance

Accordingly, title 27 of the Code of Federal Regulations is amended as follows:

PART 270—[AMENDED]

Section A. The regulations in 27 CFR part 270 are amended as follows:

Paragraph 1. The authority citation for part 270 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805, 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 2. The table of contents for part 270 is amended by adding new §§ 270.25a, 270.61b, 270.216b, and 270.216c to read as follows:

Sec.

* * * * *

270.25a Pipe tobacco tax rate.

* * * * *

270.61b Transitional rule.

* * * * *

270.216b Notice for pipe tobacco.

270.216c Transitional rule.

* * * * *

§ 270.11 [Amended]

Par. 3. Section 270.11 is amended by adding the definition of "Pipe tobacco" and by revising the definitions for "Manufacturer of tobacco products," "Package" and "Tobacco products" to read as follows:

* * * * *

Manufacturer of tobacco products. Any person who manufactures cigars, cigarettes, smokeless tobacco or pipe tobacco, except that such term shall not include (a) a person who produces tobacco products solely for his own personal consumption or use; or (b) a proprietor of a Customs bonded manufacturing warehouse with respect to the operation of such warehouse.

* * * * *

Package. The container in which tobacco products are put up by the manufacturer and offered for sale or delivery to the consumer.

* * * * *

Pipe tobacco. Any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking tobacco that is not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Par. 4. Section 270.25a is added to read as follows:

§ 270.25a Pipe tobacco tax rate.

A tax of 45 cents per pound and a proportional tax at the like rate on all fractional parts of a pound is imposed on pipe tobacco manufactured in or imported into the United States.

(Pub. L. 100–647, 102 Stat. 3342, 26 U.S.C. 5701)

Par. 5. Section 270.61b is added to read as follows:

§ 270.61b Transitional rule.

Any person who (a) on November 10, 1988, was engaged in business as a manufacturer of pipe tobacco, and (b) before January 1, 1989, submits an application, as provided in this part to engage in such business, may continue to engage in such business pending final action on such application. Pending such final action, all provisions of chapter 52 of the Internal Revenue Code of 1986 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit to manufacture pipe tobacco under such chapter 52.

Par. 6. Section 270.72 is amended by revising the language beginning with the word "Provided" to read as follows:

§ 270.72 Use of factory premises.

* * * *Provided*, That tobacco products manufacturers who maintain adequate records in respect to the manufacture and storage of smoking tobacco that is not subject to tax (as well as with respect to tobacco products), showing the date and total quantity in pounds of the tobacco received, shipped or delivered, lost, and destroyed, may continue such operations on the tobacco products factory premises, without application for authorization as prescribed in § 270.47.

Par. 7. Section 270.133 is amended by revising the third sentence to read as follows:

§ 270.133 Amount of individual bond.

* * * The amount of any such bond (or the total amount including strengthening bonds, if any) need not exceed $250,000 for a manufacturer producing or receiving cigarettes in bond; need not exceed $150,000 for a manufacturer producing or receiving

cigars, smokeless tobacco, or pipe tobacco in bond; and need not exceed $250,000 for a manufacturer producing or receiving, any combination of tobacco products in bond.

* * *

Par. 8. Section 270.182 is amended by revising paragraph (a) to read as follows:

§ 270.182 Record of tobacco.

* * * * *

(a) Received (including tobacco resulting from reduction of cigars and cigarettes, and unpackaging of smokeless tobacco and pipe tobacco), together with the name and address of the person from whom received;

* * * * *

§ 270.183 [Amended]

Par. 9. Section 270.183 is amended by revising the introductory paragraph to read as follows:

The record of a manufacturer of tobacco products shall show the date and total quantities of all tobacco products, by kind (small cigars-large cigars; small cigarettes-large cigarettes; chewing tobacco-snuff; pipe tobacco):

* * * * *

Par. 10. Section 270.216b is added to read as follows:

§ 270.216b Notice for pipe tobacco

(a) *Product designation.* Every package of pipe tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "pipe tobacco." As an alternative, packages of pipe tobacco may be designated "Tax Class L."

(b) *Product weight.* Every package of pipe tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, a clear statement of the actual pounds and ounces of the product contained therein.

Par. 11. Section 270.216c is added to read as follows:

§ 270.216c Transitional rule.

Notwithstanding the provisions of §§ 270.212 and 270.216b as they relate to pipe tobacco, manufacturers of pipe tobacco may continue to use packages in use prior to January 1, 1989, until March 31, 1990.

Par. 12. The second sentence of § 270.231 is revised to read as follows:

§ 270.231 Consumption by employees.

* * * Each employee may also be gratuitously furnished by the manufacturer, for off-factory personal consumption, not more than 5 large cigars or cigarettes, 20 small cigars or cigarettes, or one retail package of chewing tobacco, snuff or pipe tobacco, or a proportionate quantity of each, without determination and payment of tax, on each day the employee is at work. * * *

Par. 13. The second sentence of § 270.252 is revised to read as follows:

§ 270.252 Reduction of tobacco products to materials.

* * * If the tobacco products have been entered in the factory record as manufactured or received, an entry shall be made in such record of the quantity of pipe tobacco and the kind of quantity of cigars, cigarettes, and smokeless tobacco reduced to materials and of the quantity of tobacco resulting from the reduction. * * *

Par. 14. The first sentence of § 270.255 is revised to read as follows:

§ 270.255 Shortages and overages in inventory.

Whenever a manufacturer of tobacco products makes a physical inventory of packaged tobacco products in bond, either as part of normal operations or when required by an ATF officer, and such inventory discloses a shortage or overage in such products by kind as recorded and reported (i.e. small cigarettes, large cigarettes, small cigars, large cigars, chewing tobacco, snuff, or pipe tobacco), the manufacturer shall enter such shortage or overage in the records required by § 270.183. * * *

PART 275—[AMENDED]

Section B. The regulations in 27 CFR part 275 are amended as follows:

Paragraph 1. The authority citation for part 275 continues to read as follows:

Authority: 26 U.S.C. 5701, 5703–5705, 5708, 5722, 5723, 5741, 5761–5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 31 U.S.C. 9301, 9303, 9304, 9306.

Paragraph 2. The table of contents to part 275 is amended by adding new §§ 275.30, 275.72b, and 275.72c; to read as follows:

Sec.

* * * * *

275.30 Pipe tobacco.

* * * * *

275.72b Notice for pipe tobacco.
275.72c Transitional rule.

* * * * *

Paragraph 3. Section 275.11 is amended by revising the definitions of "Computation or computed," "Determined or determination," "Manufacturer of tobacco products," and "Tobacco products," and by adding a definition for "Pipe tobacco" to read as follows:

* * * * *

Computation or computed. When used with respect to the tax on tobacco products of Puerto Rican manufacture, computation or computed shall mean that the bonded manufacturer has ascertained the quantity and kind (small cigars, large cigars, small cigarettes, large cigarettes, chewing tobacco, snuff or pipe tobacco) of tobacco products and the wholesale price of large cigars being shipped to the United States; that adequate bond has been posted to cover the payment, in Puerto Rico, of the tax on such products to be deferred under subpart G of this part; that the tax imposed on such products by 26 U.S.C. 7652(a) has been calculated; that the bonded manufacturer has executed an agreement to pay the internal revenue tax which will become due with respect to such products, as provided in this part; and that an ATF officer has verified and executed a certification of such calculation.

Determined or Determination. When used with respect to the internal revenue tax on tobacco products and cigarette papers and tubes, determined or determination shall mean that the quantity and kind (small cigars, large cigars, small cigarettes, large cigarettes, chewing tobacco, snuff, or pipe tobacco) of tobacco products and the wholesale price of large cigars, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed subject to internal revenue tax, has been established as prescribed by this part so that the internal revenue tax payable with respect thereto may be calculated.

* * * * *

Manufacturer of tobacco products. Any person who manufactures cigars, cigarettes, smokeless tobacco or pipe tobacco, except that such term shall not include (a) a person who produces tobacco products solely for his own personal consumption or use; or (b) a proprietor of a Customs bonded manufacturing warehouse with respect to the operation of such warehouse.

* * * * *

Pipe tobacco. Any tobacco which because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking

tobacco that is not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Paragraph 4. Section 275.30 added to read as follows:

§ 275.30 Pipe tobacco.

A tax of 45 cents per pound and a proportional tax at the like rate on all fractional parts of a pound is imposed on pipe tobacco imported or brought into the United States.

(Pub. L. 100-647, 102 Stat. 3342, 26 U.S.C. 5701)

Paragraph 5. Section 275.72b is added to read as follows:

§ 275.72b Notice for pipe tobacco.

(a) *Product designation.* Every package of pipe tobacco shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely fixed thereto, the designation "pipe tobacco." As an alternative, packages of pipe tobacco may be designated "Tax Class L."

(b) *Product weight.* Every package of pipe tobacco shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, a clear statement of the actual pounds and ounces of the product contained therein.

Paragraph 6. Section 275.72c is added to read as follows:

§ 275.72c Transitional rule.

Notwithstanding the provisions of § 275.72b as they relate to pipe tobacco, importers of pipe tobacco may continue to use packages in use prior to January 1, 1989, until March 31, 1990.

§ 275.8 [Amended]

Par. 7. Section 275.81 is amended by adding a new paragraph (c)(6) to read as follows:

* * * * *

(c) * * *

(6) For pipe tobacco: The importer will show the designation "pipe tobacco" or "Tax Class L," the number of pounds and ounces, the rate of tax and the tax due.

* * * * *

§ 275.107 [Amended]

Par. 8. Section 275.107 is amended by revising paragraphs (e) and (f), and by adding a new paragraph (g) and an undesignated paragraph immediately following (g) to read as follows:

* * * (e) the number of cigarette tubes, (f) the pounds and ounces of chewing tobacco and snuff, and (g) the pounds and ounces of pipe tobacco.

If the district director of customs finds that the full amount of the tax has not been prepaid, he will require the difference due to be paid to him prior to release of the tobacco products and cigarette papers and tubes. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the district director of customs, the shipment may be released.

§ 275.110 [Amended]

Par. 9. Section 275.110 is amended by redesignating existing paragraphs (e) and (f) as (f) and (g), and by adding a new paragraph (e) to read as follows:

* * * * *

(e) The pounds and ounces of pipe tobacco to be shipped,

* * * * *

Par. 10. Section 275.117 amended by revising paragraphs (c) and (d), and by adding a new paragraph (e) and an undesignated paragraph immediately following (e) to read as follows:

* * * * *

(c) The number of large cigars with a wholesale price of more than $235.294 per thousand, (d) the pounds and ounces of chewing tobacco and snuff, and (e) the pounds and ounces of pipe tobacco.

If the district director of customs finds that the full amount of tax has not been computed, he will require the difference due to be paid to him prior to release of the tobacco products. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the district director of customs, the shipment may be released.

Par. 11. Section 275.121 is amended by revising the first sentence, beginning with the word "*Provided,*" to read as follows:

§ 275.121 Amount of bond.

* * *: *Provided,* That the amount of any such bond need not exceed $250,000 where payment of tax on cigarettes or on any combination of tobacco products is deferred; and need not exceed $150,000 where the tax on cigars, smokeless tobacco or pipe tobacco is deferred.

* * * * *

§ 275.139 [Amended]

Par. 12. Section 275.139 is amended by revising paragraph (a) to read as follows:

* * * * *

(a) Date, quantity, kind of cigars, cigarettes, smokeless tobacco and pipe tobacco (number of small cigars—large cigars; number of small cigarettes—large cigarettes; pounds and ounces of chewing tobacco—snuff; pounds and ounces of pipe tobacco).

* * * * *

PART 290—[AMENDED]

Section C. The regulations in 27 CFR part 290 are amended as follows:

Paragraph 1. The authority citation for part 290 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 6061, 6065, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805, 31 U.S.C. 9301, 9303, 9304, 9306.

§ 290.11 [Amended]

Par. 2. Section 290.11 is amended by adding the definition for "Pipe tobacco" and by revising the definitions for "Manufacturer of tobacco products" and "Tobacco products" to read as follows:

* * * * *

Manufacturer of tobacco products. Any person who manufactures cigars, cigarettes, smokeless tobacco, or pipe tobacco, except that such term shall not include (a) a person who produces cigars, cigarettes, smokeless tobacco, or pipe tobacco solely for his own personal consumption or use; or (b) a proprietor of a Customs bonded manufacturing warehouse with respect to the operation of such warehouse.

* * * * *

Pipe tobacco. Any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking tobacco that is not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Par. 3. Section 290.143 is revised to read as follows:

§ 290.143 General.

(a) Every export warehouse proprietor shall make a true and accurate inventory on ATF Form 3373 (5220.3) to the Regional Director (Compliance), of the numbers of (1) small cigars, (2) large cigars, (3) small cigarettes, (4) large cigarettes, (5) cigarette papers, and (6) cigarette tubes; and the pounds and ounces of (7) chewing tobacco, (8) snuff, and (9) pipe tobacco held by him at the times specified in this subpart.

(b) This inventory shall be subject to verification by an ATF officer. A copy of

each inventory shall be retained by the export warehouse proprietor for 2 years following the close of the calendar year in which the inventory is made and shall be made available for inspection by any ATF officer upon request.

PART 295—[AMENDED]

Section D. The regulations in 27 CFR part 295 are amended as follows:

Paragraph 1. The authority citation for part 295 continues to read as follows:

Authority: 26 U.S.C. 5703, 5704, 5705, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606, 7805, 44 U.S.C. 3504(h).

Par. 2. The table of contents for part 295 is amended by adding new §§ 295.45a and 295.45b to read as follows:

Sec.

* * * * *

295.45a Notice for pipe tobacco.
295.45b Transitional rule.

* * * * *

Par. 3. Section 295.11 is amended by adding the definition for "Pipe tobacco" and by revising the definitions for "Manufacturer of tobacco products," and "Tobacco products" to read as follows:

* * * * *

Manufacturer of tobacco products. Any person who manufactures cigars, cigarettes, smokeless tobacco, or pipe tobacco, except that such term shall not include (a) a person who produces cigars, cigarettes, smokeless tobacco, or pipe tobacco solely for his own personal consumption or use; or (b) a proprietor of a Customs bonded manufacturing warehouse with respect to the operation of such warehouse.

* * * * *

Pipe tobacco. Any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking tobacco that is not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Par. 4. Section 295.45a is added to read as follows:

§ 295.45a Notice for pipe tobacco.

(a) *Product designation.* Every package of pipe tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "pipe tobacco." As an alternative, packages of pipe tobacco may be designated "Tax Class L."

(b) *Product weight.* Every package of pipe tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, a clear statement of the actual pounds and ounces of the product contained therein.

Par. 5. Section 295.45b is added to read as follows:

§ 295.45b Transitional rule.

Notwithstanding the provisions of §§ 295.42 and 295.45a as they relate to pipe tobacco, manufacturers of pipe tobacco may continue to use packages in use prior to January 1, 1989, until March 31, 1990.

PART 296—[AMENDED]

Section E. The regulations in 27 CFR part 296 are amended as follows:

Par. 1. The overall authority citation for 27 CFR part 296 is added to read as follows:

Authority: 18 U.S.C. 2341–2346, 26 U.S.C. 5708, 5751, 5761–5763, 6001, 6601, 6621, 6622, 7212, 7342, 7602, 7606, 7608, 7805, 44 U.S.C. 3504(h), 49 U.S.C. 782.

Par. 2. Part 296 subparts A, C, F, and G are amended by removing the authority citation from the beginning of each subpart.

Par. 3. The table of contents for part 296 is amended by adding a new subpart H to read as follows:

Sec.

* * * * *

Subpart H—Floor Stocks Tax on Pipe Tobacco Held For Sale On January 1, 1989

296.171 Scope of Subpart.
296.172 Meaning of terms.
296.173 Scope of tax.
296.174 Rate of tax.
296.175 Payment of tax.
296.176 Return.
296.177 Inventory.
296.178 Retention of records.
296.179 Refund of floor stocks tax.
296.180 Penalties and interest.
296.181 Authority of ATF officers.

Par. 4. Section 296.72 is amended by revising the definition of "Tobacco products" to read as follows:

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking tobacco that is not suitable for use or likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

* * * * *

Par. 5. Section 296.74 is revised to read as follows:

§ 296.74 Execution and filing of claims.

Claims under this subpart shall be executed on AFT Form 2635 (5620.8), Claim—Alcohol, Tobacco and Firearms Taxes, in accordance with the applicable instructions on the form, and filed with the Regional Director (Compliance) of the region in which the tobacco products or cigarette papers or tubes were lost, rendered unmmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall set forth the number of small cigars, large cigars, (itemized separately as to the taxable wholesale price), small cigarettes, large cigarettes, cigarette papers, cigarette tubes, the pounds and ounces of chewing tobacco and snuff, and the pounds and ounces of pipe tobacco, as the case may be, and the rate and the amount claimed with respect to each article set forth, substantially in the form as shown in the example below:

Example

Quantity	Article	Rate of tax	Amount
20,000	Small cigars	$0.75 per thousand.	$15.00
1,000	Large cigars—wholesale price $100 per thousand.	8½ pct of wholesale price.	8.50
500	Large cigars—wholesale price $236 per thousand.	$20 per thousand.	10.00
10,000	Small cigarettes.	$8 per thousand.	80.00
5,000	Large cigarettes.	$8.40 per thousand.	42.00
2,000 sets	Cigarette papers—50 each set.	$0.005 per set.	10.00
1,000 sets	Cigarette papers—100 each set.	$0.01 per set.	10.00
1,000	Cigarette tubes.	$0.01 per 50 tubes.	0.20
100 lbs	Chewing tobacco.	$.08 per lb	8.00
200 lbs	Snuff	$.24 per lb	48.00
100 lbs	Pipe tobacco	$.45 per lb	45.00
Total claimed.			$276.70

The claimant shall certify on the claim to the effect that no amount of internal revenue tax or customs duty claimed therein has been or will be otherwise claimed under any other provision of law or regulations.

Par. 6. Section 296.163 is amended by revising the definitions for "Manufacturer of tobacco products" and "Tobacco products" to read as follows:

* * * * *

Manufacturer of tobacco products. Any person who manufactures cigars, cigarettes, smokeless tobacco, or pipe tobacco, except that such term shall not include (a) a person who produces cigars, cigarettes, smokeless tobacco, or pipe tobacco solely for his own personal consumption or use; or (b) a proprietor of a Customs bonded manufacturing warehouse with respect to the operation of such warehouse.

* * * * *

Tobacco products. Cigars, cigarettes, smokeless tobacco, and pipe tobacco. The term does not include smoking tobacco that is not suitable for use or likely to be offered to, or purchased by consumers, as tobacco to be smoked in a pipe.

* * * * *

Par. 7. A new subpart H is added to read as follows:

Subpart H—Floor Stocks Tax on Pipe Tobacco Held for Sale on January 1, 1989

§ 296.171 Scope of subpart.

The regulations in this subpart relate to the floor stocks tax imposed by Public Law 100–647 on pipe tobacco held for sale on January 1, 1989.

§ 296.172 Meaning of terms.

When used in this subpart, terms shall have the meaning prescribed below:

ATF Officer. An officer of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Controlled Group. Pursuant to 26 U.S.C. 5061(e)(3), the term "controlled group" means a controlled group of corporations, as defined in 26 U.S.C. 1563, and implementing regulations in 26 CFR 1.1563–1 through 1.1563–4, except that the words "at least 80 percent" shall be replaced by the words "more than 50 percent" in each place they appear in subsection (a) of 26 U.S.C. 1563, as well as in the implementing regulations. Controlled groups of corporations include, but are not limited to:

(a) Parent-subsidiary controlled groups as defined in 26 CFR 1.1563–1(a)(3).

(b) Brother-sister controlled groups as defined in 26 CFR 1.1563–1(a)(2).

(c) Combined groups as defined in 26 CFR 1.1563–1(a)(4)

Also, the rules for a controlled group of corporations apply in a similar fashion to groups which include partnerships and/or sole proprietorships. If one entity maintains more than 50% control over a group consisting of corporations and one, or more, partnerships and/or sole proprietorships, all are members of a controlled group.

Foreign-trade zone. A foreign-trade zone established and operated pursuant to the Act of June 18, 1934, as amended.

Person. This term includes an individual, a trust, estate, partnership, association, company, or corporation. It also includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

Pipe tobacco. Any tobacco which because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

Regional Director (Compliance). The principal regional official responsible for administering regulations in this part.

§ 296.173 Scope of tax.

(a) *General.* Except as provided in paragraph (b) of this section, the floor stocks tax is imposed on all pipe tobacco manufactured or imported into the United States, which is removed from the factory or from Internal Revenue bond, or from Customs custody before January 1, 1989, and held on such date for sale by any person. Pipe tobacco subject to the floor stocks tax is regarded as held for sale by the one who owns such tobacco at the first moment of January 1, 1989. Pipe tobacco in transit, or in a warehouse, storeroom, or distributing depot must be included in the return and inventory of the owner. If ownership does not pass to the consignee until delivery, pipe tobacco in transit at the first moment of January 1, 1989, shall be regarded as owned or held for sale by the consignor at that time. The floor stocks tax does not apply to pipe tobacco held in ATF or Customs bond on the first moment of January 1, 1989.

(b) *Exemption.* No floor stocks tax shall be imposed on any person who does not have a tax liability in excess of $1,000. For purposes of determining the application of the $1,000 exemption, all persons who are treated as a single taxpayer under 26 U.S.C. 5061(e)(3) (pertaining to "controlled groups") shall be treated as one person.

(c) *Treatment of pipe tobacco in foreign trade zones.* Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) or any other provisions of law, pipe tobacco, which is located in a foreign trade zone on January 1, 1989, shall be subject to floor stocks tax and shall be treated for purposes of this Subpart as held on such date for sale if—

(1) Internal Revenue taxes have been determined, or Customs duties liquidated, with respect to such pipe tobacco before such date pursuant to a request made under the first provision of section 3(a) of such Act, or

(2) Such pipe tobacco is held on such date under the supervision of a Customs officer pursuant to the second proviso of section 3(a).

§ 296.174 Rate of tax.

The rate of floor stocks tax on pipe tobacco is 45 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

§ 296.175 Payment of tax.

The floor stocks tax is payable by every person who holds for sale, at the first moment of January 1, 1989, pipe tobacco, except those persons exempt under § 296.171(b). The tax shall be paid on or before February 14, 1989, and shall accompany the floor stocks tax return. Checks and money orders shall be made payable to the Bureau of Alcohol, Tobacco and Firearms or ATF, and shall show the taxpayer's name and employer identification number.

§ 296.176 Return.

(a) *General.* Each person who holds for sale, at the first moment of January 1, 1989, pipe tobacco which is not exempt under § 296.171(b), shall make and file a return for the pipe tobacco so held. The return shall be made on ATF Form 5200.23, Pipe Tobacco Floor Stocks Tax Return. The return shall be prepared in duplicate, in accordance with the instructions on the form. The original shall be filed no later than February 14, 1989, with the Bureau of Alcohol, Tobacco and Firearms at the address indicated on the form. A copy shall be retained by the taxpayer as prescribed in § 296.176. Subject to 26 U.S.C. 7502, any floor stocks tax return that is postmarked on or before February 14, 1989, shall be considered to have been timely filed.

(b) *Consolidated return for a single taxpayer having multiple locations.* Where pipe tobacco subject to floor stocks tax is held at more than one location or place of business, a consolidated return representing the total liability of the taxpayer shall be filed if each location shares a common identification number. On the consolidated return the taxpayer shall show, on the form or an attachment, the name and address of each place of business where pipe tobacco subject to

floor stocks tax is held and the amount of pipe tobacco so held at each such place.

(c) *Controlled group.* When pipe tobaacco subject to floor stocks tax is held at more than one location or place of business by members of a controlled group, a consolidated return representing the total liability may be filed if the members share a common employer identification number. A separate return is required to be filed by each member having an individual employer identification number. If a consolidated return is filed, the controlled group shall show, on the form or an attachment, the name and address of each place of business where pipe tobacco is held subject to floor stocks tax, and the quantity of pipe tobacco held at each such place.

(Approved by the Office of Management and Budget under control number 1512-0498)

§ 296.177 Inventory.

(a) *General.* The pipe tobacco floor stocks tax liability required to be shown on the floor stocks tax return shall be established by physical inventory. All persons holding pipe tobacco for sale, including those holding pipe tobacco exempt from floor stocks tax under the provisions of § 296.173(b), shall take a complete inventory at each location where pipe tobacco is held. The inventory shall be the basis for establishing the quantity of all pipe tobacco subject to floor stocks tax, held as of the first moment of January 1, 1989. Pipe tobacco in transit on the first moment of January 1, 1989, shall be included in the inventory of the owner of the articles at that moment.

(b) *Record of inventory.* The inventory shall be recorded in writing as it is being taken by the taxpayer and retained as prescribed in § 296.178.

(c) *Time of taking inventory.* The inventory shall be taken as of the beginning of business January 1, 1989. Workback inventories will be acceptable if they are supported by adequate commercial records of receipt and disposition of pipe tobacco retained at the place of business to which the inventory pertains.

§ 296.178 Retention of records.

Each person liable for floor stocks tax shall keep a copy of the floor stocks tax return and inventory record at the place of business covered thereby. In the case of a consolidated return, or when one return is filed on behalf of a controlled group, the return shall be kept at the taxpayer's principal place of business with a copy of each inventory record supporting the tax return, and a copy of the inventory record shall also be kept at the specific place of business to which the inventory pertains. Such documents and records shall be retained at least 3 years after the date of filing of the floor stocks tax return, and shall be available for inspection by ATF officers. The Regional Director (Compliance) may also require these documents and records to be retained for an additional period of not more than 3 years in any case where he deems such retention to be necessary or advisable for the protection of the revenue.

§ 296.179 Refund of floor stocks tax.

A claim for refund may be filed by any person who has paid a floor stocks tax on pipe tobacco and who claims that he made an overpayment of that tax. Such a claim shall be filed on ATF F 2635 (5620.8), Claim—Alcohol, Tobacco and Firearms Taxes, contain the information required by the form, and be supported by a statement of the facts and evidence upon which the claim is based. The claim shall be filed with the Regional Director (Compliance), Bureau of Alcohol, Tobacco and Firearms, for the region in which the inventory was held and on which the tax was paid. Claims filed under this section shall comply with the provisions of subpart A of this part.

§ 296.180 Penalties and interest.

(a) *Penalties.* All civil and criminal penalties and forfeiture provisions of the Internal Revenue Code (title 26 U.S.C.), which are applicable to excise taxes on pipe tobacco, are applicable also to the pipe tobacco floor stocks tax.

(b) *Interest.* Interest shall accrue at the rate established by the Internal Revenue Service, compounded daily, on all floor stocks tax that is not paid on or before February 14, 1989.

(26 U.S.C. 6601, 6622)

§ 296.181 Authority of ATF officers.

(a) *Entry of premises; penalties for interference.* Any ATF officer may enter, in the daytime, any premises where pipe tobacco subject to floor stocks tax is kept, so far as may be necessary for the purpose of examining such product. When such premises are open at night, any ATF officer may enter them, while so open, in the performance of his official duties. If the owner or other person in charge of such premises refuses to admit any ATF officer, or to permit him to examine such pipe tobacco, he shall be subject to the penalties prescribed by 26 U.S.C. 7342. Further, any person who corruptly, or by force or threat of force, attempts to intimidate or impede any ATF officer in the performance of the officer's official duties, shall, upon conviction, be subject to the penalty prescribed by 26 U.S.C. 7212.

(b) *Examination.* With respect to ATF examination of books and witnesses in connection with ascertaining, determining, or collecting floor stocks tax, see 27 CFR 70.22.

Authority: (26 U.S.C. 7212, 7342, 7602, 7606, 7608).

Signed: August 4, 1989.

Stephen E. Higgins,

Director.

Approved: August 30, 1989.

Salvatore R. Martoche,

Assistant Secretary, (Enforcement).

[FR Doc. 89-27239 Filed 11-24-89; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 270, 275, 290, 295, and 296

[Notice No. 691]

Implementation of the Technical and Miscellaneous Revenue Act of 1988; Pipe Tobacco

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking; cross-referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this Federal Register, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of section 5061 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647, 102 Stat. 3342) which provides for the implementation of an excise tax on the manufacture or importation of pipe tobacco. The temporary regulations also serve as the text of this notice of proposed rulemaking for final regulations.

DATE: Written comments must be received by December 27, 1989.

ADDRESS: Send comments to the Chief, Distilled Spirits and Tobacco Branch; Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, (Attn: Notice No.). Any person may inspect written comments during normal business hours at: Disclosure Branch, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Clifford A. Mullen, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6235, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566–7531.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this documents, because it was not required to be preceded by a general notice of proposed rulemaking under 5 U.S.C. 553, and because the general revenue effects of this rulemaking on small businesses flow directly from the underlying statute.

Likewise, any significant secondary or incidental effects, and any significant reporting, recordkeeping, or other compliance burdens flow directly from the statute.

Executive Order 12291

These temporary regulations are not a major rule within the meaning of Executive Order 12291, 46 FR 13193 (1981), because they will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have 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.

Paperwork Reduction Act

The requirements to collect information proposed in this document have been submitted to the Office of Management and Budget under section 3504(h) of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. chapter 35.

The estimated average burden associated with this collection of information is 5 hours and 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning this burden estimate and suggestions for reducing this burden should be directed to the Chief, Information Programs Branch, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, and to the Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Bureau of Alcohol, Tobacco and Firearms.

Public Participation

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after the closing date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. ATF will not recognize any material or comments as confidential. All comments submitted in response to this notice will be available for public inspection during normal business hours at: ATF Reading Room, Room 4412, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC. Any material that the commenter considers confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not excempt from disclosure.

During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in the light of all circumstances, to determine whether a public hearing should be held.

The temporary regulations in this issue of the **Federal Register** revise and add new regulations in 27 CFR parts 270, 275, 290, 295, and 296. For the text of the temporary regulations see T.D. ATF–289, published in this issue of the **Federal Register.**

Signed: August 4, 1989.

Stephen E. Higgins,

Director.

Approved: August 30, 1989.

Salvtore R. Martoche,

Assistant Secretary (Enforcement).

[FR Doc. 89–27240 Filed 11–24–89; 8:45 am]

BILLING CODE 4810–31–M

federal register

Monday
November 27, 1989

Part III

Office of Management and Budget

Publication of Schedules for OMB Cost Comparison Schedules; Notice

OFFICE OF MANAGEMENT AND BUDGET

Publication of Schedules for OMB Cost Comparison Schedules

AGENCY: Office of Management and Budget.

ACTION: Publication of schedules for OMB Circular No. A–76 cost comparison schedules.

SUMMARY: This Notice contains the schedules of cost comparisons that will be completed in 1990 for the Department of Commerce, Department of Labor, and the United States Army Corps of Engineers. Executive Order 12615, "Performance of Commercial Activities," dated November 19, 1987, requires OMB to publish the schedules as they become available. This is the initial submission; additions to these schedules, where the goals required by the Executive Order have not been met, and schedules from other agencies will be forthcoming.

The agency goals and number of positions scheduled for study are listed below:

Agency	Goal	Scheduled
Commerce	1,142	343.9
Labor	555	15.0
Corps of Engineers	843	1197.3

General questions relating to the cost comparisons should be referred to the following individuals:

Commerce, John O'Brien, (202) 377–4115;
Labor, Jim Booth, (202) 523–6318;
U.S. Army Corps of Engineers, Fred Copeland, (202) 272–0044;
Office of Federal Procurement Policy, Linda Mesaros, (202) 395–3300.

Dated: October 24, 1989.

Frank Hodsoll,

Executive Associate Director.

DEPARTMENT OF COMMERCE

List of Cost Comparisons That Will Be Completed in FY 1990

Unit	Geographic location	Commercial activity	FTE
BEA	Washington, DC	Computer Ops	8.3
EDA	Washington, DC	Loan Application Review	59.0
EDA	Washington, DC	Computer Ops	9.3
EDA	Washington, DC	Computer Support	10.3
EDA	Washington, DC	Accounting Services	18.0
NIST	Gaithersburg, MD	Consol. Admin. Svcs.	23.0
NIST	Gaithersburg, MD	Instrument Shops	31.0
NIST	Gaithersburg, MD	Tech. Support Scientific	16.0
NOAA	Norfolk, VA/Seattle, WA	Atlantic & Pacific Marines Centers (Shore Support)	118.0
NOAA	Washington, DC	Financial Services	51.0
Total			343.9

Affected Unit: BEA—Bureau of Economic Analysis. EDA—Economic Development Administration. NIST—National Technical Information Service. NOAA—National Oceanic and Atmospheric Administration.

DEPARTMENT OF LABOR

List of Cost Comparisons That Will Be Completed in FY 1990

Unit	Geographic location	Commercial activity	FTE
MSHA	Beckley, WV	Audio Visual	15
Total			15

Affected Unit: MSHA—Mine Safety and Health Administration.

Corps of Engineers

List of Cost Comparisons That Will Be Completed in FY 1990

Geographic location	Commercial activity	FTE
Anchorage, AK	Mail/Messenger	1.0
Anchorage, AK	Storage	1.0
Portland, OR	Operation of ADP Equipment	9.0
Willamette Valley, OR	O & M Dams and Maint	80.0
Willamette Valley, OR	Resource Maint	8.1
Seattle, WA	Word Processing Centers	18.0
Walla Walla, WA	Motor Vehicle O & M	4.0
Starbuck/Pomeroy, WA	O & M of Res Facil	16.9
Ahsahea, ID	O & M of Res Facil	9.0
Mariemont, OH	Sys Design, Devel Svc	5.0
Cincinnati, OH	Visual Information Svc	1.0
OH, WV, KY, TN, PA	Data Process Svcs	15.3
Mariemont, OH	Building Equipment Maint	2.0
Cincinnati, OH	Word Processing Center	5.0
Marietta, OH	Emergency Rpr Critical Locks	52.0
Huntington, WV	Sys, Des, Dev & Prog Svcs	6.0

Geographic location	Commercial activity	FTE
Huntington, WV	Mail & File Svcs	5.0
Huntington, WV	Printing & Repro	6.0
Huntington, WV	Word Processing	15.0
Jacksonville, FL	Audio Visual Svcs	7.5
Palatka/Clewiston, FL	Fac/Grnds/Util Maint	35.0
Panama City, FL & GA, AL	O & M Locks/Bridges	25.0
Ft. Gaines, GA & AL	O & M W.F. George G.W. Andrews	39.0
Mobile, AL	Computer Operations	4.0
Mobile, AL	Sys. Design/Develop/Prgm Svcs	9.0
Ft. Gaines, GA & AL	O & M West Point Lake	2.0
Mobile, AL	Graphics Arts	2.0
Savannah, GA	Data Processing Svcs	6.0
Bassett, VA	Natural Res Mgt	9.5
Wilksboro, NC	Natural Res Mgt	5.8
Los Angeles, CA	Office Services	7.5
San Francisco, CA	Admin Svcs	3.5
San Francisco, CA	Drift and Debris Removal	10.0
Dallas, TX	Mail & Messenger Svc	2.0
Louisville, KY	Sys Design Dev & Progr	3.0
Louisville, KY	Word Processing	7.0
Louisville, KY	Rpr Station/Op Fit Plant	42.0
Louisville, KY	O & M Ky Lochs River	14.0
Warren, OH/Grafton WV	Op Rec Areas	19.0
Franklin, PA	Op Rec Areas	13.0
Pittsburgh, PA	Systems & Pgming Svcs	7.0
Freeport, PA	O & M Lock 5	6.0
Freeport, PA	O & M Lock 6	4.0
Kittanning, PA	O & M Lock 7	3.0
Templeton, PA	O & M Lock 8	3.0
Widnoon, PA	O & M Lock 9	1.0
Morgantown, WV	O & M Hildebrand	4.0
Morgantown, WV	O & M Morgantown	8.0
Fairmont, WV	O & M Opkisha	4.0
Pittsburgh, PA	Regulatory Functions	3.5
Nashville, TN	Sys Design & Devel	2.0
Nashville, TN	Routine Maint	42.4
Charleston, SC	ADP Svcs	7.0
Palatka, FL	O & M Locks/Dams/Bridges	5.0
Jacksonville, FL	Mail/Messenger & Pubs	10.0
VA, NY, MD, PA	ADP Svcs	17.0
New York, NY	Admin Support Svcs	2.0
VA, NY, MD, PA	ADP Sys Design, Dev, Prog	15.0
New York, NY	Admin Support Svcs	11.0
Caven Pt, NJ	O & M Floating Plant	14.0
Jersey City, NJ	O & M Floating Plant	36.0
NY, OH	O & M Floating Plant	20.5
Buffalo, NY	Data Processing	1.0
Chicago, IL	ADP Operations	4.0
Detroit, MI	ADP Operations	3.5
Detroit, MI	Boatyard Section	13.0
Marie, MI	Maintenance Hydropower	4.0
Marie, MI	Maintenance Locks	19.0
LeClaire, IA/Peoria & Rock Island, IL	Logistics	20.6
Rock Island, IL	O & M Rec Areas	66.2
St Paul, MN	ADP Programming	4.0
St Paul, MN	Mail & Messenger Svc	6.0
Fountain City, WI	Svc Base	13.0
Washington, DC	Mailroom	4.0
LA & AR	Monroe Navigation Field Office	29.2
Memphis, TN	Storage/Warehousing	6.0
Memphis, TN	OP Floating Plant	6.4
Memphis, TN	Reprographics Section	8.7
Memphis, TN	Travel Branch	6.0
Memphis, TN	Occup. Health	1.0
Memphis, TN	Appraisal Branch	3.0
Memphis, TN	ADP Oper & Sys & Progs	6.8
Memphis, TN	Admin Support	7.0
New Orleans, LA	O & M Motor Pool	9.0
New Orleans, LA	Operation of Floating Plant	30.0
Upper MS & IL Rivers	Word Processing	28.5
Monroe City, MO	Channel Patrol & Towing	4.0
MO & IL	Cannon Power Plant Maint	3.5
Warsaw, MO	Locks & Dams Maint	21.5
Fort Worth, TX	Hydropower Maint	12.0
Fort Worth, TX	Survey & Mapping	13.5
Fort Worth, TX	Communications Center	1.0
Council Grove, KS	O & M Hydropower	7.0
Independence, KS	O & M Recreation	4.7
Fall River, KS	O & M Recreation	4.5
Waurika, OK	O & M Recreation	5.5
Ft Supply, OK	O & M Recreation	6.2
	O & M Recreation	3.7

Geographic location	Commercial activity	FTE
Canton OK	O & M Recreation	8.0
Marion, KS	O & M Recreation	4.5
Sand Spring, OK	O & M Recreation	2.8
Gore, OK	O & M Recreation	13.5
Porum, OK	O & M Recreation	14.7
Fort Gibson, OK	O & M Recreation	14.3
Total		1197.3

[FR Doc. 89-27720 Filed 11-24-89; 8:45 am]
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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 2683/Pub. L. 101-161
Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 951; 37 pages) Price: $1.25

H.R. 2991/Pub. L. 101-162
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 988; 53 pages) Price: $1.50

H.R. 3014/Pub. L. 101-163
Legislative Branch Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1041; 28 pages) Price: $1.00

H.R. 3015/Pub. L. 101-164
Department of Transportation and Related Agencies Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1069; 43 pages) Price: $1.25

H.R. 3072/Pub. L. 101-165
Department of Defense Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1112; 47 pages) Price: $1.50

H.R. 3566/Pub. L. 101-166
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1159; 36 pages) Price: $1.25

H.R. 3743/Pub. L. 101-167
Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1195; 72 pages) Price: $2.00

H.R. 3746/Pub. L. 101-168
District of Columbia Appropriations Act, 1990. (Nov. 21, 1989; 103 Stat. 1267; 18 pages) Price: $1.00

H.J. Res. 278/Pub. L. 101-169
To designate the period commencing on November 20, 1989, and ending on November 26, 1989, as "National Adoption Week". (Nov. 21, 1989; 103 Stat. 1285; 2 pages) Price: $1.00

H.J. Res. 282/Pub. L. 101-170
Designating November 19-25, 1989, as "National Family Caregivers Week". (Nov. 21, 1989; 103 Stat. 1287; 2 pages) Price: $1.00

H.R. 2642/Pub. L. 101-171
Southeast Interstate Low-Level Radioactive Waste Compact Amendments Consent Act of 1989. (Nov. 22, 1989; 103 Stat. 1289; 2 pages) Price: $1.00

H.R. 3544/Pub. L. 101-172
To authorize the transfer of a specified naval landing ship dock to the Government of Brazil under the leasing authority of chapter 6 of the Arms Export Control Act. (Nov. 22, 1989; 103 Stat. 1291; 1 page) Price: $1.00

CFR CHECKLIST

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[2] No amendments to this volume were promulgated during the period Jan.1, 1988 to Dec.31, 1988. The CFR volume issued January 1, 1988, should be retained.

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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

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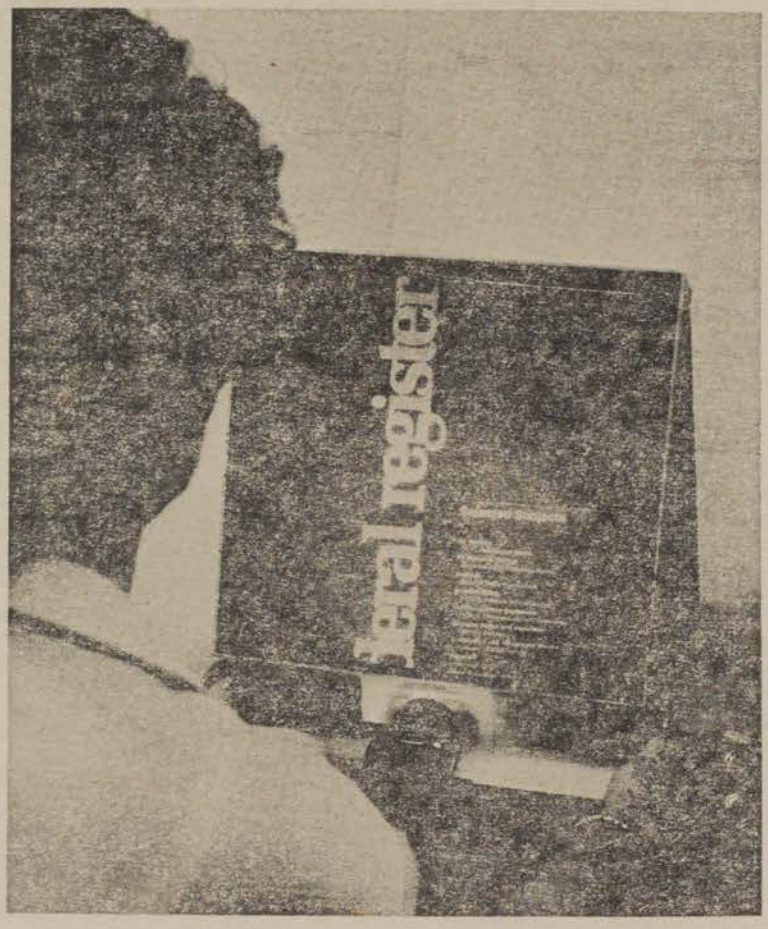

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